

**MINUTES OF REGULAR MEETING OF THE  
PIPERTON BOARD OF MAYOR AND COMMISSIONERS  
October 19, 2021, 6:00 P.M.**

The Piperton Board of Mayor and Commissioners met in regular session on October 19, 2021 at 6:00 p.m. at City Hall, with Board members: Mayor Henry Coats, Vice-Mayor Mike Binkley, and Commissioner Preston Trotter, Commissioner David Crislip and Commissioner Hugh Davis were absent. City Manager Steve Steinbach, Police Chief Phil Hendricks, Fire Chief Reed Bullock, Finance Director Maria George, Public Works Director Richard Mills, Bill Kilp, Building Inspector Elizabeth Reed, City Engineer Harvey Matheny, City Planner Brett Morgan and City Recorder Beverly Holloway were present. Building Official Tommie Johnson was absent. Vicki Hancock, William Meacham, Liz McCommon, Alice Cone, Carolyn Rhea (Fayette Falcon), Josh Burnette, Carson Hardwick, 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:** Public Works Director Richard Mills led in the opening Prayer and Commissioner Preston Trotter 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 Trotter 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 September 21, 2021: Motion to adopt the Minutes of the Regular Session of September 21, 2021

**Action taken:** There were no changes to the Minutes of the Regular Session of September 21, 2021, Vice-Mayor Binkley moved to approve the Minutes of the Regular Session of September 21, 2021, seconded by Commissioner Trotter. 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 this is the report for the third month of the FY 2022, the conclusion of the first quarter and nothing significant to report, cash & cash equivalents still exceed five million across our General, Water and Sewer fund savings, our revenue receipts are tracking on a percentage basis-sales tax continues to be strong but not as strong as we saw last month, the balance sheet across the funds is strong. A letter from the Comptroller's office identifying what was described as a deficiency in the audit with regard to management's discussion and analysis for last fiscal year's audit and I provided this to our auditor and her response is included and I was informed the Comptroller's office is fully staffed now and is taking every occasion to point out what they believe to be inconsistencies but according to our auditor the issue is not applicable to Piperton.

Commissioner Trotter inquired if there was a response from Nashville after the auditor wrote this.

Mr. Steinbach stated no, I didn't feel it was necessary and I wanted to have the auditor's opinion and on this current audit I will address it moving forward.

Commissioner Trotter stated this is a close out letter not requiring a response to which Mr. Steinbach stated yes.

Building Inspector Elizabeth Reed (filling in for Building Official Tommie Johnson) stated during the month of September, we issued 36 total permits with 1 for new single dwellings, total fees \$31,159.11, conducted 137 inspections, and handled 40 code compliance issues which most would be mud in the street and grass issues.

Mayor Coats inquired on Piper Hollow, I know there has been 1 or 2 building permits issued.

Mrs. Reed stated one permit has been issued, but they have actually had a rough plumbing inspection and pouring the slab, but I don't know if they have started framing up yet but I know there are a few permits in the office for Phase 5 of Piperton Preserve and a couple more to Twin Lakes and I know we do have some coming for Piper Hollow.

Mr. Steinbach recognized Elizabeth as a rising star, she has completed her residential building inspector certification in record fashion and has completed plumbing and building on the commercial side in record order, I think she has two more left on the commercial side, so thank you very much.

Public Works Director Richard Mills stated I received the second recommendation from structural engineer, Kevin Poe, on removing the columns at the Pinckney house and will have a couple of contractors out this week to give an estimated cost but that will be pushed back to next week.

Mayor Coats inquired on the time frame for actually making the repairs?

