



**Kingston Springs Board of Commissioners  
Regular Business Meeting Minutes  
January 21, 2021**

**1. Call to Order:**

The meeting was called to order by Mayor Gross at 7:03 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 Miniati, Parks Director	Present
Sharon Armstrong, Planning Director	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 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 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.

**6. Motion to Approve the December 17, 2020 City Commission Meeting Minutes:**

Commissioner Clark requested an amendment to the minutes to include verbiage on what was discussed in the Community Input and Concerns portion of the agenda. Clark requested that December minutes include that Mr. Rodgers and Ms. Rose spoke about Brush Creek Bridge closure on South Harpeth Road. Motion to approve the December 17, 2020 City Commission Meeting Minutes as amended 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.

**7. Motion to Approve the January 21, 2021 City Commission Meeting Agenda:**

Motion to approve the January 21, 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.

**8. Announcements from Commissioners:**

Vice-Mayor Remick commended the Kingston Springs Volunteer Fire Department for their work on so many serious calls over the past few weeks. He commended them for all their efforts.

**9. Community Input and Concerns:**

Stephen Rheinecker, 275 Harpeth View Trail, thanked City Manager Lawless, Mayor Gross and City Planner Armstrong for help with a building permit.

**10. Department Reports:**

City Manager Lawless wanted to commend the Fire Department and Public Safety Officers. They have had a rough couple of weeks, and have handled it with professionalism and grace. They are greatly appreciated.

City Manager Lawless also commended Austin Patterson who is certified in Biological and Natural Systems and Grade One Waste Water Collections. Those are the two certifications needed to operate our waste water plant. Austin has worked hard to get these certifications.

Parks Manager Miniatt asked for guidance regarding opening up the activity center for rental. City Attorney Noe stated that the governor issued Executive order 74 on January 19 which addresses spectator sports and athletic activities. It limits participation and only allows parents, grandparents and team personnel at athletic functions (issued through February 27). Mayor Gross asked for clarification for indoor events. The Executive Order is strongly encouraging postponing in person gatherings and recommending virtual or online activities. Mayor Gross

said we should err on side of what governor strongly recommends. As for now, no rentals for activity center.

Other events that usually occur in the spring are Easter Egg Hunt, Soccer, Art in the Park, and Dinner on Main. Parks Manager Miniatt suggested having a drive through event similar to the Tractor Parade to give out candy instead of Easter Egg Hunt. The Easter Bunny could be present as well as firetrucks and police vehicles. All safety protocols would be followed.

A soccer season is possible following guidelines with limits on spectators, coaches, kids and immediate family. Season normally starts in mid-March. It could be pushed to second weekend in April for a 6-week season. City Attorney Noe said the executive order expires on February 27. It is not clear if another will come out after that. Planning will have to be fluid. Park Manager Miniatt suggested pre-registering to gauge interest in spring soccer, and if enough participants, then collect fees. City Manager Lawless said protocols are all set up. Vice-Mayor Remick said we should move forward to see what sort of response we get, and tell participants and families the rules as laid out by executive order for sports. Commissioners Clark and Hargis agreed with having a delayed short season beginning second weekend in April. A delayed short season is better than cancelling. City Manager said they will put something out soon to determine interest.

Parks Manager Miniatt said she did not see how Art in the Park and Dinner on Main can happen in the spring. City Manager Lawless said that Art in the Park and Dinner on Main were delayed last fall in hopes that they could occur in the spring. Fall event held in place of Art in the Park was successful. Vendors who participate in Art in the Park are on a circuit, and those circuits are locked in. It will be difficult to squeeze in a true Art in the Park into that schedule in the spring. Dinner on Main will be difficult to do successfully under current conditions. Both events will be put back in their regular fall rotation.

Chief Ivey noted that the fire department has responded to three structure fires in a 10-day period. There was also a very bad wreck that did not have a good outcome. The fire department and public safety department have been extremely busy putting in a lot of hours.

