



**Kingston Springs Board of Commissioners
Regular Business Meeting Minutes
March 18, 2021**

1. Call to Order:

The meeting was called to order by Mayor Gross at 7:00 p.m.

2. Mayor Gross Calls Meeting to Order via Electronic Means:

3. Roll Call:

Board Members in Attendance:

Carolyn Clark, Commissioner	Present
Josh Eatherly, Commissioner	Present
Tony Gross, Mayor	Present
Mike Hargis, Commissioner	Present
Glenn Remick, Vice-Mayor	Present

Staff in Attendance:

John Lawless, City Manager	Present
Jamie Dupré, City Recorder	Present
Jennifer Noe, City Attorney	Present
Eugene Ivey, Police and Fire Chief	Present
Brandy Miniatt, Parks Director	Present
Sharon Armstrong, City Planner	Present

4. Declaration of Quorum by Mayor

Mayor Gross declared a quorum.

5. Motion to approve that the Kingston Springs Board of Commissioners finds conducting this meeting by electronic means is necessary to protect the public health, safety, and welfare in light of the Covid19 pandemic.

Motion to approve the Kingston Springs Board of Commissioners finds conducting this meeting by electronic means is necessary to protect the public health, safety, and welfare in light of the Covid 19 pandemic made by Commissioner Eatherly and seconded by Commissioner Hargis. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

- 6. Motion to approve the February 18, 2021 Public Hearing Meeting Minutes:**
 Motion to approve the February 18, 2021 Public Hearing Meeting Minutes made by Vice-Mayor Remick and seconded by Commissioner Clark. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.
- 7. Motion to Approve the February 18, 2021 City Commission Meeting Minutes:**
 Motion to approve the February 18, 2021 City Commission Meeting Minutes made by Commissioner Eatherly and seconded by Commissioner Hargis. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.
- 8. Motion to Approve the March 18, 2021 City Commission Meeting Agenda:**
 Motion to approve the March 18, 2021 City Commission Meeting Agenda made by Vice-Mayor Remick and seconded by Commissioner Eatherly. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.
- 9. Announcements from Commissioners:**
 Commissioner Clark met with the editor of the Cheatham County Exchange newspaper and said he would welcome story ideas and announcements from the Town. She suggested we should try to introduce the paper to the community so they can see announcements for the Town of Kingston Springs. It was noted that copies of the paper can be picked up at the Post Office.
- Vice-Mayor Remick said the Harpeth Conservancy will be planting 200 trees in Burns Park, and 100 at City Park on Saturday at 10:00 am.
- 10. Community Input and Concerns:**
 None.
- 11. Department Reports:**
 Parks Director Miniati asked the commissioners to address the issue of having open public meetings at the Activity Center, while not allowing rentals. Town or County meetings have been held at the Activity Center while it has been closed for rentals. Residents have noted that meetings can be held at the Activities Center and asked to rent the facility. Mayor Gross said that these meetings required masks and had adequate spacing. Unfortunately, it is not easy to control the spacing for rentals. City Manager Lawless and Parks Director Miniati will work with the City Attorney to come up with guidelines.

Chief Ivey announced that the Firemen's Banquet will be held on April 24 at 6:30 pm at Activity Center at Burns Park.

Chief Ivey said that the fire tax is coming up for renewal in April. The Emergency Service Committee will then send it to the County Commissioners for approval.

