

**RESOLUTION 15-60**

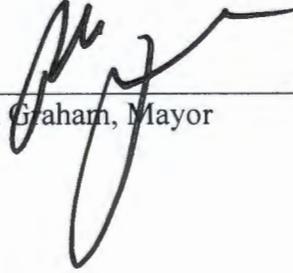
**A RESOLUTION TO APPROVE THE HIRING OF A GOLF COURSE ARCHITECT**

**WHEREAS**, the City of Spring Hill has an economic interest in King's Creek Golf Course; and

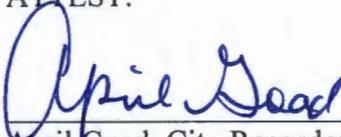
**WHEREAS**, the proposed base fee was \$5,000.00 and travel expenses not to exceed \$2,000.00; and

**NOW, THEREFORE BE IT RESOLVED**, that the City of Spring Hill, Board of Mayor and Aldermen approves the funding of an architect for the Golf Course as stated above.

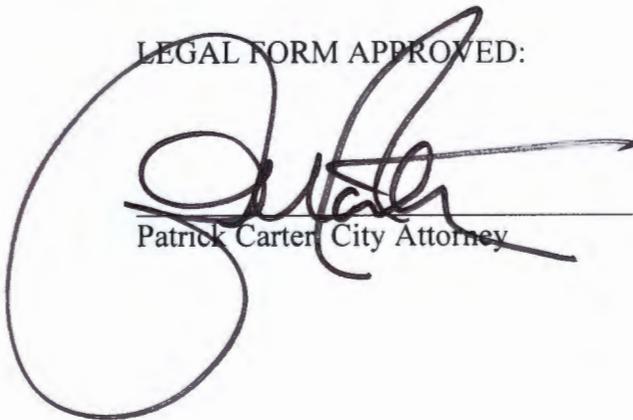
**Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 15<sup>th</sup> day of June, 2015.**

  
\_\_\_\_\_  
Rick Graham, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Patrick Carter, City Attorney

**From:** [Victor Lay](#)  
**To:** [April Goad](#)  
**Subject:** FW: KING'S CREEK SEWER LINE EXTENSION (PHASE 1) -- REVISED 6/12/15 TARGET COMPLETION DATE  
**Date:** Friday, May 29, 2015 12:11:11 PM

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Victor H. Lay, City Administrator  
Office (931) 486 -2252 x215  
Fax (931) 486 – 0516  
199 Town Center Parkway  
P.O. Box 789  
Spring Hill, TN 37174

**From:** Henderson, Don [mailto:dhenderson@textronfinancial.com]  
**Sent:** Wednesday, May 27, 2015 2:12 PM  
**To:** Victor Lay; Dan Allen  
**Cc:** Hotaling, Robert; Kaiser, Tom; Golden, Chris; Kuperstock, Jeffery; Tony Cianci; Nick Bednar; Steve Murphy; Jed Vinson  
**Subject:** KING'S CREEK SEWER LINE EXTENSION (PHASE 1) -- REVISED 6/12/15 TARGET COMPLETION DATE

Hello Victor & Dan –

Unfortunately, I have a schedule conflict & will not be able to attend the Mon 6/1 BOMA meeting (but I appreciate the offer). However, I anticipate that Steve Murphy (general manager) and/or Jed Vinson (superintendent) will attend in my absence to answer any questions regarding the golf course operations, the financial/economic impact due to the delayed sewer line extension project & the remaining steps/timeline necessary for completion/restoration. In addition, the golf course architect Kevin Hargrave might be able to attend as well.

As you can imagine, golf course operations have continued to be severely impacted due to more delays. Based on this week's group conference call, it appears that the revised "best case" target pipeline/restoration completion date is Friday 6/12 (3+ months beyond the original 3/2/15 completion date & nearly 6 weeks beyond the revised 5/4/15 completion date). Rather than inundate you with more operational statistics as detailed in my previous 3/27/15 Email below, I can simply tell you that the golf course is presently losing approximately <\$40K>/month in its current state & we are in extreme jeopardy of losing the peak June/July/August months (originally budgeted at combined \$113K EBITDA).