## **11. Legal Updates:**

City Attorney Noe stated that the latest Executive Order 74 addresses spectator sports and athletic activities, with limits on gathering and continued 6-ft separation. Athletic events have limits on spectators with just coaches, athletes and immediate family in attendance. Executive order also strongly suggested postponing events and recommended virtual or online activity. Supreme Court did extend to not have live courts until the end of March. This usually extends to Council Meetings as well.

City Attorney Noe also said the Attorney General has issued an opinion regarding hotel/motel tax. There is discussion about dividing tax evenly between cities and counties. She will keep the Board updated on any legislative activity related to the item.

## **12. Unfinished Business:**

### **A. Motion to approve on second reading Ordinance 20-015 – Recommendation from the Kingston Springs Regional Planning Commission of a new Zoning District, 5200, TRANSITIONAL MIXED-USE PLANNED UNIT DEVELOPMENT (TMU-PUD) DISTRICT.**

Motion to approve on second reading Ordinance 20-015 – Recommendation from the Kingston Springs Regional Planning Commission of a new Zoning District, 5200, Transitional Mixed-Use Planned Unit Development (TMU-PUD) District made by Commissioner Hargis 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.

### **B. Motion to approve on second reading Ordinance 20-016 – Recommendation from the Kingston Springs Regional Planning Commission of Kingston Springs Zoning Ordinance Article 5.300 – Mixed Use District.**

Motion to approve on second reading Ordinance 20-016 – Recommendation from the Kingston Springs Regional Planning Commission of Kingston Springs Zoning Ordinance Article 5.300 – Mixed Use District made by Vice-Mayor Remick and seconded by Commissioner Hargis. Commissioner Clark asked for clarification on storefront vacancies with boarded up building store fronts, since there is currently a building downtown that is boarded up. City Planner Armstrong said the reason for including that language is there is a building code involved, and said the owner of that building will be notified that it is a building code violation and to remove the boards. Commissioner Clark also noted that section 5.300.6 - D.4 seemed to be missing part of a sentence. The corrected sentence should read, “Property owners of vacant storefronts will be advised to seek assistance from county economic development staff regarding possible available tenants.” Motion to approve amended version made by Commissioner Hargis 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.

## **13. New Business:**

### **A. Motion to approve first reading of Ordinance 21-001 - Amending certain provisions of the Town of Kingston Springs Municipal Code, Zoning Ordinance, Sign Ordinance, and other ordinances and resolutions to provide for a comprehensive list of fees to be set forth in appendix A to the Town of Kingston Springs Municipal Code.**

Mayor Gross suggested that section 13 should be amended to say “the City Manager is authorized in consultation with appropriate department heads to develop such application forms as may be necessary for the activities, requests, applications and appeals contemplated herein.” City Attorney Noe said amendment could be added to second reading. Motion to approve first reading of Ordinance 21-001 – Amending certain

provisions of the Town of Kingston Springs Municipal Code, Zoning Ordinance, Sign Ordinance, and other ordinances and resolutions to provide a comprehensive list of fees to be set forth in Appendix A to 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. Discussion on appropriation of funding to replace 2010 Chevy Tahoe Police Pursuit Vehicle (872).**

Chief Ivey said that most were aware that a police vehicle was stolen and wrecked, and needs to be replaced. He met with the insurance adjuster and would have an estimate in 10-14 days on what the insurance will pay. He thinks the ballpark figure is approximately \$30,000. Chief Ivey was able to locate a 2021 Explorer that was available. He asked that the Commissioners move \$50,000 from drug fund balance to drug fund to purchase the vehicle and related equipment. When the insurance money is received, it will be put back into the drug fund balance. Commissioner Eatherly asked about using some of the equipment on the vehicle. Chief Ivey advised that due to impact of the crash and age of equipment, it was not advisable. City Attorney Noe said there are certain regulations for use of drug fund money. Chief Ivey said this use was allowed in those regulations. The total amount needed will be moved out of drug fund account and insurance received will be put into that account. Motion to move \$50,000 from the drug fund to purchase new car and equipment made by Vice-Mayor Remick and seconded by Commissioner Eatherly. Commissioner Clark asked if any of the long guns were damaged by the impact. Chief Ivey said they were fine. There had been a structure fire the day before and Officer Swaggerty had smoke in his vehicle so he had removed guns that morning to have them cleaned. None of the guns were in the vehicle at time of wreck. 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 Resolution 21-001 - Authorizing acceptance of the Tennessee Department of Transportation proposal for construction of a bridge on South Harpeth Road – state project numbers 11455-0513-04, 11455-3513-04, 11455-2513-04, 11455-1513-04**