Chief Ivey also asked commissioners about obtaining a new K-9 officer – a dual purpose dog (drug dog and criminal apprehension tracking dog). He said he knows several people who would be happy to donate toward purchase of a new dog, and asked if the department could solicit donations. He was asked about the cost of a new dog. Chief Ivey estimates the cost would be approximately \$16-\$18,000, plus training, certification, vet bills and food. Officer Palazzi's car is still set up to be a K-9 vehicle, so there would not be additional vehicle costs. The dog would be in service when Officer Palazzi was on duty and would be on call to be available at other times. The dog would be used some on the interstate, but also in the city limits, especially at the Interstate exit patrolling around the truck stop and hotels. Several commissioners voiced their support of exploring the option of getting a new dog. Chief Ivey asked if there could be a motion to accept all donations instead of having to approve each individual donation. There was a suggestion to have a motion for a fundraiser, similar to Dinner on Main. City Attorney Noe suggested having Chief Ivey investigate funding options. She said the board could make a motion giving approval for him to investigate a fundraiser and report back next month. Motion to approve Chief Ivey investigating fundraising options to raise money for a new police dog made by Vice-Mayor Remick and seconded by Commissioner Eatherly. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

Vice-Mayor Remick wanted to acknowledge the volume of 512 incidents the Fire Department responded to in 2020. Commissioner Hargis noted responses were equally split between city and county, and asked if city was compensated for the county calls. Chief Ivey said the fire tax pays for the response to the county area.

12. Legal Updates:

None.

13. Unfinished Business:

A. Motion to approve on second reading Ordinance 21-002 - Amending Provisions of the TITLE 12, CHAPTER 3, SECTION 12-302 (1) and TITLE 13, CHAPTER 1, SECTION 13-105(2) of the Town of Kingston Springs Municipal Code.

Motion to approve on second reading Ordinance 21-002 – Amending Provisions of the Title 12, Chapter 3, Section 12-302 (1) and Title 13, Chapter 1, Section 13-105(2) of the Town of Kingston Springs Municipal Code made by Commissioner Hargis and seconded by Commissioner Eatherly. Roll call vote was held with Commissioner Clark voting yes,

Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

B. Motion to approve payment of \$4,492.80 to the Tennessee Department of Transportation for the 10% local funding match of the Town's Community Transportation Grant – Corridor Study of SR249.

(tabled from February 18, 2021 Board of Commissioners meeting)

City Manager Lawless said he had hoped to have more information in writing from TDOT concerning the scope of the study. He reported on a conversation with Ian Preston, our TDOT representative, where Preston indicated that TDOT would be adding a turning movement count to the intersection of Hwy 70 and East Kingston Springs Road – basically cameras at that intersection that would count the vehicles that come through. This, in essence, expands the scope of the project. The data would be turned over to Gresham Smith and Associates for inclusion in their data count. Adding the turning movement count would increase the scope of the study without specifically having Gresham Smith and Associates increase their design frame. City Planner Armstrong concurred. She said it is a way to expand the scope without going through the formal process, and doesn't increase our costs, and it pushes the consultant to absorb the data. Commissioner Clark asked if we need to have this in writing. Armstrong said it will most likely come in writing via an email. Motion to approve payment of \$4,492.80 to the Tennessee Department of Transportation for the 10% local funding match of the Town's Community Transportation Grant – Corridor Study of SR249 made be Commissioner Hargis and seconded by Commissioner Eatherly. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

14. New Business:

A. Motion to approve first reading of Ordinance 21-003 – Adopting and Enacting a Codification and Revision of the Ordinances of the Town of Kingston Springs, Tennessee.

City Manager Lawless said that this reflects an update to the codification of the Town's Municipal code by MTAS. Motion to approve the first reading of Ordinance 21-003 – Adopting and Enacting a Codification and Revision of the Ordinances of the Town of Kingston Springs, Tennessee made by Vice-Mayor Remick. Commissioner Clark asked about Section 2, City Manager Lawless said if there is nothing that was in Municipal Code that wasn't a standalone ordinance, that was not in the Section 3 exception list, then it would become null and void. Commissioner Clark seconded the motion. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

B. Motion to authorize Kingston Springs Mayor to sign Conflict of Interest Waiver related to City Attorney work on Cheatham County Urban Growth Plan as their

firm represents all other municipalities in Cheatham County participating in the Urban Growth Plan update.

