

City Council Meeting Minutes

Regular Meeting: December 8, 2016

Place: City Hall Annex, Shelbyville Police Department Courtroom, 109 Lane Pkwy

Call to Order-Mayor Cartwright at 6:00pm

Invocation-Collins Jergenson of Fellowship of Christ

Pledge of Allegiance-Led by Council

Roll Call:

The following Councilmembers were present: Councilmember Christie, Councilmember Landers, Councilmember Meek, Councilmember Pruitt and Councilmember Rose. Councilmember Feldhaus was absent. Also present were City Manager Johnson, City Recorder Mai and City Attorney Shofner. Mayor Cartwright declared that there was a quorum present.

Adopt the Agenda. Councilmember Landers made a motion to adopt the agenda, Councilmember Rose seconded and the motion carried unanimously by oral vote.

Consideration of a motion to approve minutes: Councilmember Meek made a motion to approve the minutes, Councilmember Rose seconded and the motion carried unanimously by oral vote.

Study Session of November 1, 2016

Regular City Council Meeting of November 10, 2016

Executive Session of November 10, 2016

Mayor Cartwright declared the regular meeting closed at 6:03pm to open the **Public Hearing**. The following Ordinances were presented for Public Hearing:

An Ordinance of the Shelbyville City Council to Amend the Municipal Zoning Ordinance, Article 5, Section 5.8, Planned Unit Development District Overlay, By Repealing it in its Entirety and Replacing with the New Regulations as Recommended by the Planning Commission, and Repeal of Any Ordinance or Part of an Ordinance in Conflict Herewith

An Ordinance to Amend the City Code of Ordinances, Title 4, Chapter 1, Building Code, Chapter 2, Plumbing Code, Chapter 3, Electrical Code, Chapter 4, Gas Code, Chapter 9, Mechanical Code, Chapter 13, Residential Code, Chapter 15, Property Maintenance Code and Chapter 16, International Energy Conservation Code; to adopt by Reference the 2012 Edition of the International Residential Code; to Provide for Local Amendments; to Provide for an Effective Date (Continued from September 8th)

An Ordinance to Amend the Shelbyville Municipal Code, Title 2, Chapter 1, "Intoxicating Liquors"

An Ordinance of the City of Shelbyville, Tennessee, Amending the Municipal Code Title 2, Chapter 2, Section 2-211-14 "Applications for Beer Licenses or Permits"

An Ordinance (As Amended) Granting a Franchise to Athena Broadband Corporation, its Successors and Assigns for Period of Ten (10) Years to Erect, Construct, Reconstruct, Maintain and Operate a Fiber Optic System Across, Along and Under the Highways, Streets, Avenues, Roads, Alleys, Lanes and Other Public Grounds of the City of Shelbyville, Bedford County, Tennessee

An Ordinance to Establish an Updated Occupational Safety and Health Program Plan, Devise Rules and Regulations, and to Provide for a Safety Director and the Implementation of such Program Plan

There were no comments on any of the items for Public Hearing.

Mayor Cartwright closed the Public Hearing and reopened the regular meeting at 6:06pm.

Councilmember Rose made a motion to allow the City Attorney to read the caption only for Ordinances, Councilmember Landers seconded the motion and it carried unanimously by oral vote.

Ordinances on Second & Final Reading were next:

An Ordinance of the Shelbyville City Council to Amend the Municipal Zoning Ordinance, Article 5, Section 5.8, Planned Unit Development District Overlay, By Repealing it in its Entirety and Replacing with the New Regulations as Recommended by the Planning Commission, and Repeal of Any Ordinance or Part of an Ordinance in Conflict Herewith. Councilmember Landers made a motion to approve, Councilmember Pruitt seconded, there was no discussion and the motion carried unanimously by roll call vote.

An Ordinance to Amend the City Code of Ordinances, Title 4, Chapter 1, Building Code, Chapter 2, Plumbing Code, Chapter 3, Electrical Code, Chapter 4, Gas Code, Chapter 9, Mechanical Code, Chapter 13, Residential Code, Chapter 15, Property Maintenance Code and Chapter 16, International Energy Conservation Code; to adopt by Reference the 2012 Edition of the International Residential Code; to Provide for Local Amendments; to Provide for an Effective Date (Continued from September 8th). Councilmember Christie made a motion to approve, Councilmember Landers seconded, there was no discussion and the motion carried unanimously by roll call vote.

