

**MINUTES OF REGULAR MEETING
PIPERTON BOARD OF MAYOR AND COMMISSIONERS
April 21, 2020, 7:00 P.M.**

The Piperton Board of Mayor and Commissioners met in regular session electronically on April 21, 2020 at 7:00 p.m., those participating were Mayor Henry Coats, Vice-Mayor Mike Binkley, Commissioner Preston Trotter, Commissioner Hugh Davis, Commissioner David Crislip, City Manager Steve Steinbach, Police Chief Phil Hendricks, Fire Chief Reed Bullock, City Engineer Harvey Matheny, Public Works Director Bill Kilp, City Planner Brett Morgan, City Attorney Gerald Lawson and City Recorder Beverly Holloway

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. Mayor Coats stated the April 21st meeting of the Piperton Board of Mayor and Commissioners is meeting electronically to protect the public health, safety, and welfare in light of the coronavirus in accordance with Executive Order No. 16.

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

Action taken: City Engineer Harvey Matheny led in the opening Prayer and Mayor Coats 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, Vice-Mayor Mike Binkley moved to adopt the Agenda with Resolution No. 20-221 as an add on to item 10, seconded by Commissioner Preston Trotter.

Roll Call Vote: Crislip-yes, Coats-yes, Trotter-yes, Binkley-yes, Davis-yes. The Motion passes.

Agenda item 4. Any changes to the Minutes of the Regular Session of February 18, 2019 and to the Minutes of the Special Called Work Session of March 9, 2019: Motion to adopt the Minutes of the Regular Session of February 18, 2019 and the Minutes of the Special Called Work Session of March 9, 2020

Action taken: There were no changes to the Minutes of the Regular Session of February 18, 2019 and the Minutes of the Special Called Work Session of March 9, 2020, Commissioner Trotter moved to approve the Minutes of the Regular Session of February 18, 2019 and the Minutes of the Special Called Work Session, seconded by Commissioner Hugh Davis.

Roll Call Vote: Trotter-yes, Binkley-yes, Davis-yes, Crislip-yes, Coats-yes. The Motion passes.

Agenda item 5. Review/approval of Financial Reports, Building Inspector's Report, Fireman's Report, Public Works' Report and Police Report/Strategic Employee Compensation Proposal (February/March)

City Manager Steve Steinbach stated entering into an unknown trying time financially not just Piperton but the entirety of our country-municipalities all over will be struggling in terms of reconciling budgets that were predicated on revenue streams that likely will not materialize and for our own particular situation at the end of March I started to notice the impact and with April we will start to see the impact of business shutdowns across the State, State-shared revenue will experience considerable percentage drops in several revenue streams, our primary impact will be on our state-shared revenue and sales tax, with regards to the financial statement, property tax and building permit income have already exceeded our budgeted forecasted revenue numbers because that will help make up for what we anticipate is a project loss in sales taxes, state-shared tax and police department operations that will be somewhat offset by lower operational cost for salaries within the police department, our cash positions are strong, all balance statements across our funds are strong going into April, the Governor's grant program has been doubled so our portion is around \$72,000.00 that will help with several capital acquisitions that we have projected for next fiscal year.

Fire Chief Reed Bullock (filling in for Building Official Tommie Johnson who had technical issues) stated during the month of February, conducted 173 inspections, issued a total of 44 permits and had 7 code compliance issues addressed, and for the month of March, conducted 167 inspections, issued a total of 55 permits that included 1 commercial permit, there are 64 active new single family dwellings in process and had 8 code compliance issues addressed (for February and March there were 2 dealing with sign removals, 2 dealing with mud in the street and for March have had 3 issues with trash on properties).

