

**MINUTES OF REGULAR SESSION  
PIPERTON BOARD OF MAYOR AND COMMISSIONERS  
September 20, 2016, 7:00 P.M.**

The Piperton Board of Mayor and Commissioners met in regular session on September 20, 2016 at 7:00 p.m. at City Hall, with Board members: Mayor Henry Coats, Vice-Mayor Hugh Davis, Commissioner Preston Trotter and Commissioner Mike Binkley present. Commissioner Mike Ulczynski and City Planner Brett Morgan were absent. City Manager Steve Steinbach, Finance Director Maria George, City Engineer Harvey Matheny, Public Works Director Terry Parker, City Recorder Beverly Holloway, Police Chief Phil Hendricks, Fire Chief Reed Bullock were also present, along with Butch Rhea, John McCarty, Mike Russell, Bill Kilp, William Meacham, Paul Ryan, Liz McCommon, Nell Percer, Bart Sepko, Office Joe Moynihan, Bill and Vicki Hancock, 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:** Fire Chief Reed Bullock led in the opening Prayer and Vice-Mayor Hugh Davis led in the Pledge of Allegiance to the American Flag.

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

**Action taken:** There was a change to the Agenda with the addition of a discussion on an additional expenditure for the Fletcher Creek Bridge Project at the end of the agenda prior to adjournment and Commissioner Mike Binkley moved to adopt the Agenda with the one change, seconded by Vice-Mayor Hugh Davis. The Motion received all affirmative votes.

**Agenda item 4.** Any changes to the Minutes of August 16, 2016; Motion to adopt the Minutes of August 16, 2016.

**Action taken:** There were no changes to the Minutes of August 16, 2016, Commissioner Preston Trotter moved to approve the Minutes of 08/16/16, seconded by Commissioner Binkley. 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 the City is into its second month of fiscal year 2017 and staff is still largely reconciling and trying to close the books on last year numbers, acknowledging that sales tax dollars have been tremendous over the last couple of months and is pleased to see that growth.

Mr. Steinbach stated on reviewing the Code Enforcement-Building Inspection report, there have been 100 inspections over the last month and the housing market continues to be strong.

Fire Chief Bullock stated for the month of August there were 18 calls total, 2 of which were outside of the City in Rossville and 16 in Piperton, of note 8 of those 16 calls were motor vehicle crashes, only 5 were medical, there were 7 of our firemen that attended the State Academy on the weekend of September 10<sup>th</sup> & 11<sup>th</sup> and all have passed, and also this past week based on the tragedy in Memphis with fire deaths, our staff went through and identified any homes that may have those same type of security bars and is looking at the complement of tools in stock and the tendency of how to deal with it should we ever have to and also installed smoke detectors in a couple of homes. (Due to Chief Bullock's vacation-no hard copy was available)

Police Chief Phil Hendricks stated during the month of August, there were 80 dispatched calls, 5 incident reports, 3 arrest, and 10 motor vehicles crashes and also during the month of August we received the 3 new vehicles, the equipment is also in and one of those vehicles is currently being outfitted and as soon as the new ones are outfitted we will start trying to dispose of the 3 Crown Vics.

