

**MINUTES OF REGULAR MEETING OF THE
PIPERTON BOARD OF MAYOR AND COMMISSIONERS
March 21, 2023, 6:00 P.M.**

The Piperton Board of Mayor and Commissioners met in regular session on March 21, 2023 at 6:00 p.m. at City Hall, with Board members: Mayor Henry Coats, Vice-Mayor Mike Binkley, Commissioner David Crislip, Commissioner Russ Fletcher, and Commissioner Bret Morris present. City Manager Steve Steinbach, Police Chief Phil Hendricks, Fire Chief Reed Bullock, Public Works Director Richard Mills, Finance Director Maria George, City Planner Brett Morgan, and City Recorder Beverly Holloway were present. William Meacham, Elizabeth McCommon, Vicki Hancock, Deborah Joyner (Fayette Falcon), Letha Granberry, Walter Priddy, Jim Ragon, Beverly Brown, Joseph Patrick, Sandra Johnson, Sherry Patrick, Captain Bennett and et al were present in the audience. Building Official Elizabeth Reed and City Engineer Harvey Matheny were absent.

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: Elizabeth McCommon led in the opening Prayer and Vice-Mayor Mike Binkley led in the Pledge of Allegiance to the American Flag.

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

Action taken: There were no changes to the agenda, Commissioner Bret Morris moved to adopt the agenda, seconded by Commissioner David Crislip. The Motion received all affirmative votes.

Agenda item 4. Any changes to the Minutes of the Regular Session of February 21, 2023; Motion to adopt the Minutes of Regular Session of February 21, 2023

Action taken: There were no changes to the Minutes of the Regular Session of February 21, 2023, Commissioner Russ Fletcher moved to approve the Minutes of the Regular Session of February 21, 2023, seconded by Commissioner Morris. The Motion received all affirmative votes.

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

City Manager Steve Steinbach stated cash positions are strong and operating accounts are in good shape, property taxes are nearly complete, sales tax continues to trend upwards at 81%, building permits continues to trend down obviously, the interest rates have had an impact. A letter from the Comptroller's office was provided in your packet and basically it indicates our audit missed the mark on several items and our auditor's response was included with the letter and staff is awaiting the final approved audit.

Fire Chief Reed Bullock (filling in for Building Official Elizabeth Reed) stated for the month of February, we had 36 active homes, 26 total permits were issued, conducted 99 inspections, and handled 13 code compliance issues.

Public Works Director Richard Mills stated all the columns for the Piper House are on site, the renovations for the Piper House were rebid on March 8th with bid opening schedule for the 20th however the two contractors that are bidding requested an extension to March 24th and that was granted through an addendum to the contractors that had pulled plans and those will open at 2pm. All the components with the exception of one item has arrived for SCADA.

SCADA will be installed in all of our sewer pump stations, at the wastewater treatment plant and at the water tower, this system will show us how things are running at all of these locations and will allow us to control it from different locations. The new backhoe arrived on March 8th and the new boom truck should arrive in May or June. The installed PubWorks software is going to change the way we keep up with daily tasks, inventory, maintenance and cost associated with every day operations. Sewer flow going to Rossville from 1-25-23 to 2-27-23 (33 days) was 1,439,829 gallons, that is an average of 43,631.18 gallons per day and that is 54.54% of the allotted 80,000 gallons per day. There were 90 Tennessee 811 locates for February, and 110 total work orders with 3 still pending with 13 after-hour emergency call outs.

Fire Chief Reed Bullock stated for the month of February there was 1 commercial rough inspection, 4 residential permits, 5 final inspections, 24 total calls (22 in the City) and 2 mutual aid calls. The new hydraulic extrication tools are in and in service on the apparatus and we have also received the capitals items for the cordless tool and those are in service as well. We have also hired two new firefighters.

Police Chief Phil Hendricks stated in the month of February, there were 44 dispatched calls, 1 incident report, 0 arrest report and 4 motor vehicle crashes.

City Planner Brett Morgan stated there was a work session held last week with the Gateway Plaza people for the property on the south side of Hwy 57 at the interstate, they had previously appeared for a resubdivision of half of Piper Subdivision and then came before the Planning Commission with a preliminary application for a site plan for a mid-block C-store. The site plan didn't work well so we set up the work session with City staff to discuss the plan.

