

**MINUTES OF REGULAR SESSION  
PIPERTON BOARD OF MAYOR AND COMMISSIONERS  
April 19, 2016, 7:00 P.M.**

The Piperton Board of Mayor and Commissioners met in regular session on April 19, 2016, at 7:00 p.m. at City Hall, with Board members: Mayor Henry Coats, Vice-Mayor Hugh Davis, Commissioner Preston Trotter, Commissioner Mike Ulczynski and Commissioner Mike Binkley present. City Engineer Harvey Matheny, City Planner Brett Morgan, Fire Chief Reed Bullock, Building Inspector Tommie Johnson and City Recorder Beverly Holloway were absent. City Manager Steve Steinbach, Finance Director Maria George, Public Works Director Terry Parker, Police Chief Phil Hendricks were also present, along with Butch Rhea, Bill and Vicki Hancock, Buddy Wittichen, Bill Baker, David Crislip, Charles McElwee, John McCarty, David Rush, Police Officer Joe Moynihan, Firefighters Joshua Scott, Mike Hoysler, Jordan Smith, Gwen Brown, Irby Smothers, et al and others in the audience.

**Agenda item 1.** Call to order, establish quorum

**Action taken:** Mayor Henry Coats called the meeting to order at 7:00 p.m., and established that a quorum was present.

**Agenda item 2.** Prayer and Pledge of Allegiance to the American Flag

**Action taken:** David Crislip led in the opening Prayer and Commissioner Mike Binkley led in the Pledge of Allegiance to the American Flag.

**Agenda item 3.** Any changes to Agenda; Motion to adopt Agenda

**Action taken:** There were no changes to the Agenda, Commissioner Binkley moved to adopt the Agenda, seconded by Commissioner Trotter. The Motion received all affirmative votes.

**Agenda item 4.** Any changes to the Minutes of the Regular Session of March 15, 2016: Motion to adopt the Minutes of the Regular Session of March 15, 2016.

**Action taken:** There were no changes to the Minutes of March 15, 2016, Commissioner Binkley moved to approve the Minutes of 03/15/16 as written, seconded by Commissioner Trotter. The Motion received all affirmative votes.

**Agenda item 5.** Review/approval of Financial Reports, Building Inspector's Report, Fireman's Report and Police Report

Steve Steinbach, City Manager, stated as we round out the Fiscal year and approach our last quarter the City is in very good financial position and on the revenue side we have exceeded property tax and we are going to exceed our budgeted number for sales tax, all department heads have been advised to start reconciling their line items by the Financial Director.

Vice-Mayor Davis requested a copy of our authority for fee in lieu of, is there an Ordinance on fee in lieu of and there was some discussion on that account and what to do with it if we are not going to do parks or recreation and if we are going to dismantle it could we get a written legal opinion from the City Council in writing as to where not to put that money.

Mr. Steinbach stated staff revised the development fees and as part of the development process one of the tools used to offset the cost of constructing infrastructure often times is a fee in lieu of and if the City doesn't need the roadway immediately as a result of whatever development is going to cause that future impact the City will take fee in lieu of and the idea is that the monies collected will be expended in the area that they were collected for and for example the fee in lieu these are primarily for roadways or exclusively in roadways, in the descriptions are the subdivision

that have provided fee in lieu of and those monies will be utilized for Keough Road, Raliegh LaGrange and the collection from the Bank was for Hwy 57 and then Ridgewood Grove and those will be used to offset when the City makes future improvements and will get an overview of what that is.

Mr. Steinbach stated that Tommie Johnson has now transitioned into a contract building official and for the month of March permits are slightly down with 1 permit issued and a major focus has been on code compliance, there were 72 inspections and 25 code compliance contacts.

Mr. Steinbach stated Fire Chief Bullock is on vacation and his report before you speaks for itself in terms of training hours and the Capital items that the Board approved as part of the Public Safety CD transfer is provided for you and it appears that everything has been purchased and the Fire Department is going to provide a demonstration of the Lucas device at the conclusion of the meeting, there were 16 total calls.

Police Chief Phil Hendricks stated during the month of March, there were 74 dispatched calls, 3 incident reports, 1 arrest, 1 motor vehicles crashes and Mr. Deadrick Britzman from Allstate donated a television to the Police Department that is in use for some of the in-house training.

**Action taken:** Commissioner Trotter moved to approve all reports as given, seconded by Commissioner Binkley. The Motion received all affirmative votes.