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

**Agenda item 6. Ridgewood Grove Drainage Assessment**

Harvey Matheny, City Engineer, brought to the Board's attention a concern that was brought to staff's attention from the HOA's President in Ridgewood Grove concerning some drainage concerns in the subdivision notably a culvert crossing and concerns about erosion that is believed to be occurring along the property line on some lots as well as standing water issues, have started investigating the drainage design that was done back in 2007 and looking back at the master grading and drainage plan for the subdivision envisioned all of the flow from the west side was to be conveyed to the south in a roadside swale and travel to the south to a pipe under the cul-de-sac and discharging to the south and when the final plan for phase 2 was edited and adjusted instead of placing the roadside swale and the pipe under the cul-de-sac they placed a pipe under Grove Park at a different location so all water goes under the road and follows the natural drainage way before anything was developed and the net effect of that is about 4 to 7 acres of water that wasn't planned to come down this rear property line has been added to this drainage way and this pipe has been in place for a number of years and if this were a significant problem there would be erosion occurring at the discharge point and there is very little if any erosion certainly nothing severe at this location there is a little bit of riprap as expected but in walking down the path behind the property line there is really not any head cutting or severe erosion per Mr. Matheny's opinion and on the other lot when it is developed the builder will need to re-route the water around the property lines to the culvert and there is an issue with the capacity of the culvert, it is undersized to handle the flow that is going to it since more flow is added and the design engineer for this development has been made aware of this but of course the statute of limitations for their responsibility has long since expired but they are in the process of soliciting bids from contractors to look at placing a parallel pipe in this location that would alleviate the occasional flooding at this intersection.

Mayor Coats stated that he walked that lot today and there is not very much erosion behind lot 20, there is a lot of riprap half way down and there is a pool in the back yard.

Vice-Mayor Davis inquired what caused the change in the first place.

Mr. Matheny stated as to why place the pipe here instead of bringing it around and this is speculation on his part since the answer is unknown but if you look back at the grading that would have been required on these lots to create a swale that continues to drop as you go south, this would have been a pretty sizable road side ditch and the grading up into these lots would have been significant and his opinion is it was done to decrease the impact on these lots.

Bart Sepko, owner of lot 20, gave detailed information regarding the flow of water.

Mayor Coats suggested that Mr. Matheny get with Mr. Houff and go through step by step besides increasing that culvert, what else needs to be done.

Mr. Matheny stated there needs to be more culvert capacity in this location to alleviate the flooding at this intersection as the engineer of record did not account for the added flow and they are looking at putting in a parallel 24 inch pipe in this location and they accept responsibility for that.

Commissioner Trotter asked if you have a clear indication of what the home-owners association is asking now.

Mr. Matheny stated alleviating the flooding at this intersection is a given as we all agree that needs to be fixed and we believe that is going to be fixed.

Commissioner Trotter stated it seems to me that Mr. Houff is asking us to mitigate any erosion on Lot 21.

Mr. Matheny stated yes, I do believe he would like us to come on the private, undeveloped lot and do something to get the water to flow out better and not have any minor pooling and ponding that occurs in that natural drainage way.

Commissioner Trotter stated that the Tennessee tax website shows that lot 21 still belongs to the developer.

Bart Sepko stated that lot 21 is now owned by Louis Houff, the HOA President.

Commissioner Trotter inquired if it were just recently purchased.

Mr. Sepko stated he has had it for about 6 to 9 months.

Mayor Coats inquired if lot 20 was in good shape.

Mr. Sepko stated that on his lot 20, he has mitigated almost all the problem but it would be better to get the water to come around that corner like it was originally planned and the water would flow from two different directions as opposed from trying to pull from 10 lots.

Commissioner Trotter stated that the additional pipe needs to be put in to reduce the ponding and flooding at that lower corner but as far as improvements by the City on a private property lot that is not going to happen, there are a couple of ditches running along lot 21 that someone has dumped some riprap in and essentially created riprap dams, and the water has eroded around those riprap dams, the riprap needs to be spread out to form troughs instead of dams, and he doesn't know if that is on the private property or on the City easement.

Mr. Matheny stated the riprap was associated with the original erosion control with the development and has remained there all these years but to your point there needs to be some cleanup along there, Mr. Parker and I have talked about that and it serves some purpose now is slowing the water down until the lot is improved.

Mr. Sepko stated that is correct.

Mr. Steinbach stated the undersized pipe was identified last year and the Board approved as part of the budget a capital improvement item for the replacement and staff had reached out to the design engineer to inquire about it and over time and constant discussion the design engineer was willing to acknowledge a design bust but under the statute they could have looked the other way so we are hopeful they will step up after they have said they are going to and they are putting it out to bid and they will work with the City to do that and that will save the City dollars that could potentially be expended elsewhere within the Subdivision if felt appropriate by the City Engineer and the Board, and the actual developer has released this subdivision and is no longer a part of the development.

