

**MINUTES OF REGULAR MEETING OF THE
PIPERTON BOARD OF MAYOR AND COMMISSIONERS
September 21, 2021, 6:00 P.M.**

The Piperton Board of Mayor and Commissioners met in regular session on September 21, 2021 at 6:00 p.m. at City Hall, with Board members: Mayor Henry Coats, Vice-Mayor Mike Binkley, Commissioner Preston Trotter, Commissioner David Crislip and Commissioner Hugh Davis. City Manager Steve Steinbach, Police Chief Phil Hendricks, Fire Chief Reed Bullock, Finance Director Maria George, Public Works Director Richard Mills, Bill Kilp, Building Official Tommie Johnson, City Engineer Harvey Matheny and City Recorder Beverly Holloway were present. City Planner Brett Morgan was absent. Vicki Hancock, William Meacham, Liz McCommon, Letha Granberry, Carolyn Rhea (Fayette Falcon), Josh Burnette, Carson Hardwick, Frank Fitzgerald, Officer Scruggs, and et al were present in the audience.

Agenda item 1. Call to order, establish quorum

Action taken: Mayor Henry Coats called the meeting to order at 6:00 p.m., and established that a quorum was present.

Agenda item 2. Prayer and Pledge of Allegiance to the American Flag

Action taken: Ms. Liz 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 was a change to the Agenda with moving item 12 to be the new item 10 and shift everything else down, Vice-Mayor Mike Binkley moved to adopt the agenda with that one change, seconded by Commissioner David Crislip. The Motion received all affirmative votes.

Agenda item 4. Any changes to the Minutes of the Regular Session of August 17, 2021: Motion to adopt the Minutes of the Regular Session of August 17, 2021

Action taken: There were no changes to the Minutes of the Regular Session of August 17, 2021, Commissioner Preston Trotter moved to approve the Minutes of the Regular Session of August 17, 2021, seconded by Commissioner Hugh Davis. The Motion received all affirmative votes.

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

City Manager Steve Steinbach stated the financial statements reflect the second month of fiscal year of 2022, sales tax revenue continues to be robust, cash positions continue to remain strong and balance sheets across funds look good, and I had asked staff to start digging for the census data and I do have initial census track data that suggests that the City could see a very substantial population increase to the tune of what could be \$100,000.00 to \$150,000.00 in additional state-shared revenue tax, so it is quite likely after the official numbers come out that I will asked the Board to pursue another special census, and a couple of administrative items-the State Comptroller issued its budget approval letter and in our case a conditional budget approval letter, apparently the members of the Comptroller's Office misinterpreted some of our capital items in our enterprise fund as operational items and the letter has been distributed to you as requested by the Comptroller Office and the issue has been addressed and apparently our budget is too detailed for the State and that will be adjusted and for the record there were some typo's on three accounts; the General Fund transfer to Street Aid, Sewer publication and formal legal notices and the

Wastewater Treatment Plant Capital maintenance had incorrect account numbers assigned to those and that has been corrected.

Building Official Tommie Johnson stated during the month of August, we still have 60 active single family dwellings under construction, we issued 43 total permits with 3 for new single dwellings, conducted 135 inspections, and handled 39 code compliance issues and over the last few months we have had a little decline in permitting for new single family dwellings which some is reflective of some builders holding up due to construction cost and also the lot inventory is depleted because developers were having a hard time finding plastic piping and held up in Madeline Farms and Piperton Hill so developed lots are not available however Piper Hollow did come online and we have issued the first building permit for that subdivision this month and do anticipate an increase in building.

Mayor Coats inquired the first phase of Piper Hollow is 3,500 minimum or 3,000?

Mr. Johnson stated the first house permitted is 4,000 square feet.