An Ordinance to Amend the Shelbyville Municipal Code, Title 2, Chapter 1, "Intoxicating Liquors". Councilmember Meek made a motion to approve, Councilmember Pruitt seconded, there was no discussion and the motion carried unanimously by roll call vote.

An Ordinance of the City of Shelbyville, Tennessee, Amending the Municipal Code Title 2, Chapter 2, Section 2-211-14 "Applications for Beer Licenses or Permits". Councilmember Pruitt made a motion to approve, Councilmember Landers seconded, there was no discussion and the motion carried unanimously by roll call vote.

An Ordinance (As Amended) Granting a Franchise to Athena Broadband Corporation, its Successors and Assigns for Period of Ten (10) Years to Erect, Construct, Reconstruct, Maintain and Operate a Fiber Optic System Across, Along and Under the Highways, Streets, Avenues, Roads, Alleys, Lanes and Other Public Grounds of the City of Shelbyville, Bedford County, Tennessee. Councilmember Rose made a motion to approve, Councilmember Meek seconded, there was no discussion and the motion carried unanimously by roll call vote.

An Ordinance to Establish an Updated Occupational Safety and Health Program Plan, Devise Rules and Regulations, and to Provide for a Safety Director and the Implementation of such Program Plan. Councilmember Christie made a motion to approve, Councilmember Pruitt seconded, there was no discussion and the motion carried unanimously by roll call vote.

Business items were next.

The only item of business was Consideration of a motion to receive the November 8th Municipal Election Report as Certified by the Bedford County Election Commission. Councilmember Christie made a motion to approve, Councilmember Landers seconded, there was no discussion and the motion carried unanimously by oral vote.

The last item on the agenda was the recognition of outgoing City Councilmember Kay Rose. Mayor Cartwright presented her with a plaque to thank her for her years of service from 2007-2016. Mayor Cartwright thanked Councilmember Rose for her service as well as everything that she has done for the City of Shelbyville. Councilmember Rose expressed that she has enjoyed working for and learning from the City, and that Shelbyville is a wonderful city.

Councilmember Landers made a motion to adjourn the meeting, Councilmember Meek seconded the motion and it carried unanimously by oral vote. Meeting adjourned at approx. 6:12pm.

At this time the Honorable Judge Lee Russell administered the **Oath of Office** for Councilmember Jean Pruitt, Ward 5 and Councilmember Mark Clanton, Ward 3. It was stated that Councilmember Feldhaus had been sworn in previous to the meeting as he was out of town and not in attendance.

Regular Meeting: December 8, 2016

Time: 6:16pm

Place: City Hall Annex, Shelbyville Police Department Court Room, 109 Lane Pkwy

Call to Order-6:15pm Mayor Wallace Cartwright

Roll Call:

The following Councilmembers were present: Councilmember Christie, Councilmember Clanton, Councilmember Landers, Councilmember Meek and Councilmember Pruitt. Councilmember Feldhaus was absent. Also present were City Manager Johnson, City Recorder Mai and City Attorney Shofner. Mayor Cartwright declared that there was a quorum present.

Adopt the Agenda. City Manager Johnson stated that an item needed to be added related to a grant for the Parks & Rec. Department. Councilmember Landers made a motion to add the Parks & Rec. item to the agenda, Councilmember Pruitt seconded and the motion carried unanimously by oral vote. Councilmember Christie made a motion to adopt the agenda as amended, Councilmember Pruitt seconded and the motion carried unanimously by oral vote.

Election of Vice-Mayor, Pursuant to City Charter Article III, Section 2. Subsection c. Councilmember Meek made a motion for Councilmember Landers to continue as the Vice-Mayor, Councilmember Christie seconded and the motion carried unanimously by oral vote.

