

**MINUTES OF THE REGULAR SESSION OF THE
PIPERTON BOARD OF MAYOR AND COMMISSIONERS
September 19, 2017, 7:00 P.M.**

The Piperton Board of Mayor and Commissioners met in regular session on September 19, 2017 at 7:00 p.m. at City Hall, with Board members: Mayor Henry Coats, Vice-Mayor Mike Binkley, Commissioner Hugh Davis, Commissioner Preston Trotter, and Commissioner Neil Taylor present. City Manager Steve Steinbach, City Planner Brett Morgan, City Engineer Harvey Matheny, Finance Director Maria George, Public Works Director Terry Parker, Building Official Tommie Johnson, Fire Chief Reed Bullock, Police Chief Phil Hendricks were also present, along with Carolyn and Butch Rhea, Tommy Joseph, Tim Turner, Greg Smith, Mike Medling, Mike Amick, Officer Jeff Norton, Bill and Vicki Hancock, Elizabeth McCommon and Gwen Brown, et al, in the audience. City Recorder Bev Holloway was absent.

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: Elizabeth McCommon led in the opening Prayer and Commissioner Neil Taylor led in the Pledge of Allegiance to the American Flag.

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

Action taken: There were no changes to the Agenda and Vice-Mayor Mike Binkley moved to adopt the Agenda with the one change, seconded by Commissioner Preston Trotter. The Motion received all affirmative votes.

Agenda item 4. Any changes to the Minutes of the Work Session of August 2, 2017 and to the Regular Session of August 22, 2017; Motion to adopt the Minutes of the Work Session of August 2, 2017 and the Regular Session of August 22, 2017

Action taken: There were no changes to the Minutes of the Work Session of August 2, 2017 and the Regular Session of August 22, 2017, Commissioner Trotter moved to approve the Minutes of the Work Session of August 2, 2017 and the Regular Session of August 22, 2017, seconded by Commissioner Hugh Davis. 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 stated we are two months into Fiscal Year 2018, it is too early to provide for trends but cash positions are strong, staff just transferred additional funds out of General Operating into our General Fund Savings, the revenues across the board point out the Building Permit income due to Pyramex and a continued robust housing market.

Building Official Tommie Johnson stated for the month of August there were 48 total permits issued, 9 permits for new single family dwellings, conducted a total of 169 inspections, and there were 25 code compliance issues.

Fire Chief Reed Bullock stated for the Fire Department's report in the month of August, there were a total of 21 calls all of which were in the City and 6 motor vehicle crashes and 5 Medical, FEMA did approve the request for reimbursement due to storm cleanup along with man hours associated with that, it is just short of \$5,000.00 and it will be prorated and we should receive a large portion of that amount and still waiting to hear about the damaged generator funding, and in the process of going paperless on fire inspections with the help of an iPad and

also hoping to expand that with the Building Department so we are using the same data base which will be more efficient.

Police Chief Phil Hendricks stated during the month of August there were 81 dispatched calls, 6 incident reports, 6 arrest were made for warrants out of other jurisdictions as a result of traffic stops and 7 motor vehicles crashes and the carbon monoxide monitors have been installed in the Explorers.

Action taken: Vice-Mayor Binkley moved to approve all reports, seconded by Commissioner Taylor. The Motion received all affirmative votes.

Agenda item 6. First Reading, Ordinance No. 288-17, amending the Budget for Fiscal Year 2017-2018 (First Amendment)