Public Works Director Richard Mills stated Kevin Poe (Structural Engineer) has been looking at the Pinckney House and he gave us a proposal on how to support the roof and the porch while the columns were going to be replaced and since then he has reached out with another idea which will be safer and less expensive but has received the recommendation but has not reviewed it yet and will be sharing that with Spirit Architect tomorrow, on the Wastewater Treatment Plant-J. R Wauford has started their survey of the plant to create as-builts at some point and they should finish their surveying sometime this week depending on the weather, and I am still working with a group of individuals that are interested in removing the tanks at Ridgewood and Greenbrier decentralized stations hopefully at no cost but we will have to wait and see, Spirit Architecture was out last week and the week before, they have measured the existing admin office space and the Pinckney House, there should be a meeting within the next few weeks to review their findings, and from 7/28 to 8/27 the wastewater flow going to Rossville was 1.2 million gallons and that is an average of 41,086 gallons per day (51.36% of the allotted 80,000 gallons per day), there were 98 Tennessee line locates, the crews did 80 work orders with 2 still pending, there were 4 after hours callouts (3 for sewer and 1 for street).

Mayor Coats inquired if we have started doing the rework on the tanks yet in the different subdivisions to which Mr. Mills replied no sir, we have not started that yet, we are working on finding out which meters have issues and which one that don't but no we have not started the actual work yet.

Fire Chief Reed Bullock stated as Mr. Johnson noted on inspections we were very slow in that area also, there were 36 total call with 35 in the City that were mostly medical but there were 7 motor vehicle crashes and several of those where on I-269.

Police Chief Hendricks stated in the month of August there were 25 dispatched calls, 2 incident reports and 5 motor vehicle crash reports.

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

Agenda item 6. Resolution No. 21-240, amending the development contract with Piperton Hills Phase 1, LLC for the construction of Piperton Hills Commercial, Phase 1

City Engineer Harvey Matheny stated the Piperton Hills Commercial Phase 1 project is still on-going, they have been delayed by a number of different factors and they have asked for a one year extension although they have acknowledge that they expect that to be completed within the next couple of months, and staff recommends approval for the 1 year extension.

Action taken: Vice-Mayor Binkley moved to approve Resolution No. 21-240 amending the Piperton Hills Commercial, Ph 1 development contract, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 7. Sewer Development Credit Agreement (Buddy Wittichen)

Mr. Steinbach stated I provided the Board context when we discussed this item at the last Board meeting with regards to the sewer tap fee credit that the Board granted to Stage Investments, the agreement before you with the proposed revisions that were provided by Mr. Matheny is essentially the same document that the Board approved in 2019 with Buddy Wittichen, I really don't have an explanation other than there were some personal issues ongoing in Mr. Wittichen's sphere and the agreement never got executed and subsequent to that the Commercial Filter site was developed and Mr. Matheny worked with that developer (Stage Investments) and the lines that we desired to have extended from the Living Hope pump station to the northern portion of the railroad right-of-way line was in fact installed, the Board agreed to refund Stage Investments who had paid their tap fees and had billed Mr. Wittichen, Mr. Wittichen then asked me about it and I told him i would in fact pursue the followup agreement so we could in effect memorialize this, the credit would be applicable to the remaining 2 lots (lot 3 and Lot 4) and at the time that those lots come forward with a site development application, proposal plan they would be eligible for a waiver of the commercial sewer connection fees and staff strongly urges your approval.

Mayor Coats inquired to Mr. Matheny, if we have started working on the cost going under the railroad tracks to which Mr. Matheny stated he provided that to Mr. Steinbach this afternoon as a budget estimate.

Action taken: Vice-Mayor Binkley moved to approve the Sewer Development Credit Agreement for Buddy Wittichen, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 8. Consideration of Professional Service Agreement (Utility Rate Study) – RateStudies

Mr. Steinbach stated the developer, William Adair had reached out to the Board with regards to the City's current sewer fee infrastructure charges and based on that inquiry, the Board authorized me to pursue an updated rate study with RateStudies who already has all of our data and their forecasts have been pretty spot on, Mr. Buddy Petty has met with Richard, Harvey and myself and has begun to collect initial preliminary data and we look forward to the information and this proposal captures the extent of his proposed exercise and will be reflect in our budget should the Board approve the professional services agreement which staff recommends.

Action taken: Commissioner Trotter moved to approve the Professional Service Agreement with RateStudies, seconded by Commissioner Crislip. The Motion received all affirmative votes.

