



**Kingston Springs Board of Commissioners
Regular Business Meeting Agenda
December 16, 2021**

1. Call to Order:

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

2. Pledge of Allegiance:

3. Roll Call:

Board Members in Attendance:

Carolyn Clark, Commissioner	Present
Tony Gross, Mayor	Present
Mike Hargis, Commissioner	Absent
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
Eugene Ivey, Police and Fire Chief	Present
Brandy Miniatt, Parks Director	Present
Kellie Reed, Financial Director	Absent

4. Declaration of Quorum by Mayor

Mayor Gross declared a quorum, and welcomed Bob Stohler to the Board of Commissioners.

5. Motion to Approve the November 18, 2021 Public Hearing Meeting Minutes

Motion to Approve the November 18, 2021 Public Hearing Meeting Minutes made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion passed unanimously.

6. Motion to Approve the November 18, 2021 City Commission Meeting Minutes:

Commissioner Clark motioned to amend the minutes to include comments she made that were omitted in the November 18, 2021 Minutes. Under Section 8, Announcements from Commissioners, she thanked Doug Winters for contacting Senator Kerry Roberts and helping get rumble strips for East Kingston Springs Road. Clark contacted Williamson County Roads Superintendent Hood regarding need for striping on Kingston Road, and learned that Kingston Road was scheduled for repaving and striping. Section 13 her comments on survey she

conducted regarding speed limit on Mt. Pleasant was not included. Commissioner Clark discussed speeding options with residents on Mt. Pleasant and many people were not in favor of having Mt. Pleasant's speed limit raised to 35 mph, and wanted it to remain at 30 mph. Section 13, outcome of discussion was that East Kingston Springs Road will remain at 35 mph; West Kingston Springs Road raised to 35 mph. Collector Streets (Mt. Pleasant, Harpeth View Trail, and CC Road) will be 30 mph, and residential/local roads, including Main Street will be reduced to 20 mph. Motion to Approve the November 18, 2021 City Commission Meeting Minutes as amended made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion passed unanimously.

7. Motion to Approve the December 16, 2021 City Commission Meeting Agenda:

Mayor Gross said the agenda will change by having Legal Updates after the Reminders, due to Attorney-Client meeting. Motion to Approve the December 16, 2021 City Commission Meeting Agenda as amended made by Vice-Mayor Remick, with a second by Commissioner Clark. Motion passed unanimously.

8. Announcements from Commissioners:

Mayor Gross thanked the Town's First Responders, Public Safety, and Public Works for tremendous work following the tornados. He was proud of how the Town was coming together to help. He also thanked Todd Verhoven for flipping burgers while his crew at Hunt Brothers Pizza made pizzas, and Lesley Mortimer-Wallace for feeding tornado victims, first responders and volunteers at The Land. The County has done a great job helping victims.

Commissioner Clark thanked her neighbors on Ridgecrest for coming out with chain saws to help clear downed trees.

Vice-Mayor Remick said it takes a village to help with cleanup and the town was responding. He also said the Tractor Parade was wonderful, and thanked the town. City Manager Lawless said credit goes to Parks Director Miniati and the Public Works Crew.

Commissioner Stohler thanked the mayor and commissioners for his appointment to the Board of Commissioners.

Mayor Gross added that Todd Verhoven will be replacing Bob Stohler on the Planning Commission, and Mike Hargis will now be the Board of Commissioners representative to the Planning Commission.

9. Community Input and Concerns:

Debbie Finch, Blue Bird Circle, reported that the picture/history project was now complete and pictures were hung in the Beck Meeting Hall. She hoped the public will enjoy it as much as she enjoyed putting the project together. This was her last meeting before fully retiring, and she thanked board for opportunity to work here, and said the last 33 years have been one of the

great joys for her. She has been proud to be a part of the team and it was an honor to work with the Board. Mayor Gross thanked her, and said Debbie had been instrumental in adding to his knowledge of municipal government, and someone he could call on.

10. Department Reports:

City Manager Lawless stated that the Town was relatively unscathed by the tornado, but has played a support role with Cheatham County. He commended Public Safety/First Responders and Public Works for stepping up and helping the county.

