



**Kingston Springs Board of Commissioners  
Regular Business Meeting Minutes  
September 15, 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	Present
Tony Gross, Mayor	Present
Mike Hargis, Commissioner	Absent
Glenn Remick, Vice-Mayor	Present
Bob Stohler, Commissioner	Present

**Staff in Attendance:**

John Lawless, City Manager	Present
Jamie Dupré, City Recorder	Present
Martha Brooke Perry, City Attorney	Absent
Kellie Reed, Finance Director	Absent
Eugene Ivey, Police and Fire Chief	Present
Brandy Miniati, Parks Director	Present
Sharon Armstrong, City Planner	Present

**4. Declaration of Quorum by Mayor**

Mayor Gross declared a quorum.

**5. Motion to Approve the August 18, 2022 City Commission Meeting Minutes:**

Motion to Approve the August 18, 2022 City Commission Meeting Minutes made by Vice-Mayor Remick, with a second by Commissioner Stohler. Motion passed unanimously.

**6. Motion to Approve the September 15, 2022 City Commission Meeting Agenda:**

Commissioner Clark requested to amend the agenda to remove New Business Item 12.F. regarding parking, as the topic has been addressed. Motion to Approve the September 15, 2022 City Commission Meeting Agenda as amended made by Vice-Mayor Remick, with a second by Commissioner Stohler. Motion passed unanimously.

**7. Announcements from Commissioners:**

None.

**8. Community Input and Concerns:**

Larry Craig, 159 West Kingston Springs Road, shared concerns about several issues:

- Need for building maintenance at the Burns Park Activity Center. He also suggested addressing acoustics in the Activity Center by adding carpet.
- Town seeking requests for proposals for acquisition of the Sewer System. He urged transparency and feedback on how decision to sell came about. He suggested getting guidance from UT and MTAS. He said to be very cautious if Town chooses to go third party route because there will be liability issues the Town can't shed.

Mayor Gross said for the record, City Manager Lawless had been in touch with MTAS and the appropriate utility boards regarding potential sale of the sewer system. City Manager Lawless confirmed that he had spoken with both legal and subject matter experts from MTAS, TAUD, Tennessee Comptroller's Office, Tennessee Utility Commission, as well as other municipalities that have divested enterprise departments. Mayor Gross said due diligence has been done.

**9. Department Reports:**

City Manager Lawless stated that after Kingston Springs had completed the new Growth Plan mapping we were notified Cheatham County had claimed a one thousand foot strip buffer on either side of Highway 70 from Kingston Springs to the Dickson County line that we were previously unaware of. To avoid overlap, the parcels impacted by this buffer in our area would now need to be removed from the updated Kingston Springs Growth Plan. Special Called Meetings of the Kingston Springs Regional Planning Committee and the Board of Commissioners have been scheduled for Wednesday, October 5 to address the conflicts with the Kingston Springs Growth Plan and the County's buffer along Highway 70. The Planning Commission will meet at 6:00 pm followed by the Board of Commissioners at 6:30 pm. There will also be a Beer Board meeting following those meetings at 7:00 pm to consider a special event beer permit by ALSAC benefitting St. Jude Children's Research Hospital for an event at the Golf Club of Tennessee.

**10. Legal Updates:**

None

## **11. Unfinished Business:**

### **A. Motion to approve Change Order 1 – Safe Routes to School Project – TDOT PIN 123749.00 for revised increase in construction costs in the amount of \$169,282.80. Tabled from August 18, 2022 meeting.**

City Manager Lawless said TDOT has approved the change order in the amount of \$169,282.80, and indicated they will provide additional funding for this project at 80% of that change amount, with a commitment from the Town for the other 20% (\$33,856.56). Current total cost for the Town for the project is at \$103,382.76. Commissioner Clark asked about Item 12 related to materials on the change order, which was a duplication of an item above on the list. It's the same item number but adds an additional 135 CY concrete combined curb and gutter for an additional \$51,300. Lawless said that is additional curbing and guttering that was not included in original construction specs. Commissioner Clark asked how did Collier get it wrong in the initial specs? City Manager Lawless he would check with Collier on the reason for the discrepancy. Commissioner Stohler noted the change represented about a 50% increase in cost. Motion to approve Change Order 1 – Safe Routes to School Project – TDOT PIN 123749.00 for revised increase in construction costs in the amount of \$169,282.00 with the additional funding and the Town responsible for 20% made by Vice-Mayor Remick, with a second from Commissioner Clark. Roll call vote was held with Commissioner Clark voting yes, Mayor Gross voting yes, Commissioner Hargis absent, Vice-Mayor Remick voting yes, and Commissioner Stohler voting no. Motion passed.