Mayor Gross said he would like to amend the motion to exclude growth boundary between Kingston Springs and Pegram. City Attorney Noe said she did not see an issue. If something were to come up, then both cities would get individual counsel. City Planner Armstrong said that she and City Manager Lawless had recently visited the Austin Peay Mapping Center and there are parcels that overlap on that boundary between the two jurisdiction that will have to be resolved. City Attorney Noe said that we would need to look at it on a case-by-case basis, and in those cases that did overlap, have individual counsel. Motion to authorize Kingston Springs Mayor to sign Conflict of Interest Waiver related to City Attorney work on Cheatham County Urban Growth Plan as their firm represents all other municipalities in Cheatham County participating in the Urban Growth Plan update, as amended to exclude boundary between Kingston Springs and Pegram, made by Vice-Mayor Remick and seconded by Commissioner Hargis. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

C. Motion to approve first reading of Ordinance 21-004, amending the Municipal Zoning Ordinance of the Town of Kingston Springs, Tennessee, No. 84-005, as amended, providing for reclassification of certain property from R-1 to TMU-PUD.

City Planner Armstrong said this is a request for rezoning forwarded by the Planning Commission for approval by the board of Commissioners. One parcel is a partial rezone request. Rezoned parcels are for the new golf club. Ingram Development acquired parcels from Golf Club of Tennessee. Commissioner Clark asked why the one partial was zoned R-1. That parcel is for the Golf Club of TN which is a non-profit and zoned R-1. The second area for the new club is not a non-profit. Motion to approve first reading of Ordinance 21-004, amending the Municipal Zoning Ordinance of the Town of Kingston Springs, Tennessee, No. 84-005, as amended providing for reclassification of certain property from R-1 to TMU-PUD made by Vice-Mayor Remick and seconded by Commissioner Eatherly. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis abstained, and Vice-Mayor Remick voting yes. Motion passed.

D. Motion to approve collaboration of engineering firm Kimley-Horn and City Manager with TDOT on reducing the current scope of the Town's Transportation Alternative Program grant (Harpeth View Trail Neighborhood Connector Phase 2 – TDOT PIN: 126657.00).

City Manager Lawless said the current configuration which includes Harpeth View Trail and Woodlands Drive and part of East Kingston Springs Road has an estimated cost to the town of \$1,299,680. Option A would have the TAP Grant project start at intersection of Harpeth View Trail and Cedar Court and follow Harpeth View Trail to Woodlands Drive, and then continue down Woodlands to East Kingston Springs Road. Estimated cost to town for Option A would be \$342,612. Option B, would have the TAP Grant project start at intersection of Harpeth View Trail and Cedar Court and follow Harpeth View Trail to Woodlands Drive, and then continue on Harpeth View Trail to East Kingston Springs

Road, turn south onto East Kingston Springs Road and continue until it intersects with existing sidewalk on that road. Estimated cost for town with Option B would be \$513,935. Option A is the lowest cost to the Town and best option. This motion is to ask for Board's permission to discuss this option with TDOT for reducing the cost, and if option A or B is more feasible. Several commissioners agreed Option A was the best option, especially with the uncertainty surrounding possible expansion of East Kingston Springs Road, and possibility of tearing up sidewalk in expansion. City Manager Lawless said we have not yet requested additional funding. We need to see what the scope will be first. Motion to approve collaboration of engineering firm Kimley-Horn and City Manager with TDOT on reducing the current scope of the Town's Transportation Alternative Program grant (Harpeth View trail Neighborhood Connector Phase 2 – TDOT PIN: 126657.00) made by Vice-Mayor Remick and seconded by Commissioner Hargis. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

E. Motion to approve changes to Kingston Springs Multimodal Grant project, TDOT PIN: 123630.00

City Manager Lawless said the Multimodal project was being rebid due to non-concurrence by TDOT for the initial bids received. Rebidding opens the option to redesign the project. If project was redesigned with 6-ft wide sidewalks on each side of Luyben Hills Road, there would be projected savings of approximately \$30,000. We would have to pay \$12,500 to Collier Engineering for additional design services related to the redesign. After a brief discussion, it was felt that the small amount of savings was not worthwhile. Motion to continue the Multimodal Grant project, TDOT PIN: 123630.00 as planned made by Commissioner Eatherly and seconded by Commissioner Clark. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

F. Motion to select and approve construction bid for the Kingston Springs Safe Routes to School Grant Project, TDOT PIN: 123749.00.

