



**Kingston Springs Regional Planning Commission
Meeting Agenda
April 13, 2023**

Submittal Deadline Date: March 10, 2023

The meeting was called to order by _____ at _____ pm.

1. Roll Call of Voting Members:

- Keith Allgood _____
- Tony Gross _____
- Mike Hargis _____
- Lauren Hill _____
- Mike Patenaude _____
- Chuck Sleighter _____
- Marie Spafford _____
- Bob Stohler _____
- Tony Thompson _____
- Craig Kitch _____

2. Non-Voting Staff:

- Sharon Armstrong _____
- Dan Smola, P.E. _____ (Attends at Request of Planning Commission)

3. Ex Officio Attendance:

- John Lawless, City Manager _____
- Attorney _____ (Attends at request of Planning Commission)

4. Declaration of Quorum by Chairperson.

5. Planning Commissioner Members

- A. Chuck Sleighter – Retirement
- B. Mayor Tony Gross Appointment of Craig Kitch to KS Regional Planning Commission

6. Nomination and Election of KS Regional Planning Commission Secretary

- A. Chairman calls for nominations
- B. Vote on nominees

7. Motion to approve March 9, 2023, Planning Commission meeting minutes.
8. Minutes, Recommendations - KS Regional Planning Commission Committee on Administration and Staff special called meeting on Wednesday, March 15, 2023 minutes.
9. Motion to approve April 13, 2023, Planning Commission meeting agenda.

10. Community Input

Public Comments shall be:

- a. limited to three (3) minutes for all regular agenda items and items removed from the Agenda and an overall time limit for all comments on an agenda item to ten (10) minutes unless extended by vote of a majority of the Planning Commission
- b. The Chairman shall limit comments to the Agenda items, to relevant, non-repetitive comments and shall restrict comments that are disruptive in nature.

11. Declaration of Conflict(s)

In the event that any member shall have a personal interest of any kind in a matter then before the Kingston Springs Municipal-Regional Planning Commission, she/he shall disclose his/her interest and be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that no vote was cast by such member.

12. Old Business

- A. Ellersly Performance Bond and PUD agreement – Update.
- B. The Golf Club of DBI LLC.
 1. Staff Inspection Report – March 9, 10, 17, 24, and 31 2023 Site Inspection.
 2. Stop Work Order issued 28 February 2023 (Progress Reports)
 3. Consideration of request to lift Stop Work Order
- C. The Golf Club of Tennessee.
 1. Stop Work Issued for GCTN Permits on DBI, LLC Site
 - a. Consideration of request to lift Stop Work Order
- D. KS Regional Planning Commission Bylaws
 1. Reconsideration of Bylaws with recommended admendments from the KS Regional Planning Commission Committee on Administration and Staff Meeting, 15 March 2023.

13. New Business

- A. Proposed Minor Subdivision - Harrison/Clark, Map 92, Parcel 101, R-1 Low Density Residential District, 377 E Kingston Springs Rd. (Request to defer to May).
- B. Proposed Minor Subdivision - Hill Property, Map 99, Parcel 71.01, E-1 Estates Zoning District, 1477 CC Rd. (In Kingston Springs UGB)(Request to remove).

- C. KS Regional Planning Commission Recommendation on Rezone Request to Cheatham County – 879 Pinnacle Hill Rd, Map 091, for a portion of Parcel 48 and Parcel 130 from E-1 Estates Residential District to C-3 – Rural Convenience Commercial District (Parcel removed from UGB (Request to remove from Agenda)).
- D. Town of Kingston Springs Plat – Acquisition of a portion of Map 91N, Grp D, Parcel 39.00 and replat of Map 91, Parcel 99 (Request to defer).
- E. Planning Services Contract with the KS Regional Planning Commission.

14. Other

- A. Open discussion regarding the concerns of citizens lying adjacent to the Golf Club of DBI, LLC project – Chairman Mike Patenaude, staff, citizens.

15. Motion to Adjourn.

The meeting was adjourned by _____ at _____ pm

Mike Patenaude, Chairman
KS Regional Planning Commission



**Kingston Springs Regional Planning Commission
Meeting Minutes
March 9, 2023**

Submittal Deadline Date: February 10, 2023

The meeting was called to order by Chair Patenaude at 7:00pm.

1. Roll Call of Voting Members:

Keith Allgood	Present
Tony Gross	Present
Mike Hargis	Present
Lauren Hill	Present
Mike Patenaude	Present
Chuck Sleighter	Absent
Marie Spafford	Present
Bob Stohler	Present
Tony Thompson	Present

2. Non-Voting Staff:

Sharon Armstrong	Present
Dan Smola, P.E.	Absent (Attends at Request of Planning Commission)

3. Ex Officio Attendance:

John Lawless, City Manager	Present
Martha Brooke Perry	Absent

4. Declaration of Quorum by Chairperson.

Chair Patenaude declared a quorum.

5. Motion to approve February 9, 2023, Planning Commission meeting minutes.

Motion to approve February 9, 2023, Planning Commission meeting minutes made by Keith Allgood, with a second by Tony Gross. Motion passed.

6. Motion to approve March 9, 2023, Planning Commission meeting agenda.

Motion to approve March 9, 2023, Planning Commission meeting agenda, made by Keith Allgood, with a second by Tony Gross. Motion passed.

7. Community Input

Public Comments shall be:

- a. limited to three (3) minutes for all regular agenda items and items removed from the Agenda and an overall time limit for all comments on an agenda item to ten (10) minutes unless extended by vote of a majority of the Planning Commission
- b. The Chairman shall limit comments to the agenda items, to relevant, non-repetitive comments and shall restrict comments that are disruptive in nature.