Lawless announced that TDEC will hold a Public Hearing in the Activity Center at Burns Park to hear public comment on the ARAP Permits for the Golf Club of Tennessee and the Golf Club of DBI LLC, on January 11th at 5:00 pm.

Lawless also commended Debbie Finch on the history project and doing a fantastic job with the pictures. He also thanked her for her 33 years of service.

11. Legal Updates:

Moved to after Reminders for Attorney-Client Privilege meeting.

12. Unfinished Business:

A. Motion to Rescind previously adopted Motion approving the obtaining of the 12-year loan and the 3-year loan for the purpose of clarifying loan amounts and separating into two separate loan groups the Multimodal and Safe Routes to School projects and the TAP Grant project.

City Attorney Perry said this motion is to cleanup and clarify the motion made last month regarding loans needed for outstanding grant projects. The motion from the November 2021 meeting was an approval of loans for all three grants, even though we did not have specific costs for the TAP Grant. Attorney Perry stated we were given preferred resolutions by the lender Tennessee Municipal Bond Fund that are items on this month's agenda. It will now be covered in two separate resolutions approving loans for Multimodal, Safe Routes to Schools– one for city portion and one for the state portion. The TAP Grant will be addressed at a later date once actual costs are known. Motion to Rescind previously adopted Motion approving the obtaining of the 12-year loan and the 3-year loan for the purpose of clarifying loan amounts and separating into two separate loan groups for the Multimodal and Safe Routes to School projects made by Vice-Mayor Remick, with a second by Commissioner Stohler. Roll call vote was held with Commissioner Clark voting yes, Mayor Gross voting yes, Commissioner Hargis absent, Vice-Mayor Remick voting yes, and Commissioner Stohler voting yes. Motion passed unanimously.

B. Motion to approve Resolution 21-015 – Authorizing the issuance of interest bearing transportation improvement capital outlay note from the Tennessee Municipal Bond Fund in an amount not to exceed \$370,000 attributable to the Town for the Multimodal and Safe Routes to Schools grant projects at the interest rate of 2.25%, authorizing the Mayor to execute the Capital Outlay Note and other loan and closing docs, and approving the expenditure of the closing costs related to the loan, not to exceed \$500.00.

City Attorney Perry said that the interest rates listed are different than what was discussed last month. This is to execute notes up to that amount. Right now, rates are what we discussed last time. If we don't draw on this until February 16th, rates will be at the higher rate, but we can't go over the 2.25%. Rates aren't locked in until note is issued. This will also apply to Resolution 21-016 as well. Commissioner Clark asked if it mattered that one resolution spells out that the note is for Safe Routes and Multimodal and the other doesn't. Perry said the resolutions were drafted by Tennessee Municipal Bond Fund as to what they wanted. Motion to approve Resolution 21-015 – Authorizing the issuance of interest bearing transportation improvement capital outlay note from the Tennessee Municipal Bond Fund in an amount not to exceed \$370,000 attributable to the Town for the Multimodal and Safe Routes to Schools grant projects at the interest rate of 2.25%, authorizing the Mayor to execute the Capital Outlay Note and other loan and closing docs, and approving the expenditure of the closing costs related to the loan, not to exceed \$500.00 made by Vice-Mayor Remick, with a second by Commissioner Stohler. Roll call vote was held with Commissioner Clark voting yes, Mayor Gross voting yes, Commissioner Hargis absent, Vice-Mayor Remick voting yes, and Commissioner Stohler voting yes. Motion passed unanimously.

C. Motion to approve Resolution 21-016 – Authorizing the issuance of interest bearing transportation improvement capital outlay note from the Tennessee Municipal Bond Fund in an amount not to exceed \$997,000 attributable to the Town for the Multimodal and Safe Routes to Schools grant projects at the interest rate of 1.83%, authorizing the Mayor to execute the Capital Outlay Note and other loan and closing docs, and approving the expenditure of the closing costs related to the loan, not to exceed \$500.00.