Mr. Mills stated if I can get the contractor to look at it and get a price, we will come up with a bid spec and bid it out to start the process and we have had a few roofing companies to come out to inspect the roof and we are waiting roofing color schemes from them as well. JR Wauford finished surveying the WWTP and the composite sampling is ongoing at the Ballard Road pump station and it should be completed within the next 4 weeks or so and once that is done they will run a bench model to see how our plant is going to operate and run, and on the Ridgewood and Greenbrier tanks-I am hoping to have a meeting in a couple of weeks. Spirit Architecture has finished measuring the Pinckney (Piper) House along with Admin and has come up with a rough layout stretch. On October 11<sup>th</sup> there was a water main break on Rebel Rd., Chief Bullock got the water turned off and crews got there at 10pm, there was a 10' section replaced and water was restored about 3 am that morning. Wastewater going to Rossville for 31 days was 1.2 million gallons, which is an average of 39,458.58 gallons per day (49.32% of the allotted 80,000 gallons). There were 105 utility locates, 85 work orders with 3 that are still pending for September. I would like to recognize Chris Hale, on October 6<sup>th</sup> as he was doing a utility line locate around the Poplar Acres-Windover area, he came upon a lady being attacked by two rottweilers and blew his horn and got the dogs distracted and they ran off, so I would like to recognize him to going above and beyond.

Mayor Coats stated well deserved.

Fire Chief Reed Bullock stated there were no permits in October, 8 final inspections, 36 total call with 31 in the City that were mostly medical (18), included is the yearly statistics in the report and we are currently up to full staff among firefighters.

Police Chief Hendricks stated in the month of September there were 34 dispatched calls, 2 incident reports, 1 arrest and 1 motor vehicle crash reports.

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

**Agenda item 6.** Consideration of Bid/Awarding of Bid re: FY 2022 Street Patch and Pavement Repair

Public Works Director Richard Mills stated on March 5<sup>th</sup>, we received two sealed bids for patching and payment repairs. Gibson Paving was the lowest bid at \$94,095.00 of the two and staff recommends.

**Action taken:** Vice-Mayor Binkley moved to award the bid to Gibson Paving, seconded by Commissioner Trotter. The Motion received all affirmative votes.

**Agenda item 7. Development Contract – Piper Hollow Ph. 2**

City Engineer Harvey Matheny stated the Planning Commission approved Master Development Plan for Piper Hollow in December 2019, and it was amended in March 2021, and the Board of Mayor and Commissioners also approved the amendment of the Master Development Plan, Phase 2 is for 41 lots on 19.69 acres, the fees and surety requirements are summarized on page 21 of the contract.

**Action taken:** Vice-Mayor Binkley moved to approve the Piper Hollow Phase 2 Development Contract, seconded by Commissioner Trotter. The Motion received all affirmative votes.

**Agenda item 8. Recess – hold Public Hearing concerning 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**

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

City Planner Brett Morgan stated this is the second amendment to Madeline Farms this amendment is reconfiguring the overall Master Development Plan, they are adding more land and donating some of the land to the south to the Wolf River Conservancy, this reduces the overall acreage by 31 acres, this creates an additional phase and enlarges phase 4 but while doing that they are modifying the overall lot layout to be a more consistent lot size to what has been sold in the development, so while the previous amendment reduced the lot count this amendment will increase it back up to the original lot count when the Master Plan was approved, 206 lots that averages roughly four tenths of an acre in size, common open space will be reduced somewhat but they are still well over the requirement of the CD-O and are still 40+ percent open space in the new Master Plan and the Planning Commission did review and approved this amendment and recommended it to the Board of Mayors and Commissioners for approval.

Mr. Matheny stated the agreement from the County was that the connection could be made at the existing high point of Raleigh LaGrange Road and the road is not going to be lowered or adjusted geometrically and vertical geometry is not going to change, so the request was made and the Planning Commission agreed to make the connection that the boulevard coming up from the south would tee into the road and then the existing road which currently terminates at this point would continue on and intersect with Raleigh LaGrange, it will still have a divided entrance and we have spoken with them about widening this exit lane so you could have someone turning left and having room for someone to turn right without a lane being blocked so that was the recommendation that was given when Planning Commission approved that change which is a minor change and it accomplishes what we need at that intersection.

Mayor Coats inquired on the expansion of the road, if they were going to expand to the east or are they going to cut down the green space between the divided areas?

Mr. Matheny stated no, I believe that they will move the edge of pavement out to the east just enough to create the right turn lane so the median would stay as you see it and there are acceleration and deceleration lanes, this is a better design than the original design.

