

**MINUTES OF THE REGULAR SESSION OF THE
PIPERTON BOARD OF MAYOR AND COMMISSIONERS
September 19, 2023, 6:00 P.M.**

The Piperton Board of Mayor and Commissioners met in a regular session on September 19, 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. City Manager Steve Steinbach, Police Deputy Chief Jonathan Roney, Fire Chief Reed Bullock, Finance Director Maria George, Public Works Director Richard Mills, Building Official Elizabeth Reed, City Planner Brett Morgan, City Engineer Harvey Matheny, Public Works Assistant Director Daniel Lovett and City Recorder Beverly Holloway were present. Carolyn Rhea (Fayette Falcon), Vicki Hancock, Alice Cone, David Bartlett, John McCarty, Officer Taylor, Fire Lt. Adam Hursh, 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: Commissioner Russ Fletcher led in the opening Prayer and Commissioner David Crislip led in the Pledge of Allegiance to the American Flag.

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

Action taken: There was a change to the agenda with the addition of a new item 9; Resolution No. 23-279, Vice-Mayor Mike Binkley moved to adopt the agenda with the addition of a new item 9, seconded by Commissioner Bret Morris. The Motion received all affirmative votes.

Agenda item 4. Any changes to the Minutes of the Regular Session of August 15, 2023: Motion to adopt the Minutes of the Regular Session of August 15, 2023

Action taken: There were no changes to the Minutes of the Regular Session of August 15, 2023, Commissioner Crislip moved to approve the Minutes of the Regular Session of August 15, 2023, seconded by Commissioner Fletcher. The Motion received all affirmative votes.

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

City Manager Steve Steinbach stated this is the second month of fiscal year 2024. We are still in the process of closing out last year's books. We are working with the auditor. The balance sheet for our various funds continues to be strong. Sales tax is down for the fourth month. We are monitoring year over year. I speculate it is the result of reduced construction activity. More concerning to me after speaking with Bev, and on your financial under property taxes you see a zero and we usually have property taxes trickling in. Our bills have not been sent out as of yet from the State. That is an issue we need to speak with the County about. That is a cash flow matter.

Building Official Elizabeth Reed stated we have had decrease in construction activity but it does seem to be picking up a little. There are 26 active new single-family dwellings, 6 building permits were issued with several awaiting review in the office. The Vesta Home show is coming to our area. Issued 5 certificates of occupancies and 128 inspections. There were 18 code compliance contacts. One of the inspectors did pass her residential plumbing exam and both of our inspectors indicated a desire to pursue additional certification. There is one looking into residential building and one looking into residential mechanical.

Public Works Director Richard Mills welcomed Daniel Lovett to our Public Works Utilities team. He is a great addition and a big help. The Piper House construction is moving forward. The deck on the west side is going in. We are waiting on an electric issue to be resolved with Chickasaw on their side. There is too much voltage being extended into the house from a transformer. We will be meeting with homeowners in Shaw's Creek regarding the drainage work. Hopefully that project will be wrapped up in a couple of weeks. The sewer flow going to Rossville for August was 1,717,400 gallons for 07/26/23 to 08/28/23 (33 days). That is an average of 52,042.42 gallons per day (65.05% of the allotted 80,000 gallons per day). There were 129 Tennessee 811 line locates. There were 116 total work orders with 5 still pending with 5 after hour call outs on sewer.

Fire Chief Reed Bullock stated during the month of August, there were 2 final inspections, with 29 total calls (24 in the City with 7 of those being medical). We were on I-269 five times during the month with one being a fatal head-on crash. He attended the International Association of Arson Investigators Conference and training to satisfy the ISO requirement.

Police Deputy Chief Jonathan Roney stated in the month of August, there were 30 dispatched calls, 3 incident reports, 0 arrest report and 2 motor vehicle crashes. Officer King graduated from Instructor Development school and also the Taser Instructor school. He will be attending the Firearms Instructor school in October. The new vehicle designs are out on the streets, on the trucks and Ford Explorers. We are back to a full complement. Two projects we are currently working on are the police software and body cams and tasers.

City Planner Brett Morgan stated there are several developments that you may see some activity on in the near future; Gateway Plaza has finally had the plat recorded for the resubdivision. They are working on getting the final site plan for lot 1a completed. Ameriflo plans are approved and next is to get the building plans reviewed. Yancey Self Storage which has all of it's approvals except its DRC approval and staff has not received the DRC packet for the Planning Commission's consideration. Tuscan Iron Entries is on the agenda today. Next month for this Board, there will be a first reading on rezoning on the Piper House property. There was a productive discussion at the Planning Commission between Dave Moore and the HOA, I believe that accessory structure will be coming before this Body next month as well.

