

City Council Meeting Minutes

The Shelbyville City Council met in Regular Session on April 9, 2015 at the Shelbyville City Hall Annex. Mayor Cartwright called the meeting to order at 6 o' clock. Roll was called and the following members were present: Councilmember Meek, Councilmember Christie, Councilmember Rose, Councilmember Feldhaus, Councilmember Landers, and Councilmember Pruitt. Also present were City Manager Jay Johnson, City Attorney Ginger B. Shofner, and City Recorder Shanna Boyette. Brother Randy Williams led the Invocation and the Pledge of Allegiance was led by the City Council Members.

Mayor Cartwright called for any items to be added or removed from the Agenda. There were two items added to the Agenda, Consideration of a motion to enter a settlement agreement with Mr. Bobby Sanders, Bedford County Court Case 30,067 and consideration of a motion to approve an Ordinance on first reading to amend the FY 2015 Annual Budget, General Fund for litigation; establishing public hearing date of May 14, 2015. There was one item to be deferred, Consideration of a motion to approve By-Laws as recommended by Commerce Business Park Committee and one item to be withdrawn, consideration of a motion to approve the Shelbyville Municipal Airport Runway Safety Area Improvements/Design only agreement with Garver Engineering. In addition City Manager Johnson requested that item E of the Agenda be moved to the beginning of the meeting. Councilmember Landers made a motion to approve the Agenda, seconded by Councilmember Christie, and carried unanimously upon oral vote. Councilmember Feldhaus made a motion to adopt the Agenda as amended, seconded by Pruitt and carried unanimously upon oral vote.

Mayor Cartwright called for any items of correction or clarification to all minutes submitted from the previous meetings held in March, hearing none Councilmember Landers made a motion to approve all minutes as submitted, seconded by Councilmember Pruitt, and carried unanimously upon oral vote.

Councilmember Feldhaus made a motion to approve Public Hearing Guidelines. The Guidelines were read by Mayor Cartwright. The motion was seconded by Councilmember Rose, and carried unanimously upon oral vote.

Mayor Cartwright closed the regular business meeting and opened a Public Hearing at 6:10 for comments and discussion on the following Ordinances:

An Ordinance of the City of Shelbyville Council to amend the Zoning Map of the City of Shelbyville by rezoning nine parcels on Madison Street between Deery Street and Alton Ave to C-2. The following persons were recognized by the Mayor and City Council to provide comments on said Ordinance:

Mr. Enloe Chesley provided comments in opposition to the rezoning Ordinance and how such development will affect the neighborhood.

Kathy Enloe Lekowski provided comments of concern in opposition to the rezoning Ordinance.

Donnye Fields provided comments in opposition to the rezoning request as well as concerns of violation of restrictive covenants.

Dr. John Barbee provided comments in favor of the rezoning request and noted that he was one of the individuals that signed the preliminary contract in favor of the project.

Evan Conder, representative of the Development Company provided comments in favor of the rezoning request and noted that the Developer has followed all City Codes for the said project and would speak with any concerned residents following the meeting.

An Ordinance of the City of Shelbyville as amended on 1st Reading and 2nd Reading to amend the Shelbyville Municipal Code Title 11 "Planning and Zoning". There was no discussion to ensue on this Ordinance.

There being no further comments, the Mayor closed the Public Hearing and reopened the Regular Session meeting at 6:25.

Items of Old Business were then in order.

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

Ordinances on Third and Final Reading were the next item of consideration.

An Ordinance to amend the Budget Ordinance of the City of Shelbyville, Tennessee for the fiscal year 2014-2015, the period ending June 30, 2015 was the first Ordinance on Third and Final reading. Councilmember Landers made a motion to approve, seconded by Councilmember Rose, and carried unanimously upon roll call vote. No discussion ensued.

An Ordinance of the Shelbyville City Council as amended on 1st and 2nd Reading to amend the Shelbyville Municipal Code Title 11 "Planning and Zoning"; Chapter 2 "Zoning Ordinance" 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. No discussion ensued.

An Ordinance amending Shelbyville Municipal Code Title 8, Chapter 3, Wastewater Collection Treatment was the next item. Councilmember Meek made a motion to approve, seconded by Councilmember Rose, and carried unanimously upon roll call vote. No discussion ensued.