Mr. Matheny stated the next thing is something that has been brought up subsequent to Planning Commission approval, subsequent to the first reading there was a lot of

discussion about creating a right-of-way for future connection to the west that has been granted and we do have the right-of-way and the payment in lieu of for that was waived by the Planning Commission and is stated in the conditions that the payment has been taken out of the conditions but the right-of-way dedication has been granted and the question came up about to the east and Brett and I have looked back at the original conditions (2006) and at subsequent amendments that have come along since and we cannot find any record of any discussion on the connection to the east to which Mr. Matheny pointed out a gap that suggests an opening intending for common open space access although it somewhat lines up with the major road plan alignment and so currently there is no right-of-way shown on the master plan for a future connection to the east and that is something that needs to be considered and why it wasn't brought up before in previous discussion I don't know and Brett and I have speculated as to why it wasn't even back as far as 2006 or 2007 and so the question is does the Board want to add a condition for a right-of-way dedication so this connection can eventually be made someday? My assumption is they could reconfigure and not have a net loss of lots but I can't say that with certainty.

Mayor Coats stated I think we should consider it and see if it is possible without decreasing lot numbers.

Josh Burnett stated we talked to Frank about that and he is willing to do it in the Master Plan but I don't think he wants to set an exact location at this point and gives us that freedom to set it when it needs to be set and I think he is willing to do that.

Mr. Matheny stated if this road is intended to be a connector road east to west then the place to do it would be here so that it can be a direct connection to Hwy 196 to here and then there is another turn out to the west and that can be discussed but that is our thoughts at this point.

Mr. Morgan stated there is no other connectivity east to west in that area except Raleigh LaGrange Road and there ultimately needs to be another east-west connector, the major road plan was established for that very reason to have a full width of the City east-west connector that wasn't Raleigh LaGrange Road up in that area, as residential development occur up there it stands to reason that connectivity between them east and west would be beneficial.

Mr. Matheny stated to Josh's point if the goal is connectivity east and west from both sides it doesn't have to be in this location so that is a valid point but again the main goal is to provide another east-west connector other than Raleigh LaGrange, so what you have before you is the Master Development Plan Amendment to this so the question is do you want to add a condition and what that condition is and how it should read.

Mr. Steinbach stated if I hear correctly the developer's representative indicated that would be satisfied with language added to the Master Development Plan conditions that would probably state at the time the applicable phase and/or phases come in provisions will be made for right-of-way connection or something to that effect.

Mr. Morgan stated that would be condition #5.

Mr. Burnette inquired if that would be another pay in lieu of at this point?

Mayor Coats stated as long as it is dedicated it is good.

Mr. Burnette stated I don't think the developer really wants to do this, but do we actually need it, I know the cross road through there is on the Master Plan, but I think putting a road through that area is going to be tough but is it actually needed, I think it may be good to look at that.

Mayor Coats stated in twenty years we don't know what is going to happen but if I were living in that subdivision I would like to turn left and go into my subdivision instead of going up to Raleigh LaGrange and 196 because it is going to be very busy in twenty years so I think an alternate access would be a good thing, at least set the place.

Fire Chief Bullock stated it would also be good thing for emergencies.

Mr. Steinbach stated right-of-way can always be re-conveyed but having the kind of activity adjacent to undeveloped subdivisions would seem to be prudent in terms of planning.

Mr. Morgan stated added condition would read "an east-west connector road shall be provided in phase 5 of the Master Development Plan".

Mr. Matheny stated I understand we are going to add it as a condition but we also record the Master Development Plan and I know we may want to defer the exact location at this point and time but I think at a minimum there needs to be a note or some kind of notation on the Master Development Plan to say "there will be a connection through here" there needs to be something in the Ordinance and the plat for the record.

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

**Agenda item 9.** Second 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

**Action taken:** Vice-Mayor Binkley moved to approve Ordinance 346-21 with added condition that there will be a provision for an east to west connector to the east side of Phase 5 in the Master Development Plan and the final plat, seconded by Commissioner Trotter. The Motion received all affirmative votes.