Commissioner Trotter stated he is reluctant to approve going forward with anything until we have an agreement with the homeowners association and the City as to what to do, however he is also reluctant to let this engineering firm off the hook if they are moving forward with design and ready to pay for it.

Mr. Steinbach stated the statute of limitations with regard to the liability of the design firm has expired and the homeowners association could pursue them legally but the issue has been identified and acknowledged, Mr. Houff has made a note with regard to the disparity between the master grading plan and the final grading plan as Harvey indicated and as previously discussed, the previous City Engineer approved the design and the design bust was not caught and so the design engineer has acknowledged that and is stepping up to the plate but we don't have written confirmation of that but we have an email trail that suggests they are going to do that under the supervision of the City Engineer and agrees that if it is possible to work with the homeowners association to develop an action plan that is acceptable to both parties that would be preferable and has forwarded to you Mr. Houff's list of items and response to the City Engineer's design analysis and the most relevant is the west culvert is actually picking up drainage from more acreage than originally contemplated however most of his critique is identifying the fact this should have never happened and we are just learning that Mr. Houff owns lot 21 and the fact that

we can't legally make improvements on private property opens a new path but if we can move forward with addressing the approved capital item which is the replacement or addition of another culvert as the Board has approved funding for and if they pay for it that is money saved and has asked Mr. Matheny to reassess Mr. Houff's contentions and see if additional improvements maybe necessary in that cul-de-sac.

Mayor Coats stated we can work with the owner of lot 20 since most of it is going through his back yard to see if we need to add some riprap or anything.

Mr. Steinbach stated the replacement or the addition of the undersized culvert is acknowledged and accepted by all parties and recommends the City moves forward as we had intended to do and that was going to be a fall capital item project and we have been waiting on the design engineer of record to conclude its investigation with regards to cost and step forward and get together with Mr. Matheny and work through proceedings as we will need a development contract with the contractor they select and the other issue seems to be a little more complex, Mr. Houff is suggesting some over sight and doesn't know if we can remedy that to his satisfaction and again finding out that he owns lot 21 so there is a vested interested in the erosion that is claimed to be occurring and any improvement that is placed on that lot has a special grading plan that is approved by the City Engineer as opposed to the process we have now which is the Building Official essentially looking at an in the field grading plan, because if lot 21 is going to be improved in a manner that whoever buys or improves the property staff wants to make sure it is done so that the City doesn't deal with this again and is curious if the amount of flow that is occurring at the culvert at lot 20 if some of that water can be diverted but is not suggesting to revisit the old master plan but if a culvert can be installed at the eyebrow and some of that water that would flow to the north flows now to the south around perhaps that would help alleviate some of the flow during a peak rain event but beyond that there is little we can do on a private property other than to make sure that whatever grading is done as part of an improvement is done right and replacing the culvert is a given because that is our capital item, so staff suggests that the Board accepts the report and moves forward with replacing the culvert and have Mr. Matheny reassess the field data and we need more field data beyond what we have just from the existing documents and will need to do survey shots to see if that is even possible to reduce some of the flow.

Vice-Mayor Davis suggested if he is having discussion with the homeowners association, hopes there is dialogue about the initial problem because if they don't address the initial and if they don't correct that at the top ultimately all that will do is allow more water to spill into the collection pond and all will start coming across Hwy 196 eventually so it would be nice to divert some of it somewhere else.

Mr. Steinbach stated there is no official action just acknowledgement of the report, had indicated to Mr. Houff that the report would be presented to the Board and it has and it supports the capital improvement plan that is budgeted which is replacement of the culvert, additional dialogue as Vice-Mayor Davis and Commissioner Trotter noted with the affected property owners to see if there is any other avenues that can occur if not then the process will have to work itself out.