Ordinances on Second Reading were then in order.

An Ordinance of the City of Shelbyville City Council to amend the Zoning Map of the City of Shelbyville by rezoning nine (9) parcels on Madison Street between Deery Street and Alton Ave. to C-2 (Highway Service District), more particularly identified as Tax Map 0780, Group J, Parcel 09.00 from R-3 to C-2; Tax Map 0780 Group J, Parcel 010.00 from R-3 to C-2; Tax Map 0780 Group J, Parcel 011.00 from R-3 to C-2; Tax Map 0780 Group J, Parcel 016.00 from R-3 to C-2; Tax Map 0780 Group J, Parcel 017.00 from R-3 to C-2; Tax Map 0780 Group J, Parcel 018.00 from R-4 to C-2; Tax Map 0780 Group J, Parcel 019.00 from R-3 to C-2; Tax Map 0780 Group J, Parcel 020.00 from R-3 to C-2; and Tax Map 0780 Group J, Parcel 021.00 from R-3 to C-2; and repealing any Ordinance or portion of an Ordinance in conflict herewith. Councilmember Feldhaus made a motion to approve the Ordinance, seconded by Councilmember Rose, and carried unanimously upon roll call vote. No discussion ensued.

Items of New Business were then in Order.

An Ordinance on First Reading to amend the City Code Title 8, Chapter 11 Storm Water Permit Regulations and establishing a Public Hearing Date of May 14, 2015 was the first item on New Business. Councilmember Meek made a motion to approve the Ordinance, seconded by Councilmember Feldhaus, and carried unanimously upon roll call vote. No discussion ensued.

An Ordinance amending Ordinance 2015-954 (Alarms) to defer effective date; providing a revised effective date and establishing a public hearing date of May 14, 2015 was the next item of business. Councilmember Rose made a motion to approve, seconded by Councilmember Christie, and carried unanimously upon roll call vote. No discussion ensued.

The next item on the Agenda was an Ordinance was amending Title 4, Chapter 13, International Residential Code 2006 Edition; providing an effective date and establishing a public hearing date of May

14, 2015. Councilmember Pruitt made a motion to approve, seconded by Councilmember Feldhaus, and carried unanimously upon roll call vote. No discussion ensued.

An Ordinance of the City of Shelbyville City Council to amend the Zoning Map of the City of Shelbyville by rezoning 626 Deery Street and establishing a public hearing date of May 14, 2015 was the next item on the Agenda. Councilmember Feldhaus made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote. No discussion ensued.

Resolutions were then in order.

A Resolution authorizing a Grant Application to the Tennessee Department of Economic and Community Development for the Governor's ThreeStar Program was the next item of consideration.

Councilmember Meek made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote. No discussion ensued.

A Resolution authorizing an application to the Governor's Highway Safety Office 2016 Grant Program on behalf of the Shelbyville Police Department was the next item on the Agenda. Councilmember Christie made a motion to approve, seconded by Councilmember Meek, and carried unanimously upon roll call vote. No discussion ensued.

A Resolution authorizing an application to the Department of Homeland Security for SAFER Grant on behalf of the Shelbyville Fire Department was the next item of business. Councilmember Rose made a motion to approve, seconded by Councilmember Feldhaus, and carried unanimously upon roll call vote. No discussion ensued.

Business Items were then in order.

Councilmember Landers made a motion to approve the Accounts Payable for March 2015. The motion was seconded by Councilmember Meek, and carried unanimously upon roll call vote.

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

The next item of business was consideration of a motion to approve the By-Laws as recommended by the Commerce Business Park Oversight Committee. This item was deferred from the Agenda and no vote was required.

Consideration of a motion to approve Shelbyville Municipal Airport Runway Safety Area Improvements/Design Only agreement with Garver Engineering was the next item. This item was withdrawn from the Agenda and no vote was required.

Councilmember Landers made a motion to approve a motion to acknowledge receipt of Department of Labor and Workforce Development, TOSHA Response. The motion was seconded by Councilmember Pruitt and approved unanimously upon oral vote.

Councilmember Meek made a motion authorizing city staff to negotiate Professional Services Agreement, Master Plan, including scope of services and product budget with Ragan Smith Engineering, Nashville, TN as recommended by the Shelbyville Parks and Recreation Board. The motion was seconded by Councilmember Feldhaus and carried unanimously upon roll call vote.

