



**Kingston Springs Board of Commissioners
Regular Business Meeting Minutes
October 20, 2022**

1. Call to Order:

The meeting was called to order by Mayor Gross at 7:02 p.m.

2. Pledge of Allegiance:

Recess called at 7:03 p.m.

Meeting called back into order at 7:07 p.m.

3. Roll Call:

Board Members in Attendance:

Carolyn Clark, Commissioner	Present
Tony Gross, Mayor	Present
Mike Hargis, Commissioner	Present
Glenn Remick, Vice-Mayor	Present
Bob Stohler, Commissioner	Present

Staff in Attendance:

John Lawless, City Manager	Present
Jamie Dupré, City Recorder	Present
Martha Brooke Perry, City Attorney	Present
Kellie Reed, Finance Director	Present
Eugene Ivey, Police and Fire Chief	Present
Brandy Miniati, Parks Director	Present
Roger Parker, Public Works Director	Present

4. Declaration of Quorum by Mayor

Mayor Gross declared a quorum.

5. Motion to Approve the October 5, 2022, Special Called Public Hearing Meeting Minutes:

Motion to Approve the October 5, 2022, Special Called Public Hearing Meeting Minutes made by Vice-Mayor Remick, with a second by Commissioner Stohler. Commissioner Clark abstained. Motion passed.

6. Motion to Approve the October 5, 2022, Special Called City Commission Meeting

Minutes:

Motion to Approve the October 5, 2022 Special Called City Commission Meeting Minutes made by Vice-Mayor Remick, with a second by Commissioner Hargis. Commissioner Clark abstained. Motion passed.

7. Motion to Approve the October 20, 2022, City Commission Meeting Agenda:

Mayor Gross indicated addition of Item 13.G. First reading of Ordinance 22-011 Budget Amendment for the 2022-2023 Fiscal Year for the \$88,000 purchase of a mobile stage added to agenda. Motion to approve the October 20, 2022 City Commission Meeting Agenda as amended made by Commissioner Stohler, with a second by Vice-Mayor Remick. Motion passed.

8. Announcements from Commissioners:

Commissioner Clark announced the passing of longtime resident Melvin Tidwell, who was known for supplying neighbors with fresh vegetables from his garden.

Vice-Mayor Remick said National Night Out was incredible to see all the equipment placed at Harpeth High School, our staff and first responders organizing this. It is always impressive to see the amount of support from all the different agencies across the state. The turnout was fantastic, and it was educational and great hands-on opportunities.

9. Community Input and Concerns:

Sandra Veith, 246 Harpeth Hills. She had concerns about Harpeth Hills Drive being used as a cut through and speeding.

Larry Craig, 159 West Kingston Spring Road. Mr. Craig admonished Mayor Gross for closing public hearing on possible sale of sewer system before everyone had a chance to speak and continued comments on the potential sale of the town's sewer system.

John McElroy, 215 Woodlands. Continued comments on the potential sale of the town's sewer system

10. Department Reports:

A. Roadside mowing in Kingston Springs

Commissioner Clark said she received a lot of comments on tree trimming on Patterson, Simms Heights and Ridgecrest. She said she was told that Public Works only cuts the main roads, which was news to her. She said it had been done in the past. She called attention to a letter she shared from Cynthia Collins stating that Town does not attend to the streets mentioned above. Ms. Collins claimed they used to be maintained. Ms. Collins said the

Town annexed them, collects their taxes, but does not want to take responsibility for their outlying areas. Public Works Director Parker said they don't have time to do all the side roads. Public works maintains the main collector roads. Commissioner Clark asked what has changed. She said Mr. Tidwell's son used to work for the Town, and cutting side roads was his job. The roads should be kept up. City Manager Lawless said the Town will hire out mowing in the spring and asked for a list of roads from the Board to be included for roadside mowing and tree trimming. Vice-Mayor Remick added that he drives a school bus in that area and is always getting hit by limbs. Public Works Director Parker said they can only trim up to 12 feet.

B. Chief Ivey

a. Fire Department - National Night Out

Chief Ivey said that National Night Out was fantastic and there was an amazing turnout. It took a lot of effort from our departments and outside agencies, which included a life flight helicopter, K-9 demonstration with Luca, three different kinds of events. It was very popular. Chief Ivey thanked public safety and the firefighters.

b. Police Department – License plate readers

Chief Ivey stated they have received two notifications thus far. First notice was a stolen vehicle. Chief Ivey said that notices are send as texts to officers with pictures of license and of car. Chief Ivey thanked Board for funding cameras. Cameras are updated every six hours, but emergencies can be updated before that time. It gives a lot of information that can be shared.