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

Agenda item 6. Recess – hold Public Hearing concerning Ordinance No. 367-23, amending the text of the Piperton Zoning Ordinance to amend Article 8, Provisions governing signs, amending the allowable signage for Convenience Stores/Fueling Stations

Action taken: Commissioner Morris moved to recess the meeting to hold a public hearing, seconded by Commissioner Fletcher. The Motion received all affirmative votes.

Mr. Morgan stated this is to amend Article 8.14.1 Attached Signs (Wall Signs) under item G. (Restrictions, Exceptions, and Clarification) to add additional text that deals specifically to Convenience Stores/Fueling Stations as follows:

- a) Convenience stores shall be allowed one wall sign for each additional business operating within the store's building envelope. The secondary business' sign shall be subordinate in size to that of the principal business.
- b) One branding sign shall be allowed to be affixed to the canopy overhanging fueling pumps. The location, proportions, and colors (including the canopy color) shall be approved by the PC/DRC.
- c) The cumulative sign area of all signs shall comply with the maximum per zone lot allowance prescribed in **Article 8.12.2**.
- d) Industry standard colors (red, green, and amber) shall be allowed for electronic fuel price signs but must be approved by the DRC.

And also affected under Article 8.14.2 (Detached Signs) under G (Restrictions, Exceptions, and Clarifications):

4) *Changeable Copy Signs (Automatic)* – Changeable copy signs (automatic) shall be subject to the additional restrictions:

- i) The electronic message shall use an amber (off-white) color against a constant, solid black color. **Text Added:** Industry standard colors (red, green, and amber) shall be allowed for electronic fuel price signs but must be approved by the DRC.

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

Agenda item 7. Second Reading, Ordinance No. 367-23, amending the text of the Piperton Zoning Ordinance to amend Article 8, Provisions governing signs, amending the allowable signage for Convenience Stores/Fueling Stations

Action taken: Vice-Mayor Binkley moved to approve Ordinance No 367-23 on second reading, seconded by Commissioner Morris. The Motion received all affirmative votes.

Agenda item 8. Recess - hold Public Hearing concerning Ordinance No. 368-23, amending Article 3 of the Piperton Zoning Ordinance – General Provisions amending the requirements of Accessory Residential

Action taken: Commissioner Crislip moved to recess to hold a public hearing, seconded by Commissioner Fletcher. The Motion received all affirmative votes.

Mr. Morgan stated the City has considered for a long time how it could allow for in-law suites but was concerned about the use of those accessory structures becoming rental property and so the ordinance offered conditions and it was approved, subsequent to that the City Attorney reviewed it but didn't agree with some of the language stated in the conditions, specifically he did not like the language that required a deed restriction and felt it was overstepping. Staff has struck or removed the requirements for deed restrictions in items 8 and 9 but left in the conditions "Shall not be sold apart from the principal structure" in item 8 and "shall not be leased or rented" in item 9. Staff has added item 14 that states: "Owner of the principal structure shall complete, sign, and date the City of Piperton Accessory Residential Affidavit which states the "residence is to serve as a residential, not rental, accommodation limited to family members, household employees, caretakers, and caregivers only, and will not be used for any purpose for which I, any member of my family, or any other person, group, or enterprise, of whatever description, would receive any compensation of any kind whatsoever from anyone." The completed Affidavit shall be recorded with the property deed.

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

Agenda item 9. Second Reading, Ordinance No. 368-23, amending Article 3 of the Piperton Zoning Ordinance – General Provisions amending the requirements of Accessory Residential

Action taken: Commissioner Morris moved to approve Ordinance No. 368-23 on second reading, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 10. First Reading, Ordinance No. 369-23, amending a portion of Ordinance No. 354-22, setting fees for residential and small commercial garbage and yard waste collection service and increasing such fees