**Agenda item 10.** Recess – hold Public Hearing concerning Ordinance No. 345-21, amending the Budget for FY 2022 (First Amendment) for the City of Piperton

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

Mr. Steinbach stated this is the first budget amendment for the FY 2022, it covers four funds (General Fund, Water Fund, Sewer Fund and Special Revenue Sanitation Fund), staff has provided a color coding to give indications of items that were not approved as part of the original budget ie: add-ons and the pink to identify late entrants to the budget amendment process based on special conditions and beginning with the General Fund (Exhibit A): it consists of recognition of revenue items-the majority of these are related to a host of grant awards for the Fire Department and they have their own matches which are addressed under the expenditure section, there is also the second Covid relieve related grant (Direct Appropriation Grant) which we received for \$36,728.00 and I am aware that the additional monies need to be reviewed from the context of how the Board desires to expend those once we receive the first of two American Cares Act and with regard to the expenditure items there are several items applicable to various departments: Admin employee benefits is amending the budget for an employee appreciation picnic, Admin office supplies-new business cards based on the recently adopted design as applicable across our City departments, Admin Insurance, Workman's Comp a liability increased due to the addition of the Pinckney property, two new entrants-Admin Professional Services agreement with Evans-Petree redoing the City's personnel manuals and various policies, Admin Organizational Study applicable to Admin and Police Dept., Admin GIS Mapping- the City recently changed Mapping Consultants and are in the process of acquiring the data or have acquired the data from the previous Mapping Consultant, Building Dept.-we are budgeting for a Chief Building Inspector in addition to the various awards that I described for Elizabeth, the subsequent items under Building Dept are related to that, Bldg Cell Phone Stipend & Office Supplies under budgeted item, Police Dept-we are budgeting for a new Lieutenant and that is incorporated within those and the subsequent item related to Police Dept. or that personnel change, item 17 is a removal from the first reading under Office Supplies & Materials, under the Fire Dept-the recognition of the grant match requirements, and amendment to Radio & Communication item, under Public Works-some salary adjustments on the burden on utilities and our General Fund by moving

back a couple of employees to the General Fund, we have our utility rate consultant doing his study now and should have better clarity, Mowing/Fac Maint/Grounds was an under budgeted item, Public Works additional computer (tablet) for new Construction Inspector, PW-office supplies and materials related to business cards, PW-Reprovisioning of equipment-this was an item first introduced by interim Public Works Director Reed Bullock, it was a good idea and generally related to small tools that don't qualify for capital items somehow got left off the fiscal budget for this year and lastly PW-Equipment-this is related to the truck that was budgeted and came in a few dollars in excess of the budget amount and the Board acknowledged that a couple of meetings ago and approved that, and that was an overview of the General Fund budgeted items that we are proposing to amended and/or add along with the revenue receipt recognition. Moving on to the Water Fund (Exhibit B), we have one revenue under miscellaneous item-a rare instant in which a customer meter size was increased and the payment that goes into miscellaneous, under the expenditure items again the adjustments that are related to the General Fund that I just discussed with regard to transfer, you will see reductions under the employee adjustments and all the related items, Material/Supplies/Maint-that is related to the revenue item as the cost of the meter increase, Vehicle maintenance reflects a couple of major repair items and lastly the utility rate study (RateStudies) which the Board previously authorized split between Water and Sewer-the cost is \$10,000.00 being shared by Water and Sewer. Moving on to Sewer (Exhibit C), this is related to the adjustments in moving the burden from our Enterprise Fund to the General Fund and the related items, Decentralized Sewer Plant State Renewal-this is a permit requirement for Provenance and Shaws Creek, Utility Rate Study-again the sharing with Water, Railroad Sewer Line Design-this is the amount that will enable the City to design for the ultimate extension of the sewer from its current location at the northwest corner of the Wittichen Subdivision underneath the railroad track to open up urban development on the northside of the railroad track along the Poplar corridor and then a late entrant that the Mayor has been focused on that is addressing our subdivisions-Piperton Farms Sewer Extension, this was an item that was previously budgeted several years ago and we are revisiting now-the prospect of extending sewer into Piperton Farms Subdivision just due to the sheer failures, a percentage of identified failures by TDEC of subsurface septic systems. Moving on to the Special Revenue Fund (Sanitation)-generally we budget for our yard waste stickers that goes on bags, the City negotiated an increase to cubic yard allotment nevertheless the residences have an affinity for these bags so this is recognizing the demand for that and we are simply doubling our cost.