Scott Sommers, 795 South Harpeth Road. Mr. Sommers spoke about Golf Club DBI construction/South Harpeth Road. Mud continues to flow.

8. Declaration of Conflict(s)

In the event that any member shall have a personal interest of any kind in a matter then before the Kingston Springs Municipal-Regional Planning Commission, she/he shall disclose his/her interest and be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that no vote was cast by such member.

Chair Patenaude put this on the agenda so that everyone could see it as it stands in the bylaws. It had been in the bylaws and was inadvertently taken out in the revision.

9. Old Business

A. Ellersly Performance Bond and PUD agreement – Update.

City Planner Armstrong said the PUD agreement has been officially signed by all parties, and is ready to go. City Planner and City Manager will be meeting with developer and his attorney in the next week to begin process for grading the property behind finished structure.

B. The Golf Club of DBI LLC.

1. Inspection Report – March 2, 2023 Site Inspection.
2. Stop Work Order issued 28 February 2023

C. The Golf Club of Tennessee.

1. Stop Work Issued for GCTN Permits on DBI, LLC Site

City Planner Armstrong responded to items 9.B. and 9.C. together:

Armstrong reported that inspections indicate insufficient controls on site. March 3rd a stop work was issued because of failures on site. Armstrong met with ESPC rep and discussed causes. She received a list of things Golf Club of DBI intends to implement to address issues on the site and on the stop work order. Today she was on site. There are a significant number of trees down due to the storm. Golf Club is working with adjacent properties to remove trees. During the storm the road was blocked due to trees on road. Armstrong wants them to focus on the trees and the dirt that was not contained, to keep it out of the creek. She feels they are diligent in addressing issues. Earthwork is being done by a separate contractor than the soil and erosion control contractor. They will also remove storm debris affecting South Harpeth.

Blake Smith, contractor responsible for maintenance at the golf course and erosion control maintenance coordination among all the contractors working on all four projects, was available for questions. Armstrong said they have been very responsive to our engineer and suggestions on the site. Armstrong said they will be required to put in soil erosion control measures before they dump fresh earth to stabilize it much quicker. Lauren Hill asked why these things aren't being looked at proactively. Smith said they are getting seed going which will help stabilize slope, and will be getting rid of tree debris. They will be getting sod down as well. This is being done between rain events. Armstrong said soil erosion controls have been installed since last rain event. Engineer will have a report and suggestions for them. Chair Patenaude said that historically the next two months will have a lot of rain. Up until this point it seems things have been reactive. Now we are coming up on a significant rain period. He asked beside sod, what is the plan? Smith said there are other measures they are using. Sam Parish, consultant with the contractor, said they are trying to track areas where problems are to address those problems. He said Mr. Smith's group had done a good job of documenting where there are failures and then trying to address those failures. He has also been engaged to clean up deposits in stream. Chair Patenaude said grading is allowed to work on sediment and erosion control under stop work order. Armstrong said that with any stop issued by Town or TDEC, the goal is to stabilize the ground to make the problem go away. Stops have been issued to focus their attention on problem. They are allowed to address the erosion control. Failures have occurred in movement of earth in areas of steep slope and no containment. Rain moves the soil into the creek. Stop work is not for stabilization of ground or soil erosion and control. That can continue. Patenaude said that mitigation had originally been tied to a two-year event. Armstrong said the engineer required them to step up requirements. When there is a failure, they are asked to take more aggressive measures. Mr. Smith said they have just upgraded measures and documented it in red-line drawings. Mike Hargis asked about getting grass seeded and work on pump house for watering grass. Mr. Smith said the water supply used at this point is sufficient for that first area, about 60 percent. Going forward getting bridge and water supply done will supply the remaining 40 percent. Armstrong said there is sufficient water for the areas they are working on that need stabilization, and that is the priority. Armstrong said they are trying to balance town's right to enforce, their right to develop, and the rights of the adjacent property owners. Pump house is not critical for them to water what needs watering at this time.

Lauren Hill summarized by saying, there is a stop work order. They are not prohibited from doing the things you need to do to stop erosion. She told them, "Stop the erosion. Be responsible and accountable as you have agreed, and say you want to be." She said she appreciates their efforts, but we do need to have a balance. They need to take care of issues and be proactive about it so that they don't have to come back every month and discuss same things over and over. She said the board needs to know that they will take care of this and they won't see them next month.

Armstrong said they made a request to the county for a meeting to discuss issues with South Harpeth. She said ditches need to be improved. Mr. Smith said they haven't been given permission to address culvert on Mr. Gill's property. Armstrong will talk with TDEC. There are two issues: dirt and water. If the dirt issue not solved it goes on people's property. Then the water can flow, but need ditches and culverts addressed.

Armstrong said the engineer has prepared a synopsis of who reports to who, permitting, inspections, etc. to be used as a guide for all projects.

She shared slides showing breaches into the stream and Harpeth River, and the town's limited ability to respond to breaches to the stream itself.

D. KS Regional Planning Commission Bylaws

1. Reconsideration of Bylaws with amendments from 9 February 2023 Meeting and insertion of omitted Conflict of Interest Article 10.

City Planner said she sent revisions to Bylaws to City Attorney after the last meeting. The only change is to insert the omitted Conflict of Interest Article 10.

Planning Commission needs to vote on all changes made to Bylaws from last meeting and the insertion of Article 10 (which was already in the Bylaws, it was just left out of proposed revisions, and has now been put back in.)