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

Agenda item 6: Consideration of Bids/Bid Award - Bulldozer

Mr. Mills stated with all the projects that Piperton has going on or proposing in the future such as the lake for the park, shooting range for the Police Department, and a lot of drainage work, we need a bulldozer. It was put out for bid and on September 6th we received one bid from Stribling Equipment in the amount of \$125,000.00. It has less than 500 hours on it and it is still under factory warranty for another two years.

Action taken: Vice-Mayor Binkley moved to accept the bid from Stribling Equipment, seconded by Commissioner Morris. The Motion received all affirmative votes.

Agenda item 7. Consideration of Bids/Bid Award – FY24 Pavement Project

Mr. Mills stated we opened bids today for paving and patch work at 2pm. The area map of the locations is included in your packet. Mann Drive is one of the locations however it is not the entire length of Mann Drive due to development coming in on that road. The other locations are the entire length of Ballard Road and the entire length of Twin Lakes Road. Ballard Road includes Old Ballard from Hwy 57 north until you get to New Ballard and take a right that stretch is included and take a left is included. Three bids were received. Standard Paving was the low bid at \$461,645.80. There is \$250,000.00 in the budget and I can get with the low bidder and we can trim that back. Mann Drive would be \$196,000.00 as this bid stands and I can have that conversation with them to stay in budget.

Vice-Mayor Binkley inquired this needs to be done in your opinion?

Mr. Mills stated Twin Lakes and Mann Drive need to be done.

Mayor Coats stated I would try to negotiate with the low bidder and I would also like to interject the other \$200,000.00 and do a budget amendment and get this done.

Action taken: Vice-Mayor Binkley moved to accept the bid and increase the budget to pave all roads, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 8. Resolution No. 23-277, to release and cancel Letter of Credit # 3923, dated September 16, 2022, issued by Renasant Bank in the amount of \$15,000.00, for Twin Lakes of Piperton, Phase 3 on behalf of Boyle Investment, Inc.

City Engineer Harvey Matheny stated just over a year ago, the final surface asphalt was put on Twin Lakes Phase 3. The developer (Boyle Investment) approached us about two months ago and asked if we would release the letter of credit. Phase 3 was inspected by Public Works staff as well as our inspector and I believe there were a few places to repair. Those repairs were made and reinspected. They have fulfilled their obligations and staff recommends the release of this letter of credit. They are at the end of their one-year warranty which begins at the time the surface asphalt is put down.

Action taken: Commissioner Fletcher moved to approve Resolution No. 23-277 releasing the letter of credit, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

New Agenda item 9. Resolution No. 23-279, authorizing a noncompetitive expenditure for an emergency sanitary sewer collection line extension to multiple City of Piperton residences whose private septic sewers have failed

Mr. Steinbach stated we have had indications of septic system failures of multiple property owners in Lakes of Greenbrier. Typically, our policy is that if a resident is dealing with a failed septic system than the resident pays for the extension and subsequent tap fee to connect to our centralized sanitary sewer system. In this particular instance however we are dealing with multiple failures. We have been dealing with the property owners for several months and I am concerned that the matter is only going to get worse. I am concerned that our exposure to TDEC with possible fines and sanctions are also on the horizon. So accordingly, I would ask that the Board consider this as an emergency expenditure. It is a noncompetitive bid; it exceeds \$10,000.00 and we don't have a lot of time to go out to market place and secure bids. Richard feels the pricing is reasonably equitable for our purposes. The applicable property owners would be required to pay their tap fees at \$4,000.00 each, so the request is for the Board's approval for an expenditure of \$15,900.00 for M&M Solutions. And we are also proposing to catch the engineering expenses that will be evident in the budget amendment forthcoming. Because the expenditure is a noncompetitive bid, it requires a unanimous approval of this Board by resolution.

Action taken: Commissioner Morris moved to approve Resolution No. 23-279 as stated, seconded by Vice-Mayor Binkley. The Motion received a unanimous approval.

Agenda item 10. Ratification of Piperton Industrial Development Board Resolution No. 23-278 approving a two-year PILOT for Ameriflo in conjunction with the Fayette County Industrial Development Board

Mr. Steinbach stated the Piperton Industrial Development Board did take action last night at a called meeting on the 18th. The Fayette County Industrial Board did approve the offer of a payment in lieu program which essentially on their part reduces taxes to 25% for a period of seven years. Two years in Piperton would be abated at 100% and that was approved. Staff ask for your ratification of the Industrial Development Board's action of last night.

