

City Council Meeting Minutes

The Shelbyville City Council met in Regular Session on Thursday, July 9, 2015 at City Hall Annex. Mayor Wallace Cartwright called the meeting to order at 6:00 p.m. Brother Ron Adams of the Emmanuel Pentecostal Church led the Invocation followed by the Pledge of Allegiance led by the Council. Roll was called and the following members were present: Councilmember Feldhaus, Councilmember Meek, Councilmember Rose, Councilmember Christie, Councilmember Landers, and Councilmember Pruitt. Also present were City Manager Jay Johnson, City Treasurer Jamey Owen, City Attorney Ginger B. Shofner, and City Recorder Shanna Boyette.

Mayor Cartwright called for any items to be added or removed from the Agenda. City Manager Johnson reported that there was one discussion item in conjunction with the first Resolution on the Capital Outlay Note. Councilmember Landers made a motion to approve the Agenda, seconded by Councilmember Pruitt, and carried unanimously upon oral vote.

Mayor Cartwright called for any corrections or revisions to the minutes of the following meetings:

Regular Session June 11, 2015
Executive Session June 11, 2015
Special Session June 18, 2015
Special Study Session June 16, 2015
Study Session June 30, 2015

Hearing none, Councilmember Feldhaus made a motion to approve all the minutes, seconded by Member Landers, and carried unanimously upon oral vote.

Mayor Cartwright closed the Regular Meeting to hold a Public Hearing at 6:02 for the following Ordinances:

- An Ordinance (as amended) establishing the Municipal Tax Levy for the Fiscal Year 2015-2016 at \$1.81 per \$100 of Assessed Value
- An Ordinance amending the City Code of Ordinances Title 3, Chapter 2, Dogs & Cats
- An Ordinance amending the Zoning Ordinance by providing Standards for the Siting and Construction of Telecommunications Facilities (Cell Towers)
- An Ordinance of the City of Shelbyville to re-zone 713 Cannon Blvd. from R-1 Residential to C-2 Commercial.
- An Ordinance (as amended) amending the City Code Title 8 Chapter 7, Burn Pit Fees

Wayne Williams was recognized by the Mayor to provide comments on the Tax Rate Ordinance. Mr. Williams confirmed that all the Council Members had received a copy of an earlier letter sent to them in regards to the Public Hearing. In addition Mr. Williams acknowledged his address as a taxpayer of 313 S. Cannon Blvd. and his position as Chairman of the Board of Equalization and provided comments in opposition to an increase in the tax rate and additional concerns that values could decrease in re-appraisals.

There were no comments or discussion in regards to Ordinance amending Title 3, Chapter 2, Dogs & Cats

Joey Hargis, Attorney Representative for Verizon Wireless provided comments in regards to the Ordinance amending the Zoning Ordinance by providing Standards for Siting and Construction of Telecommunications Facilities (Cell Towers). Mr. Hargis thanked the Council for the efforts and for addressing the need for such an Ordinance and complimented Planner Rhinehart for her efforts. Mr. Hargis provided concerns to the proposed Ordinance in regards to the liability requirement of \$10,000,000. Mr. Hargis recommended a \$1,000,000 liability letter or possible indemnification letter as an alternative to the current liability requirement. He also recommended the language regarding the availability of existing structures and co-location be reviewed and clarified.

There were no comments or discussion on an Ordinance rezoning 713 Cannon Blvd. from R-1 Residential to C-2 Commercial.

There were no comments or discussion on an Ordinance amending the City Code Title 8, Chapter 7, Burn Pit Fees.

Mayor Cartwright closed the Public Hearing and re-opened the Regular Session meeting at 6:12 p.m.

Councilmember Feldhaus made a motion to allow City Attorney to read caption only for Ordinances. The motion was seconded by Councilmember Meek and carried unanimously upon oral vote.

Items of Old Business were then in Order.

There were two Ordinances on Third & Final Reading.

An Ordinance (as amended) establishing the Municipal Tax Levy for the Fiscal Year 2015-2016 at \$1.81 per \$100 of assessed value was the next item on the Agenda. Councilmember Feldhaus made a motion to approve the Ordinance, seconded by Councilmember Landers, and was approved upon roll call vote with four aye votes by Councilmember Rose, Councilmember Landers, Councilmember Pruitt, and Councilmember Feldhaus. Councilmember Meek and Councilmember Christie voted two nay votes. There was no discussion on this item.

