

**MINUTES OF REGULAR MEETING OF THE
PIPERTON BOARD OF MAYOR AND COMMISSIONERS
April 18, 2023, 6:00 P.M.**

The Piperton Board of Mayor and Commissioners met in regular session on April 18, 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, Building Official Elizabeth Reed, Building Inspector Pam Houston, Finance Director Maria George, City Planner Brett Morgan, City Engineer Harvey Matheny, and City Recorder Beverly Holloway were present. William Meacham, Elizabeth McCommon, Vicki Hancock, Deborah Joyner (Fayette Falcon), Letha Granberry, Walter Priddy, Jim Ragon, Mark Jenkins, David Bray, Rich Covolessky, Frank Fitzgerald, Yasser Saleh, Captain Bennett 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: Mark Jenkins led in the opening Prayer and Commissioner Russ Fletcher 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 David Crislip moved to adopt the agenda, seconded by Vice-Mayor Mike Binkley. The Motion received all affirmative votes.

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

Action taken: There were no changes to the Minutes of the Regular Session of March 21, 2023, Commissioner Fletcher moved to approve the Minutes of the Regular Session of March 21, 2023, seconded by Commissioner Bret 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 this is the last quarter of FY 2023, sales tax is exceeding budgeted amounts, and as I have noted the last several meetings, we will end up short on building permit income, a lot of the other revenue line items have a delay in terms of the receipt, some are on a quarterly basis, the American Rescue Plan Act monies which we had categorized for lost revenue is going to be the savior this fiscal year and will see us through and above budget. Operating accounts are sound, our cash and cash equivalents across the various funds continue to remain strong. We anticipate several capital projects being applied to those various funds to allow us to pay cash for some of these items without debt.

Building Official Elizabeth Reed stated for the month of March, we had 2 new single family building permits in Piper Hollow Phase 2 and Shaw's Creek Phase 2. We had 38 total permits issued, conducted 103 inspections, and handled 13 code compliance issues. Two employees from her department attended a TDEC certification class, we now have 2 TDEC erosion prevention and sediment control inspectors and we are still working on residential plumbing certification.

Public Works Director Richard Mills stated the SCADA installation is still underway, sim cards have been received from AT& T. In the next couple weeks, crews will be installing a new 12-inch valve that will be controlled by SCADA on Hwy 196 below the water tank. I spoke with Mattie Cushman with CDP last week regarding the ARPA funding. All of Piperton's projects have been approved by TDEC and we are just waiting on the contract. Last Tuesday, April 11th, 5 members of the Public Works/Utilities department attended a "free" fire hydrant repair class in Jackson and those employees that are State certified received free CEU's (continuing education units). Sewer flow going to Rossville from 2-27-23 to 3-27-23 (28 days) was 1,352,000 gallons, that is an average of 48,285.71 gallons per day and that is 60.36% of the allotted 80,000 gallons per day. There were 86 Tennessee 811 locates for February, and 124 total work orders with 3 still pending with 3 after-hour emergency call outs.

Vice-Mayor Binkley inquired if our flow is going down because we are finding leaks?

Mr. Mills stated we have found some pretty substantial leaks; crews have been out looking during rain events trying to find those areas and we have capped off 4 or 5 pipes that were open.

Commissioner Fletcher commended Mr. Mills on getting the utility bills implemented so quickly.

Mr. Mills stated we have had a lot of complements on the bills.

Fire Chief Reed Bullock stated for the month of March there was 1 commercial final inspection, 1 residential permit, 1 residential rough inspection, 1 residential final inspection and did 16 business safety checks; there were 31 total calls (28 in the city) and 3 mutual aid calls. There were 86 calls in the first quarter which is a 29% decrease from the previous year.

Police Chief Phil Hendricks stated in the month of March, there were 64 dispatched calls, 3 incident reports, 1 arrest report and 0 motor vehicle crashes. We had one officer complete a 40-hour instructor development course.

City Planner Brett Morgan stated there has not been a whole lot of movement as Reed noted on the residential market side of late but we do have 2 major commercial developments that are still going through the process and as we noted last time; Gateway Plaza (Hwy 57 & I-269) is still moving through and is on the agenda tonight for their development agreement on the subdivision and on the far east end of the highway, we have Yancey Commercial looking at a proposal for self-storage that has started its way through the Planning Commission process. We also have another developer interested along Hwy 72 but nothing has been submitted on that as of yet.

Mayor Coats inquired on the status of Heavy Machines.

Mr. Morgan stated they are moving forward but they still have to bring in their signage.

City Engineer Harvey Matheny stated the civil plans have been reviewed and are ready to sign. They have to get their plat finalized because we require the plat to be recorded before the building permit is issued but I don't know if they have submitted any plans for building/code review yet, so they are close.

