

**MINUTES OF REGULAR MEETING OF THE
PIPERTON BOARD OF MAYOR AND COMMISSIONERS
August 17, 2021, 6:00 P.M.**

The Piperton Board of Mayor and Commissioners met in regular session on August 17, 2021 at 6:00 p.m. at City Hall, with Board members: Mayor Henry Coats, Vice-Mayor Mike Binkley, Commissioner Preston Trotter and Commissioner David Crislip. Commissioner Hugh Davis was absent. City Manager Steve Steinbach, Police Chief Phil Hendricks, Fire Chief Reed Bullock, Finance Director Maria George, Public Works Director Richard Mills, Bill Kilp, Building Official Tommie Johnson, City Planner Brett Morgan, City Engineer Harvey Matheny and City Recorder Beverly Holloway were present. Vicki Hancock, William Meacham, Liz McCommon, Alice Cone, Ed Brister, Letha Granberry, Carolyn Rhea (Fayette Falcon), Pete Pinckney Jr., Mike Russell, Officer Scruggs, and et al were present in the audience.

Agenda item 1. Call to order, establish quorum

Action taken: Mayor Henry Coats called the meeting to order at 6:00 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 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 changes to the Agenda with the addition of a new item 6; Consideration of the Pinckney Accessory Structure, Vice-Mayor Mike Binkley moved to adopt the agenda with changes, seconded by Commissioner Preston Trotter. The Motion received all affirmative votes.

Agenda item 4. Any changes to the Minutes of the Regular Session of July 20, 2021: Motion to adopt the Minutes of the Regular Session of July 20, 2021

Action taken: There were no changes to the Minutes of the Regular Session of July 20, 2021, Commissioner Trotter moved to approve the Minutes of the Regular Session of July 20, 2021, seconded by Commissioner David Crislip. The Motion received all affirmative votes.

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

Building Official Tommie Johnson stated during the month of July, we issued 29 total permits with 1 for new single dwellings, conducted 128 inspections, and handled 40 code compliance issues and we currently have 60 active single family dwellings under construction.

City Manager Steve Steinbach stated the financial report before you reflects the first month of the new fiscal year and we are in the middle of audit and have yet to make the transition over to our standard financial reporting documents, revenues have exceeded expenditures across the General Fund, noted a deficit in Street Aid as a result of a capital expenditure being made, the balance statement across the various funds are strong and our cash position and cash equivalents continue to hover around five million dollars.

Public Works Director Richard Mills stated the monthly work order summary is enclosed in your packet, the crews did 71 work orders last month, there were 2 after hour calls (1 for sewer & 1 for street issues) and they completed also 99 Tennessee line locates (811) and on August 11th we received a recommendation for Kevin Poe (Poe Engineering) on how to safely remove the columns on the Pinckney house so the bees can be removed and the columns repaired, so with the Board's approval I would like to move forward and get this out

for bid and get this done quickly. On July 6th, Green & Safe did a safety inspection at the WWTP, they were looking for any hazards that might exist and that is in the packet as well, I will turn over his recommendations to the engineering firm we pick to help with the WWTP, I am working with Harvey to come up with a design to decommission Greenbrier and Ridgewood's treatment plant and we do have one person that is interested maybe in trying to get those tanks out of the ground and reuse them for some other purpose so hopefully we can make that happen and that will be a cost savings to us and I would also like to welcome to the Public Works family-Anthony Harbin, he started four weeks ago and has Water Distribution II certification, Wastewater Collection II, Natural/Biological and Water Treatment II with over 20 years of utility experience. From 6/28 to 7/28 (30 days) the Wastewater flow going to Rossville was 1.1 million gallons and that is an average of 39,966 gallons a day which is 49.96% of the allotted 80,000 gallons a day going to Rossville. Also with the hiring of Mr. Harbin as the Public Works inspector, we budgeted to buy a service truck in this year's budget and with the Board's approval I would like to move forward on the State contract, I did find one and it is the same specs as used last year the only difference is we budgeted \$30,000.00 and the truck is \$30,738.00 so I will need Board approval to move forward on that.

Action taken: Commissioner Trotter moved to approve the purchase of the Public Works Inspector's truck as described, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

Mr. Steinbach stated that will be reflected in our first FY2022 budget amendment.

Fire Chief Reed Bullock stated as far as permits and inspections, it has been a very light month and there were 31 total calls, with 25 in the City and a couple of traffic crashes on Hwy 196 south of the construction in the curve. Lt. Hursh completed Hazardous Materials Technician class at the Department of Homeland Security's Center and I am very proud of him. On another note, we lost one of our reserves who was also a resident here, he was our fire photographer and would do anything else for us-Alan Howell passed away and was laid to rest yesterday.

Police Chief Phil Hendricks stated during the month of July there were 47 dispatched calls, 2 incident reports and 3 motor vehicle crash reports.