The next item on the Agenda was an Ordinance (as amended) amending the City Code Title 8, Chapter 7, Burn Pit Fees; effective date of July 1, 2015. Councilmember Pruitt made a motion to approve the Ordinance, seconded by Councilmember Rose, and carried unanimously upon roll call vote. Councilmember Rose made a motion to amend the effective date to 8-1-15. The motion was seconded by Councilmember Pruitt and carried unanimously upon roll call vote. There was no discussion on this item.

There were three Ordinances on Second Reading.

An Ordinance to amend the City Code of Ordinances Title 3 Chapter 2 Dogs and Cats and to repeal any and all Ordinances or parts of Ordinances in conflict herewith; providing for an effective date 09-01-2015 was the next item on the Agenda. Councilmember Christie made a motion to approve, seconded by Councilmember Landers, and carried unanimously upon roll call vote. There was no discussion on this item.

The next item on the Agenda was an Ordinance amending the Zoning Ordinance by providing Standard for Siting and Construction of Telecommunications Facilities (Cell Towers); providing for an effective date 8-28-15. Councilmember Pruitt made a motion to approve, seconded by Councilmember Rose, and carried unanimously upon roll call vote. City Shofner provided comments including that the original document introduced to Council as recommended by the Planning Commission was voted on at First Reading as a 2 mile distance and that an amendment is needed for the record to reflect the one mile intent and removal of word "radius" by the Council. Councilmember Feldhaus inquired about comments for Verizon Representative Joey Hargis at the earlier Public Hearing and if any of those said comments should be considered and included in any amendment at this time. City Planner Rhinehart was recognized by the Mayor and noted that currently there are 3 active applications and expressed concern on a change at this time. Verizon Representative Joey Hargis was recognized by the Council and announced that there was intent on behalf of his client to withdraw the applications until the document was final. Discussion ensued on if this item could be added to the upcoming Planning Commission Meeting of which Planner Rhinehart requested to discuss with the City Attorney prior to adding to the Planning Commission Agenda. There being no further discussion, Councilmember Feldhaus made a motion to amend the Ordinance on Second Reading to reflect the distance between towers to read one mile and the remove the term radius from the document. Councilmember Rose seconded the motion and carried unanimously upon roll call vote.

An Ordinance of the City of Shelbyville City Council to rezone 713 Cannon Blvd. from R-1 Residential to C-2 Commercial; providing for an effective date 08-28-15 was the next item on the Agenda. Councilmember Landers made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote. There was no discussion on this item.

There was one Ordinance on First Reading.

An Ordinance of the City of Shelbyville to amend the Zoning Map by rezoning 116, 118, and 120 Fairfield Pike from R-3 Residential to C-2 Commercial as recommended by the Shelbyville Planning Commission; establishing a Public Hearing Date of August 13, 2015 and providing for an effective date was then in order. Councilmember Rose made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

Resolutions were then in order.

Consideration of a Resolution authorizing the Issuance of a 10 year term Capital Outlay Note through the TML Bond Fund in the amount not to exceed \$1,000,000.00 for Central Storm Water Drainage Flume Repair and Replacement was then next item of business. City Attorney Shofner requested a motion for caption only of which Councilmember Feldhaus made a motion to allow City Attorney to read caption only for this Resolution. Councilmember Christie seconded the motion and was approved unanimously upon oral vote. Councilmember Feldhaus made a motion to approve the Resolution, seconded by Councilmember Pruitt, and was approved with five aye votes from Councilmember Feldhaus, Councilmember Meek, Councilmember Rose, Councilmember Landers, and Councilmember Pruitt. Councilmember Christie voted nay. City Manager Johnson provided an update prior to Council vote on efforts to apply for possible grant assistance in regards to flume repair. It was reported that earlier in the day a memo was received by the City Manager stating that the City of Shelbyville had been pre-approved for possible \$300,000 for CDBG Grant. If the Grant was received it would in fact lessen the amount to be borrowed, but if pursued and awarded that there are a number of regulations. It was

noted that it would be approximately 4 months before work could begin if the grant application was pursued. Staff has evaluated, but this option from staff perspective is not a realistic option due to the immediate need to repair the flume, but an update to the Council was needed prior to the consideration of the Resolution. Councilmember Christie expressed concerns on not pursuing the application as the tentative award amount is 30% of the loan costs. After the approval of the Resolution staff noted that the Purchase Order will be issued in the amount of \$385,000 for replacing of the tube with an anticipated delivery of five to six weeks.