Tony Gross motioned to approve the Bylaws as amended, with a second from Bob Stohler. Motion passed.

10. New Business

Armstrong said these were advertised. Due to the length of time required to advertise, we have not received either one of these plats. Staff requests tabling until next meeting.

A. Proposed Minor Subdivision - Harrison/Clark, Map 92, Parcel 101, R-1 Low Density Residential District, 377 E Kingston Springs Rd.

For this one, it is a matter of locating where the sewer line is to put it on the plat.

B. Proposed Minor Subdivision - Hill Property, Map 99, Parcel 71.01, E-1 Estates Zoning District, 1477 CC Rd. (In Kingston Springs UGB).

This one was referred to us by the county. It is in our urban growth area. The plat has not been received.

Tony Gross made a motion to table items 10.A. and 10.B. of New Business, with a second by Mike Hargis. Motion passed.

11. Other

A. Annual PC Training - Projects, plans, reviews, permits, local government liability

City Planner Armstrong presented information she received from MTAS, and wanted Planning Commission to have it as a reference for training related to projects, plans, reviews, permits and local government liability. Staff appreciated the training.

B. Open discussion regarding the concerns of citizens lying adjacent to the Golf Club of DBI, LLC project – Chairman Mike Patenaude, staff, citizens.

Chair Patenaude said he added this item that because adjacent landowners have been very frustrated throughout this process. One of their frustrations has been trying to comment during public comment section and only have a few minutes to speak. They want to say more and have a dialogue. The commission can't comment during that time because they have to conduct the business of the planning commission. He added the item so that any of the adjacent land owners in attendance, would be invited to speak in an open discussion and to have a conversation so that they could feel heard. He suggested having this item on the agenda for next month, since there weren't any adjacent landowners at this meeting. Tony Thompson suggested we note early in the meeting that it will be on the agenda so that they can know about it. City Planner Armstrong suggested having it as a standing item for the life of this project.

Mike Hargis asked about the blocked culvert. City Planner Armstrong said the county put in the culvert when it paved the road 30 years ago. It was an open culvert. She is going to ask TDEC why it is not open, and tell them it is contributing to the issue on the road. She has also attempted to have a discussion with the county to get them understand that deepening the ditches will help substantially with the flow of water not going across the road, which is source of complaints. Also, the portion of South Harpeth going towards the new bridge slopes down. The bridge is now elevated. The water is going to converge where the lift is on the Dorris property. She will ask to have the road sloped the other way so that it is not adding to the problem. Tony Thompson said the county cleans out ditches all the time. Armstrong agreed. She said the issue is that they are so shallow and there is so much water coming off the hill that they are not able to convey it, so it goes across the road to the properties on the other side. There are four smaller culverts there. One larger culvert would be more effective.

Bob Stohler asked why did the whole dilemma happen? Armstrong said over the last 9 weeks we have had four periods of excessively heavy rain. There is so much land disturbance activity happening on this project it is an ongoing process to address. It is a very steep slope coming off the back end of the project, with a lot of dirt activity at the top of the hill. The ditches are not adequate to handle water on South Harpeth Rd.

12. Motion to Adjourn.

Motion to adjourn made by Lauren Hill. The meeting adjourned at 8:17 pm.

**Mike Patenaude, Chairman
KS Regional Planning Commission**



**Kingston Springs Regional Planning Commission
Committee on Administration and Staff
Meeting Minutes - March 15, 2023**

The meeting was called to order by Chair Patenaude at 5:30pm.

1. Committee Members:

Mike Patenaude	Present
Tony Gross	Present

2. Staff:

Sharon Armstrong	Present
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3. Ex-Officio

John Lawless	Present (Attended as City Manager)
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4. Motion to approve March 15, 2023, Regional Planning Commission Committee on Administrative Staff meeting agenda.

Motion to approve March 15, 2023, Regional Planning Commission Committee on Administrative Staff meeting agenda made by Gross, seconded by Patenaude, and passed unanimously.

5. Old Business

A. None.

6. New Business

A. Discussion of Appointed Staff, Duties and Responsibilities.

Discussion was held concerning staff members appointed by the Planning Commission and how they are appointed. Planner and Engineer serving the Planning Commission should be appointed by and contracted with the Planning Commission. These contracts will be presented as agenda items to the full Planning Commission.

The Planning Commission also has the ability to retain legal counsel. The decision on appointment of an Attorney is made by the full Planning Commission. The Committee discussed that the current City Attorney could be used as Planning Commission counsel or the Planning Commission could choose another attorney. Tony Gross stated the City Manager appoints the City Attorney but has no authority to appoint the Planning Commission Attorney. Mike Patenaude and Tony Gross stated their recommendation to the KS Regional Planning Commission would be to address the appointment of the Planning Commission Attorney at the next meeting. The Attorney would be used only when needed as determined by the City Planner. Most legal issues with Planning Commissions are reflected in TN Attorney General Opinions or case law and will be used when available. These recommendations would be captured by updating the Planning Commission Bylaws for consideration of approval at the next meeting.

B. Submission of Complaint to Planning Commission, Procedures.

It was discussed that complaints about Planning Commission staff should be submitted to the Planning Commission as agenda items to allow the full Commission to consider. These complaints could be submitted directly to the Chair or any other Planning Commission member.

Informal complaints may be submitted to members of the Committee on Administration and Staff to discuss and resolve. If a resolution can't be found the complaint would be escalated to an agenda item for the full Commission.

Formal complaints would be submitted directly to the Chair or any other Planning Commission member in writing stating the specific items being addressed. These complaints would then to the Planning Commission as agenda items to allow the full Commission to consider.