Commissioner Trotter stated the culvert will resolve a lot of the water ponding issues but it won't resolve any erosion issues at that point but it will at least solve part of the problem.

#### **Agenda item 7. Piperton Preserve Development Agreement**

Mr. Steinbach stated before you is the City's standard development contract for Piperton Preserve Phase II, this is the 35 lot, single family development, a mixed use development and Mike Russell and his design engineer, John McCarty are in attendance, this is a standard development with standard language with regard to the fees that are applicable to the developer, the insurance requirements, acceptance, warranty periods and the bottom line is on page 21

which is an overview of the fee summary, the water connection fee which per our Ordinance is \$2,500.00 a lot to the developer, there is a sanitary sewer fee which has been calculated by the City Engineer per the new Ordinance that was recently adopted and there will be a builder portion of that, the development inspection fee is an estimation by the City Engineer of what it is going to cost the City to inspect the development and the rest of the fees include a fee in lieu of construction for future improvements to Keough Road to be held in escrow for that roadway, the developer will post an alternative surety, which is essentially saying that everything that is pertaining to improvements internal to his property, no public off sight improvements, the developer when he comes before the City to record the plats so he can sell lots the City Engineer will determine whether or not the \$100,000.00 is still adequate surety and in most cases it is and then the sureties will be reduced commensurate with the improvements to be made, there is one additional condition post Planning Commission and that is condition #31 on page 25 and part of the improvement to Piperton Preserve Phase II which is unique to this subdivision, it will be the inaugural subdivision that will be availing itself of centralized sewer as part of the Piperton-Rossville force main connection, there will be a collection wet well on the south side of Hwy 57 and we are asking the developer to provide for an easement so that wet well can be placed as part of the City project, staff asks that the Board and the Developer acknowledge that condition as part of the approval of the development contract.

Mayor Coats stated there was an error on page 15, it should read less than instead of less than.

**Action taken:** Commissioner Trotter moved to approve the development contract for Piperton Preserve with the change noted, seconded by Commissioner Binkley. The Motion received all affirmative votes.

**Agenda item 8.** Resolution No. 16-187, releasing and cancelling the letter of credit for Shaw's Creek Reserve Subdivision, Phase I

Mr. Matheny stated the purpose of this Resolution is to consider release of the letter of credit the City is currently holding for surety for Shaw's Creek Reserve, Phase I project, last year immediately after the final surface asphalt was put on the entire subdivision, the Board reduced the surety from \$200,00.00 to \$75,000.00 and that has been in place for a year now, the Public Works Directors and I have gone out and inspected things that needed to be cleaned up and to finalize things, those things have been addressed and staff recommends the release of the \$75,000.00 letter of credit at this time.

**Action taken:** Commissioner Binkley moved to adopt Resolution No. 16-187, seconded by Vice-Mayor Davis. The Motion received all affirmative votes.

**Agenda item 9.** First Reading, Ordinance No. 270-16, amending Title 18 (Water & Sewer) of the Piperton Municipal Code to adopt certain provisions related to late fee allowances

Terry Parker, Public Works Director, stated this is presented for your consideration, a late charge waiver because there are mail issues that can't be controlled and we are also providing electronic auto draft to our customers, so we ask that permission is given to waive a late fee when conditions occur.

Mayor Coats stated a resident came to him and informed him about a similar Ordinance in Germantown this states if you are in good standing for at least 12 consecutive months in a row and then there is a hiccup where you pay late, this ordinance would waive the late fee.

Vice-Mayor Davis inquired who would make the decision to waive it.

Mr. Parker stated it would be the City Manager, Department Head or the Public Works Director over this particular division.

**Action taken:** Commissioner Binkley moved to approve Ordinance 270-16 on first reading, seconded by Commissioner Trotter. The Motion received all affirmative votes.