City Attorney Perry said this one has an interest rate not to exceed 2%. Commissioner Clark questioned why 12 years is listed instead of three in the resolution. City Attorney Perry said that we are getting it at 3-year term, but because the economic life of the project is 12 years, it is listed that way. Motion to approve resolution 21-016 – Authorizing the issuance of interest bearing transportation improvement capital outlay note from the Tennessee Municipal Bond Fund in an amount not to exceed \$997,000 attributable to the Town for the Multimodal and Safe Routes to Schools grant projects at the interest rate of 2%, authorizing the Mayor to execute the Capital Outlay Note and other loan and closing docs, and approving the expenditure of the closing costs related to the loan, not to exceed \$500.00 made by Vice-Mayor Remick, with a second by Commissioner Stohler. Roll call vote was held with Commissioner Clark voting yes, Mayor Gross voting yes, Commissioner Hargis absent, Vice-Mayor Remick voting yes, and Commissioner Stohler voting yes. Motion passed unanimously.

13. New Business:

A. First reading of Ordinance 21-013 – Amending Ordinance 21-006 – 2021-2022 Budget.

City Manager Lawless said this ordinance is being done because the Town is receiving funds from insurance and grants for American Rescue Plan and allocating those funds to the different departments for use. Commissioner Clark asked about the funds for the cleanup of the park debris coming from the fund balance. Lawless said that is money that has not been budgeted, but money that needs to be expended to clean up storm debris from March flooding. We anticipate being reimbursed by FEMA and the state for the cleanup expenses, but cleanup has to be done, so we need to expend funds. Motion to approve first reading of Ordinance 21-013 – Amending Ordinance 21-006 – 2021-2022 Budget (\$18,250 for parks for flood debris cleanup; \$20,584 insurance reimbursements: \$9,692 to sewer fund and \$10,892 to general fund for parks, streets, fire and police departments; \$707 from Reliant Bank for senior luncheon; \$15,720 to police department from surplus items; \$2,500 Driver Safety Grant from Public Entity Partners for streets department, and \$404,569 from American Rescue Plan to the Sewer Fund) 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, Commission Hargis absent, Vice-Mayor Remick voting yes, and Commissioner Stohler voting yes. Motion passed unanimously.

B. Discussion and staff direction for spring 2022 road paving projects.

City Manager Lawless said the town has identified two areas in need of repair for the spring 2022 road paving projects: Option 1: Burns Park Parking Lot and Walking Track and Option 2: Mt. Pleasant Road between Merry Log and Downtown. Both projects have a similar cost, which is strictly an estimate from our engineering firm. Staff recommends paving Burns Park parking lot and walking trails, and requests permission from board to initiate work with Collier Engineering to request bids. Clarification was given that the paving included track around soccer fields. Option 2 Merry Log has potholes that can be repaired now, but it does need to be on short list for paving. Another on the short list is Harpeth View Trail, but we are waiting on the Safe Routes to School Project to be done before repaving. Both Mayor Gross and Vice-Mayor Remick were in favor of paving project at Burns Park, saying it is utilized by more citizens. The track has some sections that are unsafe. Commissioner Clark disagreed, and felt that based on Chief Ivey's stats from last meeting that more people used Mt. Pleasant Road than the park. She said we have put over \$300,000 in the park in the last year-and-a-half. There are safety issues for that section of Mt. Pleasant. The road can't be seen due to no markings. She also asked about markeings for additional roads as add-ons. It was pointed out that the add-on was for striping. City Manager Lawless said we were waiting to see if we would have a paving project in order to do striping, because it is cheaper to stripe if the company is doing other projects at the same time. Commissioner Clark asked about combining several striping projects into one project to get reduced rates. Commissioner Stohler asked if Burns Parking lot would be milled and an overlay. Lawless stated the parking lot has probably

deteriorated to the point where it couldn't be milled. Vice-Mayor Remick felt Burns Park saw more traffic than the section of Mt. Pleasant between Merry Log and downtown. Motion to authorize City Manager to seek bids for paving of Burns Park parking lot with add-on of striping for multiple roads made by Vice-Mayor Remick, with a second by Commissioner Stohler. Commissioner Clark asked if we should lock-in on striping before voting. Lawless said primary project would be Burns Park and potential add-ons would be striping on various roads around town, and bring that information back to commissioners once we receive bids for direction on whether we do main project and the add-ons or just the main project, depending on what costs are. Commissioner Clark asked if we can lock it in so that there will be striping projects. Mayor Gross and Commissioner Stohler said we should seek bids with and without striping. The amended motion is to authorize City Manager Lawless to seek bids on Option 1, and also striping Ridgecrest, Patterson, West Kingston Springs Road, CC Road, and down the hill by old school on Mt. Pleasant. Motion and second remain. Roll call vote was held with Commissioner Clark voting yes, Mayor Gross voting yes, Commissioner Hargis absent, Vice-Mayor Remick voting yes, and Commissioner Stohler voting yes. Motion passed unanimously.