Complaints alleging improper actions by Planning Commission staff would be submitted directly to the Chair or any other Planning Commission member in writing stating the specific items being addressed. These complaints would then be forwarded to the Planning Commission as agenda items to allow the full Planning Commission to consider if not resolved.

If a stop work order has been issued the Planning Commission is the body responsible for lifting the order.

This complaint process would be captured by updating the Planning Commission bylaws.

C. Review of Administrative Procedures for Applicants and Staff.

All advertising timelines for submissions to the Planning Commission are dictated by the state and all items/projects submitted to the Planning Commission for consideration should be treated the same. Planner is to receive all materials to be presented to the Planning Commission with appropriate time to review and render findings.

D. Recommendations to the Town of Kingston Springs Regional Planning Commission for review and consideration.

Future Planning Commission bylaw amendments to be presented to the Planning Commission will be the use of legal counsel, the complaint process, and project submission outlined in these meeting minutes.

7. Other (For Discussion Only).

A. None

8. Motion to Adjourn.

The meeting was adjourned by Patenaude at 6:07pm

Mike Patenaude
Planning Commission Chair

Jamie Dupré
City Recorder



31 March 2023

Sharon Armstrong, Planner
Kingston Springs Regional Planning Commission

STAFF REPORT RE: Golf Course of DBI, LLC Inspections 2, 9, 10, 17, 24 and 31
March 2023

On 28 February 2023 a Stop Work Order was issued to the Golf Club of DBI, LLC following multiple complaints from adjacent property owners, Mr. Bill Rodgers and on receipt of three (3) on site EPSC inspection reports requested by the Planner and provided by Jeff Hooper, P.E. (attached). During the period between 2 March 2023 and 31 March 2023 Planner Sharon Armstrong conducted site inspections and met with the soil and erosion contractor.

The nature of the complaint concerned the failure of stormwater, soil and erosion controls on the site and onto South Harpeth Rd. and adjacent private properties.

The written Stop Work Order (attached) issued on 28 February 2023 to the Project Manager relayed that no activity that no further work on the project improvements other than stormwater, soil, and erosion controls could be conducted until revised stormwater, soil and erosion controls are presented, reviewed by the Planner and Engineer and approved by the Planning Commission and implemented to address the issue.

The inspection covered the entire site development on 9 and 17 March 2023 to determine the extent of the issues associated with the complaint. Planner Armstrong and the soil and erosion contractor discussed the possible source of the control failures. The contractor was asked to provide a report of all measures taken after the previous Stop Work Order was issued, rain event data and site observations made by the project engineer and contractor since the last rain event, aerial and still video and photos gathered by the project team, and proposed remediation to gain compliance with the permit issued by the Town of Kingston Springs.

The DBI, LLC project and site were not in compliance with the permits for the work issued by the Town of Kingston Springs. The permit requirement to submit copies of all ESPC and TDEC reports are now submitted. Enforcement action at this juncture consists of the Stop Work Order on the site with the exception of stormwater, soil and erosion control activities only and the submission of design plans, documents, and other items required by the Kingston Springs Regional



Planning Commission, Planner, and Engineer at the scheduled meeting on 9 March 2023. On 9 March 2023 the Stop Work Order was still in effect.

Subsequent inspection on 17 and 24 March 2023 revealed continuing issues with stormwater, soil and erosion controls.

An inspection conducted on 31 March 2023 (pictures attached) revealed considerable progress by the developer to address stormwater, soil and erosion controls. The creek and river adjacent to the project were clear. Continuing areas of concern are the sloped bank adjacent to the project site and South Harpeth Rd. Areas on the slope, ditch abutting the project and across the road on adjacent parcels owned by others are littered with fallen trees. Many trees have large, earth covered root balls exposed. DBI project team instructed to provide report activities, EPSC reports, and proposed next steps to resolve the issues.

Respectfully submitted,

Sharon Armstrong, Planner
KS Regional Planning Commission

Cc: Mike Patenaude, Chairman KS Regional Planning Commission
Tony Gross, Mayor Kingston Springs City Commission
Clayton Mahan, TDEC Environmental Scientist





































BYLAWS OF THE TOWN OF KINGSTON SPRINGS, TN REGIONAL PLANNING COMMISSION

ARTICLE 1 – Authority and Purpose

Section 1 - These by-laws are adopted pursuant to authority granted by the Tennessee Code Annotated, Title 13, Chapter 3 and Section 13-3-102 whereas the Town of Kingston Springs Regional Planning Commission shall also serve as the Municipal Planning Commission.

Section 2 - The objectives and purposes of the Town of Kingston Springs Regional Planning Commission shall be as set forth in Title 13, Chapter 3, Sections 101 - 104 of the Tennessee Code Annotated, amendments and supplements thereto, and those powers and duties delegated to the Planning Commission by the TN Department of Economic and Community Development in accordance with T.C.A. Title 13, Chapter 3, Section 101 - 104 enabling statutes (attached).

Section 3 - The name of the Planning Commission shall be the Town of Kingston Springs Regional Planning Commission, hereinafter referred to as the Planning Commission.

Section 4 - The principal office of the Planning Commission shall be at City Hall, 396 Springs St., Kingston Springs, TN 37082.

ARTICLE 2 – Officers and Staff

Section 1 - The officers of the Planning Commission shall be Chairman, Vice-Chairman, and Secretary.

Section 2 - The Chairman, Vice-Chairman and Secretary shall be elected at the regular meeting held in January of each year from among the appointed members and shall serve for a term of one year, with eligibility for re-election. The Chairman, Vice-Chairman, and Secretary shall hold office until successors are elected.