Mr. Steinbach stated we received a letter from our garbage vendor indicating that they were going to increase and have in fact increased their fees by 5% which is the maximum permitted under the contract that is in effect until February 2024, last year we took steps to reduce the margin that was collected as surplus that the City utilizes for addressing storm events and picking up debris and so that excess money was utilized to purchase the boom truck, so we have depleted those excess savings and recalibrated our margin to be more reasonable over the cost and so what we are proposing now is to increase our retail rates. The City's recycling portion was not enacted at the same time that the garbage contract was, it was a year later and we received an email correspondence from our vendor in November I believe, indicating that they were prepared to move to a month-to-month provision for the duration of this year so that next year we will bid these out together to be on the same timeframe. We are also proposing a minor increase to recycling. We reduced our recycling rate last year because our vendor had us in several tiers based on the number of customers and the Board passed on those savings to the customers last year so the rate is still lower than it was last year and so with a 3% increase it brings to \$7.62 from \$7.40. Our contract provides a requirement that the

garbage cart be accompanied with a yard waste cart and we have addressed that with the vendor because when we renegotiated our extension we added a 2 cubic yard allotment for yard waste so the yard waste cart is effectively superfluous and over the next several months we will be working to have that removed for residents who don't utilize a yard waste cart and that will reduce our rate, staff is still in the process of analyzing the numbers but encourages a vote of support on the rate increase for first reading.

Action taken: Vice-Mayor Binkley moved to approve Ordinance No. 369-23 on first reading, seconded by Commissioner Morris. The Motion received all affirmative votes.

Agenda item 11. First Reading, Ordinance No. 370-23, amending the Budget for 2022-2023, (Second Amendment)

Mr. Steinbach stated we are addressing items that have gone over budget or items for which we did not have sufficient information when we were forecasting the expense. This addresses the General Fund, Water Fund and the Sewer Fund, staff is still analyzing the numbers, the highlighted items indicate items that were not budgeted as part of the original budget and gave an overview of the three amended exhibits for the benefit of all.

Action taken: Commissioner Fletcher moved to approve Ordinance No. 370-23 on first reading, seconded by Commissioner Morris. The Motion received all affirmative votes.

Agenda item 12. First Reading, Ordinance No. 371-23, amending the text of the Piperton Zoning Ordinance to amend Article 9 – Site Plan Review Requirement to include a Design Guideline Manual

Mr. Morgan stated this ordinance makes an additional statement within our zoning ordinance regarding the requirements for site plan review in Article 9 and in Article 9.1. We are proposing to add this paragraph in relation to the Design Guidelines Manual:

Design Guidelines Manual - On December 16, 2008 the Piperton Board of Mayor and Commissioners (BMC) designated the Planning Commission as the Design Review Commission (DRC) by the adoption of Ordinance 156-08. The DRC was authorized “to develop general guidelines for the exterior appearance of nonresidential property, multiple family residential property, and any entrance to a nonresidential development within the municipality”. Paragraph 6 of Ordinance 156-08 makes it the responsibility of the DRC to prepare a Design Guidelines Manual, which shall be approved by the BMC, to facilitate the objectives of the Ordinance. On April 18, 2023 the BMC held a Public Hearing on the Design Guidelines Manual, as approved by the DRC, and approved, by Ordinance, an amendment to Article 9 – Site Plan Review Requirements to include the Design Guidelines Manual in the review process. All Site Plan applications requiring DRC approval shall obtain said approval prior to the issuance of a Building Permit. Refer to the Design Guidelines Manual for a general checklist of design elements required for DRC approval.

Mr. Steinbach commended Mr. Morgan and the Planning Commission for the work on this manual.

Mr. Morgan stated the Planning Commission Chairman, Mr. John Henszey really did the yeoman's work on this.

Action taken: Vice-Mayor Binkley moved to approve Ordinance No. 371-23 on first reading, seconded by Commissioner Morris. The Motion received all affirmative votes.

Agenda item 13. Resolution No. 23-267, establishing a uniform policy on the acceptance of gifts and other donations by the City

Mr. Steinbach stated we have not had a formal policy and this essentially formalizes provisions and standards that this Body has to approve any gift that is accepted, staff can't not accept a gift on behalf of the City and when appropriate there will be a fiscal and legal

evaluation on the gift. This provides a standardized basis for accessing a donation and staff encourages your approval.

Action taken: Commissioner Morris moved to approve Resolution No. 23-267, seconded by Commissioner Fletcher. The Motion received all affirmative votes.

Agenda item 14. Resolution No. 23-268, authorizing a charitable appropriation to the Fayette County Carl Perkins Center

Mr. Steinbach stated this is formalization of the donation that the Board has already approved.

Action taken: Commissioner Crislip moved to approve Resolution No. 23-268, seconded by Commissioner Morris. The Motion received all affirmative votes.

