



**Kingston Springs Board of Commissioners
Regular Business Meeting Minutes
February 17, 2022**

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	Absent
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
Eugene Ivey, Police and Fire Chief	Absent
Brandy Miniatt, Parks Director	Present

4. Declaration of Quorum by Mayor

Mayor Gross declared a quorum.

5. Motion to Approve the January 20, 2022 Public Hearing Meeting Minutes:

Motion to Approve the January 20, 2022 Public Hearing Meeting Minutes made by Vice-Mayor Remick, with a second by Commissioner Hargis. Motion passed unanimously.

6. Motion to Approve the January 20, 2022 City Commission Meeting Minutes:

Motion to Approve the January 20, 2022 City Commission Meeting Minutes made by Vice-Mayor Remick, with a second by Commissioner Stohler. Motion passed unanimously.

7. Motion to Approve the February 17, 2022 City Commission Meeting Agenda:
Motion to Approve the February 17, 2022 City Commission Meeting Agenda made by Commissioner Hargis, with a second by Commissioner Stohler. Motion passed unanimously.

8. Announcements from Commissioners:
Vice-Mayor Remick commended city workers for keeping up the roads and filling potholes.

9. Community Input and Concerns:
Former Commissioner Joshua Eatherly was presented an award commemorating his service on the Kingston Springs Board of Commissioners.

David Risner, Attorney for Energy Fit Solutions, Inc., commented on actions of the Planning Commission regarding Ellersly Development.

10. Department Reports:
Vice-Mayor Remick asked for clarification on report for plows ordered for the Town Ranges to assist in snow and ice clearing. City Manager Lawless said it was a typo, and should be Rangers (side-by-side). Plows were ordered for the Rangers to help with snow removal. Snow plows are on big trucks for larger streets and the Rangers would be used for smaller side streets.

11. Legal Updates:
None

12. Unfinished Business:

A. Second reading of Ordinance 22-001 – Establishing Speed Limits on certain roads within the town limits of Kingston Springs.
Speed limits approved earlier are: East Kingston Springs Road will remain at 35 mph; West Kingston Springs Road will be raised to 35 mph. Collector streets (Mt. Pleasant, Harpeth View Trail, and CC Road) will be 30 mph, and residential/local streets including Main Street, will be reduced to 20 mph. Motion to approve Second reading of Ordinance 22-001 – Establishing Speed Limits on certain roads with the town limits of Kingston Springs made by Vice-Mayor Remick, with a second by Commissioner Hargis. Roll call vote was held with Commissioner Clark absent, Mayor Gross voting yes, Commissioner Hargis voting yes, Vice-Mayor Remick voting yes, and Commissioner Stohler voting yes. Motion passed.

13. New Business:

A. Discussion on offering use of the Beck Meeting Hall and Burns Park Activity Center and waiving usage fees for the Burns Park Activity Center for the Cheatham County UT Agriculture Extension office for periodic training sessions. Ronnie Barron, Extension Agent and Cheatham County UT Agriculture Extension Office Director.

Ronnie Barron of the UT/TSU Extension Office spoke about their programs and the need for a location for educational programs in South Cheatham. Other members of the Cheatham County Extension Office also in attendance were: Tammi Fralick, Aneta Eichler, and Sierra Knaus. Tammi Fralick spoke about the need for space that also included restrooms and a kitchen for 4-H programs. Attorney Perry said they would need to provide insurance with the Town of Kingston Springs as an additional insurer. Mayor Gross asked that staff work with Extension Office to come up with something more concrete for plans for the next couple of months. He was not in favor of bumping the Extension Office for a rental after the date had already been confirmed for Extension Office, since their programming benefits the community. The Extension Office staff said registration for events are done two to three months in advance, and having to change at last minute would be hard on families. The mayor asked that Town staff and Extension staff coordinate schedules to find dates that work.

B. Janet Walker, South Cheatham Public Library.

Janet Walker, Director of the South Cheatham Public Library announced her retirement at the end of July. She spoke of the great relationship the library has had with the Town and community. She thanked the Commissioners and the Town for their support over the years. She will be working a couple of days a week to mentor her replacement. Mayor Gross said the library is one of the most special places in Kingston Springs and Janet Walker is a big part of making it a special place.