Agenda item 9. Consideration of Professional Service Agreement (Hollow Rd. Water Line Extension) – Pickering Firm

Mr. Steinbach stated this is a capital item that was approved and adopted as part of the fiscal year 2022 capital budget for a water line extension project, this requires a survey and engineering design for that proposed infrastructure project, Richard and I have reviewed the agreement and recommends its approval by the Board.

Major Coats inquired if that would be an 8 inch line to which Mr. Matheny stated yes sir, this will supply water to Hollow, Critton and supply the southern route.

Commissioner Davis stated in doing so it also gives us the capability that we need on the other end of Hwy 196-pressure wise?

Mayor Coats stated no, eventually the 196 line will need a 12 inch line.

Commissioner Davis stated so this is coming straight from the backend of Lake Edge Drive down to Hollow, going straight south.

Action taken: Commissioner Trotter moved to approve Professional Service Agreement for the waterline extension with Pickering, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

New Agenda item 10. First Reading, Ordinance No. 346-21, amending the Master Development Plan of Madeline Farms CD-O, previously amended by Ordinance No. 328-20 and formerly as LaGrange Pointe CD-O by Ordinance No. 81-06 and 95-06

Mr. Matheny stated in August the Planning Commission reviewed the request to amended the existing CD-O for Madeline Farms, a strip of land on the east side of the development was acquired and with that additional property they have looked at reconfiguring phases 3, 4 and have added a phase 5 and the low area to the south is going to be dedicated to the Wolf River Conservancy and the additional strip on the east side will be incorporated into the CD-O and the villages lots on the east side have now been redesigned to be standard lots like Phases 1A, 1B and Phase 2, all bulk regulations for the entire CD-O will match throughout, overall the acreage was reduced by 33 acres due to the dedication and the overall lot count has increased by 22 lots to a total of 206, and 206 was the original number of lots approved back in 2006 with the original plan, the overall density has increased, the bulk regulations are uniform across all phases as mentioned, common open space is reduced but it is still at 43% which is well above the 15% minimum, and again a Phase 5 was added, the Planning Commission did approve this amendment with conditions listed in the ordinance before you, there are two things to note: the requirement for this western connection to the western property line, the previous requirement had for there to be a payment in lieu of for that roadway was removed from the requirements and the other item of note-is the connection of the secondary drive to Raleigh LaGrange Road has been discussed and at the time the Planning Commission heard this-we had a verbal response from Fayette County about the location of that drive subsequent to that we did receive a letter this week from Fayette County and basically they do not want the existing roadway to be lower and doesn't want anything done to that road that will close down a lane at any point in time so there will be a requirement for the developer to make improvements (acceleration and deceleration lanes) to do enough widening to create a left turn lane that is suitable for the development so there will not be any lane closures and the County has stated in writing that they want this connection to made a the high-point of the existing roadway and that cautionary signage to reduce speed would be allowed but they also do not want to reduce the posted speed limit of 45 mph, with that information the developer and his consultants can now move forward with those roadway design plans.

Commissioner Davis stated when we discussed this back 13 years ago, who was going to actually pay for the cut to bring the road down so there was better visibility, who was actually paying for that to which the Mayor stated the developer. But did the County site any safety concerns or is it just that they don't want to which Mr. Matheny stated they stated that because of the volume on that road and because of the emergency response that is provided by that road (County Fire Department and others) is there primary reason for not wanting that road or any lanes on that road to be shut down as I understand it, Commissioner Davis stated he still sees it as a safety concern issue and is surprised by the decision and how does the developer feel about it.

Frank Fitzgerald stated our engineers have looked at it and the people pulling in and out of our subdivision have a great line of sight, it is an existing problem that is there and our people are safe pulling in and out and so we are comfortable moving forward right now.

Mr. Matheny stated with the acceleration and deceleration lanes that will be required at the entrance to the east and to the west and for the creation of a left turn lane for west bound traffic to turn in I believe that will more than mitigate.

Action taken: Vice-Mayor Binkley moved to approve Ordinance No. 346-21, amending the Master Development Plan of Madeline Farms on first reading, seconded by Commissioner Davis. The Motion received all affirmative votes.

