

**MINUTES OF REGULAR MEETING  
PIPERTON BOARD OF MAYOR AND COMMISSIONERS  
July 21, 2020, 6:00 P.M.**

The Piperton Board of Mayor and Commissioners met in regular session on July 21, 2020 at 6:00 p.m. at City Hall, with Board members: Mayor Henry Coats, Vice-Mayor Mike Binkley, Commissioner Preston Trotter and Commissioner David Crislip, Commissioner Hugh Davis was absent. City Manager Steve Steinbach, Finance Director Maria George, Building Official Tommie Johnson, Police Chief Phil Hendricks, Fire Chief Reed Bullock, City Engineer Harvey Matheny, City Planner Brett Morgan, Public Works Director Bill Kilp, and City Recorder Beverly Holloway were present. Vicki Hancock, Elizabeth McCommon, William Meacham, John McCarty, Josh Burnett, Julie Furr, Taylor Nickie, and Officer Fitzgibbons, 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 David Crislip 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 the addition of Julie Furr after the department reports, Vice-Mayor Mike Binkley moved to adopt the agenda with that one change, seconded by Commissioner Preston Trotter. The Motion received all affirmative votes.

**Agenda item 4.** Any changes to the Minutes of the June 3, 2020 Work Session, the Minutes of the June 09, 2020 Special Called Session and the Regular Session of June 23, 2020: Motion to adopt the Minutes of the June 3, 2020 Work Session, the Minutes of the June 09, 2020 Special Called Session and the Regular Session of June 23, 2020

**Action taken:** There were no changes to the Minutes of the June 3, 2020 Work Session, the Minutes of the June 09, 2020 Special Called Session and the Regular Session of June 23, 2020, Commissioner Trotter moved to approve the Minutes of the June 3, 2020 Work Session, the Minutes of the June 09, 2020 Special Called Session and the Regular Session of June 23, 2020, seconded by Commissioner Crislip. 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 reporting of the last month of fiscal year 2020, we are closing out the books and will begin the audit within the next month or so, sales tax number exceeded the budget by \$68,000.00 and our finances are strong going into the new fiscal year, the balance sheet is strong across all operating accounts

Mayor Coats stated Dollar General has opened and it is a very nice store.

Building Official Tommie Johnson stated during the month of June, there were 60 active new single family dwellings under constructions, 55 total permits, 8 permits for new single family dwellings, conducted 261 total inspections and handled 13 code compliance issues and as of July 1<sup>st</sup>, Elizabeth Reed has been promoted to Building Inspector and Ashley Parker is the new Permit Technician.

Public Works Director Bill Kilp stated he has attached a monthly statistical data sheet for the Board's benefit, for the month of June his staff responded to 21 sewer and 44 water related work orders that included meter sets, meter register issues and leaks, there were 11 street repairs, and grass cutting is keeping the guys really busy and has had some overtime over the weekends but still haven't been able to catch up to where we would like to be and picked up over 30 bags of litter throughout the city, there were 289 utility locates, in early June we believe we had a lightning strike on Hwy 196 that caused a major water main to break and emergency repairs were made, the gravel has been installed for overflow parking, the occupancy of the Public Works building was completed in June and shortly after moving in we experienced flooding issues that required a cleanup team, staff is working with the contractor and the City Engineer to determine a solution to correct the problem, staff has cut overgrown vegetation along Ethel Road so a prospective property owner could have access to their property.

Mayor Coats requested classification breakdown on sewer issues.

Fire Chief Reed Bullock stated we had 13 residential permits, there were 31 total calls (29 in the City) with 6 motor vehicle crashes.

Mayor Coats stated they have started working on the bridges on Hwy 196, so your response time to Shaws Creek and Madeline Farms will be longer.

Chief Bullock stated it is a 4 minute light and one lane traffic, there are actually two projects going on 196 north (in addition to the bridge repair, Marathon is on the southside of the Wolf River doing routine maintenance on their pipeline).

Police Chief Phil Hendricks stated during the month of June there were 38 dispatched calls, 3 incidents, 2 arrest reports and 2 vehicle crashes, also on June 8<sup>th</sup> we added a new officer (Officer Scruggs) and on July 20<sup>th</sup>, Officer Washington joined the department.

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

**New Agenda item 6.** Julie Furr, Structural Engineer

Ms. Furr will be working with City staff on amendments to the 2018 Code regarding Seismic requirements.

**Agenda item 7.** Development Agreement (2<sup>nd</sup> Extension) – Piper Hollow Phase 1

City Engineer Harvey Matheny stated this is a consideration of a contract extension for Piper Hollow Phase 1, the contract was originally approved in February 2020 and then extended by the Board during the May meeting, the Developer is still working to secure required documentation, letter of credit and payment of fees and did ask for an extension of his contract until August 15, 2020.