Agenda item 15. UGB Plan Discussion

Mr. Morgan stated due to Blue Oval, the County is looking to expand the possibility of growth; but whenever any county in the state of Tennessee starts looking at modifying its urban growth boundary, every municipality within that county can also do that and so since the Fayette County Mayor is opening back up the urban growth boundary and calling the coordinating committee back in session to consider this. Piperton is going ahead with looking at the urban growth boundary that it has and Mr. Morgan put the proposed map on the screen and explained the map and the plan for everyone's benefit. The plan abuts the Shelby County Line going up to Hwy 193 (Macon Road) and encompassing the Boyle property, Turley property and 4M Limited property but we are proposing giving back some areas to Rossville. This has not been adopted, it still has to go to a Public Hearing of the Planning Commission next month and has to go to a Public Hearing of the Board of Mayor and Commissioners in the same month and then it has got to go to the County for approval by the Coordination Committee which includes all the Cities, so every city within the county will have a vote on this but since we are not fighting over areas with either Oakland or Rossville, this should be a fairly benign look at expanding the urban growth boundary.

Commissioner Morris inquired if we will be required to provide services to that area if it becomes part of our growth area.

Mr. Steinbach stated we are not legally obligated to provide any municipal services outside of our corporate boundaries other than in an instance where we have extended utilities and we function as a utility district and that is only in one area, and not until an annexation request is made. This is just identifying territories for the various cities.

Agenda item 16. Appointment of Mike Smith to the Industrial Development Board

Action taken: Vice-Mayor Binkley moved to approve the appointment of Mike Smith to the Piperton Industrial Development Board, seconded by Commissioner Morris. The Motion receive all affirmative votes.

Agenda item 17. Any other old/new business, questions or matters from the audience

Beverly Patrick Brown inquired on the land that is being cleared at Hwy 196 and Critton Drive.

Mr. Morgan stated he was asked about this earlier and I don't know if they have a land disturbance permit yet for that.

Chief Bullock stated he just saw that today after being out of town for a week and called Mr. Morgan about it.

Mr. Morgan stated there is a construction road going through there and that is what they were approved to put the road in but not anything else and I have not heard of a land disturbance permit being issued.

Mr. Steinbach stated they were approved by our Board, the development contract was approved for development and a development plan from the Planning Commission but the developer has not paid his fees until this very day as I understand it and beyond that there is a process that he has to go through with regards to approval from the State for notice of coverage for land disturbance and that has not occurred so we will dispatch our code people first thing in the morning and find out what is going on and he asked Mr. Morgan to contact Wesley Woolridge.

Letha Granberry stated someone had placed a stake in the back of our yard, she contacted the individual and told him he could not come on our property and put a stake down and try to claim it as his and he said that was his property and I told him no, it is not and she pulled the stake and threw it in the creek and hasn't seen him since but now since they are doing all this clearing, I don't know how they have gotten across the creek but they are there and they have cleared off so much of the property and when we had the property surveyed, they have taken part of our property and put up the silt fence on our side, we have land across the creek and it is clearly marked off and they have put that silt fencing west of the marker and they have not spoken with us about doing this and my request to you is to talk to the new owner and tell them to move that silt fencing. They are disregarding the property owners and doing what they want to in clearing off all this land.

Mr. Steinbach stated I am sorry for your trouble, development in a rural area is always froth with issues like this and this isn't the arena to address a land dispute but what we can do is make sure that the developer, engineer and surveyor make sure that what they are claiming is their property is in fact their property. Otherwise you would have a civil claim and it is not the municipal jurisdiction role to intercede in a private matter, but we can certainly make sure that what they are claiming is theirs is transparent and available for you to see and it is quite possible they could be trespassing. I assure you that staff will followup with the developer.

Joseph Patrick inquired on the water line coming down Freeman, that has been months ago and I haven't seen any waterlines coming through.

Mayor Coats stated we are waiting on TDEC funds to be distributed, we have a design and everything is ready to go, there will be an 8-inch line installed and there are several projects that are waiting on the funds to come in.

Mr. Steinbach stated we are in the process of reviewing our connection fees and the main thing is water is going to be available.

Mayor Coats asked for feedback on the new water bills from everyone next month, good or bad.

Agenda item 18. Adjournment

Action taken: Vice-Mayor Binkley made a motion to adjourn the meeting, seconded by Commissioner Crislip. The Motion received all affirmative votes and the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: _____ date: _____