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

**Agenda item 11.** Second Reading, Ordinance No. 345-21, amending the Budget for FY2022 (First Amendment) for the City of Piperton

**Action taken:** Vice-Mayor Binkley moved to approve Ordinance No. 345-21 on second reading, seconded by Commissioner Trotter. The Motion received all affirmative votes.

**Agenda item 12.** Recess – hold Public Hearing concerning 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

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

Mr. Steinbach stated Ordinance No. 347-21 and the subsequent Ordinance No. 348-21 are companion items and as reported to the Board last month these are effectively addressing

clarifications in terms of the entity name and basin descriptions, Ordinance No. 347-21 is the ordinance recognizing the tariffs from Marshall Utility Services previously or as it exists, is identified as applicable to regular customers and applicable to MCR whereas we had a description conflict in our comprehensive development fee ordinance of west basin-east basin, west basin and east basin more accurately characterize the areas within our industrial triangle west of Hwy 72, the area in the west basin for example that being the Piperton Business Center on Mann Drive is served by a gravity outfall line that extends directly south to Mississippi whereas the MCR and now the Fayette Trade Center are pumped west to the same collection system.

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

**Agenda item 13.** Second 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

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

**Agenda item 14.** Recess – hold Public Hearing concerning Ordinance No. 348-21, repealing Ordinance No. 337-21, in its entirety, and revising/adopting various fees for the City of Piperton

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

Mr. Steinbach stated this is the companion item, this is our comprehensive fee ordinance that consists of 16 pages but the action only happens on two pages (page 6 and page 8), and this is related to typos and clarification of the entity name under item 3- Centralized Sewer Connection Fees, we current have it as Marshall County Utility and the correct entity name is Marshall Utility Services, Inc. and under the note: again entity name correction to Marshall Utility Services, Inc. and an addition for transparency and clarification with regard to City's margin for the fees assessed by Marshall Utility Services, we added that under the second note to read "Reflected Sewer Connection Fee represent a City of Piperton Administration Charge of 15%". On Page 8, again what we discussed in Ordinance 347-21 related to the correct entity name (item 7a) and the new Ordinance 347-21 that was just approved which is the source ordinance addressing that change (item 7b).

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

**Agenda item 15.** Second Reading, Ordinance No. 348-21, repealing Ordinance No. 337-21, in its entirety, and revising/adopting various fees for the City of Piperton

**Action taken:** Commissioner Trotter moved to approve Ordinance No. 348-21 on second reading, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

**Agenda item 16.** Resolution No. 21-242, adopting an Emergency Sewer Connection Policy for residences utilizing private septic sewer systems that have failed.

Mr. Steinbach stated he views this policy resolution as a bridge to part of a more permanent document now that we have sanitary sewer availability essentially across the City at least west to east, we have had instances in which we have had requests for connection from residential properties primarily that are experiencing or the failure is eminent of their subsurface septic systems, very concerned about random connection to a pressurizes force main which is representative of the majority of the sewer line from Pyramex to the primary

pumping station at Ballard Road, I have asked Harvey and Richard to draft a policy that provides guidance and governs how that process might unfold and that is the policy before you.

Mr. Mills stated if a homeowner calls and says that my septic system is failing or has failed, this policy will require that homeowner to contact TDEC to make a site visit and TDEC will be the final determination on whether or not that system has completely failed and it can't be fixed or if something can be retrofitted to correct the problem, this policy will give guidance on the steps that homeowners are supposed to take. TDEC makes the determination not the City or the homeowner and we will have to have that in writing from TDEC on their determination.

Discussion ensued and the suggestion was made to table the Resolution for further review and revisions.

**Action taken:** Commissioner Trotter moved to table Resolution No. 21-242, seconded by Vice-Mayor Binkley. The Motion received all affirmative votes.

**Agenda item 17.** Any other old/new business, questions or matters from the audience  
Mayor Coats inquired to Mr. Matheny for an update on the street lights on Shelby Drive.

Mr. Matheny stated the electrician has been back out and is trying to troubleshoot the problem and it is the developer's responsibility and he is aware of it.

**Agenda item 18.** 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 7:02 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

Approved: \_\_\_\_\_ date: \_\_\_\_\_