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

**Agenda item 8.** Recess – hold Public Hearing concerning Ordinance No. 328-20, amending the Master Development Plan of the Madeline Farms CD-O, formerly LaGrange Pointe CD-O; (Ord. No. 81-06 & Ord. No. 95-06)

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

City Planner Brett Morgan stated LaGrange Pointe Investments made application to the City to modify the Master Development Plan for what was LaGrange Pointe CD-O (now under Madeline Farms CD-O), the amended request was to modify Phases 2 & 3 by reducing the number of lots that are in each phase for a total of 22 lots, each phase will basically mimic Phase 1 as far as lot size and product and the common open space will increase from 50% to 57%, the density decreased from 0.76DUA to 0.68DUA, the Planning Commission reviewed, approved and recommended the plan to the Board of Mayor and Commissioners for approval with several conditions, the main conditions were regarding access and circulation, there will be another entrance in Phase 4 and another stub street to the west that was dedicated but never improved and the Planning Commission effectively tied this entrance and that road to Phase 4 of the development allowing the developers to do payment in lieu of this in Phase 4 if they so choose, but the second entrance on Raleigh LaGrange and the problems it presents with sightlines has to be worked out prior to Phase 4 of the development and they also requested that the text of the landscape improvement plan or open space improvement plan be modified to remove the gazebo that was previously a part of the original Master Development Plan and the Planning Commission agreed with the removal of the gazebo but noted that open space improvements that were a part of Phase 1 needed to be completed with the development of Phase 2 which includes the walking trail, sports pavilion and field.

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

**Agenda item 9.** Second Reading, Ordinance No. 328-20, amending the Master Development Plan of the Madeline Farms CD-O, formerly LaGrange Pointe CD-O; (Ord. No. 81-06 & Ord. No. 95-06)

**Action taken:** Vice-Mayor Binkley moved to approve Ordinance No. 328-20 on second reading with 4 conditions, seconded by Commissioner Trotter. The Motion received all affirmative votes.

**Agenda item 10.** Recess-hold Public Hearing concerning Ordinance No. 329-20, amending the Piperton Business Center Phase 2 Planned Development Overlay (PD-O) Master Development Plan (Ord. No. 93-06, Ord. No. 275-16 & Ord. No. 324-20)

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

Mr. Morgan stated Piperton Business Center Phase 2 is approximately 30 acres, in March the owner of lot 10 made application to the Planning Commission to reduce the building setback and the utility easement along the right-of-way of I-269, and the Planning Commission approved and it went to this Body for approval to amend the Master Development Plan and since then the owner of lot 12 (JS Designs/Jeff Salentine) decided to ask for the same consideration for his lot so staff feels it was appropriate to take all the lots in Phase 2 that are contiguous with I-269 and make the same reductions in setbacks

and utility easements, the Planning Commission considered and approved it and recommended approval to the Board of Mayor and Commissioners. A letter was received from Chickasaw Electric giving their consent.

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

**Agenda item 11.** Second Reading, Ordinance No. 329-20, amending the Piperton Business Center Phase 2 Planned Development Overlay (PD-O) Master Development Plan (Ord. No. 93-06, Ord. No. 275-16 & Ord. No. 324-20)

**Action taken:** Commissioner Trotter moved to approve Ordinance No. 329-20 on second reading, seconded by Commissioner Crislip. The Motion received all affirmative votes.

**Agenda item 12.** BZA Reappointment Approval for expiring terms of Chairman Mike Binkley (3 years), Darryl Dixon (2 years) and Harry Hartwig (1 year)

**Action taken:** Commissioner Trotter moved to approve the reappointment of the BZA members, seconded by Commissioner Crislip. The Motion received all affirmative votes.

**Agenda item 13.** Resolution No. 20-224, declaring as surplus and authorizing to be sold a 0.94 acres located a 0 Keough Dr., known as Map 183, Parcel 002.06 in Piperton, Tennessee

Mr. Steinbach stated a couple meetings ago we discussed the desire of Power & Tel to acquire a remnant piece of property owned by the City, this was part of a process that combined the State's acquisition of right-of ways for Hwy 385 as well as MLG&W securing easements along the west right-of-way boundary for the extension of its distribution lines and most of this property is consumed by the MLG&W utility easement which renders it useless for any other private endeavors so staff had indicated with the Board's acknowledgement to Power & Tel that we would consider going through the process and we have taken the necessary steps; advertising for bids for the sale of the property and there was one bidder: Threesco submitted a bid for \$30,000.00 for the parcel and the advertisement for the sale of the property had a condition that any prospect would be responsible for all the associated cost (appraisal, all attorney's fees, any survey) basically a fee free transaction for the City.

**Action taken:** Vice-Mayor Binkley moved to approve Resolution No. 20-224 declaring the parcel 002.06 as surplus, seconded by Commissioner Crislip. The Motion received all affirmative votes.