Mayor Coats inquired on the opening of the Hwy 72 C-Store.

Mrs. Reed stated they have requested an extension on their temporary CO to continue to move merchandise in and to finish up some of the items on the list so they have been extended for another 30 days.

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

Agenda item 6. Approval/Awarding of Piper House Renovations Bid

Mr. Mills stated there is a typo in his report submitted, the bids were opened on March 24th, not March 2nd. There were 2 bids submitted; Diversified Builders at \$2,160,048.59 and Warren Construction & Renovations at \$ 1,439,864.72. On March 26th, Tyler Warren with Warren Constructions contacted me about a tabulation error, his spreadsheet didn't bring the

totals down in two areas. Those errors were in two areas; 1) Concrete/Asphalt and Toilet Accessories/Partitions and 2) Finish Grading, these items were not included in the subtotal formula. The errors total \$ 233,598.89 which would increase the total bid to \$ 1,673,463.61 with that increase caused by formula errors, Warren Construction will still be the lowest bid by \$486,584.98 and staff recommends accepting Warren Construction & Renovations.

Vice-Mayor Binkley inquired if they said how long it would take?

Mr. Mills stated 10 months.

Mayor Coats inquired if that was in the contract?

Mr. Mills stated that will be in the contract.

Action taken: Commissioner Crislip moved to approve/award the bid to Warren Construction & Renovations, seconded by Commissioner Morris. The Motion received all affirmative votes.

Agenda item 7. Madeline Farms Ph 3 Development Contract Re-assignment (Creekside Homes LLC)

Mr. Matheny stated this is a re-assignment of the Development Contract and it is also a renewal of a contract that this Board previously approved back in December 2021. This is Phase 3 of Madeline Farms, which contains approximately 28.20 acres for 33 additional single family residential lots. The original contract was approved back late 2021 but the development didn't move forward at that time and the contract lapsed. The Developer has comeback to begin the project and the previous development entity was Madeline Farms Phase 3 LLC. The contract is being reassigned to Creekside Homes, LLC and all the terms and conditions of the contract remain as they were when approved in 2021.

Action taken: Vice-Mayor Binkley moved to approve the Madeline Farms Ph 3 Development Contract Re-assignment to Creekside Homes LLC, seconded by Commissioner Fletcher. The Motion received all affirmative votes.

Agenda item 8. Piper Subdivision: Lots 1A, 7, 8, and 9; Development Contract (Piperton Group Investors, Inc.)

Mr. Matheny stated this is a subdivision contract for the re-subdivision of lots 1A, 7, 8, and 9 along the west side of the site. In December 2021, the Planning Commission did approve the re-subdivision of this property and this development agreement is for the infrastructure to create these lots so that the plat can be recorded. The surety amount that is listed is for the full amount of the public improvements for this 4-lot subdivision going to Hwy 57 and all the way down to their east corner. All development fees and the surety are summarized on page 21 of the contract. The surety fee is \$ 350,000.00 and the development fees are \$ 16,100.00.

Mayor Coats inquired is the sewer going to run along the railroad easement?

Mr. Matheny stated the railroad bore that is about to begin will go under the railroad track, it will pick up the sewer line that has been brought up to the southside of the railroad from the commercial subdivision, it will go under the railroad and this subdivision developer will extend it north to Hwy 57 for future extension to service other properties and then also to the east along the railroad right-of-way to a point and then north to a point that will serve other upstream properties to the east and there will be service taps to each of these lots for them to be developed. The water line along Hwy 57 is currently a 6-inch waterline and this project will increase it to a 12-inch water line along their frontage because in the future all of Hwy 57 frontage will be a 12-inch water line and that will also include water service taps to each of these parcels. With those public improvements with the full surety, the plat could then be recorded on the front end before the improvements are put in and the developer is anxious to bring before the Planning Commission a site plan for lot 1A, they had previously brought in a preliminary plan some months ago and there was preliminary approval but we are still working through the details of how that lot should be configured for access, for connectivity and various site

consideration, this contract has no bearing on that site plan approval, this is just to create the legal lot of record so the final site plan can be presented for a lot that existed or has been platted.

Action taken: Vice-Mayor Binkley moved to approve the Piper Subdivision development contract, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 9. Recess - hold Public Hearing concerning the proposed amendments to the Piperton Urban Growth Map

Action taken: Vice-Mayor Binkley moved to recess to hold a public hearing, seconded by Commissioner Morris. The Motion received all affirmative votes.

Mr. Morgan stated as we noted at the previous meeting, the Fayette County Mayor has reconvened or is reconvening the coordinating committee for urban growth boundaries through out the County. Piperton is wanting to take that opportunity as is the other municipalities within the County to protect what is their urban growth boundary by making amendments and corrections as needed. If Rossville does everything that its wants to do in this change, we will be matching lines all the way up to Hwy 193 (Macon), the proposed map was shown on the screen and explained for everyone's benefit. We are proposing giving back some areas to Rossville and expanding our urban growth boundary north to encompass the Boyle property, Turley property and the 4M Limited property and a little east to match the Rossville plan.