Agenda item 11. Resolution No. 21-241, authorizing the City of Piperton to participate in the "Safety Partners" Matching Grant Program

Fire Chief Reed Bullock stated our insurers, Public Entity Partners, provides for several funding opportunities of a 50/50 match grants throughout the year for different projects, we have identified the one thing that the Fire Department and Public Works has an issue with and that is when we close down roads for flash flooding etc. we don't have one set of equipment to handle that so we have devised a system where we would have a trailer and a series of equipment to handle certain situations such as road closures and to detour traffic so we applied for a grant to fund this opportunity and we were awarded this at a 50/50 match so the \$3,000.00 dollars that was allotted we will receive \$1,500.00 back and they are requesting a Resolution to accept this.

Vice-Mayor Binkley inquired if this was for the cost of the trailer to which Chief Bullock replied we have a trailer but if we need to we can purchase a smaller trailer and the signage and other components needed.

Action taken: Commissioner Crislip moved to approve Resolution 21-241, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 12. First Reading, Ordinance No. 345-21, amending the Budget for FY2022 (First Amendment) for the City of Piperton

Mr. Steinbach stated this is the first amendment of the fiscal year 2022 budget, the budget amendment covers three funds: General Fund, Water Fund and Sewer Fund and the highlighted items represent newly budgeted items that were not contemplated or if they were contemplated they were not approved as part of the initial budget, the first portion of the General Fund budget (Exhibit A) and at the second reading/Public hearing I will drill down into details and answer any initial questions now but in reality we are still tweaking some final numbers but your revenue items are recognizing the successful grant awards that Chief Bullock noted and the direct appropriation grant from the Governor's office of \$36,728.00, we do anticipate receipt of the first part of our American Rescue Grant which is going to be fairly significant and once we get further information the rules of the game keep changing on us so initially there were no strings and now there are strings so until we get complete and full clarity on what the requirements are going to be, I am hesitate to even speculate on that but it will be worthy for the Board to contemplate the possible expenditures for this, anything from revenue replacement to capital items on our existing budget to preserve some of our cash holdings but just note that is coming and anticipate it coming in two different pots of money over the next 6 to 8 months to which Finance Director Maria George replied the first part should come in November unless it changes, the expenditure items in the General Fund are primarily related to growing our work family for our Building Dept. and our Police Dept. which is still in the preliminary phases and at this junction we feel comfortable enough to propose amending our budget, a couple of these items are related to fund appropriation based on guidance from the Board to execute an agreement with Evans, Petree to do a full audit of all of our personnel manuals and policies and they have started that study so this expenditure item (#4) in General Fund reflects that, item 5-Organizational Study-the Mayor and I are initially involved in talks with a consultant for an organizational management review over several of our departments that is a place holder expenditure, Fire Dept.-the items under the fire dept. reflect our portion of the required grant monies and will want the Chief to give a full accounting for all of the things he desires to buy and the rest relate to minor adjustments to our Public Works operating budget, Water Fund (Exhibit B), water and sewer funds have nominal adjustments

to wages and we are constantly trying to fine tune and tweak which fund we burden with salaries and so we are shifting one employee's salary, fica, and hospitalization insurance over from our Enterprise fund to our General Fund operations, the Utility Rate Study-the Board just authorized is reflected in the Water and Sewer Fund in Exhibit B & C that is the \$10,000.00 amount, and Exhibit C (Sewer Fund), the same goes for the employee adjustment along with fica and hospitalization, item 5-the decentralized sewer plant State renewal permit fees is reflected, the Utility Rate Study again the 50/50 sharing with the water and railroad sewer line design is a place holder that the Mayor referenced earlier-this is related to the Wittichen line and now that the line is in place we need to investigate what the cost for getting that line underneath the railroad to open up the markets that exists on the northside and that is a very important capital project for the City and we have got to do the design and understand what it will take to get through the railroad approval process, so I will have a full accounting and explanations at the second reading.

Action taken: Commissioner Trotter moved to approve Ordinance No. 345-21 on first reading, seconded by Commissioner Davis. The Motion received all affirmative votes.