The next item on the Agenda was consideration of a Resolution amending the Planning Fees for Temporary and Permanent Accessory Structures. Councilmember Christie made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

The final Resolution for consideration was a Resolution to approve the FY 2016 Airport Maintenance Contract with the State of Tennessee, Department of Transportation, and Aeronautics Division in the amount of \$14,300. Councilmember Meek made a motion to approve, seconded by Councilmember Rose, and carried unanimously upon roll call vote.

Business items were then in order.

Councilmember Meek made a motion to approve the June 2015 Accounts Payable. The motion was seconded by Councilmember Pruitt and carried unanimously upon roll call vote.

Mayor Cartwright declared that the Treasurer's Report and Various Department Reports would be received as submitted.

Councilmember Meek made a motion to receive report on TN Department of Economic & Community Development Award for 2016, Three Star Grant in the amount of \$10,000.00. The motion was seconded by Councilmember Feldhaus and carried unanimously upon oral vote.

Councilmember Landers made a motion to receive report on First Annual Animal Control Canine Carnival & Pet Adoption Event. The motion was seconded by Councilmember Pruitt and carried unanimously upon oral vote.

The next item on the Agenda was consideration of a motion to authorize the Mayor and Attorney to enter into contract with Celebration Inc. for use of the facility grounds for First Annual Animal Control Canine Carnival & Pet Adoption Event. Councilmember Christie made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon oral vote.

Councilmember Feldhaus made a motion to receive report on Central Storm Water Drainage Flume. The motion was seconded by Councilmember Landers and carried unanimously upon oral vote.

Councilmember Rose made a motion to receive report from Economic Development & Tourism Committee for FY 2016 Hotel-Motel Tax Budget. The motion was seconded by Councilmember Meek and carried unanimously upon oral vote.

Councilmember Pruitt made a motion acknowledging receipt of Comptroller's Office Letter in regards to FY 2014 Audit. The motion was seconded by Councilmember Landers and carried unanimously upon oral vote.

Councilmember Feldhaus made a motion to acknowledge receipt of TN POST Command Letter-SPD Audit. The motion was seconded by Councilmember Meek and carried unanimously upon oral vote.

Bids were then in order.

The next item on the Agenda was consideration of a motion to approve bid for Kerry Kimmell Photography, Normandy TN for Sports League Photography, Recreation Center as recommended by the Parks and Recreation Board. Councilmember Landers made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

The next bid item was consideration of a motion to purchase four (4) police vehicles through the State of Tennessee Purchasing Contract in the amount of \$30,996.04 for each vehicle. Councilmember Feldhaus made a motion to approve, seconded by Councilmember Landers, and carried unanimously upon roll call vote.

The Mayor announced that the First Annual Canine Carnival and Pet Adoption Event hosted by the Shelbyville Animal Control will be held on Saturday, July 11th on the Celebration Grounds.

Councilmember Rose announced that also on July 11th there is a Chili Cook-off scheduled on the Public Square.

Public Works Annual Summer Clean-Up is scheduled for July 13th – July 16th.

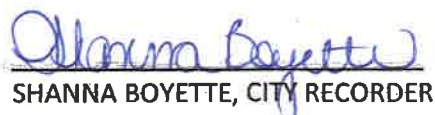
Prior to the adjournment of the meeting City Manager provided comments in regards to the earlier Public Hearing, specifically concerns in regards to comments made in opposition to the Proposed Tax Rate Ordinance made by Wayne Williams. Specific concerns were expressed as Mr. Williams referenced his position on the Board of Equalization.

There being no further business, Mayor Cartwright adjourned the meeting at 7:50 p.m.

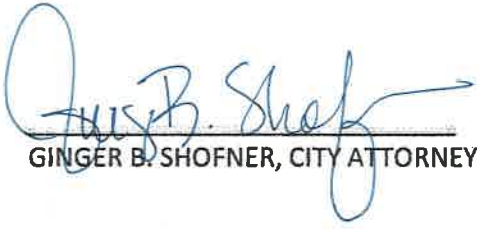
APPROVED:


WALLACE CARTWRIGHT, MAYOR

ATTEST:


SHANNA BOYETTE, CITY RECORDER

APPROVED AS TO FORM:

Handwritten signature of Ginger B. Shofner in blue ink, featuring a large initial 'G' and a stylized 'S'.

GINGER B. SHOFNER, CITY ATTORNEY