

Special Joint Mayor & Council and Planning Commission Meeting Minutes

The Shelbyville Planning Commission met in Special Session along with the Mayor and City Council on Thursday, August 20, 2015 at the Shelbyville Bedford County Chamber of Commerce. Chairman Landers called the Planning Commission to order at 6:02 p.m. Roll was called and the following members were present: Mayor Cartwright, Councilmember Pruitt, Commissioner Davis, Commissioner Taylor, Commissioner Pitner, Commissioner Warren and Chairman Landers. Commissioner Wilhoite and Commissioner Woodlee were absent. Also present were City Manager Jay Johnson, City Attorney Ginger B. Shofner, City Planner Amanda Rhinehart, Engineer Will Owen, and City Recorder Shanna Boyette.

Mayor Cartwright made a motion to approve the Agenda, seconded by Commissioner Pitner and approved by Commissioner Davis, Commissioner Taylor, Commissioner Pitner, Councilmember Pruitt, and Mayor Cartwright upon oral vote. Commissioner Warren did not vote.

The following is an overview of the portions of the document reviewed and discussed. The Proposed Document is attached to the minutes as a matter of record.

City Planner Rhinehart began the meeting by providing a timeline for the Cell Tower Ordinance Review. This timeline is attached to the minutes as a matter of record. Airport Manager Justin Heid was then recognized for comments as they relate to FAA Regulations, more specifically **Height Restrictions**. It was noted that language was added to item #5 on page 13 of the document in regards to Height Regulations to include "no tower shall penetrate the Imaginary Surfaces as described by the Federal Aviation Administration (FAA) in Title 14 CFR Part 77, cause the reduction of approach minimums to any runway, or become an Obstruction to the Air Navigation as described by the FAA in Title 14 CFR Part 77. Coordination with the FAA and actions described shall be completed by the applicant and presented to the Shelbyville Airport Authority if any of the following occur" (Items ABC listed on page 14) In regards to #6 Tower and Antenna Erection by the Shelbyville Airport Authority on page 14 the language has not changed just switched the order. Brief discussion ensued of possible effected areas and the city limit boundaries and authority. Planner Rhinehart noted that in all previous versions of the proposed document language had consistently been added allowing ability for the Airport Authority to recommend and review. After review of recommendations the Planning Commission agreed to said recommendations.

Section 5 Construction of New Towers: The following changes were reviewed and discussed and agreed upon by the Planning Commission.

1. **Local Government Access:** Recommendation to the following statement: "Owners of towers shall provide the City-co location opportunities as a community benefit to improve radio communications for City departments and emergency services." It was recommended to add

text "at no charge" for clarity. Brief discussion ensued on need for FAA Regulations to be included in the document.

2. **Proximity to Historic Districts and Historic Landmarks:** The language in this section was recommended as it protects historic districts. It was noted that height requirements are determined by the underlying zone.
3. **Inventory of Existing Tower Sites:** Language was added by recommendation of public comments offered by Attorney Joey Hargis, Verizon Representative to include language "within the geographic antenna tower placement areas as defined in this Ordinance." Comments were provided that based on research quarter of mile was consistent.
4. **Renewal of Inventory:** Recommendation to change from every year to every two years. It was reported by city staff that it is consistent to include Renewal date guidelines as well as stated in the last sentence.
5. **Availability of Suitable Existing Structures:** City Staff Recommendation for adding language "except those exempt from regulation as described in this Ordinance". In addition Item A statement was revised for simplicity

On page 17-The following recommendations were discussed and agreed upon by the Planning Commission

Item 6 under Construction of New Towers: Collocation Density Requirements: City staff reported that this section was relocated from Section 6 of the Document. There is no change to the content.

Item 8 Setbacks: It was reported the City Staff added last sentence: "Towers wishing to locate in the vicinity of a designated Historic Landmark shall adhere to a setback of 2 feet for every 1 foot of tower height." Planning Commission requested for clarity that additional language should be added including the landmark when measuring, specifically that the measurement is from landmark to tower structure itself.

Page 17- 18 Item 9: Height Maximums: It was staff recommendation to remove I-3 40 ft maximum and make consistent with other I Zones of which the Planning Commission agreed with the recommendation.

Page 19 Surety Instruments Item 15 A.: For clarification inserted additional language to read "at the time of application for a building permit" of which the Planning Commission agreed.

