



**Kingston Springs Board of Commissioners
Regular Business Meeting Minutes
December 15, 2022**

1. Call to Order:

The meeting was called to order by Mayor Gross at 7:06 p.m.

Motion to recess meeting made by Vice Mayor Remick, with a second by Mayor Gross at 7:06 pm. Motion approved. County Mayor McCarver not able to attend to swear in newly elected Commissioners Hargis and Verhoven as planned. There was discussion with City Attorney Perry on how to proceed. Non-sworn in commissioners will be allowed to debate, but not vote. Election of Mayor and Vice-Mayor should be tabled. Meeting should not be adjourned, but recessed at the end, to allow for swearing in next day.

Mayor Gross called the meeting back to order at 7:19 pm.

2. Swearing in of New Kingston Springs Commissioners:

Swearing in will be done when meeting reconvenes after the recess.

3. Pledge of Allegiance:

4. Roll Call:

Board Members in Attendance:

Carolyn Clark, Commissioner	Present
Tony Gross, Mayor	Present
Mike Hargis, Commissioner	Present
Glenn Remick, Vice-Mayor	Present
Todd Verhoven, 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

5. Declaration of Quorum by Mayor

Mayor Gross declared a quorum.

6. **Mayor Gross Turns Meeting over to City Manager for Election of Mayor:**
Motion to table election made by Vice-Mayor Remick, with a second by Commissioner Clark.
Motion approved.

Motion to suspend rules to allow unsworn in Commissioners to participate in debate made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion approved.

7. **The City Manager turns the meeting over to the Mayor for election of Vice-Mayor:**
Motion to table election made by Vice-Mayor Remick, with a second by Commissioner Clark.
Motion approved.

8. **Motion to Approve the November 17, 2022, Public Hearing Meeting Minutes:**
Motion to Approve the November 17, 2022, Public Hearing Meeting Minutes made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion approved.

9. **Motion to Approve the November 17, 2022, City Commission Meeting Minutes:**
Motion to Approve the November 17, 2022 City Commission Meeting Minutes made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion approved.

10. **Motion to Approve the December 15, 2022, City Commission Meeting Agenda:**
Motion to approve the December 15, 2022 City Commission Meeting Agenda made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion approved.

11. **Announcements from Commissioners:**
Commissioner Clark wished everyone Happy Holidays.

Vice-Mayor Remick complimented Town and staff on the holiday event at Burns Park and expressed his thanks for all the hard work involved in putting together the event.

Commissioner Hargis wished everyone Happy Holidays and Happy New Year.

Commissioner Verhoven wished everyone Merry Christmas and said he was happy to join the Board.

Mayor Gross said the Christmas event was fantastic, and staff did an amazing job. It was one of the Town's best events and he appreciated the work that went into it.

12. Community Input and Concerns:

Debbie Yoho, Ellersly Way, shared concerns about sewage in her home on Thanksgiving, and not being able to get a response to her calls to the Town's emergency number until later in the day. She had to call a plumber out of Nashville at a cost of \$450 to repair it. Ms. Yoho was concerned that phone was not answered and wanted to know what to do in future if it occurs, and would like a refund on her repair. City Manager Lawless said return call time was 3 hours and 4 minutes.

Bill Rodgers, 1660 South Harpeth, shared his concerns about the erosion control measures for the construction at the Golf Club of DBI. Debris and silt are flowing into the river, ditches and the road.

13. Department Reports:

City Manager expressed his thanks to staff for their work on the Kingston Springs Christmas events. There was approximately 4000 in attendance.

Chief Ivey shared that his staff plans to apply for a TN Violent Crimes grant. We are eligible for up to \$63,000. December 15 was the deadline to submit intent to apply, which they did. They will apply in January. Grant is 100%, not a matching grant. He received clarification at the Police Chiefs Association on what it can be used for, which is much broader than what it was originally thought.