**Agenda item 10.** First Reading, Ordinance No. 271-16, to fix the salaries of the Board of Mayor and Commissioners

Mr. Steinbach stated the next two items address the salary increases for the elected officials as well as the appointed officials, these items were already approved as part of the fiscal year 2017 budget and this is the instrument to put those into action, and under the Charter and State Law, the Ordinance addressing the elected officials' salary would only go into effect after the next election, the Planning Commission however as an appointed body would be effective immediately, the Ordinance would become effective December 1, 2016 and the amounts provided there are the amounts previously approved in the fiscal year 2017 budget.

Mayor Coats stated the Mayor's salary would go to \$400.00 a month, the Vice-Mayor would go to \$300.00 a month and the Commissioner's would be at \$200.00 a month.

Commissioner Trotter stated this is the first adjustment in twenty years.

**Action taken:** Commissioner Binkley moved to approve Ordinance 271-16 on first reading, seconded by Commissioner Trotter. The Motion received all affirmative votes.

**Agenda item 11.** Resolution No. 16-186, to fix the salaries of the Chairman and Commissioners of the Planning Commission

Mayor Coats stated there are two elected officials that serve on this Board, Vice-Mayor Davis and I do not receive double salaries, we only received one salary for holding both positions.

Mr. Steinbach stated this is the companion item to the previous Ordinance that is applicable to the Planning Commissioners that is for the increase from the existing compensation of \$150.00 a month to the Chairman, \$125.00 to the secretary and \$100.00 to the balance of the Planning Commission and the approved amount as part of the fiscal year 2017 budget is the Chairman increases to \$300.00 and the salary of the remaining Planning Commissioners at \$200.00 a month.

Commissioner Binkley inquired if the Ordinance should state that the elected officials who serve on both Boards will not draw two salaries for holding two seats. There was agreement that the wording should be included.

**Action taken:** Commissioner Trotter moved to approve Resolution No. 16-186 with that addition, seconded by Commissioner Binkley. The Motion received all affirmative votes.

**Agenda item 12.** Recess: hold Public Hearing concerning Ordinance No. 267-16, amending Zoning Ordinance bulk requirements for residential, commercial and industrial zoning districts.

**Action taken:** Vice-Mayor Davis moved to recess, seconded by Commissioner Binkley. The Motion received all affirmative votes.

Mr. Steinbach stated this started as a means to adequately address our lot width, the previous administration had required the minimum lot width be at the street right of way line and this gets a little technical as opposed to what we traditionally identify is at the setback line because of the irregularly shaped lots and it is a hardship if the minimum lot width is required to be maintained at the street right of way and in the process of amending that staff had to go back to the various articles addressing the specific zone districts and there were three; Article 5 which addresses residential districts, Article 6 which is the commercial district and Article 7 which is the industrial district, so starting with Article 5 (residential district) on page 3 staff added footnotes to address the fact that the minimum lot width shall be maintained at the established front yard setback line, so this gives flexibility and immediate relief to some property owners who were not able to adhere to that at the right of way line and in Article 6, staff was reviewing the tables specifically the minimum side yard and rear yard and it is quite typical and common for commercial and industrial districts not have internal side yard requirements and there was no caveat to address a situation in which a commercial district abutted a residential district which we could see at Hwy 72 at some point and staff has developed language to pull into the table form so that it was clear and those are footnotes number 3, 4, 5 and 6 that simply identifies when an

applicable commercial district whether it is B1, B2 or B3 is abutting or adjacent to a residential district there will in fact be a side yard and the amount of the side yard is provided in the table text, and the same thing is applicable to the industrial districts so essentially staff has increased or identified that to make it clear that the residential district is protected so this was sent back to the Planning Commission because it was necessary that they review that before a recommendation was tendered to this Body and the Planning Commission did that and so it is back with the second reading and staff recommends the adoption of this.

**Action taken:** Commissioner Binkley moved to reconvene, seconded by Vice-Mayor Davis. The Motion received all affirmative votes.