Mr. Steinbach stated generally the City conducts a series of budget amendments throughout its fiscal year to recognize oversights, emergency expenditures, various appropriations and final reconciliations, this is the first budget amendment for fiscal year 2018 and it covers the General Fund, Sewer Fund, Water Fund and Street Aid Fund, on Exhibit A, General Fund - the majority of these items reflect the return of Tommie Johnson to full time status as the Building Official and this also addressed the Project Haven Economic Grant (Piperton West Sewer Project) where the City through the Pyramex project was able to secure funding through the State's Fasttrack program for a project that is estimated around \$770,000.00, the contractual entity of the State is the County, since the match will be lower and the City will step up and address that local match of \$180,000.00 which is a combination of the 18% along with the compensation of a third party grant administrator to make sure the grant program is administered through the State's various procurement and legal requirements which are quite extensive for these types of programs and additionally we anticipate additional design survey services for the last leg of this project which consists of a gravity line which will run from Living Hope underneath the Hwy 385 bypass back to the Pyramex project, on Exhibit B- the Sewer Fund, the first item reflects the revision due to a keystroke error by omitting a 0 and the amount should have been budgeted at \$15,000.00 not \$1500.00, on line item #2 staff is adding for "on-going" hourly services for utility rate consultant, Buddy Petty will advise as we adjust our rates going forward after getting up to speed, items 3 and 4 are related to the transfer from the General Fund to the Enterprise Fund for the monies from which the City will expend dollars for the project invoices that come through, the State has given approval for that based on the premise of economic development activities, and item 5 which will pay for the remaining professional engineering services carried over from FY 2017 that were accrued in FY2018 to satisfy invoices for items that were budgeted last fiscal year but didn't get complete until this fiscal year, on Exhibit C, the Water Fund – this is the companion item to the Sewer Fund for the ongoing hourly services for the utility rate consultant and on Exhibit D, Street Aid Fund- this is due to unexpected repairs with traffic signal devices at SR 385 and Hwy 196.

Action taken: Commissioner Trotter moved to approve Ordinance 288-17 on first reading, seconded by Commissioner Davis. The Motion received all affirmative votes.

Agenda item 7. Approval of 3,360 Square Foot Accessory Structure - Tommy Joseph

Brett Morgan, City Planner stated this application was approved on August 22, 2017 by the Planning Commission, the property is located at 770 Ballard Road and is approximately 20.56 acres, the applicant is requesting the approval of an accessory structure that has the dimensions of 42' x 80' x 26"6" and so this application didn't follow the category of the normal accessory structure in a residential area, normally accessory structures are looked at as a percentage of the principal structure or a percentage of the lot depending upon what residential zoning district it is in and whenever there is 5 acres or more there is a provision (Article 3.3.J) that states the applicant will present a site plan to the Planning Commission and the Board of Mayor and Commissioners for approval and it came before the Planning Commission because this is 20 acres, the building

size is 3,360 square feet and one of the requirements that the Ordinance has for any accessory structure is that it fit within the bulk regulations of the zoning of the lot and so the zoning of the lot requires a 35' front yard setback and a 50' side yard setback and this building is setback 340 plus feet and is well outside the side yard setback and it is also required to be behind the front of the principal structure and it is 16 feet behind the principal structure as well, the applicant has brought in some materials that the structure will be made of, and a condition coming out of the Planning Commission was the height that is allowed in the R-C district is 25 foot maximum and no accessory structure within the City is used for habitation so that is to be included in the conditions of the approval of the structure as well.

Commissioner Davis inquired if the building will have wiring, plumbing or is it just storage.

Mr. Morgan stated it is a storage building/shop and will have to meet all codes that apply to any building of that size in the City.

Mr. Morgan stated the Planning Commission voted unanimously to approve this and move it forward to the Board.

Action taken: Commissioner Taylor moved to approve the accessory structure, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 8. First Reading, Ordinance 292-17, amending the Piperton Official Zoning Map by rezoning 55.31 acres from R-C (Rural Conservation) to B-2 (minor Planned Commercial) and PD-O (Planned Development Overlay) and associated Master Development Plan for a proposed planned development known as Piperton Hills Commercial, Phase I