Fire Chief Bullock stated in February, we issued 12 permits with 7 inspections, there were 25 calls (23 in the City), with 10 medical (40% of the total calls) and 5 motor vehicle crashes, we hosted an active shooter class presented by Tennessee Fire and Codes Academy Fire and also held a CPR/First Aid Class at Piperton United Methodist Church as part of our community outreach program. For March there were 12 permits, there were 20 total calls (17 in the City) with 7 Medical and are seeing calls trending down with the coronavirus, Firefighters Weldy and Cochran became State of Tennessee Certified Fire Instructors, Firefighter Rice became a State of Tennessee Fire Officer 1 and Lieutenant Hursh became a State of Tennessee Fire and Life Safety Educator and with the covid-19 we do have kits for our fireman and new protocols.

Public Works Director Bill Kilp stated the completion of the public works building is ongoing and final site grading is in progress and the frequent rain has slowed its completions, the furniture is being setup and assembled and thanks to Chief Reed and to the Mayor-Comcast should be here this week, occupancy is expected the first of next month.

Mayor Coats stated he would like to hold an open house when covid-19 goes away and it is safe.

Mr. Kilp stated to assist with the additional ground maintenance at the public works site, the six decentralized sewer facilities and ground maintenance throughout the City, a part time employee is being hired, additional summer part time help will also be needed for grounds maintenance since our grass cutting and litter collections is pretty heavy throughout the City but that won't be a condition until possibly after the next budget if approved, money in this year's budget for grounds maintenance and wages in all public works operating line items are below budget expenditures, therefore it is suggested these funds be used to fund this part time position (16 hrs/week) and expenditures will also be evaluated for next fiscal year's budget, street condition evaluation is being scheduled so a pavement patch program can be implemented hopefully before the end of this fiscal year, utility lines and valve mapping has been requested from the City Engineer along with maintenance/statistical information for our decentralized sewer systems, the newest decentralized sewer system that will serve the Provenance development is being prepared for startup this summer if building trends continue, public works staff has been on site locating each water and sewer service that was not identified in the field, all but about 4 of 40 plus or minus lots have been found, in the month of March there were 203 requests for utility locates, our limited staff is very busy and gave a break down on time spent, there are several drainage maintenance construction projects to work but most are being delayed due to the weather conditions and soft ground conditions.

Mayor Coats inquired if our staff will do the Keough Road drainage improvement.

Mr. Kilp stated our staff is capable of doing it or if the Board and City Manager request that he bid it out, he would be happy to do so.

Mayor Coats stated if you can do it inside that is best.

Mr. Kilp stated our staff is skilled enough to be able to that, it is just planning the time, we are using some outside resources to help with a few water problems in some areas, and as you have noticed grass is getting taller but to wet conditions and limited staff, we are doing the best we can with that, the southern drive entrance for the public works site off of Stateline Road is out for a April 29th bid date, hope to have the bids in and be able to award the bid at the next scheduled meeting

Mayor Coats stated he knows they are over loaded and doing the best they can.

Police Chief Phil Hendricks stated during the month of February there were 50 dispatched calls, 4 incidents, 3 arrest reports and 4 vehicle crashes and for March there were 31 dispatched calls, 4 incidents, 1 arrest reports, 2 vehicle crashes, and on March 23rd, Officer Lee joined the department and another officer is scheduled to start on May 4th with two other officers in the pipeline to join the department and with that Chief Hendricks went over the current compensation and proposed compensation for officers coming on board starting in July at \$17.50/hr or \$37,000.00 a year sending him to the academy after 6 months he goes to \$18.38/hr, after a year it is \$19.67/hr, at two years \$20.65/hr, at three years \$21.48, and four years \$ 22.12, this will makes us pretty competitive with other municipalities, right now if we send an officer to the academy, we request them to sign a three year contract, and if we send them to a transitional school they will sign a contract for two years, we would like to offer a sign-on bonus of \$5,000.00 to experienced field officers and not someone who just graduates from the academy this would be payable in increments (1st \$2000.00, then \$2000.00 and \$1000.00), and would also require a three year commitment, proposing a second language incentive (\$.50/hr) which depends on the language, an incentive (\$.50/hr) for a general development instructor, the ability to take home a car depending on the distance from the department, a longevity bonus based on 60, 120 and 180 months of employment, these are in addition to the benefits the City already offers.