City Manager Lawless said the construction bids for the Safe Routes to School Grant Project were opened on March 9 with a bid of \$526,370 received from Adams Contracting and a bid of \$514,200 from Sessions Paving. These bids were higher than the pre-bid estimate of \$261,650. Grant contract amount for construction at just under \$200,000, the cost to the town with this lowest bid from Sessions paying would be roughly \$347,630. If board approves to accept lowest bid and TDOT does accept concurrence on that bid, we will be requesting additional funding from TDOT to cover as much of the overage as possible. That is at their discretion. Davina Gurschick, Project Manager with Community Development Partners was available to answer questions. Gurschick said Safe Routes to School is a 100% grant, but their maximum grant amount allowed is \$250,000. That is the most you could request in 2015 when the program began and those were the costs that were put in with the application. We will request additional funding from TAP. This is a federal grant. TAP is 80/20 during construction only. She said additional TAP funding that may be available. She also noted that TDOT may look at the bids and say it is not

balanced and not agree with the bid results. Funding is available, but it may not be the entire amount we are requesting. Commissioners can vote to approve contingent upon TDOT approval, and receiving additional funds from TDOT. Motion to select and approve construction bid for \$514,200 from Sessions Paving for the Kingston Springs Safe Routes to School Grant Project, TDOT PIN: 123749.00 contingent upon receiving additional funding from TDOT, made by Commissioner Hargis and seconded by Commissioner Eatherly. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

G. Motion to approve donation from the Jake Owen Foundation in the amount of \$350,000.00 to be used for expansion of the splash pad at Burns Park.

Motion to approve donation from the Jake Owen Foundation in the amount of \$350,000 to be used for funding to expand the splash pad at Burns Park made by Vice-Mayor Remick. Commissioner Clark stated that she had a lot of misgivings on this project because she didn't think it had been fully vetted with the community, and was not sure community really wants this. She thought it was just an idea when presented to the Commissioners at the retreat and not yet ready to move forward. She was not in favor of having the donation tied to the splashpad only. It was her understanding that the expansion would require \$100,000 from the town. She said there were many other needs in the park that need to be addressed. She was not comfortable with the gift being locked in to one project only, and going forward without input from community. She said expanding the splash pad would change the peace and quiet of the park by having more people and more noise. She wanted to table this item until the community could be surveyed to see if this was something they were in favor of doing. Vice-Mayor Remick noted that the expansion would save approximately \$25,000 a year on the water bill because with the expansion, water will be recycled, and that would offset the initial \$100,000 cost. Vice-Mayor Remick said that he has talked to people in the community and this is something that would be welcomed by the community. It will be well-used by our family-focused community. He pointed out this could lead to a yearly donation from the foundation to the town for other projects. Commissioner Clark said the community needed to be brought in on the decision. Mayor Gross said the community was surveyed a few years ago and expansion of the splash pad was one of most popular items on the list. Commissioner Eatherly said that Mr. Owen wanted the donation to go specifically toward the splash pad, and what we save in water bill will cover the \$100,000. However, he said he struggles with the extra parking and buses that will come with the expanded splashpad. Commissioner Eatherly said he hasn't talked to anyone who doesn't want the expansion of the splashpad, but we need to figure out a structure around it. Commissioner Clark stated that she felt it needed to be put before the community. Commissioner Hargis said a fundraiser Mr. Owen's held provided a portion of this donation, and Mr. Owen will probably continue to have yearly fundraisers. Parks Director Miniatt said that Mr. Owen indicated that he plans to hold yearly fundraisers and donating to the town. Vice-Mayor Remick again made his motion to approve donation, and Commissioner Hargis seconded the motion. Mayor Gross asked if there was any further discussion. Commissioner Clark said she thought it needed to be brought before the community between now and the next meeting. Vice-Mayor Remick said he has not heard any negatives about the splash pad. Commissioner Eatherly said he