C. Discussion on codes enforcement appeals process. Sponsored by Commissioner Clark.

Commissioner Clark said she had discussed with City Attorneys Perry and Noe in August issues regarding the Codes appeals process. Clark stated the issued letters of violation do not have any mode of appeal, and the ordinances state that notice shall inform property owner of right to appeal. The IPMC code also states that written notice shall inform property owner of right to appeal. There are also issues with the appeal itself. The notice of violation letters going out do not include that. Commissioner Clark wanted to see if that could be fixed. Clark stated the second issue is the appeals process itself. We have two different regulations. The property regulations, which rescinds the right to appeal, and the IMPC Code, which says you have to have an appeal process. Commissioner Clark wanted to know how that fits in with our ordinance that indicates someone can appeal violations in court. She said she was told in order to appeal, all one had to do was write "I appeal" on a piece of paper, and that would suffice as an appeal. According to Clark that was done for the Patterson appeal, and they were told they didn't have the right to appeal, followed by a letter stating that appeal was sent to the Board of Construction Appeals, which she believed reviewed Stop Work Orders. Clarification on the appeals process is needed if you want people to have the right to appeal, and we need clarification on who receives the appeal. She drafted an Appeals Form to see if it was something the board may want to adopt. Mayor Gross asked City Planner Armstrong to go over the appeals process and the enforcement process, and how it can be changed. City Planner Armstrong began by addressing the violation letters sent to Mr. Patterson and Mr. Sullivan. The letter to Mr. Patterson regarded the habitation of an unlawful structure. Under the City Code, Title 13, structures deemed unlawful do not have an appellate process. Because the structure is unlawful, you cannot occupy it. There is not appellate process other than to discuss it with the Codes Enforcement Officer. The second letter introduced (Sullivan) has to do with inoperable cars on a piece of property. That particular property is in violation of a standing court order, so there is no administrative appellate process for that. It goes back to the court

that issued the order, which in this particular case is the Chancery Court in Cheatham County, TN. It does not fall within our administrative appeal process nor does it fall within our Title 13, because it was issued by the Chancery Court of Cheatham County and not this jurisdiction. Commissioner Clark asked how the lack of appellate process rectified itself with our ordinances. Clark indicated it states you shall include a right to appeals process. How does it square off? Armstrong stated that if you look through Title 13, habitation of an unlawful structure is separate from the other codes, and as it is stripped out of Title 13, it addresses it by type of violation. As an example, if you don't mow your yard, you are contacted and asked to mow your yard. The city has established a 12-inch height for grass in your yard. If it is above 12 inches you are met on property and asked to mow the grass. If you don't respond to that, a formal letter is sent. When the formal letter is sent, the property owner is notified they have the ability to appeal. Their appellate process is before the same judge that would hear their case if they are cited to court. It delays the process, and from Armstrong's perspective, it presents more hardship than help, but they are entitled to appeal. In the case of the inoperable automobiles, that violator has an attorney. The City Planner has been in communication with the attorney. The property owner's attorney has advised him he is in violation of a court order on the property and his attorney has advised him to comply because it was issued by Chancery Court after a full trial. That is not staff alleging a violation, but notification that he is in violation of an order issued by a superior court to municipal court. In the case of unlawful structure, it is a life safety issue, and doesn't fall under an appellate structure. Because it is a life safety issue, if something happens to that resident living in an unlawful structure, liability would fall on the city to enforce. The City Planner said they are looking at Title 13. There seems to be some incongruity between Title 12 and Title 13. There needs to be better structure to the letters. In our codes software. They are uploaded based on code. The town has the ability to revise code. Commissioner Clark said she is more concerned with the lack of appeals process. She also said there needs to be clarification of who receives the appeal. Armstrong agreed that clarification is needed in the documents in the city's database system, and city is working to make those clarifications. At the time the question was asked in the one case, there was no mechanism other than you are allowed to appeal before the municipal judge. If you are already cited, that negates your appeal. You are given a window of time to do that. That response time is 20 days in writing. When you respond in writing there are rules within the property maintenance code of how that is done. You can't simply say I disagree. You have to have a legal basis to mount that appeal, as you do for board of zoning appeals, etc. The basis of the appeals has to be rooted in the code itself. Commissioner Clark asked if any thought had been given to having hearing examiner be an independent person. Armstrong said that what can be done is going to municipal judge and alleging an error. If there isn't an error, then judge will deny appeal. Clark said that is not spelled out in codes now. Armstrong agreed and said that is what needs to be in the letter and the basis for appeal. Armstrong added, that there is no mechanism in Title 13 that stops the collection of fines during that period of the appeals process. In some cases, it mounts an additional hardship on the property owner because fines accrue during that period. Codes Enforcement tries to get voluntary compliance because it is the least insult to the property owner. If you can't get compliance, you send an official notice of violation, and the appellate process, if there is one, should be noted in the letter. If that doesn't work, you cite them to court and there is