As discussed in our separate call yesterday, I'm hoping that the following topics will be addressed/discussed at the Mon 6/1 BOMA meeting:

- (1) Reclaimed Water Agreement – modify the terms to include either or both of the following:
  - (a) Extend the term from 10 years to 15-20 years
  - (b) Remove/delete the early cancellation provision in years 6-10



(2) Golf Course Architect – Kevin Hargrave has proposed a \$5,000 base fee + approx \$1,500-\$2,000 travel expenses. Since this cost was not originally contemplated by W&O in its contract, you indicated that the city would likely assume this cost. In the interest of time, the golf course owner has engaged Mr. Hargrave & paid him \$1,577.40 to date. I will continue to keep Mr. Hargrave engaged/paid & would seek reimbursement from the city for this expense.

(3) Turf Company – As you know, the golf course owner engaged Turf Company to do the rough grading, final shaping & sod installation for the 5+/- acre “in play” areas of the golf course to be restored. (Turf Company’s original \$172K price quote was subsequently reduced to \$157K. The golf course owner would also seek reimbursement for this restoration expense either from W&O or via the performance bond discussed below.) They have considerable experience in doing such work, started this week & should be able to complete their work by June 12. W&O is expected to haul/dump topsoil & provide the sod for this “in play” area. In addition, W&O is expected to complete/test the Phase 1 pipeline installation & restore all other areas including the paved cart paths.

(4) Performance Bond – I thought about the performance bond after our call yesterday. As you know, W&O is disputing its restoration responsibilities & doesn’t think it is obligated to cover the cost of a golf course grading contractor like Turf Company. The contract clearly states that the contractor is responsible for all restoration costs & that all golf course restoration “shall be performed by King’s Creek Golf Course approved contractors which are familiar with all of the turf and irrigation systems of the golf course.” W&O has never restored a golf course (especially an “Arnold Palmer signature” course) & therefore is not a King’s Creek Golf Course approved contractor to restore the “in play” areas. I don’t want to do anything at this point that would further delay completion of the pipeline & restoration. However, both the golf course owner and/or the city should NOT have to pay for any restoration if W&O is responsible for such costs (including Turf Company). I’m happy to continue this discussion (preferably after the pipeline & restoration are completed), but would suggest that the city seriously discuss/consider presenting the performance bond for payment to cover all out-of-pocket restoration costs. (That’s what it’s there for.) W&O is in default under its contract because (a) they have not completed the Phase 1 project by the revised 5/4/15 contractual deadline and (b) they dispute/refuse to pay for all restoration work conducted by golf course approved contractors per the contract.

I’d be happy to discuss further & look forward to your feedback from the Mon 6/1 BOMA meeting. Thanks!

DONALD C. HENDERSON  
VP - Investment Control  
Phone: (316) 660-1344  
Cell: (401) 529-7552  
Email: [dhenderson@textronfinancial.com](mailto:dhenderson@textronfinancial.com)

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**From:** Henderson, Don  
**Sent:** Friday, March 27, 2015 11:34 AM  
**To:** 'Dan Allen'; 'Victor Lay'; 'Rick Graham'; 'pcarter@tgwlawfirm.com'  
**Cc:** Hotaling, Robert; Kaiser, Tom; 'Kuperstock, Jeffery'  
**Subject:** KING'S CREEK SEWER LINE EXTENSION (PHASE 1) -- REVISED 5/4/15 COMPLETION DEADLINE

## April Goad

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**From:** Victor Lay  
**Sent:** Wednesday, June 17, 2015 2:15 PM  
**To:** April Goad  
**Subject:** FW: KING'S CREEK -- GCA INVOICE COPIES & REIMBURSEMENT REQUEST  
**Attachments:** kevin hargrave gca invoices 1-4.pdf

Victor H. Lay, City Administrator  
Office (931) 486 -2252 x215  
Fax (931) 486 - 0516  
199 Town Center Parkway  
P.O. Box 789  
Spring Hill, TN 37174

*Handwritten signature and date: 6/18/15*

**From:** Henderson, Don [<mailto:dhenderson@textronfinancial.com>]  
**Sent:** Tuesday, June 16, 2015 4:26 PM  
**To:** Victor Lay  
**Subject:** KING'S CREEK -- GCA INVOICE COPIES & REIMBURSEMENT REQUEST