Appointments to Various City Boards-Mayor Cartwright made the following appointments:

Appointment of Council Representative to Shelbyville Municipal Planning Commission-Councilmember Pruitt
Appointment of Council Representative to Board of Zoning Appeals-Councilmember Meek
Appointment of Council Representative to Parks & Recreation Board-Councilmember Meek

Appointment of Council Representative to Municipal Airport Authority-Councilmember Feldhaus
Appointment of Council Representative to Argie Cooper Public Library Board-Councilmember Feldhaus
Appointment of Council Representative to Skills Development Center-Councilmember Landers
Appointment of Council Representative to Community Development Center Board-Councilmember Christie
Appointment of Council Representative to Senior Citizens Center Board-Councilmember Clanton
Appointment of Council Representative to Bedford County Railroad Authority-Councilmember Clanton
Appointment of Council Representative to the Industrial Development Board-Councilmember Landers
Appointment of Council Representative(s) to Bid Committee (2)-Councilmembers Pruitt and Feldhaus
Appointment of Council Representative(s) to Employee Pension Plan Committee (2)-Councilmembers Clanton and Feldhaus
Appointment of Council Representative to the ADA Committee-Councilmember Clanton
Appointment of Council Representative to the Historic Zoning Commission-Councilmember Christie

There were no **Ordinances on First Reading**.

Next were **Resolutions**:

A Resolution of the City Council for the City of Shelbyville to Participate in the TML Pool's Property Conservation Matching Grant Program. Councilmember Landers made a motion to approve, Councilmember Pruitt seconded, there was no discussion and the motion carried unanimously by roll call vote.

A Resolution of the Shelbyville City Council Authorizing Submittal of A 2017 Community Development Block Grant (CDBG) Application. Councilmember Pruitt made a motion to approve, Councilmember Christie seconded, there was no discussion and the motion carried unanimously by roll call vote.

Business Items followed:

Accounts Payable (November 2016). Councilmember Meek made a motion to approve, Councilmember Landers seconded, there was no discussion and the motion carried unanimously by roll call vote.

Treasurers Report (October 2016) and Various Department Reports (November 2016). Mayor Cartwright declared these reports to be received as submitted.

Consideration of a motion to acknowledge TDOT report on STP Project-Lane Parkway. City Manager Johnson requested that this item be continued to the January meeting.

Consideration of a motion to accept 2016 Tennessee Law Enforcement Accreditation Program On-Site Assessment Report of the Shelbyville Police Department. Police Chief Jan Phillips stated that the Shelbyville Police Department was awarded accreditation for the second time this year for the years 2016-2019 and stated that he is very proud of this award as well as all the work that Aimee Davis and Officer David Curley put into it. The SPD is one of only 40 Police Departments in the State that are accredited. Councilmember Meek made a motion to accept this report, Councilmember Landers seconded and the motion carried unanimously by oral vote.

Consideration of a motion to amend the funding assumptions for the City of Shelbyville's Defined Benefit Pension Plan as recommended by the Employee Pension Committee; Rate of Return will be changed to 7.50% and Salary Annual Income Scale will be changed to 2%. Councilmember Landers made a motion to approve, Councilmember Pruitt seconded, there was no discussion and the motion carried unanimously by roll call vote.

Consideration of a motion to approve Professional Services Agreement with Garver Engineering for preliminary design for a "Runway Pavement Rehabilitation Project" in the amount of \$49,400 with a local match of 5% (FY 2017). Councilmember Meek made a motion to approve, Councilmember Pruitt seconded, there was no discussion and the motion carried unanimously by roll call vote.

Consideration of a motion to accept an ADA Transition Plan. Councilmember Meek made a motion to approve, Councilmember Christie seconded. Councilmember Landers inquired if at this time they are agreeing to everything in the plan. Manager Johnson stated that at this time the Council is only agreeing to the schedule and steps the City will take, that the Council is not agreeing at this point to any specific project but that this will be an agenda item for the Council numerous times for the next two to three years. Motion carried unanimously by oral vote.

Consideration of a motion to approve Voluntary Sick Leave Donation Procedures. Councilmember Meek made a motion to approve, Councilmember Landers seconded and the motion carried unanimously by oral vote.

Consideration of a motion to Establish property valuation, 4.5-acre donation, Riverview Drive. Councilmember Christie made a motion to approve, Councilmember Meek seconded the motion. City Manager Johnson stated that the official proposed donation amount is \$3,004 per acre or \$15,300, he stated that this property donation to the City is very much appreciated. Motion carried unanimously by roll call vote.