### **B. Motion to approve Resolution 22-012 – Adopting amended Personnel Policy for the Town of Kingston Springs. Deferred from August 18, 2022 meeting.**

City Manager Lawless stated the changes requested by Commissioner Clark were made to the document. Commissioner Clark asked about the 8-hr. shift with a half hour unpaid lunch. There are only eight hours total that can be worked from 8:00-4:00. She asked if staff take half hour unpaid lunch would the hours be 7:30-4:00? Lawless said that although City Hall closed at 4:00 the staff hours are 8:00-4:30. City Recorder Dupré clarified that the office is open from 8:00-4:00, but office staff works until 4:30 to balance the day's accounts. Motion to approve Resolution 22-012 – Adopting amended Personnel Policy for the Town of Kingston Springs made by Vice-Mayor Remick, with a second by Commissioner Stohler. Commissioner Clark asked about the Christmas bonus and if this was an addition to Christmas bonus approved earlier. City Manager Lawless said no. In the past Christmas bonuses were given, but this codifies it. It states that a bonus may be approved by the Commissioners. Clark thought it put it in more of a contract verbiage. Lawless noted that the verbiage states "may" rather than "will". Vote was then held and motion passed unanimously.

## **12. New Business:**

### **A. Ellersly PUD Subdivision - Energy Fit Solutions, INC - Recommendation of approval and execution of the PUD Agreement from the Kingston Springs Regional Planning Commission to the Kingston Springs Board of Commissioners.**

City Planner Sharon Armstrong said this new agreement replaces the PUD agreement that was in place for a number of years. Armstrong indicated all parties are in agreement with new PUD document, and it meets the confines of what needs to be done to meet the needs on the property and to move forward with continued development of Phase 1 of the subdivision only. Phase 2 and 3 will be determined at a later date. It replaces the existing \$50,000 letter of credit with approximately \$400,000 in performance bonds. It also better defines the structure of the plan agreement with respect to development of Phase 1. Commissioner Clark asked if there was a timeline for completion of certain projects and the flood issues on Madeleine Way in this first phase. Armstrong said that it is within the confines of the PUD agreement and construction plans, and it does place structure on that process. Staff will follow up on progress and the agreement spells out what will happen if is not followed. The project plans address the most serious deficiencies first. Motion for approval and execution of the PUD Agreement from the Kingston Springs Regional Planning Commission made by Vice-Mayor Remick, with a second by Commissioner Stohler. Motion passed unanimously.

### **B. Discussion Item – Pond Health – Joy Gross.**

Joy Gross gave a presentation on the health of the pond at Burns Park. She noted that the Town is working on the algae issue at the pond. She advocated for more native plants to help the ecosystem of the pond and to reduce the algae growth. She also asked that area between soccer field and river not be mowed at this time because mowing in the summer decreases biodiversity. City Planner Armstrong said the Department of Natural Resources can help provide native plants.

### **C. Discussion Item – Detailed Police Data Collection. Sponsored by Commissioner Clark.**

Commissioner Clark felt residents needed to know citation information and shared an excel sheet she thought would be useful to track type of citation, location, operator information, and vehicle information. Chief Ivey said they were already tracking East Kingston Springs Road, West Kingston Springs Road and Mt. Pleasant Road per her request. This new request for data would require each officer to have the spread sheet in their car. He said that as small as Kingston Springs is, that information was not a benefit to his department as the town has five major neighborhoods and three major roads and it is pretty easy to figure out where the problems are. Vice-Mayor Remick said the proper channel for this type of request should be through the City Manager, who supervises the Police Department. This is not a board decision. All this information could have been obtained by a conversation with the City Manager. Commissioner Clark objected to being talked to directly at a meeting. Mayor Gross said it was on the agenda and all commissioners should have the ability to discuss it. Chief Ivey said he was not opposed to providing information, but they are a staff of six and they don't have a secretary to handle the additional work. Commissioner Clark

said data was important. Chief Ivey said his staff communicates regularly with one another and share information about incidents that occur. City Manager Lawless said that if it is not beneficial to the staff and requires additional work to provide that information to people on a level that has not been asked at City Hall, then it is not something he feels they should do. Chief Ivey said information for East Kingston Springs Road, West Kingston Springs Road and Mt. Pleasant had been collected and should have been listed on the bottom of police reports as in the past. It wasn't on this month's report, which was an oversight, but will be there in the future. Chief Ivey advised that if someone has a complaint about traffic incidents they should contact City Hall. Commissioner Clark said she had received questions and inquiries from citizens and thought the collection of the additional data would be an easy solution. No additional action taken

**D. Motion to approve Resolution 22-015 – Adopting Mission and Vision Statements for the Town of Kingston Springs.**

Mayor Gross read aloud the Mission Statement and the Vision Statement. Motion to approve Resolution 22-015 – Adopting Mission and Vision Statements for the Town of Kingston Springs made by Commissioner Stohler with a second by Commissioner Clark. Motion passed unanimously.