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

Agenda item 6. Consideration of Pinckney Accessory Structure

City Planner Brett Morgan stated in light of the newly amended accessory structure ordinance we have our first application for accessory residential and that is by Pete Pinckney, his existing structure sits on about 2.7 acre lot and is 4,247 square feet which the 40% he would be allowed is just over 1,700 square feet, the proposed accessory residential structure has 1 master bedroom, a master bath, a family room, a kitchen, garage, screened-in porch and all total under roof is a little over 1,500 square feet so they are within the allowable square footage for accessory residential and this is all conditioned on the conditions that were approved when the ordinance was amended, this was taken up by the Planning Commission last week and the Planning Commission voted to approve and recommended it to this Board, the new accessory residential will match the existing principal structure.

Action taken: Vice-Mayor Binkley moved to approve the Pinckney Accessory Structure, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 7. Consideration of Refund of Sewer Tap Fee – Stage Investments

City Engineer Harvey Matheny stated back in early 2018 there was discussion here with the Board about a proposal by the owner of lots 2, 3, and 4 of Wittichen Industrial Subdivision to extend the sewer line from the Living Hope pump station along the back of those properties, this entire subdivision approved years ago had septic service for every lot

and there was no sewer collection system at that time and so the Board and staff were very receptive to that proposal if this developer would put in the size line and the depth of line that we needed so one day we would go underneath the railroad tracks and serve the Hwy 57 corridor and the interstate interchange and it was a very critical piece of infrastructure and so there was a strong agreement for this to take place for the then owner of these three lots to extend that line and the agreement that was discussed was that the sewer tap fee for these lots would then be waived subsequent to that work and so the Board authorized us to prepare that agreement, the agreement was prepared by staff and reviewed by the City Attorney but it never got executed so fast forward over a year later Commercial Filter came in to develop lot 2 and the plans that they presented at time extended the sewer from Living Hope pump station all the way up to the railroad track well beyond what they were required to do as part of a lot development and plans were approved, the work is done and they paid the sewer tap fee of \$12,000.00 and come to find out they were actually working in concert with the former owner of their lot and the current owner of lot 4 to put this line in, so had that agreement been put in place as approved by the Board and been authorized they would not have paid that sewer tap fee so there were some things that were overlooked and the agreement was not executed but long story short had that happened as it had been approved they would not have paid the sewer tap fee so because of all this staff feels it is right for them to have the sewer tap fee refunded and for future developments of these lots should have that sewer tap fee waived as the agreement had been formalized initially.

Commission Trotter inquired that the line has been put in all the way up to the railroad tracks.

Mr. Matheny stated it has been put in and that at the same time 84 Lumber came into expand to this parcel and rebuild their detention basin and with this line being in place they had the desire to get rid of their septic system and so they are in the process of installing a gravity sewer across the street and then go down a 20 foot easement that was platted by Commercial Filter developer and tie into this line so 84 will soon be connected to our centralized sewer and another benefit is they were required to stub out to their up-stream side on the Commerce Street side so it is a good situation where we had kind of a significant block in sewer being extended because everything in here was initially proposed to be serviced with septic systems and now it is up to the railroad and it will be stubbed out to the Commerce side of things so that these properties were to redevelop or expand they would tie on as well, it's a much better situation than it was a couple years back for our sewer system going forward.

Mayor Coats inquired so 84 Lumber is in process of connecting now and so they are in the process of expanding already or getting ready to.

Mr. Matheny stated they are in the early stages of their project which was approved about the same time as Commercial Filter, first thing is to put the sewer line in and then they will start doing earth work, the building expansion is very small onto the south end of the building but the expansion of their yard is significant.

Mr. Morgan stated they will also be doing streetscape along Commerce.

Commissioner Trotter inquired if the size and specification for that line are what we required.

Mr. Matheny stated it is, it is a 12 inch line which will serve everything that our Master Sewer Plan envisioned it servicing once it gets under the railroad and accessible to the 57 corridor, and it is deep enough too if it were to go under the interchange to the west it could serve our properties to the west as well.

Mr. Steinbach stated there was an agreement and personal circumstances resulted in the failure to have the executed agreement presented, Commercial Filter had a private agreement ensued between Wittichen and they went ahead and moved forward and they were charged, moving forward it is still necessary for the record that we secure that agreement for the balance of the lots in the subdivision which is 1 ½ there about and that

agreement needs to be on the books and do we have a sense of the impact to our sewer, I assume this is just normal domestic use.

Mr. Matheny stated the way the \$12,000.00 is calculated is the estimated quote for Commerce Filter is the equivalent flow to 4 residential homes.

Commissioner Trotter inquired if that is all domestic.

Mr. Matheny stated yes sir, it is all domestic.