Consideration of a motion Authorizing payment to McMahan Truck Centers of Nashville for two invoices for 2010 Mack Road Tractor repair, in the total amount of \$27,088.84. Councilmember Christie made a motion to approve and Councilmember Meek seconded. City Manager Johnson stated that the City's policy is to purchase used road tractors, the one being repaired was purchased one year ago, it was having issues and while it was being repaired there were more problems. Public Works Director Pierce explained that the original estimate was for motor work and during that repair there were some gasket and rocker arm repair issues identified, that there was a bad turbo and that was the second bill. Councilmember Meek inquired of the City Treasurer how this was planned to be paid for. Treasurer Owen explained that there would be a budget amendment with a plan to balance included in January, that a total of \$31,000 was budgeted for that line item and with these repairs it will put the total cost at \$37,000 currently.

Consideration of a motion to approve Professional Services Agreement with Griggs & Maloney for Fairground Heights Drainage study. Councilmember Landers made a motion to approve, Councilmember Meek seconded, Councilmember Mark Clanton stated that he would be recusing himself from the vote based on his employment with Griggs & Maloney. City Manager Johnson stated that he and Public Works Director Eric Pierce had met with Will Owen to specifically discuss, he stated that this is an assessment of the of the drainage basin volume flow and its existing stormwater capabilities that the estimated cost not to exceed is \$4,750. Manager Johnson stated that through the study the City will learn the volume of water and what would need to be done if anything to properly handle it that depending upon the findings of the study there may need to be a second study to design improvements needed to address the flow, this is the first step of a possible two to three step process the third step being to bid the project. Councilmember Christie inquired that he thought the City was doing the labor and questioned what would be bid. Manager Johnson explained the materials would have to be bid depending upon what would have to be put in place of the existing structure. Councilmember Christie stated he thought this had been discussed and figured out at the study session. Manager Johnson stated that this is very important that the Council receive a qualified independent analysis before moving forward with the drainage

project, that the discussion at the study session was very good that there was a lot of good discussion but stormwater is an issue that is like a balloon that you can do work in one spot that could affect what happens up or down stream from that spot. Further that City staff has great concerns on how to address this issue and the other issue is that was identified last week is that there is a sanitary sewer pipe running through the culverts and how that pipe is addressed during any construction is a valid concern by the City staff. Councilmember Landers stated that he did not have a problem with the study his dispute is spending the same amount money to find out what to do as you pay someone to do the work. There was some further discussion on effects up and downstream from the proposed project including what had already been discussed in the study session, as well as the volume of water flow. Motion did carry unanimously by roll call vote.

Appointments were next.

The mayor appointed John Davis to the Board of Zoning Appeals. Mayor re-appointed Henry Wilhoite, Wanda Woodlee to the Planning Commission, there was a new appointment of Andrea Miller-Davis to the Planning Commission. The Mayor also reappointed Garry Simpson and Dena Landers to the Historic Zoning Commission.

There was the additional item of the Parks & Rec. Grant. Parks and Rec. Director Mike Alsop explained that the NRPA presented a grant funded through the Arthritis foundation, the Walk with Ease Grant, to increase mobility in Seniors, the grant is to cover the cost of training and materials and any other associated costs. The grant is \$4,000 it is a 100% funded grant with no local match. Councilmember Meek made a motion to approve, Councilmember Christie seconded, there was no discussion and the motion carried unanimously by roll call vote.

For Announcements:

It was announced that Dec. 23rd Christmas Eve Holiday-City Hall Closed, that Dec. 26th Christmas Day Holiday-City Hall Closed and Jan. 2nd 2017 New Year's Day Holiday-City Hall Closed.

Mayor Cartwright also announced that Building and Codes Director Monty Kapavik had received the 2016 Presidents award from the Middle Tennessee Codes Officials Association.

Fire Chief Ricky McConnell announced that Saturday, December 10th there would be a benefit for Larry Overcast, a chili and silent auction that would start at 4:30 to be held at Central High School.


Councilmember Meek complimented the City staff members that assisted the City of Tullahoma with their clean up after the tornado, including the Police Department and Public Works.

With no further business to discuss Mayor Cartwright adjourned the meeting at approx. 6:55pm.

Approved:


Mayor Wallace Cartwright

Attest:



City Recorder Anna Mai

Approved as to Form:



City Attorney Ginger B. Shofner