11. Legal Updates:

None

12. Unfinished Business:

None

13. New Business:

A. Discussion of Requests for Proposals received for potential sale of the Kingston Springs Sewer System.

City Manager Lawless said he had no additional information to add from public hearing. The intent in getting the RFP was to see if there was interest in purchasing our wastewater system. It doesn't mean we are on that track. Lawless will do a Q&A and put on website and include conditions of system, funding, and proposal received. Mayor Gross said that we know we have an issue and need to look at options. Commissioner Stohler asked if any due diligence was done. Lawless said he received contact information for several entities involved with the company that sent the proposal, and he is also looking at any legal issues

with this company. Commissioner Clark had concerns about infrastructure and if a private entity takes over and expands the system, if they can force people to sign on. She also asked if we are responsible for our liabilities. City Attorney Perry said that would be something we would try to transfer to entity. Vice-Mayor Remick asked if the company sent anyone here to look at our system. City Manager Lawless said they did send someone and they are aware of our system. Commissioner Hargis asked if we contacted any out of state municipalities that have sold to them. City Manager Lawless said he had contacted Savannah, TN and hasn't reached any of the others yet. He did ask company for contact info for other systems. Commissioner Hargis suggested contacting mayors and commissioners/aldermen for those cities. Commissioner Hargis asked what could be done with excess money after debt paid. Refunding directly to customers is a problem. The auditor said any money from the sale goes into general fund. Commissioner Hargis asked if we could subsidize rates going forward. Is it possible, legal, any constraints? Lawless said there is a similar option as part of contract to set up profit in a fund to mediate rates going forward. City Attorney Perry said it would be part of the negotiating process. Commissioner Clark asked if the offer was a fair market value, what is the value of the system? Lawless said the value is what someone is willing to pay. Commissioner Hargis asked about current debt, liabilities and revenue. Commissioner Clark said that Mr. Craig had good ideas for surveying using Town personnel. Lawless said manpower hours could be massive. It could take 3-4 years. Vice-Mayor Remick added that it involves scoping in pipes and mapping where the pipes are. City Planner Armstrong noted as an example recently trying to find the line on East Kingston Springs Road took hours of digging by hand to locate the line because the Right-of-Way belongs to TDOT. Geolocators available to us are not nearly as sophisticated as the expensive equipment used by professionals. City Manager Lawless said an option could be to scope a quadrant and use that data to project a whole. This type of investigation is less expensive and gives a good idea of what we face. City Manager Lawless shared that sewer system has \$750,000 debt. The proposal is for \$1.5 million, which will pay off debt and leave \$750,000 profit.

B. First Reading of Ordinance 22-008 – Amending Notice Requirements to Kingston Springs Board of Zoning Appeals as recommended by the Kingston Springs Regional Planning Commission.

City Manager Lawless said this pertains to public notices for Board of Zoning and Planning Commission. Currently because of publication deadlines, the BZA process can take in excess of 28 days. This will lower the time requirement from 15 days to 7 days after publication. Certified letter remains in place. Commissioner Clark asked about time line on certified letter. City Attorney added that certified letter would be mailed at same date as newspaper notification. Motion to approve First Reading of Ordinance 22-008 – Amending Notice Requirement to Kingston Springs Board of Zoning Appeals as recommended by the Kingston Springs Regional Planning Commission made by Commissioner Hargis, with a second by Commissioner Stohler. Motion passed.

C. First Reading of Ordinance 22-009 – Amending Title 1, Chapter 4, by amending language contained in Sections 1-405, 1-407 of the Kingston Springs Municipal Code and adding Section 1-412.

City Manager Lawless said this allows city employees and officials to receive gratuity up to \$50.00. It also allows officials and employees to use public facilities at no cost with advanced notice and approval. City Attorney Perry stated a clause was added “to avoid appearance of impropriety.” Motion to approve First Reading of Ordinance 22-009 – Amending Title 1, Chapter 4, by updating language contained in Section 1-405, 1-407 of the Kingston Springs Municipal Code and adding Section 1-412 made by Commissioner Hargis, with a second by Commissioner Stohler. Motion passed.

D. First Reading of Ordinance 22-010 – Amending Title 3, Chapter 1 of the Kingston Springs Municipal Code related to Court Costs, Litigation Tax, and Forfeiture, and to correct certain other provisions.

City Attorney Perry said this ordinance deals with court costs. She said that Finance Manager Reed attended a conference and obtained more information on this. Motion to approve First Reading of Ordinance 22-010 – Amending Title 3, Chapter 1 of the Kingston Springs Municipal Code related to Court Costs, Litigation Tax, and Forfeiture, and to correct certain other provisions made by Vice-Mayor Remick, with a second by Carolyn Clark. Roll call vote was held with Commissioner Clark voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, Vice-Mayor Remick voting yes, and Commissioner Stohler voting yes. Motion passed.