Roll Call Vote: Davis-yes, Binkley-yes, Trotter-yes, Crislip-yes, Coats-yes. The Motion passes.

Action taken: Vice-Mayor Binkley moved to approve all reports, seconded by Commissioner Trotter.

Roll Call Vote: Davis-yes, Binkley-yes, Trotter-yes, Crislip-yes, Coats-yes. The Motion passes.

Agenda item 6. Development Agreement – Piper Hollow Phase 1

City Engineer Harvey Matheny stated Piper Hollow is a 35 lot single-family residential development, the mixed use planned development has been approved by the Planning Commission, the DRC (Design Review Commission and the Board approved the mixed use plan on July 16, 2019, fees are summarized on page 21 of the agreement for water connection fees, sewer fees, development inspection fees and development agreement preparation fees, a full surety of \$290,000.00 which is a \$100,000.00 for on-site improvements and this site does have a considerable amount of off-site (\$190,000.00) which is primarily sewer related, the out fall sewer will go into our Living Hope station which is in conformity with our sewer master plan for the City.

Action taken: Commissioner Trotter moved to approve the Piper Hollow Phase 1 Development Agreement, seconded by Vice-Mayor Binkley.

Roll Call Vote: Crislip-yes, Trotter-yes, Binkley-yes, Davis-yes, Coats-yes. The Motion passes.

Agenda item 7. Development Agreement – Piperton Preserve Phase 5

Mr. Matheny stated Piperton Preserve is also a mixed use plan development, the amended Master Development Plan was approved on February 19, 2019, Phase 5 is a 30 lot single-family residential development, fees are summarized on page 21 for water, sewer, inspections and other fees, and there is a required surety of \$100,000.00.

Mr. Steinbach stated Mr. Mike Russell (developer) is applying his \$60,000.00 development fee credit which was credited to him at the time that he deeded or conveyed the property on which the Adair Wastewater Treatment Facility exists and you will see that on page 21 of the development agreement, it has been awhile since we addressed that and Mr. Russell has been asking and with the acceptance of the facility Mr. Russell was eligible for that credit and it has been applied to this phase of his development.

Action taken: Vice-Mayor Binkley moved to approve the Piperton Preserve Phase 5 Development Agreement, seconded by Commissioner Trotter.

Roll Call Vote: Davis-yes, Binkley-yes, Trotter-yes, Crislip-yes, Coats-yes. The Motion passes.

Agenda item 8. Call of Election

Mayor Coats stated there are three positions up for election in Piperton this year, the Mayor and two Commissioner Seats (Mr. Binkley and Mr. Crislip), the Election Office will start issuing petitions on 6/22/20 and the qualifying deadline for candidates is noon on 8/20/20.

Agenda item 9. Approval of exemption to Families First Coronavirus Response Act

Mr. Steinbach stated this is part of approved acts from Congress in the last month providing support which is part of the stimulus package that the City Attorney brought to our attention that as an employer meeting eligibility requirements with regard to the number of employees that we could request for an exemption from the Families First Coronavirus Response Act and so this is a necessary policy on behalf of the City.

City Attorney Gerald Lawson stated to clarify this doesn't exempt all employees, the provision is an unfunded federal mandate, this is for all employers 500 and less and then all governmental entities, the provision allowed private companies to recoup tax credits to fund this and what it allows you to do is exempted out Fire, Police and Public Works and it will not allow you to exempt out other employees, it provides for 2 weeks' pay at full pay if someone has the coronavirus or has to take care of someone that has coronavirus who is quarantined and additional 10 weeks of time at 2/3 pay if they have to take care of children because of school closures and they can't take them to daycare etc during that time it is basically an extension of the FMLA law or a provision of that, I had asked the Mayor to sign the order before April 1st because this took effect April 1st and there would not have been a meeting before that time, so basically what you are doing is ratifying the action by the Mayor on April 1st to exempt us out of this.