Mr. Morgan stated the applicant is seeking rezoning from an R-C (Rural Conservation) to B-2 Minor Planned Commercial / PD-O Planned Development Overlay for 55.31 acres based upon the following justification: 1) the property's current zoning is not aligned with the City's Land Use Plan, 2) the area has changed significantly – noted by the expansion of Hwy. 72 and approval of Piperton Hills Parkway, and 3) there is a public need for commercial uses along the Hwy 72 corridor and this will allow the applicant to include office as well, the master development contains 15 lots which are shown as commercial lots and Piperton Hills Parkway which had been previously approved by the City transverse these piece of property and staff has been working with the applicant upon looking at a different section, the applicant has agreed go with a more urban section rather than a rural section that it is approved for as staff feels all of the roads within this development need to be curb, gutter and sidewalk and the applicant has agreed with that condition, staff has also added the condition that any access to Hwy 72 and Hwy 196 would have to have TDOT's approval along with the City's approval, the applicant has taken the list of conditions approved by the Planning Commission and has started working to address each of those.

Commissioner Trotter inquired if the sewer question has been resolved yet.

Mr. Matheny stated the City's desire and the applicant's preferences as well would be the flowing into Marshall County and staff has approached Marshall County, they have given a positive response but have not received their official decision yet and if Marshall County does not accept then the sewer flow would have to be pump toward Hwy 57.

Mr. Morgan stated that is condition 10 on page 8 of the condition sheet, the Planning Commission approved this on August 22, 2017 and the applicant has been willing to work with the City on every condition that they have been ask to address but there is still some work to be done and will be completed by the Public Hearing date.

Mayor Coats stated there is an applicant for Lot 13 in that area, wanting to build a convenience store.

Greg Smith, representing Piperton Hills Commercial, stated they presented a sewer plan that will get the sewer out of there if the other option doesn't work.

Action taken: Commissioner Trotter moved to approve Ordinance 292-17 on first reading, seconded by Commissioner Davis. The Motion received all affirmative votes.

Agenda item 9. Recess; hold Public Hearing concerning Ordinance No. 283-17, to approve the abandonment of a portion of the right-of-way at the intersection of Grove Park Drive and Ridgewood Drive and quit claim of the City's abandoned right-of-way to the adjoining property owner

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

Mr. Matheny stated the staff report addressed two requests however only one of them will be addressed tonight, Mike Amick, property owner, has a conservation lot within the Ridgewood Grove CD-O and also owns the balance of Ridgewood Grove Development which would have been Phase III which would have had 6 or 7 additional lots. Next month we will address the consideration for abandonment of the future Phase III of Ridgewood Grove. To accommodate what Mr. Amick would like to do with his property, this is the consideration of relocating his driveway to another location and to accomplish that the City will have to abandon this portion of the right-of-way for those stub outs that are no longer needed since the roads will never be extended to the south and east to Hwy 196, so staff would like to modify the right-of-way by abandoning this portion of the right-of-way and dedicate that back to the property owner, Mr. Amick.

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

Agenda item 10. Second Reading, Ordinance No. 283-17, to approve the abandonment of a portion of the right-of-way at the intersection of Grove Park Drive and Ridgewood Drive and quit claim of the City's abandoned right-of-way to the adjoining property owner

Action taken: Commissioner Taylor moved to approve Ordinance No. 283-17 on second reading, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 11. Recess; hold Public hearing concerning Ordinance No. 284-17, repealing Ordinance 268-16, in its entirety, and establishing centralized sewer rates for the City of Pipeperon

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

Mr. Steinbach stated after the conclusion of the rate study by Buddy Petty, the recommendation of the committee consisting of staff and Commissioner Trotter is a flat sewer rate which is consistent with the decentralized rate, this is fair and equitable and it raises the necessary revenue we need to pay Rossville for the use of some of their excess wastewater treatment capacity.

Mayor Coats stated this give us a lot of time to build up a customer base for the bigger plant turn-on.

Vicki Hancock inquired on the amount of the rate.

Mayor Coats stated \$43.75 a month.