a hearing. If no forward movement has been made, it is standard for the judge to grant the order you are asking for. That, in turn, can visit more hardship on property owner. Armstrong said there will be a meeting on Monday to determine within appropriate sections of code where the appellate process is. Commissioner Clark stated that in some of the code it lists a hearing examiner. Who is the hearing examiner? Armstrong said that the hearing examiner determines whether or not there is a violation. Commissioner Clark asked about fee for applying to Board of Zoning Appeals, stating that it makes it essentially a fine to appeal. Armstrong said that Board of Zoning Appeals is under a different structure. Board of Zoning Appeals hears things that are tied directly to the land. They do not hear extenuating circumstances or hardships. They are prohibited from hearing that. Appeals are tied by the zoning ordinance itself. It is tied to the land and not individual itself. Mayor Gross said he believed the Board of Commissioners had the authority to waive fees. Armstrong stated that in this case the board did not have the power to waive fees, only the judge can waive fees. The purpose of property maintenance standards and the way it is structured, is to relieve the City Commissioners of the burden of hearing those cases. It has municipal court or administrative hearing officer. If it is a zoning violation it is a Chancery issue. Armstrong said that what we want to do is resolve the issue as quickly as we possibly can. Regulations now mirror state statute, \$50/day per incident. For every code discussion there is the property owner and the neighbor. The codes enforcement officer is trapped in the middle of this discussion. Codes enforcement has to be impartial. They can't do them on a case-by-case basis. They can only look at them based on if it is a violation or not, and they respond to compliance. Codes Enforcement Officer Mike Armstrong said that there was a concern with a 10-day window. By the time the person gets the letter, you are usually 30-40 days into the issue because they start out by talking with the property owner once or twice trying to get compliance, and notifying them that if they don't comply then a letter will be issued that starts a clock. There was not a system in place, and they are working on designing a process. Commissioner Clark asked if she could join the meeting with City Manager, City Planner and Codes Enforcement Officer as a representative of the people. City Manager Lawless said he would prefer that they be allowed to lay some ground rules, and then bring her on board later. She felt people should be involved in the planning. Mayor Gross said that the problem is that commissioners meet as a board, and the whole board couldn't attend the meeting because then it would violate the Sunshine Law. He added that the appeals process can be brought back to the board and they can have the discussion as commissioners, where the people can observe it. Staff meetings occur and things are brought to these meetings where commissioners have input. The people can't observe the staff meeting with Commissioner Clark attending. She is not the people in that sense. Commissioner Clark brought up the fact that the mayor had attended a meeting with City Manager to discuss the speed limit without the rest of the board. Mayor Gross said he was able to do that because he is the mayor.