Mr. Steinbach stated we have worked with any and all of our employees during this difficult time and always take care of our own, we made an assessment as Gerald indicated as an unfunded mandate to be force into this position was a difficult place to be so we are asking for the Board's adoption and reconciling approval of this.

Action taken: Commissioner Davis moved to adopted, seconded by Commissioner Crislip.

Roll Call Vote: Davis-yes, Binkley-yes, Trotter-yes, Crislip-yes, Mayor-abstains. The Motion passes.

Agenda item 10. Request to Purchase a Commercial Grade Mower (Public Works Dept.)/Resolution No. 20-221, to authorize the City of Piperton, Tennessee to enter into an agreement with Sourcewell, formerly known as National Joint Powers Alliance (NJPA) for the contracting of goods and services

Mr. Kilp stated the first request is to amend the Fiscal Year 2020 State Street Aid Fund, the 2020 State Street Aid fund has \$20,000.00 budgeted for an Asphalt Paving Trailer, I am requesting that those monies be used for another purchase to manage the upcoming grass cutting season, which is now upon us, it has been recognized that a wide path commercial grade grass mowing machine is needed, hand held gas powered blowers and line trimmers are also needed and to fund this equipment it is recommended the asphalt paving trailer purchase be delayed and those funds be used for the grass maintenance equipment and there is a shortage of \$10,000.00 in addition to the budgeted amount of \$20,000.00 in order to purchase the equipment previously identified, the State Contract Bid Option is being reviewed, so this is a request to transfer of funds to grass mowing equipment utilizing the \$20,000.00 budgeted funds for the asphalt paving trailer and the transfer of \$10,000.00 from the General Fund Savings Account which will be recognized in a subsequent end of the year fiscal 2020 budget amendment.

Mr. Steinbach stated the request to purchase the mower is predicated on the Board amending the budget and we will start the process in May and conclude in June so your recognition of that will suffice, the Board needs to act on the Resolution that authorizes the City to enter into an agreement with Sourcewell for the contracting of goods and services.

Commissioner Trotter inquired if this mower would be used to mow the decentralized drain fields.

Mr. Kilp stated it is intended to be used for that as well as our common open spaces but I can't say at this time until I see how much grass cutting time is needed if this is all we need or we may need this plus some contracted services.

Commissioner Trotter stated so it may offset some of the contract services.

Mr. Kilp stated yes sir, this mower will do 7 or so acres an hour which is more than the typical mowers we use.

Action taken: Commissioner Trotter moved to approve Resolution 20-221 to join the Sourcewell Coop, seconded by Commissioner Davis.

Roll Call Vote: Davis-yes, Binkley-yes, Trotter-yes, Crislip-yes, Coats-yes. The Motion passes.

Mr. Steinbach stated for the correction of the record it is Resolution 20-221 instead of 20-22.

Mr. Kilp stated this is a request to purchase a 2020 96" Exmark grass cutting mower, upon a fund transfer of \$10,000.00 identified early in the conversation, this is a 38 horsepower lazer x-series mower from 4 Seasons Equipment Co., in Tupelo, Ms through the State Cooperative Bid in compliance with the Sourcewell formerly known as National Joint Powers Alliance (NJPA) of which the City of Piperton is now a member of, the Alliance purchase price is \$26,556.00, this mower sells under suggested commercial sale price of \$32,999.00. Staff recommends to make this purchase.

Mayor Coats inquired if there is any kind of service contract on the first year on the mower.

Mr. Kilp stated yes sir, if I recall there is a three year warranty on this mower and I have spoken with other cities (Collierville & Germantown) that have purchased from 4 Seasons and they have given 4 Seasons a very high recommendation, 4 Seasons will actually come to Piperton to service the machine and if needed take it to the shop.

Action taken: Vice-Mayor Binkley moved to purchase the mower, seconded by Commissioner Davis.