**Agenda item 6.** Consideration of Water Bill Adjustments- Willie Patterson

Terry Parker, Public Works Director, stated Mr. Patterson has requested for the Board to adjust his water bill which there were no problems on the Public Works side and Mr. Patterson had tree root problems in his service lines.

Commissioner Trotter inquired if this was a hardship case.

Mr. Parker stated no sir.

Commissioner Trotter inquired if the leak was associated with the meter, either on the City's side or where the line hooks to the meter.

Mr. Parker stated no sir.

Commissioner Trotter stated the policy in the past when neither a hardship case nor it is anything related to the meter or that the City can control is not to approve these requests and it is his recommendation it not be approved.

**Action taken:** Commissioner Trotter moved to deny the request for a water bill adjustment, seconded by Commissioner Ulczynski. The Motion received all affirmative votes.

**Agenda item 7.** Recess: hold Public Hearing concerning Ordinance No. 264-16, "Intermittent" Budget amendment for FY 2015-2016

**Action taken:** Commissioner Trotter moved to recess, seconded by Commissioner Binkley. The Motion received all affirmative votes.

Mr. Steinbach stated staff generally likes to keep the budget amendment requests before the Board limited to three with one generally after the beginning of the fiscal year, a second one to address any oversights and the third to reconcile and in this particular instance there was an avalanche of unexpected expenses and adjustments that were necessary for some line items due to unanticipated expenses and with regards to this budget amendment request staff is dealing with our General Fund and the Sewer Fund, so with regard to the General Fund the first line item is to increase the budget items for utility relocation that were associated with Chickasaw, there was professional services specifically engineering expenses to prepare a right of way plat, staff is in the process of trying to remain faithful to the Fletcher Road corridor study that our previous City Engineer had completed and recommended the alignment of that road so while replacing Fletcher Creek bridge the City wants to take the opportunity to straighten the road, the radius of the turn upon the approach to that bridge and that will necessitate right of way acquisitions from property owners, Frank Fitzgerald to the south and William Cleveland on the north, staff has been engaged

in dialog with them and hopes to secure that dedication, TDEC fees are for the aquatic resource permitting requirements because of the improvements.

Vice-Mayor Davis inquired on the grading part of the road, will that be placed out for bid or will the County do it.

Mr. Steinbach stated the County will not do it so that roadway will be placed out to bid as it is the City's responsibility.

Vice-Mayor Davis commented that he had a conversation with Ted Smith of Fayette County and he said they have the equipment and the manpower but there is a fee associated with it but it may save some money.

Mr. Steinbach stated if the County will participate that is all the better for the City.

Mayor Coats inquired if the gas company has finished.

Mr. Parker stated they haven't finished up but they will definitely come back.

Mr. Steinbach stated that line item is directed in the Fletcher Road bridge replacement program, the second item is a replacement of an electronic citation device that was lost, the third line item is an increase in emergency repairs for the septic system associated with City Hall, the fourth item was the repair of a pole pedestal at Hwy 385 and Hwy 57 from a hit and run driver, five, eight and nine is a transfer of expenses in the Building Official Department due to Tommie Johnson going to contract status to the salary phase to pay for his contracting services and lastly in the General Fund there is an increase in the line item for professional engineering services there has been a lot of ongoing projects with two in particular the erosion of the drainage lateral on the northside of Keough and issues with the Ridgewood Grove decentralized sewer facility and staff is proposing to address this line item by shifting monies from a capital item that was planned for the Piperton Farms sewer project which is not occurring this fiscal year and that was budgeted \$25,000.00 so staff is shifting \$20,000.00 to cover additional engineering expenses and lastly on the sewer fund; the first item is to create a new line item for the maintenance our ongoing responsibility as a part of the infrastructure with developers who installed Mann Drive, this is part of the Marshall County Utilities' provision that we are in contract with and this is our responsibility to ensure the maintenance to those lines and this line item will allow staff to do subsurface examinations, scoping, videoing of lines should they become clogged and then the Piperton Farms Decentralized capital which was previously addressed where staff transferred \$20,000.00 to engineering services to cover costs and staff doesn't anticipate that project will get completed this year because of the issues with Ridgewood Grove decentralized facility.

**Action taken:** Commissioner Trotter moved to reconvene, seconded by Commissioner Binkley. The Motion received all affirmative votes.

**Agenda item 8.** Second Reading, Ordinance No. 264-16, "Intermittent" Budget Amendment for FY 2015-2016

**Action taken:** Commissioner Binkley moved to adopt Ordinance No. 264-16 on second reading, seconded by Vice-Mayor Davis. The Motion received all affirmative votes.