C. Consideration of adoption of the Kingston Springs Regional Planning Commission recommendation for the Ellersly Subdivision – Ron Merville PUD Agreement to Include:

- **Timeline of PUD for Phase 1 Completion – One (1) year from date of fully executed PUD Agreement and Development Plan.**
- **Grading, Soil and Erosion Plan & SWPPP implementation will be completed within one (1) year from date of fully executed PUD Agreement and Development Plan.**
- **Phase 2 and Phase 3 are not included in the PUD Agreement and Development Plan.**
- **The Developer will supply a Performance Bond with the Town of Kingston Springs as the Holder of the Bond in the amount of \$390,000.00.**
- **The Grading, Soil and Erosion and SWPPP for Phase 1 and the undeveloped areas of Phase 2 and Phase 3, including paving, guttering and all other public areas with 99% of lots under current developer control in Phase 1 completed within 12 months subject to approval of grading, soil and erosion, and stormwater plans by an independent engineer currently under review.**

Mayor Gross said the Commissioners have to either accept or reject recommendation of the Kingston Springs Regional Planning Commission regarding the Ron Merville PUD Agreement and indicated any changes requested by the board of Commissioners would need to go back through the Planning Commission. He said that some of the things Mr. Risner spoke about earlier in the meeting probably should have been initially heard at a Planning Commission prior to this. City Planner Armstrong said the Ellersly subdivision began almost 15 years ago. It was an approved subdivision and any change to the PUD should have been done by going through Planning Commission. She stated the completion deadline for the development has passed. Some of the issues with the development are related to proper stormwater management and completed infrastructure and residents have the right to have finished streets with no flooding. Mayor Gross said extending the 12-month timeline for several months because we are going into a rainy season as Mr. Risner has suggested, means another rainy season that people will have to suffer the consequences as a result of this drainage issue. Planner Armstrong said the base areas for the roads have eroded, and there needs to be installation of sufficient storm water controls that are not hampering the people who live there, nor causing a public safety issue on West Kingston Springs Road. Water is forming trenches and overtopping the ditch onto West Kingston Springs Road and the town has the duty to enforce the ordinances. Armstrong indicated that some parcels transferred to Energy Fit Solutions, Inc. two years ago and the two lots owned by Energy Fit Solutions, Inc. are under stop work orders. City Attorney Perry said the transfer of lots through a quitclaim deed doesn't transfer the development rights and obligations. Those rights are attached to whomever the development agreement is with. If the intent is for Energy Fit Solutions to be the developer, there needs to be some kind of instrumentation to do that, which brings us back to if we are going to have a PUD agreement with Energy Fit Solutions as the developer, it is going to have to go back to the Planning Commission for them to make the name change and include the transfer of rights and obligations. Armstrong said Mr. Ron Merville signed the initial PUD agreement as an individual. He sought approval as an individual. He sought bonding and a letter of credit as an individual. He sought permits and infrastructure work as an individual. Now the City Commission is being asked to overrule the Planning Commission to change this and enter into an agreement with a totally different entity that has zero liability at this point for what's on the map. Attorney Perry said that with the transfer of development rights, you also have to transfer rights and obligations. Armstrong said because of the history of this property and what has occurred, she has very little confidence in the forward movement of this entity in carrying out the development obligations. The entity that we are being asked to accommodate as the new PUD partner to the town has stop work orders on projects that are under construction now. The two lots they own are the subject of stop work orders because what they are doing on those lots was creating more storm water runoff. If there are going to be changes to this PUD, we will be delaying it for another month to send it back to the Planning Commission. Then it will come back to this Commission for reconsideration. Armstrong also responded to Mr. Risner's comments about the amount of the bond. She said the city establishes and sets bonds. The city doesn't establish and set bonds with the consent of the developer, or with the calculations provided by the developer. It is done with a very simple formula to calculate the amounts. It is a rare occasion for a developer who has not performed, to then to appear before this body after all

this time through his attorney to ask for concessions while there is an ongoing violation filed against the property. The terms were thought out very carefully over a period of 3.5 years. Mayor Gross said the information presented by Mr. Risner, attorney for Energy Fit Solutions, Inc., could have been presented to the Planning Commission, and was not. This issue needs to be resolved. Commissioner Hargis said we have come a long way to get here, and felt the City Commission should adopt the Planning Commission's recommendation, and get this fixed. It is way overdo. Commissioner Stohler motioned to adopt the Planning Commission's recommendation for the Ellersly Subdivision in its entirety. Vice-Mayor Remick seconded the motion. City Attorney Perry asked that it be amended to say the adoption of the development agreement in its entirety as drafted by City Planner and Attorney and executed by City Manager. First and second motions remained for amended motion. Motion passed unanimously.