D. Discussion on proposal of Town sponsored chipping/brush removal services.
Sponsored by Commissioner Clark.

Commissioner Clark said this was an idea Cynthia Collins brought to her and asked why we didn't have anything like Pegram, as far as chipper service. Commissioner Clark researched Pegram's service, and they have it twice a year, and on an as-need basis. Other

towns near us have a similar service. We could start out small with chipping service or brush removal. Commissioner Clark said this would be a great use of tax dollars where people would actually get a service. The town offers a lot of activities, but we don't offer much in services. Both the mayor and vice-mayor took exception to that comment, saying the town offers a lot of services, such as park services and, public works that maintains streets. Commissioner Clark said that was services provided by staff, not specialized services that an outside provider is going to give us. Commissioner Clark said she did not mean her proposal to be a slight against city staff, but about outside services we could provide, like Pegram and other towns, that contract it out. She thinks this is a good service to have. She contacted 30 people and has been contacted back by nine people. They thought it was a great idea. The cost estimate she received is approximately \$1800/day for 40-50 homes a day using chipper and two chipper personnel. We could also contract them to use the mulch, and if it becomes popular, use it to collect Christmas trees. Commissioner Stohler felt we should figure out where the money is going to come from first. Commissioner Clark said it would be \$1800 for one day. City Manager Lawless said we estimate 1200 households in Kingston Springs. To provide that service for everyone it would be \$48,000. Mayor Gross said he liked the idea, but we needed to explore the costs. You have to offer the expectation that everyone would be able to use the service, which means you would be looking at \$48,000. You can't just offer it to 40 homes, you have to make sure the ability is there to service every single home. City Attorney Perry said if you had a hardship day declaration, then you have a bunch of people that have items to be chipped, you could do it that way. But you can't just have carte blanche and place your brush at curb side for collection, it has to be offered across the board. Perry said Pegram's as needed basis was for situations when you have an ice storm or wind storm, and tree service is on-call to clean it up. Mayor Gross said Dickson did pick up for everyone. Chief Ivey said Dickson has its own tree service. It is a staff provided service, not contracted out. Mayor Gross said he was in favor of looking at numbers and finding out what Pegram does. City Attorney Perry said if she recalled correctly, Pegram bid out the project and received a price for the two days a year and an add-on price for the as-needed service. Mayor Gross liked the idea of having two days to offer service, but presumably you would only service approximately 40-50 houses. City Attorney Perry said if you are going to look at doing it on a certain day, then you are not going to be able to offer curb side pick-up all-over town and be inclusive of everyone. If you want to set up on a particular day, then you tell residents to get their shrubbery or limbs to x-point, and someone will be here to shredded it. That is how you can accomplish having a one-day service. Commissioner Clark said people would have to call in and get on the schedule. Mayor Gross said you would have two days to service only 80 houses. He asked if that would be equitable. Perry said if you are a tax payer who is not in the first 80 callers, and your dollars are paying to shred your neighbor's trees, that is not equitable. Commissioner Clark said we need to have it so people sign up. Perry said you need to anticipate having the option so that all houses that wanted to sign up can be accommodated. Mayor Gross said we will find out more information from Pegram's mayor on how they do the chipping service.

14. Surplus:

- None

15. Other (For Discussion Only):

16. Reminders:

- City Hall will be closed Friday afternoon, December 17th for staff luncheon and meeting.
- City hall will be closed Friday, December 24th and Monday, December 27th for the Christmas Holiday, and Friday, December 31st for the New Year's Day Holiday.
- New Year's Day 5-K at the Park

Recess for Attorney-Client Privilege

Motion to go to Attorney-Client Privilege made at 8:14 pm by Commissioner Stohler, with a second by Vice-Mayor Remick. Motion passed unanimously.

Motion to return to session made by Commissioner Stohler, with a second by Vice-Mayor Remick. Motion passed unanimously. Board of Commissioners meeting returned to session at 8:39 pm.

Motion by Commissioner Clark to authorize City Manager or City Attorney to enter into Agreed Orders with Second South Cheatham regarding Second South Cheatham lawsuits authorizing easement to Second South Cheatham not to interfere with Town easements for existing and future litigation. Motion seconded by Vice-Mayor Remick and motion passed unanimously.

17. Adjourn the Meeting:

Motion to adjourn the meeting made by Commissioner Stohler, with a second by Commissioner Clark. Motion passed unanimously. Meeting adjourned at 8:41 pm.

Francis A. Gross, III
Mayor

Jamie Dupré
City Recorder