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

Agenda item 12. Second Reading, Ordinance No. 284-17, repealing Ordinance No.268-16, in its entirety, and establishing centralized sewer rates for the City of Pipeperon

Action taken: Commissioner Taylor moved to approve Ordinance No. 284-17 on second reading, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 13. Recess; hold Public Hearing concerning Ordinance No. 282-17, to prohibit motor vehicle parking along a section of Tennessee Highway 57

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

Mr. Steinbach stated there has been ongoing discussion for some time with regards to parking issues, there are large vehicles that park along the right-of-way on the southside of Hwy 57 and is blocking entrances, mailboxes, and making sight distance very perilous upon exiting, so this Ordinance will enable our Police Department to enforce no parking areas on the southside of Hwy 57 and language was added to address concerns that were raised by Commissioner Taylor.

Commissioner Taylor inquired on signage.

Mr. Steinbach stated there will be signage and the Public Works Director will work with TDOT since this is State right-of-way.

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

Agenda item 14. Second Reading, Ordinance No. 282-17, to prohibit motor vehicle parking along a section of Tennessee Highway 57

Action taken: Vice-Mayor Binkley moved to approve Ordinance No. 282-17 on second reading, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 15. First Reading, Ordinance No. 289-17, to amend Title 15, Chapter 5 of the Piperton Municipal Code by amending Handicap Parking

Police Chief Hendricks stated this basically authorizes the department to enforce vehicles parked in handicap parking spaces that are not designated by placard, tag, or physically appear to be handicapped, and when this section was revamped it was omitted and we are reinstating the section.

Action taken: Commissioner Trotter moved to approve Ordinance No. 289-17 on first reading, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

Agenda item 16. Resolution No 17-198, Commitment to fund local match requirement associated with Fasttrack Grant for the Piperton-West Sewer Extension Project

Mr. Steinbach stated with regards to the first budget amendment for fiscal year 2018 we discussed the local match requirement, so the program is a contractual agreement between the State and Fayette County with Fayette County serving as an intermediary and Piperton is responsible for expending the funds to satisfy the local match and the County wanted to make sure this was memorialized and this Resolution memorializes the agreement on the part of the City to pay the 18% local match, Mayor Taylor has reviewed and was fine with this Resolution, staff will be meeting with the grant administrator on Wednesday.

Action taken: Vice-Mayor Binkley moved to accept Resolution 17-198, seconded by Commissioner Taylor. The Motion received all affirmative votes.

Agenda item 17. Roofing/Painting Bid Approval/Recommendation

Mr. Steinbach stated the need to clarify the last time, there was a procedural error that has been recognized and are rectifying that this evening, prior to Terry Parker's recommendation of the Board's acceptance, I would asked that the Board entertain a motion to rescind its action last month of approving the low bids for painting and roofing services at City Hall, we procedurally failed to adhere to the budget requirements, we anticipated the bids to come in under \$10,000.00 and they didn't, technically the Board should not have acted because of the fact they were not sealed bids. All vendors were notified that we are rebidding and we did rebid the projects.

Action taken: Commissioner Trotter moved that the Board rescind the approval of the low bids from the previous meeting for the roofing and painting of the Fire Station and City Hall, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

Roofing/Painting Bid Approval/Recommendation

Terry Parker, Public Works Director, stated that the projects were re-bid under the state guidelines, and did receive sealed bids, and seeking approval for the roofing portion only, we did receive two bids and we did require those bidders to provide certain warranties for the roof and the lowest bidder did what we requested based on specs and the warranty, we received two prices, the lowest bid is \$15,830.00 and staff is asking for the Board's consideration.

Mr. Parker stated the painting will be re-bid to get a better price (we only received one bid), so we will open bids again on October 11th but please be aware we need to paint first then have the roof put on, so we are asking the low bidder on the roof to stand by until its painted.

Action taken: Commissioner Trotter moved to approve the \$15,830.00 bid on replacing the roof, seconded by Commissioner Davis. The Motion received all affirmative votes.

Agenda item 18. Any other old/new business, questions or matters from the audience
There was none.

Agenda item 19. Adjournment

Action taken: Vice-Mayor Binkley moved to adjourn, seconded by Commissioner Taylor. The Motion received all affirmative votes and the meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: _____ date: _____
Mayor