City Planner Armstrong shared that during an inspection on private property, the city has no authority to allow the general public on the property. That has to be done by the owner of the property, otherwise it is seen as trespassing. Planning staff had a discussion with Golf Club of DBI, and they stated they do not want members of the public present during inspection on their property or during site visits. Armstrong, City Manager Lawless, and County Inspector Franklin Wilkinson had a site visit to the Golf Club of DBI. It was lengthy, muddy, and complexly done. Wilkinson was invited in two capacities. He is building official for Cheatham County, and also the Town Building Inspector. He was invited because there are issues present within the county that need to be addressed. She noted that the storm water permit is handled by TDEC. The Golf Club of DBI received a notice of violation on October 2022; two weeks later, there were three breaches. The three of them walked the entire property. Some of the culverts and pipes are not large enough to contain the water. Golf Club of DBI has been advised to remove debris and to put riprap down the slope. Rain event with 3 ½" in 4 hours produced a lot of water, and the hill could not absorb it. The plan going forward is to increase the requirements for soil and erosion control and stormwater control. Site monitor will be assigned by the KS Regional Planning Commission at their next meeting. Town in working with the County regarding the road. There was scalding to the road. They are also addressing problem with appropriate people at TDEC, and asked about visits to the site. However, TDEC has limited field calls due to COVID work from home protocols. County Planning Commission meets on January 5th, and Armstrong and Wilkinson will be in attendance. County Roads Supervisor Hester will be invited to the County Planning Commission to address issues. Commissioner Clark asked if a check dam was similar to a retaining pond and if it would be

sufficient enough. Armstrong said retaining pond are in the process of being constructed on the property and they are taking steps to address issues. Clark asked if there was a time span for them to address the debris pile. Armstrong said the debris pile will require them to amend their permit and that that takes time. Anytime you change plans that are submitted and approved by the Planning Commission, it has to go back to the Planning Commission for approval after proper advertising. Staff are not allowed to approve the change. Clark asked if the \$750,000 bond established by Cheatham County was for the road only. Armstrong said it is her understanding that it is for the road, the ditches and the right-of-way. Kingston Springs has a soil and erosion control bond in the form of a surety bond in place. It is in the neighborhood of \$250,000-\$300,000 for soil and erosion and stormwater. Agreements had to be made between Golf Club of TN and Golf Club of DBI. They are separate entities. One is a not-for profit, agricultural zoned entity and the other is a commercial midway zoned. They are held separately and we had to have agreements between the two. They were permitted to do a temporary pond for retention, the bridge and the grading. That is as far as they've gotten. It is a very large project. It is 243.8 acres. It took 14 months of review by the Planning Commission to get PUD agreement in place. Permitting began in September 2021. It was a limited scope permit. We have other permit applications in house on the Golf Club of TN and other permit applications for the Golf Club of DBI. Commissioner Clark asked if there is any significance to that area being part of the Kingston Springs urban growth area. Armstrong said our authority under contract entered in by Cheatham County and Kingston Springs for urban growth boundary is only in the event that that they seek a rezoning and then attempt to subdivide it and they did not subdivide for this project. Our jurisdictional authority stops at the city limits. Armstrong said they have created an environment where communication lines are open now. They are not open with TDEC. She attempted four times to communicate with TDEC. All emails were denied. Whether that is a function of files being too large because of attached pictures of the incidents. She tried again without the pictures and she has not heard back. Armstrong said they have done due diligence on this project from day one. There were eight submissions to FEMA; grading plans were vetted by everyone that they could get to lay eyes to it. We got TDEC to hold a public hearing. They have done as much as they can on this project for three years. Commissioner Hargis asked how much acreage was in the city. Armstrong said over 700 acres are in the city, the remaining balance of 900 or so acres is in the county.

14. Legal Updates:

City Attorney Perry gave a synopsis of the Town Charter for the new commissioner and refresher for current commissioners. Our charter is a City Manager-Commission form of government. This is basically our bylaws. The Commission is granted authority to do things, such as set taxes, fix roads, set the budget, etc. The Commissioners cannot act as individuals, but must act as a body. They can bring concerns, requests for information, items for the agenda, ideas on conduct of the City Manager and staff, to the attention of the City Manager. The City Manager has authority to manage personnel and department heads, enforces acts approved by the Commission. City Manager can't initiate contracts. He can sign contracts only if commission invests him with authority to do so. City Manager serves at the pleasure of the Commission, as set forth in the bylaws. Perry touched on ethics, saying that commissioners can't do anything for personal gain. If they have a personal interest in an issue, you are not

disqualified from voting in the State of Tennessee. You have to declare the personal interest. She noted as an example, Commissioner Hargis declaring his membership in Golf Club of Tennessee. Hargis added that the Golf Club of DBI has no members at this point. He is not a member of it. Perry also addressed Open Meetings/Sunshine Laws. In the State of Tennessee, Commissioners are prohibited from having discussions with one another outside of an open meeting with respect to anything that can be voted on. If they do have conversations about something currently on the agenda or can reasonably be foreseen to be on the agenda for a vote, you do not need to have those conversations. If you realize after the fact that it is coming up for a vote, then those conversations must be fully disclosed and rehashed in front of the public having cured violation of open meetings.