Agenda item 13. First Reading, Ordinance No. 347-21, repealing Ordinance No. 243-14 and adopting amended consolidated sanitary sewer rates for the City of Piperton customers whose sewage is collected and transported to Marshall Utility Services, Inc. Treatment Facilities

Mr. Steinbach stated these are house cleaning items, Ordinance 347-21 reflects the original tariff agreement with our third party sewage treatment provider, Marshall Utility Service, to the south and the specific change is in regards to the two basins that are currently applicable to the service area, which is defined by the Mississippi Stateline to the south, Shelby County to the west and Hwy 72 to the north and east is the primary service area for Marshall Utility services, we have effectively two basins; the west basin is primarily the Piperton Business Park Subdivision-the effluent that is collected there travels southward down along a gravity line and the east basin is the area to the east that encompasses MCR and the Fayette Trade Center and the sewer that is collected there goes to a pump station and then is extended so the difference is the rates are slightly higher in the east basin because of the on-going maintenance responsibility of that sewer pump, so the names are identified because they had previously been described as you see as applicable to regular customers and applicable to MCR and that is just not accurate so they have been renamed west basin and the east basin that is the extend of 347-21 on first reading.

Action taken: Vice-Mayor Binkley moved to approved Ordinance No. 347-21 on first reading, seconded by Commissioner Trotter. The Motion received all affirmative votes.

Agenda item 14. First Reading, Ordinance No. 348-21, repealing Ordinance No. 337-21, in its entirety and revising/adopting various fees for the City of Piperton

Mr. Steinbach stated this is the companion item, the ordinance 348-21 is representative of the City's comprehensive fee ordinance and as it relates to this item and the previous item I would turn your attention to page 6 under our sewer fees and again these are house cleaning items addressing incorrect descriptions, currently Centralized Sewer Connection Fees identifies Marshall County and the entity name is in effect Marshall Utility Services, Inc. and we are changing that and the fees below that heading provide for the connection fees or tap fee and the development fee which Marshall Utility Services identifies as a plant capacity fee prior to the City issuing a final certificate of occupancy Marshall Utility Services comes in and conducts an audit and then assigns a fee based on the number of plumbing fixtures or drains, we don't use this often because we don't until recently have a lot of activity that has occurred there but I anticipate that changing again I wanted to get in front of this, it took Harvey and some good sleuth work to back into the fact that these fees actually represent an administrative charge of 15% on top of Marshall Utility fees but there was

nowhere were that was codified so we are changing the name to the correct entity name and we are also leaving a trail to let us know that the fees that are accessed to us due in fact include our administrative fee and then finally on page 8 under #7 with regards to what I was just describing we do have the two different basins again the entity name is being changed to the correct name and the basins are going to be corrected to reconcile with the actual original tariffs.

Action taken: Commissioner Trotter moved to approve Ordinance No. 348-21 on first reading, seconded by Commissioner Davis. The Motion received all affirmative votes.

Agenda item 15. Any other old/new business, questions or matters from the audience

Mr. Steinbach stated Bill Kilp had recently managed the University of Memphis Water Treatment Plant Assessment and that was completed in July and ask Mr. Kilp to give an overview to the Board.