**Agenda item 9.** Recess: hold Public hearing concerning Ordinance No. 263-16, establishing standards for Indoor Shooting Ranges as a special exception in the M-1, Light Industrial District in Zoning Ordinance

**Action taken:** Commissioner Trotter moved to recess, seconded by Commissioner Binkley. The Motion received all affirmative votes.

Mr. Steinbach stated that late last year staff had an inquiry from an interested investor/developer for an indoor shooting range and this is something generally new to the permitted land uses in the community so the City didn't have specific provisions for that and so the planning staff and the Planning Commission started to review and investigate the provisions that would be desired for an indoor shooting range so the Planning Commission vetted and reviewed this and at the February meeting recommended approval of this Ordinance and the

Ordinance does provide for provisions for a special exception within the M-1 Industrial District for indoor shooting ranges and based on staff's review of the proposed Ordinance, it covers all aspects of what staff would want to see to ensure safety and recommends the Board's adoption on second reading.

**Action taken:** Commissioner Trotter moved to reconvene, seconded by Commissioner Binkley. The Motion received all affirmative votes.

**Agenda item 10.** Second Reading, Ordinance No. 263-16, establishing standards for Indoor Shooting Ranges as a special exception in the M-1, Light Industrial District in Zoning Ordinance

**Action taken:** Commissioner Trotter moved to adopt Ordinance No. 263-16 on second reading, seconded by Commissioner Binkley. The Motion received all affirmative votes.

**Agenda item 11.** Resolution No. 16-181, a Resolution to amend and re-adopt the City of Piperton Subdivision Regulations

Mr. Steinbach stated under state law the Planning Commission in every Tennessee community is provided with specific powers, primarily their role is to advise the legislative body whether it be a Board of Commissioners or a Board of Alderman on development applications that come before the City but there are two areas that the Planning Commission has the sole authority and that is the Major Road Plan and Subdivision Regulations which provides direction to the developers so the City's Subdivision Regulations were out of date and in need of updating, the Planning Commission did adopt the Subdivision Regulations and although it is not necessitated by State law staff felt it would be in good form to have the document certified to the Board, so the Resolution is essentially your ratification of the Planning Commission's adoption of the updated Subdivision Regulations.

Mayor Coats commended Brett Morgan on this.

Vice-Mayor Davis stated one of the discussions concerned the issue of right of way and easements, is there any set number or do we have a number because right of way will change depending on the type of street it is and that is a nice graphic but what about easements, is there any set 3 feet, 4 feet or 5 feet from center line.

Mr. Steinbach stated that right of way is the conveyance of the fee, it is transfer of title in property to the municipality and before a roadway is officially dedicated or right of way secured most of the road ways are prescriptive easement that means that over time by evidence of maintenance an easement has been established and prescriptive easements we don't have many left but those that we do the roadways we have inherited by the County and the County's policy as understood for prescriptive easement has generally been a 40 foot swath, 20 feet from the centerline and generally the Courts have recognized prescriptive easement as that area which clear evidence is provided that whatever governmental authority is providing maintenance that would be the roadway surface and the ditches and anything beyond that would be a stretch so with regards to prescriptive easements they are established by maintenance and history as opposed to a set policy such as our prescriptive easements will be 50 feet because a municipality doesn't establish that it is only by history and its maintenance of effort that the prescriptive easement is established and when the development application comes in along a roadway that has prescriptive easement for example on Mt. Zion, the City will then request dedication so there is clarity given as to what belongs to the jurisdiction and what belongs to the private property owner along Mt. Zion however the balance of the road is prescriptive easement and it was established by the County and the City recognizes that 40 feet, 40 feet would be the entire width from the top of ditch to top of ditch and we generally measure it from 20 feet from the centerline of the roadway and often times its imperfect because some of the roadways are very narrow and the width varies.

Vice-Mayor Davis inquired who was responsible for the surveying of any roadway, does the developer do it before they bring in their final plans.

Mr. Steinbach stated that is right, with a prescriptive right of way the fee simple interest, the property ownership goes to the centerline of the road for example the property owners along Mt. Zion their deed will call out generally the center line of whatever roadway and sometimes it will have a call and sometimes it will vary and sometimes it won't it depends on how old it is and the method of survey used.

Vice-Mayor Davis inquired in the City's road while looking at the Subdivision Regulation under the appendices some of these numbers that show a right of way of 30 foot road and there are utilities and that is 25 feet is that from the shoulder of the road back.