Section 3 - The Chairman shall preside at the meetings of the Planning Commission, may vote on matters coming before the commission and shall have authority to sign documents and contracts when required as authorized by the Planning Commission.

Section 4 - The Vice-Chairman shall serve in the absence of the Chairman, assuming all duties of the Chairman.

Section 5 - Should the Chairman not be in attendance at a meeting, the Vice-Chairman shall serve as Chairman. Should both the Chairman and the Vice-Chairman be absent, the Secretary shall conduct the meeting during the absence of the Chairman and the Vice-Chairman, assuming all duties of the Chairman.

Section 6 - The Secretary shall sign all official documents for the commission may appoint a designate to provide notice of meetings and ensure proper legal notice of hearings, transcribe

the minutes, attend to correspondence and maintain the records of the Planning Commission. Prior to recording final subdivision plats in the Register's Office of Cheatham County, the Secretary shall sign approved Final Plats submitted to the Planning Commission.

Section 7 - Should the Chairman resign or be unable to continue as Chairman, the Vice-Chairman shall serve for the remainder of the term.

ARTICLE 3 – Members

Section 1 - The Planning Commission shall consist of nine members, including the Chairman, Vice-Chairman and Secretary. The members shall be appointed and serve in accordance with state law.

ARTICLE 4 – Staff Duties

Section 1 - The Planner and Engineer shall serve as appointed staff support for the Planning Commission. The Kingston Springs Regional Planning Commission shall be responsible for appointing the Planner and Engineer as provided in T.C.A. § 13-3-103. Expenses related to contract employment of a Planner and Engineer shall be as determined and within the funds approved by the City Commission. Staff shall provide reports for all Agenda items seven (7) days prior to the meeting.

Section 2 – Additional professional staff shall be provided for the Kingston Springs Regional Planning Commission as determined by the Planning Commission and within the funds approved by the City Commission.

ARTICLE 5 – Meetings

Section 1 - Regular meetings of the Planning Commission shall be held on the second Thursday of each month at 7:00 P.M. at the Beck Meeting Hall or at such other place as the Planning Commission may designate and advertise in advance.

Section 2 - The Chairman, when deemed necessary, shall call and designate the time and place of a special meeting; the Secretary or the Secretary's designee, shall notify all members of the commission in advance of such special meeting. The notice of a special meeting shall be advertised as required by state law, shall specify its purpose and no other business may be considered at the special meeting. The Vice-Chairman may call such meeting in the absence of the Chairman.

Section 3 - All regular and special meetings shall be open to the general public.

Public Comments. Public comments will be allowed for all regular agenda items and items removed from the agenda. Upon being recognized by the Chair, any person wishing to speak shall state his/her name and address and shall limit comments to the agenda item being discussed. A speaker representing a business, institution or organization may give the address of the business, institution or organization rather than the speaker's home address.

Public Comments shall be:

- a. limited to three (3) minutes per speaker for all regular agenda items and items removed from the Agenda and shall have an overall time limit for all comments on an agenda item to twelve (12) minutes unless extended by vote of a majority of the Planning Commission
- b. The Chairman shall limit comments to the Agenda items, to relevant, non-repetitive comments and shall restrict comments that are disruptive in nature.

Section 4 - Notice of regular meetings shall be published prior to each meeting in at least one newspaper of general circulation within the planning region 15 days before the meeting. As part of the notice, an agenda of the items to be considered at the meeting shall also be published. Notice of special meetings shall be advertised as required by state law.

Section 5 – Notice of regular and special meetings shall be published on the city’s website with an agenda of the items to be considered at the meeting as required by the City Commission.

Section 6 – Five (5) members of the Planning Commission shall constitute a quorum for the purpose of conducting business.

ARTICLE 6 – Order of Business

The Order of Business at regular meetings shall be:

- (1) Call the meeting to order
- (2) Public Comments
- (3) Approve the minutes of prior meetings
- (4) Public hearing (when required)
- (5) Old Business
- (6) New Business
- (7) Other Business – Discussion Only
- (8) Announcements
- (9) Adjournment

The order of presentation of Old and New Business shall be:

- (1) Presentation by staff of the item
- (2) Presentation by the applicant
- (3) Discussion by the Planning Commission members
- (4) Motion and second by the Planning Commission members
- (5) Discussion on the motion – finding of facts
- (6) Vote of the planning commission members

Article 7 – Voting

Unless otherwise specified by law or in these Bylaws, a majority of the Planning Commission members present and constituting a quorum shall be necessary to decide items requiring action. At the discretion of the Chairman, the voting on questions shall be by roll call, and the ayes and

nays shall be entered upon the minutes of the meeting, except that, when the vote of all of the Planning Commission members present is unanimous, recording the unanimous vote shall be sufficient. Unless otherwise specified by law or in these bylaws, any motion made at a meeting at which no more than a quorum is present, shall require four votes to approve or deny any motion made, excluding a motion to table, which shall only require three votes for approval. All votes shall be taken in compliance with state statutes governing the Planning Commission.

ARTICLE 8 – Minutes

Section 1 - The Planning Commission shall speak only through its minutes, which shall be prepared by the Secretary, or their designee. Insofar as possible, the minutes shall be captured in a written record of the proceedings. Roberts Rules of Order are adopted as the prevailing procedure of business in Planning Commission Meetings. Insofar as possible, the portion of the minutes reflecting motions and votes shall be captured in written record of the proceedings. The minutes shall contain the following information:

- (1) The kind of meeting, such as regular or special.
- (2) The meeting date and place.
- (3) The fact of the regular chairman and secretary being present, or, in their absence, the names of substitutes.
- (4) Whether the minutes of the previous meetings were read and approved.
- (5) The main motions and the name of the Planning Commission member making the motion, and the name of the Planning Commission Member who seconded the motion.
- (6) The action taken on the motion and the finding leading to the action taken.
- (7) The names of the persons addressing the Planning Commission and a general statement summary of their comments.
- (8) The hours of the meeting and its adjournment.