**E. Discussion Item – Traffic Signal Late Night Flashing – East Kingston Springs Road and Harpeth View Trail. Sponsored by Commissioner Clark.**

Commissioner Clark stated a resident spoke to her about putting the light at East Kingston Springs Road and Harpeth View Trail on flash during the overnight hours. City Manager Lawless stated that although SR249 is a state road, after inquiries to TDOT from he and Commissioner Clark it was determined the town does not need TDOT's approval to change the light sequencing, but the town would be responsible for the cost to program it. Vice-Mayor Remick asked if this should be a Commission question or whether it could be a City Manager decision. City Manager Lawless stated that while the change could be a staff decision, with the potential impact the change could have to the community he thought it would be best for the Commission to discuss. After discussion the timeframe chosen to put light on flash was 11:00 pm – 4:00 am.

**F. Discussion Item – Parking Configuration on North Main Street. Sponsored by Commissioner Clark**

This item was removed from agenda since it was answered earlier via email.

**G. Discussion Item – Town of Kingston Springs Flood Preparedness. Sponsored by Commissioner Clark.**

Commissioner Clark shared information about flood preparedness and encouraged commissioners to watch the WSMV documentary "Troubled Waters" on the flood in Waverly. She wants the Town to be more proactive in flood remediation plans and in strategic preparedness planning. City Planner Armstrong talked about the hazard mitigation plan for FEMA. Mitigation strategies for the town are submitted to a joint town/county committee. In order for your citizens and businesses to be able to participate in national flood insurance, you have to have a hazard mitigation plan. The best defense against

flooding is to require elevation. Kingston Springs does not allow development in a flood area. We are one of only three jurisdictions in the state that prohibits actual construction in a flood area. The plan is looked at yearly but required by law to be updated every five years. City Manager Lawless was involved in this year's Hazard Mitigation Plan update and submitted a list of mitigation projects to be included in that plan that are beneficial to the town. The vast majority of improvements for Kingston Springs are small footprint things. City Manager Lawless added that for the hazard mitigation plan for the county, all the municipalities and the county met with TEMA in June to reconstitute the Hazard Mitigation Plan. He added that before you can get grants from FEMA or TEMA, the item you are seeking a grant for should be in a Hazard Mitigation Plan. Some of the things the town included in the updated plan were backup generators for wastewater, fire departments, and city hall, public alerts, weather radios for community, and mast arms for traffic signals for high winds. Several of these items were not in the current plan and will benefit the town moving forward. City Planner Armstrong added that a disaster has to be declared for your county before you can apply for those FEMA and TEMA grant funds. Armstrong added that the best thing to prevent property damages during a flooding event is to prevent people from building in flood areas. The Planning Commission vets projects very carefully. Commissioner Clark asked that staff provide a report to update Commissioners after they attend the hazard mitigation meetings. Armstrong said there will be an opportunity to attend public hearings for the county mitigation plan before it is adopted, and that the mitigation plan will come before this board for ratification. Commissioner Clark said she also learned that FEMA can be asked to revisit any property or any neighborhood to reassess. Armstrong said this can often lead to a lengthy audit of the flood plain management program. She also noted that the flood maps that came out in 2016 for adoption in 2017, had the flood areas greatly reduced. Now there is less area that is regulated. Commissioner Clark suggested that FEMA be asked to reassess the maps, and Armstrong said they have been asked several times. Commissioner Clark encouraged everyone to watch the TV documentary and to check out the Flood Ready TN link if they haven't. City Manager Lawless added that when he attends FEMA Flood Plain Management training, people are impressed that we have zero tolerance on building in a flood plain. It is not something they see very often.

### **13. Surplus:**

- City Hall – Corner Desk, Court Clerk Office – Discard
- Parks Department – 6' Round Table, Activity Center – Discard

Motion to discard items made by Vice Mayor Remick, with a second by Commissioner Stohler. Motion passed unanimously.

### **14. Other (For Discussion Only):**

None

**15. Reminders:**

- Dinner on Main, Sunday, September 18<sup>th</sup>
- Art in the Park, Saturday, October 1<sup>st</sup>

**16. Adjourn the Meeting:**

Motion to adjourn the meeting made by Vice-Mayor Remick. Motion passed unanimously.  
Meeting adjourned at 8:30 pm.

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Francis A. Gross, III  
Mayor

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Jamie Dupré  
City Recorder