E. Review and awarding of bid for purchase of Mobile Stage.

City Manager said the Town was awarded a grant for \$50,000 with the expectation of \$30,000 from the Town for purchase of mobile stage. Bids came in at \$90,000+. Quotes received earlier in the year were lower, but costs have gone up over the last few months. EuroStage bid was lowest at \$91,000. The overage can be taken from the Farmers Market (\$8,000 from fund balance) and Parks (\$3,000). Initially the \$30,000 for the Town’s portion was in the budget, but was removed until the grant was received. Commissioner Clark asked if it could be put off. City Manager Lawless said we are under contractual agreement. Commissioner Hargis commented that we said if the grant was received, we would come up with the \$30,000. Now we need an additional \$11,000. Mayor Gross said that Farmers Market would be a benefactor of the stage. Lawless clarified that it would be Farmers Market and additional events at the park. Commissioner Clark asked about costs for lighting. Lawless said lighting would be in the future. Commissioner Stohler asked about the lifespan of the stage, and was told about 20 years. Commissioner Hargis motioned to approve the bid from EuroStage for the purchase of a mobile stage, with a second from Vice-Mayor Remick. Roll call vote was held with Commissioner Clark voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, Vice-Mayor Remick voting yes, and Commissioner Stohler voting yes. Motion passed.

F. Discussion Item – Mailbox Replacement on Luyben Hills Road. Sponsored by Commissioner Clark.

Commissioner Clark proposed, as a thank you to the businesses on Luyben Hill who have had things disrupted because of sidewalk project, that the Town put up new mailboxes in front of their businesses or put up a cluster mailbox. She thought it would be a good investment and would make the entrance into Town look nice. City Attorney Perry said the

Town cannot make purchases for private individuals, and spending Town dollars on private individuals is prohibited. It might be something that the Cheatham Chamber could do. City Planner Armstrong added that if current mailboxes are damaged, then the contractor can replace them, but the Town cannot provide a benefit to one business that it is not providing to other businesses. Mayor Gross said there are beautification funds available through the Chamber. Commissioner Clark asked about the older utility poles on Luyben Hills Road. City Manager Lawless said that lines are scheduled to be transferred and taken off those poles on October 25.

G. First Reading of Ordinance 22-011 – An Ordinance by the Kingston Springs Board of Commissioners to Accept a Budget Amendment for the 2022-2023 Fiscal Year.

This amendment relates to financing for the purchase of a mobile stage. The Town received a \$50,000 grant that required \$30,000 match from the Town. Bids were higher than that amount and an additional \$11,000 is needed. Funding will be \$30,000 from the fund balance and \$8,000 from the Farmer’s Market Designated Funds. The remaining \$3,000 will be from Park funds. Motion to approve the First Reading of Ordinance of 22-011 – An Ordinance by the Kingston Springs Board of Commissioners to Accept a Budget Amendment for the 2022-2023 Fiscal Year made by Commissioner Stohler, with a second by Commissioner Clark. Roll call vote was held with Commissioner Clark voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, Vice-Mayor Remick voting yes, and Commissioner Stohler voting yes. Motion passed.

14. Surplus:

- Parks Department – Refrigerator, Activity Center – recycle for credit
Motion to recycle for credit the refrigerator at the Activity Center made by Commissioner Hargis, with a second by Commissioner Stohler. Motion passed.

15. Other (For Discussion Only):

Discussion about the Mary Pinion application for a grading permit. City Planner Armstrong said work was started without a permit. Homeowner was unhappy a permit had to be pulled. The application was filed on 10/6 and permit issued on 10/7. They were also told they needed to consult HOA regulations.

Commissioner Clark also suggested donating canned goods to the blessing box in front of Lawrences in memory of Melvin Tidwell.

16. Reminders:

- Main Street will be closed on Monday, October 31st from 5:00pm to 7:00pm for Halloween on Main Street.
- City Hall will be closed Friday, November 11th in honor of Veterans Day

8:31 p.m. Commissioner Hargis made the motion to recess for Attorney-Client privilege discussion, with a second by Commissioner Stohler. Motion passed.

8:48 p.m. Commissioner Stohler made the motion to bring the meeting back into session, with a second from Vice-Mayor Remick. Motion passed.

Motion to approve ruling of Kingston Springs Municipal Court on codes case concerning Andy Sullivan, 608 Mt. Pleasant Road, Kingston Springs, made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion passed unanimously.

17. Adjourn the Meeting:

Meeting adjourned at 8:50 p.m.

Francis A. Gross, III
Mayor

Jamie Dupré
City Recorder