Section 2 – A copy of the minutes shall be delivered to the Planning Commission members for review prior to the next regular meeting.

Section 3 – The minutes shall not be considered official, and therefore not distributed for public review, until they have been approved by the Planning Commission. If approved minutes are distributed pursuant to an Open Records Request, they shall be marked “Draft Only - Unapproved.”

Section 4 – Upon approval of the minutes, they shall be signed by the Chairman.

ARTICLE 9 – Committees

Special committees may be appointed by the Chairman for purposes and terms, which the Planning Commission members approve.

Section 1 - Planning Commission Committee on Administration and Staff. The Planning Commission Chairman and the Mayor shall be appointed to the committee for oversight and supervision of Planning Commission Staff to include the Staff Planner and Staff Engineer and

to review administrative processes and procedures. The Committee may review any major staffing issue or administrative procedure that may arise and shall make recommendations to the Planning Commission regarding the activities, duties, requirements, and work product. Any Committee meeting shall be advertised as Special Called Meetings and advertised three days prior to a special called meeting to in accordance with TN law.

ARTICLE 10 – CONFLICT OF INTERESTS

In the event that any member shall have a personal interest of any kind in a matter then before the Kingston Springs Municipal-Regional Planning Commission, she/he shall disclose his/her interest and be disqualified from voting upon the matter, and the Secretary shall so record in the minutes that no vote was cast by such member.

ARTICLE 11 – APPLICANT SUBMISSIONS TO PLANNING COMMISSION

All project, development, and plan submissions to the Planning Commission shall be submitted according to TN Statutes and Local Ordinance for Public Notice for inclusion on the Agenda.

A "Development Design Certification" shall accompany any Development Plan submitted to the Planning Commission. Such certification shall indicate that the plan either fully complies with all provisions the zoning ordinance and subdivision regulations or that the plan complies with such provisions with specifically noted exceptions. Any variance(s) requested from these regulations shall conform to the provisions of the KS Regional Planning Commission Subdivision Regulations Section 1-111, Variances; and The Town of Kingston Springs Zoning Ordinance. This certification requirement provides assurance that the proposed plan can be accomplished within the current regulations of the community.

ARTICLE 12 – COMPLAINTS

Questions and complaints regarding staff violations or errors in the application of municipal codes, professional standards, decisions, or direction to applicants should be directed to the Planning Commission Committee on Administration and Staff. Complaints shall be in writing and signed by the person making the complaint, and shall set forth in reasonable detail the facts upon which the complaint is based.

The Committee on Administration and Staff shall investigate any credible complaint against a staff member charged with violating provisions of Zoning Ordinance, Subdivision Regulations, and/or Municipal Codes or may undertake an investigation on their own initiative when information is filed indicating a possible violation, and take appropriate action to resolve the complaint.

The Committee on Administration and Staff may:

- (1) refer the matter for a legal opinion and/or recommendations for action and resolution. If unresolved the Committee on Administration and Staff may;
- (2) refer the matter to the full Planning Commission which shall determine that the

complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the Commission determines that a complaint warrants further investigation, it shall investigate the complaint and determine disciplinary action if warranted;

- (3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting this section.
- (4) All members and staff will review the complaint policy and procedures and be briefed on any issues of interest related to this policy.

Amendments

These bylaws may be amended by a majority vote of the entire membership of the Planning Commission.

DATE: _____ Adopted: _____
Chairman, KS Regional Planning Commission

Adopted: _____
Secretary, KS Regional Planning Commission

Amended: _____

Amended: _____

Plans & More, LLP

PROFESSIONAL SERVICES AGREEMENT FOR PLANNING SERVICES

THIS AGREEMENT is entered into between the Town of Kingston Springs Regional Planning Commission, hereinafter referred to as "the Planning Commission", and Plans & More, LLP, hereinafter referred to as "the Consultant", in consideration of the mutual benefits, terms, and conditions hereinafter specified.

1. Project Designation. The Consultant is retained by the Planning Commission to perform planning services in connection with the projects designated "Planning Services," by the Planning Commission.
2. Scope of Services. Consultant agrees to perform the services, identified in the Scope of Work (Exhibit "A") attached hereto, including the provision of all labor, materials, equipment, and supplies related to performance of duties.
3. Time for Performance. Work under this contract shall commence upon written notice by the Planning Commission to the Consultant to proceed. Consultant receipt of a Concept Review, Planning Commission or Planning Commission agenda and all related documents shall constitute said notice. Consultant shall perform all services and provide all work product required pursuant to this agreement within ten (10) calendar days from the date of receipt of completed Concept Review or Planning Commission Application by Consultant, unless an extension of such time is granted in writing by the Planning Commission.
4. Payment. The Consultant shall be paid by the Town of Kingston Springs within the budget allocated to the Planning Commission, as prescribed in the Fee Schedule for project review, and the Pass-Through Ordinance for Professional Services, Title 20, Chapter for completed work and for services rendered under this agreement as follows:
 - a. Payment for the work as provided by Consultant shall be made as provided on Exhibit "B" attached hereto, provided that the total amount of payment to Consultant shall not exceed \$ 1,600.00 per month for routine planning services and \$60 per mile for contract related travel, and \$100.00 per hour for non routine Planning Services without express written modification of the agreement signed by the Planning Commission.
 - b. The consultant shall submit an invoice to the Planning Commission Chairman and City once per month during the term of the contract. Such invoices will be reviewed by the Planning Commission, and upon approval thereof, payment will be made to the Consultant in the amount approved within 10 days.
 - c. Final payment of any balance due the Consultant for planning services earned will be remitted by the City within 30 calendar days from date of Consultant invoice after the completion of the work under this agreement and its acceptance by the Planning Commission.