Mayor Coats stated the current State of Tennessee law states a property owner has to request to be annexed so we can not force anyone to be annexed and we don't want to annex anyone right now, this is strictly a holding pattern for future growth.

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

Agenda item 10. Resolution No. 23-269, amending the Piperton Urban Growth Map

Action taken: Vice-Mayor Binkley moved to approve Resolution No. 23-269, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 11. Recess – hold Public Hearing concerning Ordinance No. 369-23, amending a portion of Ordinance No. 354-22, setting fees for residential and small commercial garbage, yard waste collection service and voluntary recycling service and increasing such fees

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

Mr. Steinbach stated as we have typically experienced annually with our sanitation vendor, we did received notification of annual increase based on the contract terms regarding CPI and fuel cost, last year we took steps to reduce our margin and passed those savings on to the customers, so this year we are proposing that the 5% increase be passed along to the customers so that we might be able to maintain our margin to fund our annual storm debris pick up and Mr. Mills has been in conversations with our vendor anticipation for the renewal in February and we plan to make further adjustments in contractual obligations on the part of our vendor to make the customer experience more efficient and more cost effective. Staff recommends adopting this ordinance adjusting our fees.

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

Agenda item 12. Second Reading, Ordinance No. 369-23, amending a portion of Ordinance No. 354-22, setting fees for residential and small commercial garbage and yard wase collection service and increasing such fees

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

Agenda item 13. Recess – hold Public Hearing concerning Ordinance No. 371-23, amending the text of the Piperton Zoning Ordinance to amend Article 9 – Site Plan Review Requirements to include a Design Guidelines Manual

Action taken: Vice-Mayor Binkley moved to recess to hold a public hearing, seconded by Commissioner Morris. The Motion received all affirmative votes.

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.

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

Agenda item 14. Second 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

Action taken: Commissioner Fletcher moved to approve Ordinance No. 371-23 on second reading, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 15. Recess – hold Public Hearing concerning Ordinance No. 370-23, amending the Budget for FY 2022-2023, (Second Amendment)

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

Mr. Steinbach stated this is our second amendment for fiscal year 2023, this adjust line items that were underbudgeted or unforeseen, new expenditures that the City deems appropriate and necessary for its operations, this budget amendment consists of four exhibits; please note the addition of exhibit D Special Revenue Fund (Street Aid), beginning with Exhibit A (General Fund), the yellow color coding indicates line items that were not a part of the approved fiscal 2023 budget and the pink indicates items that was discovered and added subsequent to the first reading. With the General Fund (Exhibit A) amendment proposal, a lot of these items are adjustments in line item expenditures that were underbudgeted, for example utilities-telephones, these are typical throughout the course of a year, cost have increased all around across the board with regard to operating cost, Charitable Contributions reflects the approved contributions to the Carl Perkins Center, the department budget amendment for the Building Department is simply reconciling a very minor nominal adjustment for travel/training/membership, taking from one line and adding to another based on the Building

Department's request and requirements. The additional to the Fire Department is a line item that was not part of the approved budget, is for a camera system for this facility, some notable amendment items are the Piper House Renovations, initially we had budgeted \$600,000.00 based on the architectural drawing as the initial estimate and with Mr. Mill's presentation while the proposed amendment does not cover the entirety of the project, I wanted to break this up into two fiscal years based on our assessment of the selected contractors progress through the conclusion that makes it easier from an accounting standpoint, we may or may not get to 1 million dollars by the end, I would like to see that progress but nevertheless it will enable us to reassess for the upcoming budget, that is the singular largest item, also additional for the Fire and Police Department, we are in the process of working to acquire a site for a future fire/police facility, the attorneys are in conversations for the finalization of the purchase contract, we will begin due diligence and the reflected amount includes an increase in the acquisition costs as well as the anticipated due diligence, it will include a full menu of environmental phase 1, geo-technical subsurface analysis all to survey. We anticipate this to be a multi-year exercise in terms of identifying the correct appropriate facility for this and working through this in a transparent way. On Exhibit B (Water Fund), there are three items that are associated with the newly selected vendor for the utility bills, the reflected cost includes those associated with postage, the overhead cost for the administration and upgrading our Local Gov software. On Exhibit C (Sewer Fund), the associated cost with the bill vendor is shared equally between the water and sewer funds is reflected in line item 1, item 2-SCADA System which Mr. Mills has been giving updates on, includes a small change order while in the process of bringing it to my attention for review and approval and subsequently the Boards approval, we are very excited to have that near completion and that will be very beneficial to Public Works, item 3-the railroad sewer line extension that Mr. Matheny mentioned previously associated with the Hwy 57 project, this is a pink item meaning we adjusted for an additional fee for railway flagman, we did get the awarded contractor to pay for the administrative changes to the contract, item 4- Wastewater treatment plant increased cost for WWTP structural evaluation and proposed new road access. Lastly the addition of Exhibit D (State Street Aid), we had budgeted \$3,000.00 for contract services/traffic signs reflect an increase for unforeseen repairs and asked Mr. Mills to explain.