Roll Call Vote: Crislip-yes, Trotter-yes, Binkley-yes, Davis-yes, Coats-yes. The Motion passes.

Agenda item 11. Request to Purchase Meter Reading Software Upgrade (Public Works Dept.)

Chief Bullock stated we have Neptune meters which works by radio read, that systems involves a very dated laptop and an antenna, our public works employee drives through the City the meters communicate their readings to the laptop when complete that data is download to a thumb drive and given to our water clerk who loads the data into her computer and checks her reports looking for missed readings, if any have been missed the public works employee returns to re-read, this is labor intensive and the laptop and the current meter software can't be upgraded, so to continue with the Neptune meters the distributors (Consolidated Pipe) offers an interface that goes through an I-pad with a transceiver and this data is transmitted to a cloud for storage, we will no longer do file transfers and this system is more efficient, the

initial investment for \$10,545.00 which also includes a service contract and doesn't include the I-pad which I can get an I-pad for \$150.00.

Mr. Steinbach stated we will apply for reimbursement funding as part of the grant program as a qualifying item, is that correct Chief.

Chief Bullock stated yes sir, this is part of our IT infrastructure upgrades for the City.

Commissioner Trotter inquired if this is for a three year subscription.

Chief Bullock stated yes sir.

Action taken: Commissioner Trotter moved to approve the purchase of the meter reading software and the I-pad, seconded by Commissioner Davis.

Roll Call Vote: Davis=yes, Binkley=yes, Trotter=yes, Crislip=yes, Coats=yes. The Motion passes.

Agenda item 12. First Reading, Ordinance No. 324-20, amending the Piperton Business Center Phase 2 Planned Development Overlay (PD-O) Master Development Plan

City Planner Brett Morgan stated recently Bruce Yancey of Yancey Investments approached the City seeking a variance on lot 10 on Mann Drive, he wanted a variance into the building setback to build an accessory structure, the variance is not needed because this is a PD-O, it is a zoning case and therefore an amendment to the zoning ordinance is needed allowing a reduction of that setback and a reduction of the utility easement and so this ordinance effectively allows for that reduction, the Planning Commission reviewed it and reviewed the accessory structure for both the site and for DRC and approved it and recommended approval to the Board of Mayor and Commissioners, the building setback line is currently 25 feet and there is also a 15 foot utility easement that they want to encroach on, if this ordinance is approved it essentially makes both of those easements a common 5 foot building setback/utility easement, the easement initially was to the benefit of Chickasaw Electric, I contacted Chickasaw Electric and they have no problem with doing away with that easement completely, consequently the Planning Commission voted to approve with conditions and essentially the conditions are this ordinance will only apply to lot 10 and all the provisions that are found within this will also have to be reflected in their covenants of the Piperton Business Center Phase 2 PD-O and most essentially that all the other owners with the Piperton Business Center are in agreement to allow for this change in bulk requirements for just this lot and we do have signatures of all the owners within Piperton Business Center agreeing to allow this to happen.

Action taken: Commissioner Davis moved to approve Ordinance No. 324-20 on first reading, seconded by Commissioner Trotter.

Roll Call Vote: Davis=yes, Binkley=yes, Trotter=yes, Crislip=yes, Coats=yes. The Motion passes.

Agenda item 13. First Reading, Ordinance No. 320-20, amending certain portions of the text in the Piperton Zoning Ordinance: Article 2-Definitions, Article 3-General Provisions related to Self-Contained Mobile Food Truck Operations

Mr. Morgan stated with the increase of mobile food trucks, staff felt it was time to at least regulate how these operations are handled within the City, this ordinance addresses the process for permitting, operations and the public safety aspects which deal with health department and fire department codes, so we will amend two different sections of the zoning ordinance; article 2 will introduce definitions relating specifically to food truck operations and then article 3, we will add section 3.17 – Mobile Food Truck Operations to the zoning ordinance which goes into specifics regarding the permitting, operations and public safety of this use.