- d. Payment as provided in this section shall be full compensation for work performed, services rendered and for all materials, supplies, equipment and incidentals necessary to complete the work.
 - e. The Consultant's records and accounts pertaining to this agreement are to be kept for inspection by representatives of the Planning Commission. The original file shall be retained by the Town of Kingston Springs Regional Planning Commission with a copy of the file maintained by the consultant for a period three (3) years after termination of the agreement. Copies shall be made available upon request within the scope of the TN Public Records Act.
5. Ownership and Use of Documents. All documents, drawings, specifications and other materials produced by the Consultant in connection with the services rendered under this agreement shall be the property of the Planning Commission whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information, reference, and use in connection with Consultant's endeavors.
 6. Compliance with laws. Consultant shall, in performing the services contemplated by this agreement, faithfully observe and comply with all federal, state, and local laws, ordinances and regulations, applicable to the services to be rendered under this agreement.
 7. Indemnification. Consultant shall indemnify, defend and hold harmless the Planning Commission, its officers, agents and employees, from and against any and all claims, losses or liability, or any portion thereof, including attorneys fees and costs, arising from injury or death to persons, including injuries, sickness, disease or death to Consultant's own employees, or damage to property occasioned by a negligent act, omission or failure of the Consultant.
 8. Insurance. The Consultant shall secure and maintain in force throughout the duration of this contract comprehensive general liability automobile insurance with a minimum coverage of \$1,000,000 per occurrence and \$2,000,000 aggregate for personal injury; and \$350,000 per occurrence/aggregate for property damage and General and Professional Liability Insurance at a minimum coverage of \$1,000,000. Said general liability policy shall name the City of Kingston Springs as an additional named insured and shall include a provision prohibiting cancellation of said policy except upon thirty (30) days prior written notice to the City. Certificates of coverage as required by this section shall be delivered to the City within fifteen (15) days of execution of this agreement.
 9. Independent Contractor. The Consultant and the Planning Commission agree that the Consultant is an independent contractor with respect to the services provided pursuant to this agreement. Nothing in this agreement shall be considered to create the relationship of employer and employee between the parties hereto. Neither Consultant nor any employee of Consultant shall be entitled to any benefits accorded Town of Kingston Springs employees by virtue of the services provided under this agreement. The City shall not be responsible for withholding or otherwise deducting federal income tax or social security or for contributing to the state insurance program, otherwise assuming the duties of an employer with respect to Consultant, or any employee of Consultant.

10. Covenant Against Contingent Fees. The Consultant warrants that he has not employed or retained any company or person, other than a bonafide employee working solely for the Consultant, to solicit or secure this contract, and that he has not paid or agreed to pay any company or person, other than a bonafide employee working solely for the Consultant, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the City shall have the right to annul this contract without liability or, in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.
11. Discrimination Prohibited. The Consultant, with regard to the work performed by it under this agreement, will not discriminate on the grounds of race, color, national origin, religion, creed, age, sex or the presence of any physical or sensory handicap in the selection and retention of employees or procurement of materials or supplies.
12. Assignment. The Consultant shall not sublet or assign any of the services covered by this agreement without the express written consent of the Planning Commission.
13. Non-Waiver. Waiver by the Planning Commission of any provision of this agreement or any time limitation provided for in this agreement shall not constitute a waiver of any other provision.
14. Termination. The Planning Commission may terminate this Agreement at any time upon thirty days written notice to Contractor, subject to the Planning Commission's obligation to pay Contractor in accordance with subsections A and B below.
 - A. In the event this Agreement is terminated by the Planning Commission other than for fault on the part of the Contractor, a final payment shall be made to the Contractor for actual cost of work completed at the time of termination of the Agreement. No payment shall be made for any work completed after receipt by the Contractor of the termination notice. If payment(s) made to the Contractor prior to the termination notice exceed the total amount due as set forth in this subsection, then no final payment shall be due and the Contractor shall immediately reimburse the Planning Commission for any excess paid.
 - B. In the event the services of the Contractor are terminated by the Planning Commission for fault on the part of the Contractor, subsection A of this section shall not apply. In such event the amount to be paid shall be determined by the Planning Commission with consideration given to the actual costs incurred by the Contractor in performing the work to the date of termination, the amount of work originally required and satisfactorily completed to date of termination, whether that work is in a form or of a type which is usable by the Planning Commission at the time of termination, the cost to the Planning Commission of employing another person or firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the Planning Commission of the work performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount which would have been made if subsection A of this section applied.