Councilmember Landers made a motion to approve Professional Services Agreement with King & Ballow for consultant Services as they relate to Affordable Care Act Compliance. The motion was seconded by Councilmember Pruitt and carried unanimously upon roll call vote.

Councilmember Rose made a motion to approve Professional Services Agreement with Winnett & Associates for FY 2015 Annual Audit. Councilmember Meek seconded the motion and carried unanimously upon roll call vote.

Councilmember Meek made a motion to approve Athletics Manual as recommended by the Shelbyville Parks & Recreation Board. The motion was seconded by Councilmember Pruitt and carried unanimously upon oral vote.

Councilmember Feldhaus made a motion to approve Railroad Spur Transfer from the City to the Railroad Authority. The motion was seconded by Councilmember Landers and carried unanimously upon roll call vote.

Councilmember Landers made a motion to acknowledge receipt of the Board of Zoning Appeals (BZA) By-Laws as recommended by the Board of Zoning Appeals. Councilmember Rose seconded the motion and carried unanimously upon oral vote.

Councilmember Feldhaus made a motion to approve the Annual Paving Contract with overall low bidder, Wright Paving as recommended by the Bid Committee. The motion was seconded by Councilmember Pruitt and carried unanimously upon roll call vote.

Councilmember Meek made a motion to enter into settlement agreement with Mr. Bobby Sanders, Bedford County Chancery Court Case 30,067. Councilmember Landers seconded the motion and carried unanimously upon roll call vote.

The final item of business was consideration of a motion to approve an Ordinance on First Reading to amend the FY 2015 Annual Budget for litigation settlement and establishing a public hearing date of May 14, 2015. Councilmember Christie made a motion to approve, seconded by Councilmember Meek, and carried unanimously upon roll call vote. Discussion ensued with comments from City Manager Johnson. There will be a line item amendment to reflect the city share of the settlement in the amount of \$20,607.22.

Mayor Cartwright announced that Shelbyville Power System has two upcoming board appointments and that interested persons could come to City Hall to obtain application through April 30th.

Annual Spring Clean Up through the Shelbyville Public Works Department will be April 13th through April 16th.

Construction and repair on the Flume is scheduled to begin next Monday April 13th.

There being no further business of the Shelbyville City Council Mayor Cartwright adjourned the meeting.

APPROVED:


Wallace Cartwright, Mayor

ATTEST:


Shanna Boyette, City Recorder

APPROVED AS TO FORM:


Ginger B. Shofner, City Attorney

CALLED EXECUTIVE SESSION

PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED, WE HEREBY CALL AN EXECUTIVE SESSION TO MEET IN THE CONFERENCE ROOM, CITY HALL ON APRIL 9, 2015 AT 4:35 P.M. TO CONSIDER THE FOLLOWING MATTERS:

1. Call to Order
2. Consideration of motion to enter into Executive Session with the City Attorney to discuss potential matters of litigation
3. Adjourn

Mayor Wallace Cartwright

Mayor Cartwright called the Executive Session to order at 4:35 p.m. Roll was called and the following members were present: Mayor Cartwright, Councilmember Feldhaus, Councilmember Christie, Councilmember Rose, Councilmember Pruitt, Councilmember Meek, and Councilmember Landers were all present. Also present were City Manager Jay Johnson, City Recorder Shanna Boyette, City Attorney Ginger B. Shofner, and outside legal counsel Kristen Berexa, The meeting adjourned at approximately 5:14 p.m.

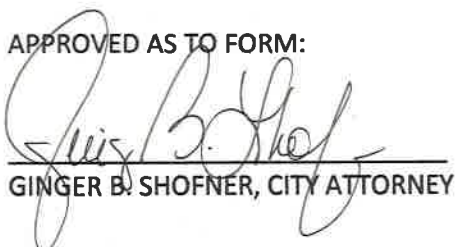
APPROVED:


WALLACE CARTWRIGHT, MAYOR

ATTEST:


SHANNA BOYETTE, CITY RECORDER

APPROVED AS TO FORM:


GINGER B. SHOFNER, CITY ATTORNEY