Page 20 Surety for Removal B: Staff recommendation is to add establishing a baseline number for 120% as well as inserting statements that would establish who determines the basis for the 120%. Discussion ensued on person(s) responsible for tracking bonds of which there was mutual agreement is should be someone on City Staff, one recommendation being the City Recorder.

Page 21 Item 19 Emergency Management Plan: This section establishes time certain. It was recommendation to add statement about ownership change notification yearly to establish procedure. However after discussion it was decision of the Planning Commission to require submittal of ownership changes upon submittal of business license.

Section 6 Collocation of Antennas: City Staff recommends removal of which the Planning Commission agreed.

Page 25 Section 8 Variances and Appeals:

1. Adds language for consistency and clarification the City is abiding by TCA. It was noted that in item A the statement provides a mechanism and Item B allows applicant opportunity to go before the Board of Zoning Appeals. Engineer Will Owen addressed the Planning Commission and discussed the standards.

Page 26-27 Section 10 Checklist: Only recommendation was to add sign/seal of which the Planning Commission agreed. Recommends Striking A21 In addition the following were changes recommended of which the Planning Commission was in agreement:

- Remove reasonable and reasonably as they are subjective terms
- Remove Construction plans they are not applicable to Document
- Remove power lines underground requirement as Zoning Ordinance does not require
- Require underground utilities
- Remove Radio Frequency Language

Attorney Hargis was recognized and provided request for the measurement of setbacks clarification and thanked the City of Shelbyville Planning Commission and Mayor & Council as well as City Staff for their efforts in regards to this document.

There being no further discussion Commissioner Pitner made a motion to approve Resolution of the Shelbyville Municipal Planning Commission and to recommend amendment of the Municipal Zoning Ordinance by providing standards for the siting and construction of commercial telecommunications facilities in the City of Shelbyville to recommend amendment of the Table of Uses accordingly and to recommend repeal of any Ordinance or part of an Ordinance in conflict herewith and it's attached document with all the amendments and changes recommended and discussed. Commissioner Davis seconded the motion and upon roll call vote was unanimously approved. There being no additional business of the Planning Commission Mayor Cartwright made a motion to adjourn, seconded by Commissioner Pitner, and was approved unanimously upon oral vote. The Planning Commission adjourned at 7:00 p.m.

Mayor Wallace Cartwright called the Special Council Meeting to order at 7:01 p.m. Roll was called and the following members were present: Councilmember Feldhaus, Councilmember Pruitt, Councilmember Rose, Councilmember Christie, and Councilmember Landers. Councilmember Meek was absent.

The only item on the Agenda was consideration of an Ordinance on First Reading of the City of Shelbyville City Council to amend the Municipal Zoning Ordinance by providing standards for the siting and construction of commercial telecommunications facilities in the City of Shelbyville to amend the Table of Uses accordingly and to repeal any Ordinance or part of an Ordinance in conflict herewith as recommended by the Shelbyville Municipal Planning Commission; establishing a Public Hearing Date of September 10, 2015.

Councilmember Rose made a motion to approve the Ordinance as recommended, seconded by Councilmember Christie, and carried unanimously upon roll call vote. There being no additional discussion Mayor Cartwright adjourned the meeting at 7:05 p.m.

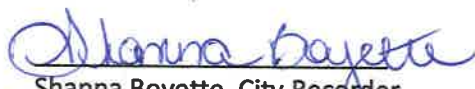
APPROVED:


Warren Landers, Chairman

APPROVED:


Wallace Cartwright, Mayor

ATTEST:


Shanna Boyette, City Recorder

APPROVED AS TO FORM:


Ginger B. Shofner, City Attorney

Timeline for Cell Tower Ordinance Review

The document in front this evening is a draft document based on comments from the July public hearing of the City Council. The changes contained in this document are reflective of the recommendations set forth by Mr. Hargis, Rep of VW, at the July 9 regular session of the City Council. A brief overview of where we are:

At the August 13 City Council Meeting, the ordinance was deferred on 3rd and Final Reading until such time as a review and work session could take place between both boards.

I provided a draft document to the PC that included textual responses to the comments made at the July 9 Public Hearing as well as a technical review by our City Engineer. The City has hired a new airport director, Justin Heid, on July 27, and I invited him to review and comment on the draft provided to the PC on July 23. The draft document before you tonight is the same as the one that was provided to the PC on July 23, but has an additional section that includes Airport Director Heid's recommendations.