15. Notices. Notices to the Town of Kingston Springs Regional Planning Commission shall be sent to the following address:

Town of Kingston Springs Regional Planning Commission
Attn: Mike Patenaude, Chairman
c/o John Lawless, City Manager
P.O. Box 256
Kingston Springs, TN 37082
615.952.2110 City Hall
615.952.2397 Fax

Notices to Consultant shall be sent to the following address:

Plans & More, LLP
220 Thoroughbred LN
Russellville, KY 42276-8888
615.934.7833 Cell

16. Integrated Agreement. This Agreement together with attachments or addenda represents the entire and integrated agreement between the Planning Commission and the Consultant and supersedes all prior negotiations, representations, or agreements written or oral. The term of this agreement covers the period from _____ through _____ with an option to extend the contract term on an annual basis upon agreement of the Planning Commission and the Consultant. This agreement may be amended only by written instrument signed by both Planning Commission and Consultant.

DATED, this _____ day of _____, 20 _____.

**Town of Kingston Springs
Regional Planning Commission**

Plans & More, LLP:

By: _____
Mike Patenaude, Chairman

By: _____
General Partner

By: _____
, Secretary

By: _____
General Partner

Attest/Authenticated:

By: _____
Jamie Dupre, City Recorder

EXHIBIT "A" – SCOPE OF WORK

The Consultant shall perform the following duties related to the contract:

Routine Planning Services:

1. Receive process and render a report on all Concept Review applications, site plans, plats, and related documents when requested by Planning Commission.
2. Maintain file records for all projects, forward original to appropriate city officials and maintain file copies at consultant business location.
3. Communicate with City Manager to coordinate file transfer, meeting agenda items, and meeting attendance.
4. Furnish reports as needed to Planning Commission and City Manager on all development proposed within Kingston Springs municipal boundaries and Kingston Springs Urban Growth Area to coordinate required reviews and provision of services to applicants.
5. Attend Planning Commission, City Commission, and community meetings for proposed development or agenda items when requested by the Planning Commission or Town of Kingston Springs Board of Commissioners.
6. Attend meetings with city departments, city manager, Planning Commission, developers and/or their agents, and other appropriate entities related to project development at the request of the Planning Commission after initial "Concept Review," for the benefit of the developer and Planning Commission.
7. Other Planning Products as agreed upon by the Planning Commission and PLANS & MORE, LLP.
8. Conduct and maintain files of required TN Code Annotated Training for the Planning Commission, Board of Zoning Appeals, and other boards as required and furnish Certification of Training to the members.
9. Consultant to provide Kingston Springs Planning and Floodplain Management Websites and maintenance.
10. Routine GIS services associated with monthly planning duties.

The service fee rate for Routine Planning Services for the Town of Kingston Springs Regional Planning Commission is \$1,600.00 per month, \$.60 per mile for contract related services. The fees for Non-Routine Planning Services are applicable as follows:

PASS-THROUGH PROFESSIONAL SERVICES (NON-ROUTINE)

Pass-through Professional Planning Services shall be billed on projects for the following at a rate of One Hundred Dollars (\$100.00) per hour and as codified in the Town of Kingston Springs Municipal Code, Title 20, Chapter 2 of the Town of Kingston Springs Municipal Code and the Planning Commission Fee Schedule adopted by the Town of Kingston Springs Regional Planning Commission and City Commission. Such charges shall be reflected on the Monthly Planning Invoice submitted by the Consultant. The Town of Kingston Springs shall bill the appropriate project entity for the Pass-Through services of the Planner.

SERVICE

RFP BID

Comprehensive Plan

SERVICE

Pass-through Professional Services - Municipal Code Title 20, Ch. 2 \$100.00 HR
Plan Review Fees as adopted by the Town of Kingston Springs Commission (attached)

SERVICE

RATES

Expert Witness \$ 100.00 HR
Or \$ 500.00 DAY

EXHIBIT "B"

PAYMENT

1. Consultant shall be paid \$ 1,600.00 per month to complete the scope of work described in Exhibit "A", Routine Planning Services, Items 1 – 10, and \$.60 per mile for contract related travel and fees to complete the scope of work as described in Exhibit "A", Non-Routine Planning Services as agreed upon by the Consultant and the Planning Commission.
2. The consultant shall submit an invoice to the Planning Commission once per month during the progress of the agreement for payment of services rendered to date. Said invoices shall be reviewed by the Chairman, and upon approval thereof, payment will be made to the Consultant in the amount approved by the Chairman and within the funds allotted to the Planning Commission by the City within 15 days.
3. Final payment of any balance due the Consultant of the total agreement fees earned will be made promptly upon verification of same by the Chairman after the completion of the work under this agreement and its acceptance by the City.

RE: ON SITE HOURS

PLANS & MORE, LLP is committed to the provision of professional, complete planning, and GIS services to applicants of individual government jurisdictions. We will provide On Site Hours as needed for routine project review and to attend regularly scheduled meetings as required to fulfill the requirements of the contract.

RE: EQUIPMENT LIST

1. Presentation Projector
2. Company Server Computer, External Backup Drive, GIS dedicated Server
3. Jump and Stick Drives, DVD and CD-ROM

CONSULTANT OWNED EQUIPMENT, SOFTWARE

PLANS & MORE, LLP owns a Desktop PC, Laptop, Camera, 11" X 17" Printer/Copier/Scanner, Video Camera and Software, GIS ARC View Software, Backup External Hard Drive, and other software and hardware related to planning and GIS review functions.

RE: PROJECT SUBMITTALS

PLANS & MORE, LLP is pleased to receive projects for review by several methods including but not limited to:

1. PLANS & MORE, LLP will retrieve the application and accompanying documents from City Hall.
2. PLANS & MORE, LLP will retrieve the application and accompanying documents from the applicant.
3. PLANS & MORE, LLP will accept project submissions by Email, postal service, UPS, FedEx, or private delivery entity, and by FTP upload website in order to accommodate the needs of Kingston Springs, property owners, developers, and technical professionals.