**Agenda item 13.** Second Reading - Ordinance No. 267-16, amending Zoning Ordinance bulk requirements for residential, commercial and industrial zoning districts

**Action taken:** Commissioner Trotter moved to approve Ordinance No. 267-16 on second reading, seconded by Commissioner Binkley. The Motion received all affirmative votes.

**Agenda item 14.** Fletcher Creek Bridge Project – fence relocation

Mr. Matheny stated the Fletcher Road bridge is under construction as we speak and at the preconstruction meeting it was brought to staff's attention that the fence relocation on properties that are affected by the roadway improvements is not included in the TDOT funding, and reading from the last page of the City's agreement with TDOT, it states it is also agreed that Piperton will assume responsibility for the removal of all fences and other obstructions within the right-of-way limits, so on the south side of Fletcher Road, east of the bridge along the Fitzgerald property, the existing fence is in the realignment area so the fence must be moved back and so staff did receive a price from a contractor to remove the fence and put up a temporary fence at the construction limits and once the job is done and everything is stabilized to install the permanent replacement fence at the new right-of-way line, the contractor will not do this work since it is not part of the contract and the quote received was for \$4,250.00 and it is not just the fence but also the gate itself has to be moved back, Mr. Fitzgerald has already dedicated the right-of-way that is needed for the road realignment but there are slope easements and construction easements outside of that new right-of-way that have to be graded and addressed as well so that is why the fence has to be moved further back.

Mr. Steinbach stated that both property owners have generously dedicated without cost to the City the right-of-way on both sides of the road, Frank Fitzgerald on the south side and William Cleveland and his sisters on the north side.

Commissioner Trotter stated that it seems reasonable since TDOT is paying for 98% of the bridge replacement.

Mr. Steinbach stated procedurally he ask Mr. Matheny to acknowledge it and our current policy allows the Finance Director with City Manager approval to transfer up to \$5,000.00 dollars within our General Fund and then subsequently come back to the Board with a budget amendment however given the time constraints staff wanted to have the Board's acknowledgement and authorization and this will show up as a future budget amendment but there wasn't time to go through a two reading process.

**Action taken:** Vice-Mayor Davis moved that the City Manager be given the authorization to exercise what is already there but also \$4,250.00 for putting up the temporary and permanent fence, seconded by Commissioner Binkley. The Motion received all affirmative votes.

**Agenda item 15.** Any other old/new business, questions or matters from the audience

Liz McCommon requested a report from Mr. Matheny as authorized last month concerning the hook up to the Marshall County sewer for her subdivision.

Mr. Matheny stated that he and Mr. Parker are trying to schedule a meeting with the Marshall County authorities to talk to them about how much capacity they have and how much

they would be willing to allow us to direct to their facilities but we don't have the answers yet and apologized for the delay but hopefully we will have some meaningful dialogue this month and have some information for you next month.

Mr. Steinbach stated there is a long term and a shorter term solution, the long term solution is going to be the extension of the sewer down Russell Creek ultimately to take that basin but that could be years and the shorter term solution because the ridgeline extends on the northside of Hwy 72 would be to collect the effluent from the subdivision and pump it over into the basin but as we discussed at staff meeting that is depended upon a circumstance beyond our control, the ability of Marshall County to accept that and that is the first conversation we have to have and assuming that are adding capacity to their physical plant then we can get into what is actually going to cost and the price to the homeowners in the subdivision.

Mr. Parker acknowledged the Public Service Director of Collierville, Bill Kilp, came to visit us and ever since he has been with the City of Piperton, Mr. Kilp has been a moral support and anytime Mr. Parker needs to pick up the phone and call, he is right there to help and he really appreciates him.

**Agenda item 16.** Adjournment

**Action taken:** Commissioner Binkley moved to adjourn, seconded by Commissioner Trotter. The Motion received all affirmative votes and the meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

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