Action taken: Commissioner Trotter moved to approve the refund of the sewer tap fee, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

Agenda item 8. Resolution No. 21-239, a Resolution to release and cancel Letter of Credit (LOC) #90420004 dated 5/24/2019 issued by Pinnacle Bank, in the amount of \$30,000.00 for Fayette Trade Center Building 1 LLC on behalf of Hillwood Company

Mr. Matheny stated the property that we are discussing is along Hwy 72 adjacent to the MCR building, most of the improvements were private in nature and there were some waterline improvements along the highway and there was a rear drive put in off of Milton Drive and some acceleration/deceleration lanes of course landscaping and other required improvements from the DRC but those improvements have been completed and have been in place for over a year and they are at the end warranty period and has held up well so staff recommends your approval to release the letter of credit which is currently \$30,000.00.

Action taken: Vice-Mayor Binkley moved to release and cancel the letter of credit, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 9. Recess – hold Public Hearing concerning Ordinance No. 343-21, amending the text of the Piperton Zoning Ordinance to amend Article 5, Provisions Governing Residential Districts

Action taken: Commissioner Trotter moved to recess to hold the Public Hearing, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Mr. Morgan stated this ordinance is actually connected to the next ordinance that will be under consideration, we have had a number of inquiries over the years for subdividing small R-C lots into some other district so they could become smaller, and currently we have an R-1 district but the density of .5 units to the acre only allows you to split nothing smaller than four acres into two acres and so this ordinance amends that to allow a 0.67 dwelling unit per acre meaning we can go as low as three acres and still subdivide that into two 1 acre lots if it is rezoned R-1, and so the ordinance amended the average density and there was a change to the first two columns which was previously incorrect and we are correcting those to what they were supposed to be and you will see the connection of this to next ordinance, the Planning Commission did review/approve this in July and recommended it to the Board for approval.

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

Agenda item 10. Second Reading, Ordinance No. 343-21, amending the text of the Piperton Zoning Ordinance to amend Article 5, Provisions Governing Residential Districts

Action taken: Vice-Mayor Binkley moved to approve Ordinance No. 343-21 on second reading, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 11. Recess – hold Public Hearing concerning Ordinance No. 344-21, amending the Official Zoning Map if the City of Piperton by rezoning a total of 3.04 acres of the property (Parcel 183 008.00) known as the Dunn Schoolhouse Property

Action taken: Commissioner Trotter moved to recess to hold Public Hearing, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

Mr. Morgan stated Mr. Mike Russell submitted an application to rezone this 3.04 acres to R-1 so that it can be subdivided and we have received a subdivision application, this property is next to Piperton Preserve and the Planning Commission took this matter up in July and recommended to approve it for rezoning to R-1.

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

Agenda item 12. Second Reading, Ordinance No. 344-21, amending the Official Zoning Map of the City of Piperton by rezoning from R-C (Rural Conservation) to R-1 (Low Density Residential) zoning a total of 3.04 acres of property (Parcel 183 008.00) known as the Dunn Schoolhouse Property

Action taken: Commissioner Trotter moved to approve Ordinance No. 344-21 on second reading, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 13. Recess – hold Public Hearing concerning Ordinance No. 339-21, amending the text of the Piperton Zoning Ordinance to amend Article 8, Provisions Governing Signs

Action taken: Commissioner Trotter moved to recess to hold Public Hearing, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Mr. Morgan stated this ordinance has been in the works for quite some time, the Federal and State Governments have passed laws concerning content neutrality in regards to signage, the Municipalities are allowed to control the number of signs that are approved for a site, where they are located, and the design of the signs but no longer anything regarding the content and all of that is due to freedom of speech laws, so we took up looking at the sign ordinance from that point of view and while doing it other things came up regarding development and we found other things within the sign ordinance that needed to be changed such as adding multi-tenant building signage, we corrected some of the grammatical errors and cleaned up some of the things in reference to election signage to follow what is now State law and changed the reference from the Southern Building Code to the International Building Code, and the Planning Commission took this up in April, approved it and recommended it to this Body for approval.

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

Agenda item 14. Second Reading, Ordinance No. 339-21, amending the text of the Piperton Zoning Ordinance to amend Article 8, Provisions Governing Signs

Action taken: Vice-Mayor Binkley moved to approved Ordinance No. 339-21 on second reading, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 15. Consideration of Professional Services Agreement – Spirit Architecture-Preliminary Space and Master Site Planning (Pinckney Property)

Mr. Steinbach stated we discussed some time ago on the need to retain an architect to assist with initial space planning, preliminary site planning for the area immediately around the home, Spirit Architecture principle is Scott Rozanski, he has served on their design review board and has a specialty in historic structures, they are a small firm-the outline of his firm is real hands on and it will involve initial meetings to brainstorm and figure out the next steps necessary ultimately resulting in construction drawings so I recommend the Board approve his proposal.