City Manager Lawless said this is a proposal submitted by TDOT to replace the bridge on South Harpeth that goes over Brush Creek. It has been vetted through legal and they have no concerns or edits on the proposal verbiage. Commissioner Hargis asked about the timeframe. City Manager Lawless said they are still in the right-of-way phase, and bidding for construction will likely take place in March of next year. Commissioner Clark asked if this was binding, in that if it passes, if any rehabilitation or remediation of the bridge can be considered during the interim period. City Attorney Noe said it is binding contract. City Planner Armstrong suggested sending a copy to the Planning Commission, since they have had numerous calls about it. Commissioner Clark asked why the rush for approval if bidding will not happen until next March. City Attorney Noe said TDOT follows a certain timely protocol for these things. TDOT wants city approval before going to next steps.

Commissioner Clark asked if the bridge project would have any effect on the new golf course. City Manager Lawless said it was his understanding that access would be through current entrance to Golf Club of Tennessee. Commissioner Eatherly said Commissioner Clark's original question about binding contract made sense, and asked about the possibility of a temporary bridge solution of a one-lane bridge utilizing the inner beams. He asked if we have gone to the state with any of those questions or alternatives? Mayor Gross said a temporary option was explored, but it was cost prohibitive. It comes down to what you are asking is for a tax burden on residents of Kingston Springs for something that doesn't serve the residents of Kingston Springs, but people who live outside of city limits. City Manager Lawless said that he had informal discussions with two engineering firms. The first had an engineering estimate of \$30,000 with potential repair at \$100,000. The other, Kimley-Horn said they could do a further study for about \$5,000, but at first blush said it looked to be cost prohibitive. Vice-Mayor Remick added that it would only be a patchwork bridge for another year or two. Commissioner Clark said she was in contact with Mr. Rodgers who had worked in bridge repair and he is pretty sure it could be rehabilitated into a one-lane bridge using the inner beams. City Manager Lawless added that the estimates he received were for a one-lane bridge. Mayor Gross reiterated that it would cost approximately \$130,000-\$150,000 for the temporary one-lane bridge. Motion to approve Resolution 21-001 – Authorizing acceptance of the Tennessee Department of Transportation proposal for construction of a bridge on South Harpeth Road – state project numbers 11455-0513-04, 11455-3513-04, 1145-2513-04, 11455-1513-04 made by Vice-Mayor Remick and seconded by Commissioner Eatherly. Roll call vote was held with Commissioner Clark voting no, Commissioner Eatherly voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, and Vice-Mayor Remick voting yes. Motion passed.

**D. Discussion on date and location of 2021 Kingston Springs Board of Commissioners' Retreat.**

Mayor Gross said he and City Manager Lawless discussed holding the Commissioners' retreat at the Activity Center. There would be room to spread out and masks would be used. Retreat would be on a Friday from 5:00-8:00 or 9:00 and Saturday from 8:00 to 2:00 or 3:00. Suggested dates are either February 19 & 20. An email will be sent out to verify availability.

**14. Surplus:**

- City Hall – APC Battery Back-Up 1500 - Discard  
Motion to discard APC Battery Back-up 1500 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.

**15. Other (For Discussion Only):**

Mayor Gross stated that Commissioner Eatherly will be the Board of Commissioners representative on the Planning Commission.

**16. Reminders:**

- KS City Hall will be closed Monday, February 15<sup>th</sup> for Presidents Day.
- Tennessee Bureau of Ethics and Campaign Finance “Statement of Interests” due no later than January 31, 2021.

**17. Adjourn the Meeting:**

Motion to adjourn the meeting 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.

Meeting adjourned at 8:15 p.m.

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Francis A. Gross, III  
Mayor

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Jamie Dupré  
City Recorder