



Regional Planning Commission  
Kingston Springs, Tennessee

**13 July, 2023**  
**Meeting Packet**





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

*Submittal Deadline Date: June 9, 2023*

The meeting was called to order by \_\_\_\_\_ at \_\_\_\_\_ pm.

**1. Roll Call of Voting Members:**

- Keith Allgood \_\_\_\_\_
- Tony Thompson \_\_\_\_\_
- Tony Gross \_\_\_\_\_
- Mike Hargis \_\_\_\_\_
- Lauren Hill \_\_\_\_\_
- Mike Patenaude \_\_\_\_\_
- Craig Kitch \_\_\_\_\_
- Marie Spafford \_\_\_\_\_
- Bob Stohler \_\_\_\_\_

**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. Motion to approve 8 June, 2023, Planning Commission meeting minutes.**

**6. Motion to approve 13 July, 2023, Planning Commission meeting agenda.**

**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.

**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.

**9. Old Business**

A. Ellersly PUD – Update.

B. The Golf Club of DBI LLC

1. The Golf Club of DBI LLC. Staff Inspection Report

C. KS Regional Planning Commission Bylaws

1. Reconsideration of Bylaws with recommended amendments from the City Attorney.

**10. New Business**

A. Town of Kingston Springs Plat – Acquisition of a portion of Map 91N, Grp D, Parcel 39.00 and replat of Map 91, Parcel 99.

**11. Other (For Discussion Only).**

a. None

**12. Motion to Adjourn.**

**The meeting was adjourned by \_\_\_\_\_ at \_\_\_\_\_ pm**

\_\_\_\_\_  
**Mike Patenaude**  
**Planning Commission Chair**

\_\_\_\_\_  
**Jamie Dupré**  
**City Recorder**



**Kingston Springs Regional Planning Commission  
Meeting Minutes  
8 June, 2023**

The meeting was called to order by Chair Patenaude at 7:13pm.

**1. Roll Call of Voting Members:**

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

**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
Attorney	Present (Attends at request of Planning Commission)

**4. Declaration of Quorum by Chairperson.**

Chair Patenaude declared a quorum was present

**5. Motion to approve May 11, 2023, Planning Commission meeting minutes.**

Motion to approve May 11, 2023, Planning Commission meeting minutes made by Tony Gross second by Tony Thompson, motion passed.

**6. Motion to approve June 8, 2023, Planning Commission meeting agenda.**

Planner Armstrong requested to move the Old Business discussion on bylaws to the end of meeting, Motion to approve the June 8, 2023, Planning Commission meeting agenda as amended made by Lauren Hill second by Marie Spafford and passed unanimously.

**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.

Gordon Belt 414 Evergreen Circle. Roads in Harpeth Meadows subdivision

**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.

No action needed to be taken.

**9. Old Business**

**A. Ellersly PUD – Update.**

**a. Stop Work Order issued 17 May 2023**

Planner stated a meeting was held with the property owner and their contractor representatives and it was decided all communication to the Town relating to the project would come from the property owner. The stop work order has been lifted as the property owner processed with stormwater mitigation. Informational item only, no action to be taken.

**b. Grading Plan and SWPPP Submissions and Developer/Owner decision**

Information has been supplied to Planner and Engineer for review. Informational only, no action to be taken.

**B. The Golf Club of DBI LLC.**

**A. The Golf Club of DBI LLC. Staff Inspection Report**

Planner discussed soil and erosion measures that have been taken by the developer. Planner notes EPSC report has been supplied to the Commission that shows deficiencies indicated. Planner states she has had discussions with the developer on these deficiencies.

**B. PUD Master Plan Revision**

**a. TDEC ARAP for removal of Soil and Debris from the creek, NOC, Submission to TDEC**

Planner stated the ARAP was granted by TDEC and the Town has no oversight of this agreement. However, the work does alter the PUD agreement and it needs to be amended by the Planning Commission.

**b. PUD Amendments**

Jeff Hooper, engineering representative for the Gol Club of DBI LLC explains the process surrounding the APAP permit and the work the contractor will be doing. Mr. Hopper explains no work has been started until this discussion with the Planning Commission. They will have a specialized crew to do this work and anticipate it will take approximately 5 days. This is hand digging and is expected to increase the turbidity of the creek while the work is being done. Planner then states the Planning Commission will need to approve the update to the PUD agreement for this ARAP work. Motion to update the PUD Agreement made by Lauren Hill, second by Tony Gross, and passed unanimously. TG second.