15. Unfinished Business:

A. Motion to approve Resolution 22-017 – Recognizing Ms. Loretta Lynn for Outstanding Cultural Enrichment.

Motion to approve Resolution 22-017 – Recognizing Ms. Loretta Lynn for Outstanding Cultural Enrichment made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion approved unanimously. Mayor Gross read the resolution aloud and presented a framed copy of the resolution to members of Loretta Lynn’s family.

16. New Business:

A. Motion to approve Resolution 22-019 – Establishing Sewer Rate Increase.

City Manager Lawless reminded the Board that sewer rates are for operating and maintenance of the system. A page with year-end projections of revenues and expenditures was included in the meeting packet. Commissioner Hargis asked if the two months with higher rates was due to repairs. Lawless confirmed that it was, and from spikes from emergency expenses. Finance Director Reed said the prior fiscal year had several high months. December revenue is lower due to write-off for secondary meters. Mayor Gross said we are seeing more of these issues with aging infrastructure. Lawless said in the past we had a full-time wastewater operator to handle some of the issues. Now we have a part-time person. Hargis asked how much the 10% increase had brought it. Reed said it was approximately \$2000 a month. Lawless said the commissioners will need to determine if a rate increase is needed and at what amount. Commissioner Verhoven asked if this was the right time, and if the increases were due to major repairs. Mayor Gross said it was just maintenance to keep the system running. City Manager Lawless shared a rate comparison, noting our rate structure is different, and we may need to change structure. Mayor Gross said we need to make sure we see a profit, and rate structure should be a retreat topic. Commissioner Hargis was concerned that we were only seeing results of six months into a rate increase. Commissioner Clark said everyone is expecting an increase. Commissioner Verhoven said if we don’t show a profit, the state can take over the system. Vice-Mayor Remick suggested we decide at 10%. Commissioner Hargis said rate was excessive and suggested a moderate second phase. Motion to approve Resolution 22-019 – Establishing

Sewer Rate Increase of 10% made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion approved.

Later in the meeting motion to revote by roll call vote on the sewer rate made by Vice-Mayor Remick, with a second by Commissioner Clark. Roll call votes: Commissioner Clark voting yes, Mayor Gross voting yes, and Vice-Mayor Remick voting yes. Motion approved.

B. Motion to approve rescue boat and trailer donation to the Kingston Springs Volunteer Fire Department from neighboring municipal department.

Chief Ivey explained that the rescue boat was a connector boat, and the donation include the boat, trailer and motor from a neighboring community. Commissioner Clark asked where it would be stored, and Chief Ivey said that we budgeted for a metal building near the sewer plant.

Motion to approve rescue boat and trailer donation to the Kingston Springs Volunteer Fire Department from neighboring municipality made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion approved.

C. Motion to approve recommendation from the Kingston Springs Board of Zoning Appeals to waive the permit fee fine for basement finished without permit by previous owner at 269 Harpeth View Trail.

Motion to approve recommendation from the Kingston Springs Board of Zoning Appeals to waive the permit fee fine for basement finished without permit by previous owner at 269 Harpeth View Trail made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion approved.

D. Motion to approve first reading of Ordinance 22-012 – Amending Title 5 – Chapter 4 of the Kingston Springs Municipal Code – Municipal Purchasing Requirement.

City Manager Lawless said that the State of Tennessee changed the purchasing requirement from \$10,000 to \$25,000. City Attorney Perry said that the Town’s current \$10,000 requirement is part of our charter, and she did not advocate for changing the Town’s Charter. If we did change it in the future, she suggested that we tie it to the state’s rate. Either way, it would have to go before the legislature. No action taken.

E. Motion to approve payment for Permanent and Temporary Easement agreements for Ivey Property – 189 Maple Court - \$18,000 for the construction of new wastewater pump station. Funding allocated in current budget.

Commissioner Clark asked about a time limit, and City Manager Lawless said this is the last step before getting construction bids. TDEC has approved. Motion to approve payment for Permanent and Temporary Easement agreements for Ivey Property – 189 Maple Court - \$18,000 for the construction of new wastewater pump station made by Vice-Mayor Remick, with a second by Commissioner Clark. Roll call vote was held with Commissioner Clark voting yes, Mayor Gross voting yes, and Vice-Mayor Remick voting yes. Motion approved.