Mr. Bill Kilp stated this is to updated you regarding the Ground Water Study that the City commissioned with the University of Memphis in order to evaluate a possible future water treatment plant site, Piperton currently buys its water from the Town of Collierville under a contractual agreement that will expire in 2024, if we were to cancel that agreement, we are expected to notify them 2 years before the expiration date, the original water purchase agreement was entered into several years ago and the current agreement began February 1, 2016 and runs through February 1, 2024, an 8 year agreement, during the past year Piperton's water purchase averaged approximately 8,660,000 gallons a month with quantities reaching as much as 20,000,000 gallons this past August, our current water purchase agreement allows Collierville to sell Piperton Up to 14,000,000 gallons per month at the agreed upon rate which is 115% of the current Collierville rate and when the amount exceeds this then we pay a higher percentage fee, Piperton has considered having its own water supply but would like to continue purchasing water from Collierville therefore we asked Collierville to consider extending the purchasing agreement and around July 1st, Richard sent a request to the Town of Collierville asking to consider renewing the Water Service Agreement and he has heard from Collierville just last week and we are in the process of reviewing the returned draft agreement, and to understand out options of having a Piperton Water Plant, we entered into an agreement with the University of Memphis Center for Applied Earth Science and Engineering Research in April 2021, known is short as "CAESER" and I want to explain the thought process in picking the proposed site for CAESER to evaluate, Piperton's city boundaries are basically a rectangular shape with our only water storage tank in the northern portion of the rectangle, and to efficiently supply the City with potable water, a water plant could be sited in the center of the City sending water to our customers and the elevated tank in the northern portion and as the City expands and grows we anticipated a possible southern elevated tank therefore also adding to the value of having a centralized water plant and then sending its water to two different elevated storage facilities of approximately the same distant apart and filling the tanks, the proposed water treatment plant site evaluated could be at the current public works or the adjacent Piper property which the City owns and is in the center of the City and that is the property that we asked CAESER to elevate, and the water treatment plant would be sized to treat approximately 1,000,000 gallons a day with expanding capabilities and be supported by two 800 to 900 gallon a minute ground water wells, what is good about the proposed site is that it has sufficient area to adequately space the wells apart from each other eliminating one well from compromising the pumping capacity from the other well if they are both running, CAESER completed their site evaluation in July 2021 and I have the report and will pass it out to the Board, if you have any questions please give myself or Richard a call, but the report included a geologic review, contaminant source inventory, environmental assessment, historical review and groundwater modeling and Mr. Kilp gave an overview of each review in the report and in summary the report identified no know water

quality issues for the subject property but cautions that future development to the east should be scrutinized if underground storage tanks or storage of hazardous waste are ever proposed and at this time it is recommended we continue to contract for the purchasing of water from Collierville due to logistics of building and staffing a water treatment plant and devote our time and resources toward starting up our sewer treatment plant.

Commissioner Trotter inquired if they considered the draw down cone compared to AOC and is there any problem?

Mr. Kilp stated we are far enough away so the cone of influence is not affected by our location, it is maybe a 100 foot radius or 2,000 feet away.

Commissioner Davis stated this for information and a request, two weeks ago on Sunday evening and the Fire Department will have a record of this, we don't have a railroad crossing here even though this is the mecca of our City, a long freight train came through here probably about 180 cars so the lights are flashing so I am sitting there and the light are still flashing so I pulled up just a little bit so I could maybe look down the track and there comes about 5 or 6 cars that had broken away just rolling down the tracks and came to a stop blocking the intersection so I turned around coming up Stateline Road so once before I had made a request or talked years ago and as I understand it the railroad doesn't just come up and put up those crossing guards and if we wanted one the burden of paying for it would be on us.

Mayor Coats stated it is slated to be put in.

Commissioner Davis stated they say that but I was also told there is a move of foot to move all of this rail traffic, told they are going to shutdown rail traffic that currently comes through Collierville and here and move it to the south line down near Red Banks, Mississippi and all of those things that go into the intermodal facility off of Lamar they are taking it south and bringing it across and it is supposed to be a big money saving type thing but I still would not let them off the hook because when they say they are gonna move traffic that may not be true and I think if this is the mecca of where we operate from for the safety of this intersection and this is the town's center, the only thing they can deny you is the right-of-way from putting them up but I think we would be responsible for paying for it and probably the maintenance on it.

Mayor Coats stated they are going to be put in, Ron Gant sent me a letter last week that TDOT and the railroad are working on a project and they will let us know when it going to happen.

Vicki Hancock stated there has been several times in the last several weeks that the crossing lights have come on after a train has gone all the way through the intersection and I haven't noticed many cars going by at that time but the crossing has been total lit when it is not there so that is kind of a railroad issue I guess.

Mayor Coats stated the lights aren't foolproof.

Agenda item 16. Adjournment

Action taken: Vice-Mayor Binkley made a motion to adjourn the meeting, seconded by Commissioner Trotter. The Motion received all affirmative votes and the meeting was adjourned at 7:06 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: _____ date: _____