Action taken: Vice-Mayor Binkley moved to approve Resolution 23-278, seconded by Commissioner Morris. The Motion received all affirmative votes.

Agenda item 11. First Reading, Ordinance No. 382-23, amending the budget for FY 2023-24, (First Amendment) for the City of Piperton

Mr. Steinbach stated this currently consists of proposed amendments to our General Fund, Sewer Fund and Water Fund. Prior to the second reading and based on the Board's direction and approval of the paving program, we will have to add the Street Aid Fund to that to take that into account. Exhibit A (General Fund), we are recognizing the receipt of Fire Department Grants. Chief Bullock described the two grants received to recognize the revenues and thanked Lt. Hursh for his contribution in writing the grants. That recognizes the revenues, the balance of the expenditure proposing amendments addresses the items that Chief just described. Our workman's comp; the liability insurance premium is increasing. The bulldozer is captured with the hopes that the Board would approve that, and if not, we were prepared to remove it. With the addition of the assistant Public Works Director who you just met (Daniel Lovett); we are swapping out budgeting positions. We budgeted for a certified sewer plant operator obviously that is in the future so we are moving those funds to cover Daniel's salary over to General Fund from our Enterprise Fund operations. With regards to Exhibit B (Water Fund) and Exhibit C (Sewer Fund); the bulk of this addresses the reverse expenditure for the certified sewer operator and the same reductions applies to Exhibit C with the addition of the expenditure as we just discussed for the emergency sewer repair. This will be modified prior to the second reading and will give a detailed breakdown.

Action taken: Vice-Mayor Binkley moved to approve Ordinance No 382-23 on first reading, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 12. First Reading, Ordinance No. 380-23, amending the official zoning map of the City of Piperton by rezoning a total of 6.32 acres of property from R-C (Rural Conservation) to B-2, O, M-3/PD-O (Minor Planned Commercial, Office, Planned Industrial/Planned Development Overlay) zoning known as the Tuscan Iron Entries PD-O

City Planner Brett Morgan stated the applicant is seeking rezoning on 6.32 acres on the northwest corner of Hwy 72 and Milton Drive next to the Hillwood Building. It is currently part of a larger parcel so a subdivision of the lot will have to occur. Planning Commission did approve this at their August 8th meeting and recommended it to this Board for approval.

Action taken: Vice-Mayor Binkley moved to approve Ordinance No. 380-23 on first reading, seconded by Commissioner Fletcher. The Motion received all affirmative votes.

Agenda item 13. First Reading, Ordinance No. 383-23, amending a portion of Title 13, Chapter 1, Section 13-104 of the Piperton Municipal Code related to overgrown and dirty lots

Mrs. Reed stated this is to revise an existing ordinance. This covers improved or unimproved properties; grass can not exceed a height of six inches on residentially zoned parcels and twelve inches on nonresidential zoned parcels, except for parcels containing five acres or more. Grass shall be cut a minimum of three times per growing season. It also amends any parcel adjoining developed areas or within public road frontage has to keep their grass and noxious vegetation cut to within one hundred feet of the adjoining properties.

Mayor Coats stated this covers both agricultural and non-agricultural properties to which Mrs. Reed stated yes, sir.

Action taken: Commissioner Fletcher moved to approve Ordinance No. 383-23 on first reading, seconded by Commissioner Morris. The Motion received all affirmative votes.

Agenda item 14. Recess – hold Public Hearing concerning Ordinance No. 377-23, establishing a fee for the issuance of road cut and boring permits in the City of Piperton Roads, Right-of-Ways and Utility Easements

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. Mills stated this ordinance gives us the ability to regulate contractors and hold them accountable for the damage created. The contractors will have to put up a surety bond based on the size of the area they are servicing. This creates a review fee and requires the submittal of plans for approval.

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

Agenda item 15. Second Reading, Ordinance No. 377-23, establishing a fee for the issuance of road cut and boring permits in the City of Piperton Roads, Right-of-Ways and Utility Easement

Action taken: Commissioner Fletcher moved to approve Ordinance No. 377-23 on second reading, seconded by Commissioner Morris. The Motion received all affirmative votes.

Agenda item 16. Recess – hold Public Hearing concerning Ordinance No. 378-23, to delete and replace Ordinance No. 361-22 in its entirety, as to the adjustment of Water Usage Rates

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

Mr. Mills stated Collierville has increased their rates by 20% to Piperton. We are proposing a 15% increase at this time. Next year Collierville is looking at another 10% increase, but staff recommends the 15% increase at this time.

Alice Cone inquired are there any more options?