F. Motion to approve Change Order Request 2 for TDOT PIN 123630.00 – SR249 Multimodal Project.

This change order is for approximately \$22,000+ for storm water drainage for items not in original list of items and construction plans. Commissioner Hargis asked if the Town paid the 20% overage and City Manager Lawless said the town is responsible for the full cost of any overage. Lawless will speak with contractor to get an estimate on where the cost of the project stands as a whole . TDOT also has to approve the change order. Motion to approve Change Order Request 2 for TDOT PIN 123630.00 – SR249 Multimodal Project made by Vice-Mayor Remick, with a second by Commissioner Clark. Roll call vote was held with Commissioner Clark voting yes, Mayor Gross voting yes, and Vice-Mayor Remick voting yes. Motion approved.

G. Discussion of Codes Issues – old school building property on North Main Street and property at 417 Mt. Pleasant Road.

Codes Official Mike Armstrong wanted to bring to the Board’s attention a complaint letter received regarding several properties. The Mt. Pleasant Road property was tied up by the State of Tennessee for years. The issue was finally resolved recently and the property owner is cleaning up the property. The old elementary school property – letter indicated that Codes Department has never done anything, when in fact Codes department has been to this property several times. The Hemmer properties are now cleaned up and the Town now owns the Depot and will rehab it. The letter reported complaints as facts. The school property is deteriorated and will be handled through maintenance codes. Property owner will be contacted and the building inspector will inspect. The proper way to handle codes complaints is to send them to the City Manager, who will send them to the Codes Official.

H. Discussion of Kingston Regional Planning Commission recommendation to advise the Board of Commissioner to review and establish a process for communication between Commissioners and staff, and to seek hiring of a full time Building Inspector.

City Manager Lawless said that the Kingston Springs Building Inspector workload does not support a full time position and for years the Town’s Building Inspector services came through Chief Duncan at Pleasant View Fire. However, for the last couple of years, Cheatham County has been providing the Town with Building Inspector services. As building needs increase the Town might need to hire a part-time Building Inspector to service just the Town of Kingston Springs. Lawless stated a part-time inspector might be difficult to find and hiring for this position might not be a quick process. Mayor Gross commented that our current process was a convoluted with the Building Inspector not being the one approving permits. Vice-Mayor Remick said that ideally the permit fees would cover the cost of an inspector. City Attorney Perry said that state law allows municipalities to share inspector and that might be an option. Lawless said we don’t have a line item for building inspector, but we can get this on as a future agenda item when the time comes. Commissioner-elect Verhoven asked if we could talk with other municipalities about sharing an inspector, and Lawless said yes.

Process for Board communication with staff. Any questions from Commissioners should go directly to the City Manager. This will give the City Manager the opportunity to find the information or direct the Commissioner to the appropriate staff as necessary.

With regards to a letter recently written by Commissioner Clark to the City Manager, she said she did follow that process, and the City Manager disagreed in this particular case. Lawless stated the letter seemed to make accusations rather than ask questions. Commissioner Clark said she thought the issue mentioned in the letter was a potential Fourth Amendment right violation. Lawless stated that there was no request for information from him. The letter mentioned potential wrong-doing by Town and suggestion of amendment right violation. This is a serious accusation. Commissioner Clark said she operates best by putting things in writing. Vice-Mayor Remick said a phone call could have solved it. Commissioner-elect Hargis said we should come to an agreement on how to handle issues of constituent's complaint by stating "complaint from constituent" – then go directly to City Manager with questions. If not satisfied, then the issue goes before the Board where they can hear both sides. Chief Ivey added that if a citizen comes to commissioner with an issue, the commissioner should encourage the citizen to go to the City Manager. Mayor Gross stated that this item came out of a Planning Commission meeting discussion concerning the interference of day-to-day work of the staff. Mayor Gross stated that as Commissioners, our employee is the City Manager. We do not oversee staff of the Town of Kingston Springs. If we have problems with the staff, then we should go directly to the City Manager. Commissioner Clark stated that she did not feel she was interfering. Mike Patenaude, attending the meeting as Chair of the Planning Commission, suggested that specific issues should be reported to the City Manager; keep things to fundamental elements to seek the full story. City Planner Sharon Armstrong spoke of a situation where a City Commissioner sat in on a meeting with a permit applicant. There should not be a situation where staff should have City Commissioners sitting in on a meeting as it is inappropriate for staff to be sitting down with individual Commissioners and applicants. Commissioner Clark said that the complaint was brought to her by a constituent. City Attorney Perry stated that Ms. Armstrong were several hats as City Planner as well as permit review. Perry stated that if there is a complaint as City Planner then it should be directed to the Planning Commission. If there is a complaint regarding permitting, then it should be directed to the City Manager. Commissioner-elect Verhoven asked if there was any process the Commissioners should be following. Perry said the Commissioners represent the whole town, and any issues should be directed to the City Manager. Perry cautioned Commissioners on providing answers directly to constituents and said it was best to let the appropriate staff provide the answers.