**Agenda item 14.** Resolution 20-225, authorizing the sale, by bid from public advertisement, of a surplus lot described as 0.94 acres located at 0 Keough Dr., known as Map 183, Parcel 002.06 in Piperton, Tennessee

Mr. Steinbach stated this is to consider the \$30,000.00 bid received from Threesco, the current appraisal of the property is \$37,400.00 under the State appraisal on the tax books, and their bid provides if the appraised value it less than \$30,000.00 they will still pay the \$30,000.00 to the City and based on a consultant's determination the fair market value of the property is despite its current zoning is significantly impaired as a result of that

easement since you cannot place a permanent improvement on the parcel and should the Board accept the proposal by Threesco (Power & Tel) their desire is to expand their walking trail around the perimeter of the property and so there are no physical improvements on the property contemplated other than the walking trail, and so staff has discussed with the City Attorney, the key to the transaction will be the appraisal, the appraisal will either exceed the \$30,000.00 or it will be less, if it exceeds the \$30,000.00 then Threesco will be required to tendered whatever the appraised value is or if it is less than their bid was they are still going to pay the \$30,000.00 so the next step after the Board approves the bid is a purchase agreement based on the appraisal that would have to occur.

Mayor Coats inquired if that would go through the Planning Commission.

Mr. Steinbach stated the transaction would not go through the Planning Commission but the contemplated improvement by Power & Tel would need to go to the Planning Commission just for review purposes under State law.

**Action taken:** Commissioner Trotter moved to approve Resolution 20-225 authorizing the sale of the said property on Keough, seconded by Commissioner Crislip. The Motion received all affirmative votes.

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

Mayor Coats stated he has received several calls concerning power outages, and he has spoken with Chickasaw Electric and they have turned their breaker amperage trips up so they shouldn't throw as often; they are building a new substation at Hwy 72 just for Piperton that should have been finished in May however they have had delays and some TVA problems and it is now schedule to be finished in September and they are saying as soon as it comes on line all problems should go away.

Mr. Steinbach stated a fax was received from residents on Old Stateline Road with regards to a chronic sewer issue they would like consideration for and it would involve making a singular connection to our force main (the primary sewer) that we engaged in last year as part of the fast track grant for Pyramex, this is an issue that I anticipated we will see increasingly as homeowners unfortunately deal with challenging soil issues in this part of the county, and this homeowner has a traditional septic system.

Mr. Matheny stated in 2019 that house was taken down and rebuilt and the new homeowner contacted staff and indicated that the septic system is not working and when the home was being built I had a call from the builder asking about a connection to our 8 inch force main which runs which runs down Old Stateline Road and we have had numerous requests to tie onto that force main by businesses and residential owners and we have consistently said no because it is not a good practice and it is not recommended that individual pressure taps be made to that force main, it is a singular pump over behind Living Hope Church and it is a singular force main all the way until it discharges at the Ballard Road Station and if we allow businesses and lots to tap on without any regard to the number, it affects the whole hydraulics of the system because the pump is designed to pump against a certain pressure or a certain static head or friction head and if you allow more and more people to tie on it will affect the design so we told them no and in this situation the builder was told he couldn't tie on

and he received documentation from TDEC after they met in the field and TDEC told the builder that the soils were not suitable for a larger home for a septic system and apparently the previous homeowner was having issues which was noted in the report sent to me and there is not a solution that is viable that anyone knows about, I have discussed this with TDEC and without any known solution, we would recommend in this situation to allow this individual to tap onto our system but we don't want to set a precedent for more down the road in other places that are assessable to this force main but because this is an extenuating circumstance and in the future, the plan for this area is to have a gravity line running along the railroad's right-of-way which would flow to the west across the tracks and head to the north but that is some time down the road.

Mayor Coats stated he feels this is a hardship and it doesn't set a precedent.

Commissioner Trotter inquired do we know what kind of problems their neighbors are having with their septic.

Vicki Hancock stated Sharon Edwards is having issues but I don't have any issues with mine at all.

Vice-Mayor Binkley stated he didn't think this was allowed to happen, I thought you had to have a septic approval before you could get a permit.

Mr. Matheny stated TDEC's process is a little confusing because they do issue a certificate acknowledging that there is a septic system there, which they did but that is not an approval of a system to serve a new house and that is the way I understand it but they didn't recommend that this home could be a support by the soil on the site per the TDEC letter he received back which was for a field visit back in August that stated the soils on site were not suitable for septic system even an extension and that was put in and it didn't work, and he did discuss the mound system and TDEC didn't feel that would work in this situation.

Mr. Steinbach stated we have a homeowner who can't go forward and can't go backwards and I am concerned about how we address this, there needs to be a policy developed with Harvey and Bill's assistance for the Board's consideration for situations like this instead of making decisions, and a discussion ensued, and if it is the pleasure of the Board to address the property owner's concern, let us prepare a policy, the Board agreed with this.

**Agenda item 16.** Adjournment

**Action taken:** Commissioner Trotter made a motion to adjourn the meeting, seconded by Commissioner Binkley. The Motion received all affirmative votes and the meeting was adjourned at 7:00 p.m.

Respectfully submitted,

Beverly Holloway, City Recorder

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