Hello Victor –

As discussed today, I'm glad to hear that the BOMA formally approved payment of the Golf Course Architect (Kevin Hargrave), who assisted us regarding restoration of the 5-acre in-play area to help preserve the "Arnold Palmer Signature" designation for the King's Creek golf course. Please find attached a scanned copy of the four (4) invoices totaling \$6,309.60 received from Mr. Hargrave for his 5/14, 5/26, 6/6 & 6/12 site visits. In the interest of time, Textron Financial Corporation (parent company of the recent golf course owner SPE GO Holdings, Inc.) previously authorized & already paid Mr. Hargraves for these invoices from our King's Creek operating account. (3 invoices actually paid to date + the 4<sup>th</sup> invoice was approved/processed this week.)

Thus, since Mr. Hargrave has been/will be paid by TFC/SPE GO for his services, I would greatly appreciate it if the City of Spring Hill would directly reimburse TFC for this \$6,309.50 amount. Wiring instructions (my preference) & my office address (if paid by check) are as follows:

### Wire Transfer Instructions

**Bank Name:** Citibank, N.A.  
111 Wall Street  
New York, NY 10043  
**Account Name:** Textron Financial Corporation  
**Account Number:** 30573491  
**ABA Routing Number:** 021-000-089  
**Swift Code:** CITIUS33  
**Reference:** King's Creek / Kevin Hargraves Reimbursement

### Office Address

Textron Financial Corporation  
Two Cessna Blvd, Suite 100  
Wichita, KS 67215

*Handwritten note:*  
\$6,309.60  
Paid  
6-18-15  
General Fund  
Chk 2056

Attn: Don Henderson

I would greatly appreciate it if you would kindly advise if/when the wire transfer will be initiated or the check will be mailed. Thank you in advance for your prompt consideration and handling of this request. If any questions or problems arise, please do not hesitate to contact me.

DONALD C. HENDERSON

VP - Investment Control

Phone: (316) 660-1344

Cell: (401) 529-7552

E-Mail: [dhenderson@textronfinancial.com](mailto:dhenderson@textronfinancial.com)

CITY OF SPRING HILL  
GENERAL ACCOUNT

P. O. BOX 789  
SPRING HILL, TN 37174

2056

87-811/641

DATE 0-18-15

CHECK ARMOR

PAY TO THE ORDER OF Textron Financial Corporation \$ 6,309.60

Six thousand three hundred nine & 60/100 DOLLARS

Security Features Details on Back

**FIRST FARMERS**  
Member FDIC

James H. Smith  
April Head

FOR Architect

⑈002056⑈ ⑆064108113⑆ 80 87164⑈

**KEVIN HARGRAVE**  
GOLF COURSE ARCHITECT

May 16<sup>th</sup>, 2015

King's Creek Golf Club  
3901 Kedron Rd.  
Spring Hill, TN 37174

**- Invoice -**  
*(May 14<sup>th</sup>, 2015 Site Visit)*

Architect's Fee (1 <sup>st</sup> payment of the overall fee quoted - \$5,000 Total)	-	\$1,250
Travel Expenses (Mileage/Gas & Food)	-	\$327.40
• Mileage (530 miles/gas @ \$0.58/mile)	-	\$307.40
• Food	-	\$20.00
<b>TOTAL</b>	-	<b>\$1,577.40</b>

Terms: **Payment for this invoice due no later than June 1<sup>st</sup>, 2015. (2 weeks)**

Remit to: Kevin H. Hargrave Golf Course Architect, LLC  
115 Blackberry Ridge  
Georgetown, Kentucky 40324  
Tel: 859-361-1934

**KEVIN HARGRAVE**  
GOLF COURSE ARCHITECT

May 28<sup>th</sup>, 2015

King's Creek Golf Club  
3901 Kedron Rd.  
Spring Hill, TN 37174

**- Invoice -**  
*(May 26<sup>th</sup>, 2015 Site Visit)*

Architect's Fee (2<sup>nd</sup> payment for the overall fee quoted - \$5,000 Total) - **\$1,250**

- *(1<sup>st</sup> payment invoice was emailed out on May 16<sup>th</sup>, 2015 and is due no later than June 1<sup>st</sup>, 2015)*