D. Discussion on FEMA Fixed Cost Offer related to Acorn Court Pump Station project.
City Manager Lawless hoped to have an update tonight. Town Staff and engineer met with the insurance adjuster's engineer, and assessment has been given to the insurance company, but the totals are not ready yet. Commissioner Hargis asked about process. Lawless said the pump station was on the insurance schedule for approximately \$250,000, but we have an umbrella type policy and it is not capped at that amount. Insurance pays dollar for dollar. FEMA pays 75% on the dollar. At this time no action is needed.

E. First reading of Ordinance 22-002 – Amending Kingston Springs Municipal Code Title 16, Chapter 2 – Excavations and Street Cuts.
City Manager Lawless said this ordinance deals with road repair due to street cuts by utilities, primarily Second South Cheatham. In the past we had a paving contractor for the street cut repairs and would pass on the cost to the utilities. We have not had a contractor because the small nature of these repairs is costly, and contractors do not want to do the small jobs. The change would allow the utilities to let us know they need to make repairs using their contractor, under guidance from the city. Motion to approve first reading of Ordinance 22-002 – Amending Kingston Springs Municipal Code Title 16, Chapter 2 – Excavations and Street Cuts made by Commissioner Hargis, with a second by Commissioner Stohler. Motion passed unanimously.

F. First reading of Ordinance 22-003 – Amending Kingston Springs Municipal Code Title 12, Chapter 3 – Property Maintenance Code, and Title 13 – Property Maintenance Regulations.
City Manager Lawless said we are updating to provide consistency in our Municipal code enforcement. Commissioner Hargis asked what was being amended. City Attorney Perry said the process was being streamlined to be a consistent enforcement process. The Administrative Hearing Officer (AHO) is not an option in Title 12, but is an option in Title 13. Mayor Gross noted that we have never used the AHO for the enforcement process. Perry felt that the AHO comes in when there is a complicated issue or a commercial issue, and allows for a stiffer penalty. City Planner Armstrong felt that our violations are mostly simple ones. She has attempted to use the AHO in the past, and it was a complicated and inefficient process, and does not suit our needs. Perry said codes enforcement is at the

discretion of the codes official, and the AHO adds another option. Mayor Gross felt it was confusing to violators. Armstrong said it was an unnecessary layer. Mayor Gross felt the AHO needed to be moved out of the process. Motion to approve first reading of Ordinance 22-003 – Amending Kingston Springs Municipal Code Title 12, Chapter 3 – Property Maintenance Code, and Title 13 – Property Maintenance Regulations by making them the same and removing references to the Administrative Hearing Officer option, made by Commissioner Hargis, with a second by Vice-Mayor Remick. Motion passed unanimously.

G. Discussion on Tennessee Department of Agriculture Rural Business Development Grant and approval to submit Grant Application and Letter of Intent.

City Manager Lawless said staff met with representatives from the Tennessee Department of Agriculture to discuss their Rural Business Development Grant. The grant is awarded for up to \$50,000 for supporting local businesses. Initially, staff had thought to use it to improve signage at the I-40 interstate ramps to help travelers see Kingston Springs as an enticing place to stop and visit. This would require the need to include the mention of the different businesses in town and this is not the type of signage we wanted to install. After further discussion, it was decided that the purchase of a portable stage fit in well with the grant intent as it would be something that would expand our abilities to draw more visitors to our community and help support local businesses. If awarded, the town would like to use the money toward the purchase of a portable stage. The stage costs approximately \$80,000, and we would need to budget for the difference. He said they would like approval to submit grant application and letter of intent for the grant. Motion to approve submission of grant application and letter of intent for the Tennessee Department of Agriculture Rural Business Development Grant made by Vice-Mayor Remick, with a second by Commissioner Hargis. Motion passed unanimously.

H. Authorization to City Manager to sign attorney contract.

Motion to approve Authorization to City Manager to sign attorney engagement letter with Burr & Forman on behalf of the town made by Vice-Mayor Remick, with a second by Commissioner Stohler. Motion passed unanimously.

14. Surplus:

- City Hall – Folding Tables – Discard.
Motion to discard surplus folding tables made by Vice-Mayor Remick, with a second by Commissioner Hargis. Motion passed unanimously.

15. Other (For Discussion Only):

None

16. Reminders:

- Kingston Springs City Hall will be closed Monday, February 21st in honor of Presidents Day.

- Spring Soccer Sign-Up happening now through Friday, February 25th
- Kingston Springs Board of Commissioners Annual Retreat, March 18th and March 19th.

17. Adjourn the Meeting:

Motion to adjourn the meeting made by Vice-Mayor Remick, and passed unanimously.
Meeting adjourned at 8:50 p.m.

Francis A. Gross, III
Mayor

Jamie Dupré
City Recorder