Mayor Coats stated there are long range options to build our own water plant but we can't afford to right now. We need to worry about sewer first and then water. We had signed a 10-year contract with Collierville last year. That will give us time to get the sewer plant complete and then we can start concentrating on water.

Vice-Mayor Binkley stated we still have really cheap water.

Mr. Steinbach stated on a state wide comparative basis notwithstanding Collierville's increase which is nonsensical to me looking at their financial situation. These rates studies are largely hypothetical and that is why they are fine tuned and adjusted. The water rate that we pay Collierville is significantly lower than in most areas throughout the state. Their sewer rates are exceedingly high and we don't send out sewer there. Their water rates even with the increase are some of the lowest in the entire state.

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

Agenda item 17. Second Reading, Ordinance No. 378-23, to delete and replace Ordinance No. 361-22 in its entirety, as to the adjustment of Water Usage Rates

Action taken: Vice-Mayor Binkley moved to approve Ordinance No 378-23 on second reading, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 18. Recess – hold Public Hearing concerning Ordinance No. 379-23, to delete and replace Ordinance No. 362-22 in its entirety, as to the adjustment of Decentralized and Centralized Sewer Rates

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. Mills stated Rossville has increased their rates by 6% in July. So, staff is proposing a 5% increase.

Vice-Mayor Binkley inquired how far are we away from our own system working.

Mr. Mills stated at least three years.

Mr. Steinbach stated three years. We are approved for the design with the retrofit of our current plant. As we monitor what we are sending to Rossville and that cap; it is a timing game. We have to have sufficient flow to make the sewage treatment facility run correctly but we are not quite there.

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

Agenda item 19. Second Reading, Ordinance No. 379-23, to delete and replace Ordinance No. 362-22 in its entirety, as to the adjustment of Decentralized and Centralized Sewer Rates

Action taken: Commissioner Morris moved to approve Ordinance No. 379-23 on second reading, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

Agenda item 20. First Reading, Ordinance No. 381-23, repealing Ordinance No. 373-23, in its entirety, and revising/adopting various fees for the City of Pipeperon

Mr. Steinbach stated Pipeperon maintains a comprehensive schedule of fees for the benefit of the users and developers; those that utilize our services. During the process of updating our utility rates or the fees that Richard described as part of the boring permit process; those are simply reflected in this document. This reflects what the Board has already adopted.

Action taken: Commissioner Fletcher moved to approve Ordinance No. 381-23 on first reading, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 21. Any other unfinished/new business, questions or matters from the audience

Mr. Mills stated the brush truck has arrived. It is also parked outside.

Mayor Coats stated in the near future, you will be putting out some procedures for pickups.

Mr. Mills stated we are currently awaiting the title so we can obtain a tag for the vehicle. So hopefully by next week there will be some guidelines to come out.

Alice Cone inquired about the ratification of the IDB Board concerning Ameriflo's pilot.

Mr. Steinback stated the company (Ameriflo) as is typical with other industrial business, job creators will seek tax abatement request. So, in this case, it is a payment in lieu of tax and because it is illegal to provide a tax abatement for a private property owner. The Fayette County Industrial Development Board (IDB) does all the legal work with the company. The company comes in and it provides an overview of the investment it is proposing to make; the number of jobs that would be created and then there is a score that is assigned to that based on the significance of the investment of particular company. The IDB will consider whether or not to recommend a tax abatement. For example, in this case the tax calculation of the improved property (once the building is up and the property is considered) and then a number of years is assigned for a payment in lieu of. The Fayette County IDB will take title to the property so it can legally abate and lease it back to the company for \$1.00. At the end of the pilot program (in this case 7 years) the company will take back title to their own property. It is a way to reduce the property taxes for a company as an inducement for that company to come and open up in a particular community. It is used in Shelby County and a variety of Tennessee communities. So, Ameriflo made application, provided financial information with regards to its investment (the number of jobs created), a score was assigned. Fayette County IDB approved a 7 year and Pipeperon because of its low tax rate doesn't believe in those types of give aways so historically our board has just approved two years and that is what our IDB did. The Board of Mayor and Commissioners ratified the action of the Pipeperon IDB.

Ms. Cone stated that helps but I heard something about a problem with the sewer flow and the problems with it backing up. The homeowners are having to pay \$4,000.00. Where did I hear that.

Mr. Steinbach stated there was an earlier item where we had residents who have a traditional septic system with a tank in the ground and field lines. It is not tied to our system yet.

Ms. Cone stated that clears that up. Thank you.

Agenda item 2. Adjournment

Action taken: Vice-Mayor Binkley made a motion to adjourn the meeting, seconded by Commissioner Morris. The Motion received all affirmative votes and the meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: _____ date: _____