Travel Expenses (Mileage/Gas & Food) - **\$327.40**

- Mileage (530 miles/gas @ \$0.58/mile) - \$307.40
- Food - \$20.00

***TOTAL*** - **\$1,577.40**

Terms: **Payment for this 2<sup>nd</sup> invoice is due no later than June 10<sup>th</sup>, 2015.**

Remit to: Kevin H. Hargrave Golf Course Architect, LLC  
115 Blackberry Ridge  
Georgetown, Kentucky 40324  
Tel: 859-361-1934

**KEVIN HARGRAVE**  
GOLF COURSE ARCHITECT

June 7<sup>th</sup>, 2015

King's Creek Golf Club  
3901 Kedron Rd.  
Spring Hill, TN 37174

**- Invoice -**  
*(June 6<sup>th</sup>, 2015 Site Visit)*

Architect's Fee (3<sup>rd</sup> payment for the overall fee quoted - \$5,000 Total - \$1,250  
plus Expenses)

- *The 1<sup>st</sup> (due June 1<sup>st</sup>, 2015) & 2<sup>nd</sup> (due June 10<sup>th</sup>) payment invoices have yet to be received.*

Travel Expenses (Mileage/Gas & Food) - \$327.40

- Mileage (530 miles/gas @ \$0.58/mile) - \$307.40
- Food - \$20.00

**TOTAL - \$1,577.40**

Terms: **Payment for this 3<sup>rd</sup> invoice is due no later than June 22<sup>nd</sup>, 2015.**

Remit to: Kevin H. Hargrave Golf Course Architect, LLC  
115 Blackberry Ridge  
Georgetown, Kentucky 40324  
Tel: 859-361-1934

**KEVIN HARGRAVE**  
GOLF COURSE ARCHITECT

June 13<sup>th</sup>, 2015

King's Creek Golf Club  
3901 Kedron Rd.  
Spring Hill, TN 37174

**- Invoice #4 -**  
*(June 12<sup>th</sup>, 2015 Site Visit)*

Architect's Fee (4<sup>th</sup> payment for the overall fee quoted - \$5,000 Total - \$1,250  
plus Expenses)

- The 1<sup>st</sup> (due June 1<sup>st</sup>, 2015), 2<sup>nd</sup> (due June 10<sup>th</sup>) & 3<sup>rd</sup> (due June 22<sup>nd</sup>) payment invoices have not yet been received.*

Travel Expenses (Mileage/Gas & Food) - \$327.40

- Mileage (530 miles/gas @ \$0.58/mile) - \$307.40
- Food - \$20.00

***TOTAL*** - ***\$1,577.40***

Terms: **Payment for this 4<sup>th</sup> invoice is due no later than June 29<sup>th</sup>, 2015.**

Remit to: Kevin H. Hargrave Golf Course Architect, LLC  
115 Blackberry Ridge  
Georgetown, Kentucky 40324  
Tel: 859-361-1934

## April Goad

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**From:** Jim Smith  
**Sent:** Friday, June 19, 2015 2:01 PM  
**To:** April Goad  
**Cc:** Victor Lay; Dan Allen  
**Subject:** Kings Creek architect

April,

The payment for the golf course architect's services should be paid for out of the Rutherford Creek Extension Project, 410-52200-933.

Thanks

Jim Smith  
Assistant City Administrator and Finance Director  
City of Spring Hill  
P.O. Box 789  
Spring Hill, TN 37174  
[jimsmith@springhilltn.org](mailto:jimsmith@springhilltn.org)  
T: 931-486-2252 x 245  
F: 931-486-0516



# FIRST FARMERS

## Transfer Confirmation

The request below has been transmitted successfully.

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**Confirmation:** 448617116  
**Approval status:** 1 of 1 received  
**Transmitted:** 06/19/2015 03:10:05 PM (ET)  
**Transmitted by:** ADMIN

### Details

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**From account:** \*7172 - WATER SEWER  
**To account:** \*7164 - GENERAL ACCOUNT  
**Amount:** \$6,309.60  
**Description:** to reimburse for Golf Course Archt.  
**Send on:** 06/19/2015 (today)

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