Mr. Steinbach stated yes, when the major road plan and the appendices reflects that major road plan and that has defined certain roads so staff will require the developer to dedicate that.

Vice-Mayor Davis inquired so no Ordinance is needed to specify that.

Mr. Steinbach stated correct.

**Action taken:** Commissioner Binkley moved to approve Resolution No. 16-181, seconded by Commissioner Trotter. The Motion received all affirmative votes.

**Agenda item 12.** Consideration of Memorandum of Understanding – William C. Adair

Mr. Steinbach stated as part of our ongoing efforts to move forward on the completion of the Wastewater Treatment Plant and discussing this with Mr. Adair, Mr. Adair wanted several items addressed by the Board formerly on the record as a precursor to moving forward and executing an amendment to the original contract that the Board had approved in the fall and the Memorandum of Understanding before you essentially covers five items and staff has reviewed these and staff feels comfortable recommending to the Board the adoption of this Memorandum of Understanding, they were acceptable to Mr. Adair as indicated by his signature on the document and Mr. Steinbach went over those items briefly; item 1) Mr. Adair desires the City to move forward on Phase I of his Piperton Hills development and staff has reviewed iterations of that in the past on various occasions and staff has no issue with moving forward on that; item 2) identifies the action of the Planning Commission in 2010 regarding the Piperton Parkway which is part of Mr. Adair's masterplan, the main spine road that traverses his property, the Planning Commission in 2010 approved limited construction of that roadway and the approval of that is represented in exhibit to the Memorandum; item 3) deals with the development credit to Mr. Adair for the extension of the waterline that the Board had taken up in November of last year and already approved and again that will be another exhibit to this Memorandum which addresses that particular item; item 4) deals with the Piperton Hills Subdivision Phase I and as part of Mr. Adair's plan is to extend Keough Road where it terminates now at the decentralized facility, Mr. Adair has already installed the culvert so it is simply awaiting the road base but in order to do that the roadway will clip the southernmost end of the decentralized area so Mr. Adair has ask for assurance that the City will remove and relocate the driplines and hopes to be connected to the City of Rossville's sewer by then so that will be a non-issue and staff agrees to that and item 5) the City as part of its last review of the final construction drawings ask for a grit removal chamber and Mr. Adair has agreed to do this as it is identified as a gift and not part of the original plans and certainly staff agrees with the premise that it wasn't part of the original contract to the extent he is offering to provide it and the City will accept it as a gift.

**Action taken:** Commissioner Trotter moved to approve the Memorandum of Understanding with William C. Adair Development Company, seconded by Commissioner Binkley. The Motion received all affirmative votes.

**Agenda item 13.** Any other old/new business, questions or matters from the audience

Mayor Coats stated with the Zika virus and the West Nile virus several cities within Fayette County that are setting up a spray program for mosquitoes to try to abate some of it and we have a quote from James' Pest Control from Rossville, Somerville is also being sprayed this year and Oakland is setting up for the same scenario, this isn't a must do but the Board needs to think

about it and make a decision next month, it would be a spray of residential areas every 14 days and instead of having a lump sum they recommending \$490.00 per spray, it will go from late April into mid-October, not sure how many sprays that would be depending on the weather but will do more research.

Vice-Mayor Davis suggested posting to the website and water bills to remind the residents about eliminating free standing water as a prevention.

Mayor Coats stated the Board is wearing shirts from the Carl Perkins Center for Abuse Prevention and he is on the executive board of the Carl Perkins Center for the Prevention of Child Abuse and Fayette County was the only one out of three counties in Western Tennessee that does not have a child abuse facility or program so now we have one and United Way is donating \$50,000 for the center and if we can raise another \$50,000 they will match that so that would be \$150,000 so we are looking for donations and we need to educate the public about child abuse and its cause and with that Mayor Coats read a proclamation proclaiming that the month of April shall be observed as Child Abuse Prevention Month and he will start his neighborhood meetings soon and will have more information for people interested in contributing their time.

Vicki Hancock inquired on the dangers of the spray to pets.

Mayor Coats stated that he will check into that.

David Rush stated on the shooting range, he recommends that the Board use the NRA's Range Design Source to arbitrate any differences with respect to the design of the safety devices.

Members of the Piperton Fire Department gave a demonstration of the Lucas 2 CPR device that was recently purchased as well as answering question from the audience.

**Agenda item 14. Adjournment**

**Action taken:** Commissioner Binkley moved to adjourn, seconded by Commissioner Trotter. The Motion received all affirmative votes and the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: \_\_\_\_\_ date: \_\_\_\_\_