Action taken: Commissioner Trotter moved to approve the proposal and cost for Spirit Architecture for space and master site planning for the Pinckney property, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

Agenda item 16. Consideration of Professional Services Agreement – Wauford & Company –Engineering Assessment (WWTP)

Mr. Mills stated we went through the RFQ process to pick out an engineering firm to help us with phase 1 of the two phases for wastewater treatment plant, J.R. Wauford sent in a proposal and it was the consensus of the group they were the best firm to go with so they sent in a proposal to be approved and they can start working on the WWTP to get it up to where it needs to be but this 1st phase I am calling it a forensic phase because the information about the WWTP is limited and my opinion is we have a one-time shot at this and we have got to get it right so we have to study what we got and what we need and will the WWTP biologically process such small flows starting out and that is something that is going to take a firm like this to tell us, but with your approval their price is \$50,000.00 for the first phase and there will be additional costs further down the road that we will have to negotiate.

Commissioner Crislip inquired if that \$50,000.00 will give us a pretty comprehensive report.

Mr. Mills stated yes.

Commissioner Trotter inquired if it would list all the repairs and all the safety issues and determine whether the wastewater we have can be treated in that unit and if not what modifications will be needed.

Mr. Mills stated yes sir.

Action taken: Commissioner Trotter moved to accept the J.R. Wauford Service Agreement for the WWTP, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

Agenda item 17. Reappointment approval for expiring BZA term of Harry Hartwig (1 year)

Action taken: Vice-Mayor Binkley moved to approve the reappointment of Mr. Hartwig, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 18. Any other old/new business, questions or matters from the audience

1) Mayor Coats stated a letter was received from Mr. William Adair on a possible rate change and we should go forward with the rate study to see where that leads us as we have a lot of septic systems in the City that we will have to pay for one of these days to bring into a conventional sewer, the WWTP is part of that criticality too and we are asking for money from the State also and it has a lot of moving parts and one of the parts is the rate study which is a very important part of it and the Mayor inquired to Mr. Steinbach if he would be requesting RFPs.

Mr. Steinbach stated he will most likely reach out to our long time rate study professional and seek a proposal from him for the Board's consideration.

2) Mayor Coats stated the Fire Chief has been looking for property for a new firehouse and possibly a new firehouse/police station and community center with the infrastructure bill close to passing, there could be some money favorable to us for that building but at the same time you have got to have your property already purchased and must have your plans done so you must be what they call shovel ready and if we are shovel ready then we could possibly get some money to build a new building, Chief has found a site at Poplar Acres and Hwy 57 that has been sitting there for 10 years, it is not commercial it is part of the subdivision so I would like the Board to take a look at it and check on the pricing and possibly make an offer on this property, it is 6.65 acres and Chief has money in the budget proposed for this year for plans for the structure.

Commission Trotter suggested that before we spend money on that, I would talk to some of the neighbors, there may be a lot of push back to which the Mayor agreed.

Mayor Coats stated there have been some neighbors involved three or four years ago and they definitely don't want it to go commercial so the other two choices would be a church which owns the property now and they are wanting to sell it or some kind of public space.

Commissioner Trotter stated the big issue is going to be the noise from police and fire.

Mayor Coats stated it doesn't have to be police and fire, it could be fire and we could include the police on the master plan for the Pinckney property.

Fire Chief Bullock stated I did have MTAS do a study several years ago looking at the growth of our City and MTAS did tell me for a main station with the layout we have and the potential growth based on our maps that it should be as close as possible to Hwy 57 and 196 north of the tracks and that is a big part of my looking at this property was the criteria that MTAS gave me for the connectivity of I-269 to get south and other roads like Piperton Preserve will have the road extended through and things of that nature and how those railroad tracks impact the response time with the station where it is, it could be east and that puts us a little bit further away from getting down south which when ISO grades us that is an impactable factor as we grow to the south and my accessibility to them is a consideration in those factors.

Commissioner Trotter recommended to consider any possible mitigation of noise issues before you start talking to neighbors.

Chief Bullock stated I have thought about screening and things of that nature that will assist in that.

Commissioner Crislip inquired if there are some things we can do with the lights and things maybe pulling out of the station that we can do that actually make it safer.

Chief Bullock stated yes, by law we have to do the lights and siren when we hit the road when we respond but coming out on 57 when we make that turn then we can hit the sirens facing south and the evergreen screening for north and east of us, I think we can do an attractive structure like the bank and situate it where if we did do police and fire together one is on one side and then the fire is further over on the 57 side so they are away from the residences and in the design we can address a lot of the concerns.

Agenda item 19. Adjournment

Action taken: Commissioner Trotter made a motion to adjourn the meeting, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes and the meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: _____ date: _____