liked the pad expansion, but was struggling with parking. Parks Director Miniatt said she has spoken with other cities that have similar situations, and they have things in place for dealing with camps and schools. Since nothing has been decided, she has not put together solutions. She needs approval of the board before she can start on plans. Roll call vote was held with Commissioner Clark voting no, Commissioner Eatherly voting no, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

H. Motion to authorize City Manager to approve contract with John R. Poole to Audit Accounts of the Town of Kingston Springs.

City Manager said that Dan Parsons, who has been the auditor for many years, will no longer do municipal auditing. John R. Poole works with other municipalities around us, and submitted an agreement from the State Auditor. His fee is 10% less than Parsons' fee. He was the best option for Town's auditing services. Motion to authorize City Manager to approve contract with John R. Poole to Audit Accounts of the Town of Kingston Springs made by Commissioner Hargis and seconded by Commissioner Eatherly. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

15. Surplus:

- City Hall – 1077 Local Government Server – Serial No. 20130905 – wipe and discard
- Public Works – the following items to be discarded or sold for scrap:
 - Stihl Edger – Serial No. 41377134506
 - Ridgid Pressure Washer – Serial No. 2406326
 - Huskavarna Chain Saw – Serial No. 060901091
 - Huskavarna Blower – Serial No. 0775
 - Echo Limb Trimmer – Serial No. 0562
 - Poland Pro Brush Trimmer – Serial No. 711793
 - Dolmar Chain Saw – Serial No. 94114713
 - 5HP Air Compressor – Serial No. 0093160

Commissioner Clark asked about the age of the equipment, whether or not any of it was still operable, and whether it has been replaced already. City Manager said equipment has not been replaced. If equipment is on the surplus list, Public Works has done everything possible to repair the equipment. Commissioner Eatherly questioned the amount of equipment on the list. City Manager Lawless said the recent rainy weather had allowed Public Works to do some cleaning up in the garage. Public Works uses the equipment until it is no longer repairable. Motion to surplus/scrap the above items on surplus list made by Commissioner Eatherly and seconded by Vice-Mayor Remick. Roll call vote was held with Commissioner Clark voting yes, Commissioner Eatherly voting yes, Mayor

Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

16. Other (For Discussion Only):

Commissioner Eatherly wanted to return to the questions surrounding renting the Activity Center. He suggested that we adopt a city mask/no mask policy. We are not setting a good example by not being consistent regarding masks. Commissioner Eatherly said we should adopt a policy until a certain time for city events. City Manager Lawless will work with city attorney to come up with a policy. Commissioner Hargis suggested we match policy to whatever the Governor's order is at the time of events.

17. Reminders:

- KS Easter Egg Hunt, Saturday, March 27th
- KS City Hall will be closed Friday, April 2nd for Good Friday.
- KS Youth Spring Soccer season starts Saturday, April 10th
- Kingston Springs Farmers and Artisans Market opens Saturday, May 22nd

City Manager Lawless said that Principal Winstead at Kingston Springs Elementary School asked if we could post to Facebook about Kindergarten registration the week of April 5th.

18. Adjourn the Meeting:

Motion to adjourn the meeting made by Vice-Mayor Remick and seconded by Commissioner Eatherly. The meeting adjourned at 8:48 pm.

Francis A. Gross, III
Mayor

Jamie Dupré
City Recorder