17. Surplus:

Fire Department – 2 sections for 1¾ inch hose – Discard

Motion to discard fire hose made by Vice-Mayor Remick with a second by Commissioner Clark. Motion approved.

18. Other (For Discussion Only):

None

19. Reminders:

- City Hall will be closed the afternoon of Friday, December 16th for staff luncheon.
- Monday, December 19th the Town of Kingston Springs, along with surrounding communities, will be recognized by the Cheatham County Commission for work and dedication related to the tornadoes that hit Cheatham County on December 11, 2021.
- City Hall will be closed Friday, December 23rd and Monday, December 26th for the Christmas Holiday, and Monday, January 2nd for the New Year's holiday.

20. Recess Meeting:

Motion to recess the meeting made by, with a second by Vice-Mayor Remick with a second by Commissioner Clark. Motion approved Meeting recessed at 10:09 pm.

Friday, December 17, 2022, 2:00 p.m.

Cheatham County Mayor McCarver swore in newly elected Commissioners Mike Hargis and Todd Verhoven.

Monday, December 19, 2022

- Mayor Gross calls the meeting back into session at 6:00pm.
- Gross turns the meeting over to City Manager Lawless for selection of Mayor. Lawless opens the floor to nominations for Mayor. Commissioner Hargis nominates Tony Gross. Commissioner Clark nominates Mike Hargis. Motion to cease nominations for Mayor made by Verhoven and seconded by Gross. City Manager Lawless stated that Tony Gross and Mike Hargis were the nominations, and a voice vote was held for nomination of mayor:
 - Verhoven – Gross
 - Remick – Gross
 - Hargis – Gross
 - Gross- Gross
 - Clark – HargisCity manager Lawless then turns the meeting over to Mayor Gross.
- Mayor Gross opens nominations for Vice-Mayor. Hargis nominates Remick and Clark nominates Verhoeven. Motion to cease nominations for Mayor made by Hargis and seconded by Clark and voice vote was held for nomination of vice-mayor:
 - Verhoven – Remick
 - Remick – Remick

- Hargis – Remick
- Gross – Remick
- Clark – Verhoven

Glenn Remick appointed as Vice-Mayor

- City Attorney requests that the meeting rules be suspended to add two agenda items.
 - New Business item I. – Second South Cheatham Utility District easement agreement with Conatser property and waiving of Town objection to distribution of funds.
 - New Business Item J. – Performance Bond with Energy Fit Solutions – Ellersly Subdivision.

Motion to suspend the rules made by Hargis, seconded by Clark, and approved unanimously.

- **New Business item I. - Second South Cheatham Utility District easement agreement with Conatser property and waiving of town objection for court distribution of funds.**

Motion to authorize the City Attorney to execute an agreed order or any other documentation to allow the completion of this case and court disbursement of \$800.00 to the property owner. Motion made by Clark, second by Hargis and approved unanimously.

- **New Business item J. - Performance Bond with Energy Fit Solutions – Ellersly Subdivision**

Motion to approve the Performance Bond with Energy Fit Solutions to the Town of Kingston Springs for \$488,752.00 contingent on the draw location for the bond being established made by Hargis, seconded by Verhoven. Voice vote held with Commissioner Clark voting yes, Mayor Gross voting yes, Commissioner Hargis voting yes, Vice-Mayor Remick voting yes, and Commissioner Verhoven voting yes. Motion passed.

- Motion to adjourn made by Vice-Mayor Remick, with a second by Commissioner Hargis and meeting adjourned at 6:11pm.

Francis A. Gross, III
Mayor

Jamie Dupré
City Recorder