**1. KS Regional Planning Commission Bylaws**

**a. Reconsideration of Bylaws with recommended amendments from the City Attorney.**

Moved to end of agenda.

**10. New Business**

**A. Town of Kingston Springs Plat – Acquisition of a portion of Map 91N, Grp D, Parcel 39.00 and replat of Map 91, Parcel 99.**

Applicant requested deferral if agenda item. Motion to defer item made by Tony Thompson second by Tony Gross and approved unanimously.

**B. Proposed Minor Subdivision – Eron-Stoll, Map 99, Parcel 026, 1620 CC Road. This parcel lies within the Kingston Springs Urban Growth Area.**

Staff has approved submission and all signatures have been acquired for the plat. Motion to approve made by Lauren Hill, second by Tony Gross, and approved unanimously.

**C. Proposed Minor Subdivision – 601 Mt. Pleasant Rd., Robertson Trust, Map 0960 GRP A Parcel 014.00**

Staff has approved submission and all signatures have been acquired for the plat. Motion to approve made by Marie Spafford, second by Tony Gross, and approved unanimously.

## **2. KS Regional Planning Commission Bylaws**

### **a. Reconsideration of Bylaws with recommended amendments from the City Attorney.** **Moved to last item**

Chair Patenaude requests in the future that a red line copy of all documents that need to be discussed and approved by the planning commission so changes can be tracked.

Chair Patenaude has questions on 2001 planning commission bylaws:

- Submission of documents to the planning commission indicates 15 days but it is not shown in the updated bylaws. Planner states that the timeline of submissions has been moved to the zoning ordinance and is captured there.
- In 2001 copy of the bylaws section 17 called hearings - updated copy has article 5 meetings. Did not see the words public hearing in the new document – should it be listed in the new document. Planner states the Planning Commission is not required by the state to hold a public hearing for a rezone or subdivision. The Planning Commission is a recommending body to the Kingston Springs board of Commissioner and public hearings are to be held by the Board of Commissioners but not the Planning Commission. They are allowable but unnecessary. Updated bylaws give the Planning commission the ability to call a special meeting and that special meeting can be a public hearing should they choose.

The updated Planning Commission bylaws distributed in March of 2023 should be amended as follows:

- Section 3: “as authorized by the PC“ to be been removed from the document.
- Article 4 – Section 2: “shall” changed to “may” and the Planning commission clause moved to end of sentence.
- Article 5 – Section 3 – Public Comment. Part B: The “nonrepetitive” verbiage will be removed to eliminate confusion on the ability to allow all interested parties to speak.
- Article 10 - Conflict of interest language: The conflict of interest area should be aligned with the Town’s currently adopted code of ethics policy that covers definition of personal interest. Kingston Springs Municipal Code Title 1, Chapter 4, Section 1-403 through Section 1-404 to be included in the Planning Commission bylaws.
- Article 11 – Attorney Perry indicates this information is codified in the Town’s Zoning Ordinance and while helpful information it is not needed in bylaws. A separate document that helps the Planning Commission understand the procedures of the Commission can be furnished. Commission agreed to strike this Article.
- Article 12 – Planner and Attorney agree this is duplicative of Article 9 and doesn’t need to be in the bylaws. Commission agrees to strike article 12.

Motion to approve bylaws presented to the Commission as amended made by Lauren Hill, second by Marie Spafford and passed unanimously.

## **11. (For Discussion Only).**

### **a. None**



**12. Motion to Adjourn.**

Motion to adjourn made by Tony Thompson, second by Marie Spafford and approved unanimously. Meeting adjourned at 8:21pm.

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**Mike Patenaude**  
**Planning Commission Chair**

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**Jamie Dupré**  
**City Recorder**

# **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~~ **may** be provided for the Kingston Springs Regional Planning Commission within the funds approved by the City Commission as determined by the Planning Commission ~~and~~.

### **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. Conflict of Interest as defined in the Kingston Springs Municipal Code Title 1, Chapter 4, Section 1-402 through Section 1-404 below: ~~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.~~

**1-402. Definition of personal interest. (1) For purposes of §§ 1-403 and 1-404, "personal interest" means: (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren). (2) The words "employment interest" include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised. (3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter. (1996 Code, § 1-402, modified)**

**1-403. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself from voting on the measure. (1996 Code, § 1-403)**

**1-404. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or**

**policy, recuse himself from the exercise of discretion in the matter. (Kingston Springs Municipal Code, Title 1, Chapter 4, Sections 1-402-1-404. 1996 Code, § 1-404).**

#### **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: \_\_\_\_\_