Commissioner Davis inquired who will be enforcing authority for this ordinance.

Mr. Morgan stated the Fire Chief will be involved in the fire safety issues and then our Codes Department will deal with the other part.

Chief Bullock stated under Section B: Mobile Food Preparation Vehicles, in item 1 it does reference our fee ordinance so staff can set up a fee structure, we will be inspecting and there is business tax license which will go through Finance.

Mr. Morgan stated currently we have nothing in the fee schedule that applies specifically to mobile food vendors, however we do have a peddler portion of which we can use as the permitting fee at least for now but will have to amend it to add the fees.

Action taken: Vice-Mayor Binkley moved to approve Ordinance No. 320-20 on first reading, seconded by Commissioner Davis.

Roll Call Vote: Crislip=yes, Trotter=yes, Binkley=yes, Davis=yes, Coats=yes. The Motion passes.

Agenda item 14. First Reading, Ordinance No. 323-20, amending section 1-101 of the Piperton Municipal Code Book pertaining to the meeting time for the Board of Mayor and Commissioners

Mayor Coats stated this ordinance will change the meeting time from 7:00 p.m. to 6:00 p.m.

Action taken: Vice-Mayor Binkley moved to approve Ordinance No. 323-20, on first reading, seconded by Commissioner Trotter.

Roll Call Vote: Davis=yes, Binkley=yes, Trotter=yes, Crislip=yes, Coats=yes. The Motion passes.

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

1) Mayor Coats stated we are looking at a contract for the Pinckney property and would like a vote to continue with the negotiations with the City Attorney and the City Manager involved.

Commissioner Trotter stated we need to talk about how we will pay for it, whether it is with cash or a loan, I would recommend looking at a loan.

Commissioner Davis stated he concurs with Mr. Trotter.

Commissioner Crislip stated with not knowing when Covid-19 issue is going to resolve, do we have a timeframe of possession and start paying.

Mayor Coats stated in theory two payments and this would stretch into two fiscal years to relieve some of the burden.

Mr. Steinbach stated some of the contractual items that were suggested from the seller's side, we have to do our due diligence on the property, includes a survey and environmental to protect the City's interest, I had talked about entering into a land purchase contract which is essentially seller financing and felt it would be more enticing to be in one calendar year with a subsequent payment to be made in the next fiscal year and having spoken with the City Attorney that is still legally probably going to be classified as debt under the Comptrollers regulations, we paid cash for the Public Works Building and if we paid cash for this particular asset then the financing would come later for the renovations to the structure itself but in this environment, interest rates are so low and giving the unknown concerning the coronavirus, I will be the first to admit I am reconsidering my initial counsel with regards to moving cash off of our books, and so the Commissioner Crislip's question of how long, if we entered into an agreement after a couple of weeks of negotiations that provided us at least a 60 day due diligence as opposed to a 30 days, and subsequent closing of 30 day beyond that after we all agreed any and all revisions and we finance it in a traditional manor we would be looking at some time in the first quarter of fiscal year 2021 and we would have to budget for a new operational expense for the debt service and assuming we are able to come to terms with the seller that we would initiate due diligence efforts by the end of May continuing into June and into July and assuming everything checks out that is present to the Board, I would like to present to the Board at its July meeting and then we move forward with closing the transaction whether it is half now/half later or financing.

Action taken: Vote to continue negotiations with the Pinckney's.

Roll Call Vote: Davis=yes, Binkley=yes, Trotter=yes, Crislip=yes, Coats=yes. The Motion passes.

2) Mayor Coats stated he appointed Ms. Mimi Ragon to replace Ms. Brown on the Planning Commission.

Agenda item 16. Adjournment

Action taken: Vice-Mayor Binkley made a motion to adjourn the meeting at 8:21 p.m., seconded by Commissioner Trotter.

Roll Call Vote: Davis=yes, Binkley=yes, Trotter=yes, Crislip=yes, Coats=yes. The Motion passes and the meeting was adjourned.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: _____ date: _____