Mr. Mills stated the camera that recognizes when cars are at the intersections and controls the signal went out and had to be replaced as well as repairs to the signals due to the wind storm.

Mr. Steinbach stated I have received several calls on the interchange lighting system and I have tasked our City Engineer with working with his in-house traffic engineering at Pickering, who does a lot of TDOT work, to look at our signal phasing for left hand turn movement primarily for the a.m. westbound people getting on the interstate and the north bound peak, we are looking at a variety of options for the Boards consideration and those could include a permissive left hand turn (a flashing yellow light) and there will be additional cost.

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

Agenda item 16. Second Reading, Ordinance No. 370-23, amending the Budget for 2022-2023, (Second Amendment)

Action taken: Vice-Mayor Binkley moved to approve Ordinance No. 370-23 on second reading, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 17. Consideration of the Bruce Smythe Monetary Donation to the Fire Department

Chief Bullock stated Mr. Smythe has indicated a desire to donate the funds specifically for purchasing a Lucas CPR device and the EleGARD System for "Heads-up" CPR. Mr. Smythe had seen a news report about Germantown and Collierville Fire Departments use of

these devices and the increase to the survival chances of patients having a heart attack and he wanted to do something to benefit our community and felt this was the project to do that. We do have a LUCAS 2 device that is near its end-of-life and it is slated to be proposed for replacement in the FY 2023-2024 budget. The cost of the LUCAS 3 device is \$ 20,078.28 and \$8,100.00 for the EleGARD system, bringing the total to \$ 28,178.28. The additional costs to be incurred by the City would possibly be shipping cost and a maintenance agreement at \$10,228.05 on the LUCAS 3 for an extended warranty and service of 7 years that will be reflected for next fiscal year. Mr. Smythe would like to do this and is excepting nothing in return for his donation. Under the recently adopted Resolution No. 23-267, this is a request to accept this donation to the City for the purchase of the aforementioned equipment.

Mayor Coats stated Mr. Smythe lives in Piperton and is always asking about what he can do for the City, this is an amazing charitable donation.

Action taken: Commissioner Morris moved to accept the monetary donation to the Fire Department for the two devices, seconded by Commissioner Fletcher. The Motion received all affirmative votes.

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

Vicki Hancock inquired if you could put a note on the water bill concerning the paper recycling container here at City Hall that is maintained by Fayette County. That container is for paper only and people are putting a lot of other material (metal & plastics) in it and I am afraid the County will pick up the container because they don't want deal with it. I had called them to come empty it because they were not empty it on a regular basis and place bigger signs on the container that is paper only.

Mayor Coats asked Chief Bullock and Mr. Mills to get together on the container to come up with some options.

Mrs. Hancock stated the County told her that they would have someone bring something to put on the container but people need to know you can't just dump anything in there.

Rich Covolesky voiced his concerns about cell phone services in Shaws Creek subdivision, it is horrible service and when the storms knock the cable out, we have no access and couldn't get any access. I have been on the phone with my provider consistently and they rerouted my cell signal from Rossville to another cell tower that was 2 miles from my home so they were hitting me on 8 miles rather than 2 miles. I recently called them to ask for an engineer to come out, I don't know if we are sitting in a low spot but going out towards Raleigh LaGrange and going towards Rossville there is no cell service. If someone needs help there is an issue with getting service.

Mayor Coats stated I feel your pain, most of Piperton is in the same situation not only Shaws Creek but Greenbrier also, it is terrible service and we have been trying for 15 years to get a cell tower out here and we have not been able to do because of the population.

Mr. Covolesky stated it is a public safety standpoint with a lot of storms going through and we spend some much to have no service. They have told me they have people out adjusting the signals which I don't know if it is a repeater issue.

Vice-Mayor Binkley stated it is a tower that is needed.

Mayor Coats stated the phone company asked the tower people to erect a tower and then they all use the same tower, I have talked to AT&T, Version, T-Mobile and the tower people in Memphis maybe 3 months ago and they are still unwilling to do anything for Piperton and I have been trying for 15 years. I am sorry I don't have a good answer for you but we are trying.

Mr. Covolesky stated it's a shame we are at the mercy of multi-million dollars companies.

Agenda item 19. 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 6:53 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: _____ date: _____