

City Council Meeting Minutes

The Shelbyville City Council met in Regular Session on Thursday, January 8, 2015 at City Hall Annex, Mayor Wallace Cartwright called the meeting to order at 6:00 p.m. The invocation was led by Brother Jeff Rasnik of the First Methodist Church and the Pledge of Allegiance was led by the Council. Roll was called and the following were present: Councilmember Landers, Councilmember Meek, Councilmember Rose, Councilmember Christie, Councilmember Pruitt, and Councilmember Feldhaus. Also present were City Manager Jay Johnson, City Treasurer Jamey Owen, City Attorney Ginger B. Shofner, and City Recorder Shanna Boyette.

Mayor Wallace Cartwright recognized the members of Leadership Bedford in attendance. Mayor Wallace Cartwright called for any items to be added or removed from the Agenda. City Manager Johnson was recognized and requested two items be added to the Agenda. The first being a Resolution of support authorizing a TDOT Enhancement Grant and consideration of a motion for the Council to select a meeting date for an Executive Session. Councilmember Landers made a motion to amend the Agenda, seconded by Councilmember Pruitt, and carried unanimously upon oral vote. Mayor Cartwright declared the Agenda approved as amended of which carried unanimously.

Approval of the minutes from the previous Regular and Executive Sessions both held on December 11, 2014 was the next item of business. Councilmember Meek made a motion to approve the minutes, seconded by Councilmember Rose, and carried unanimously upon oral vote.

Mayor Cartwright closed the Regular Session at 6:05 for a Public Hearing. The following Ordinances were included in the Public Hearing.

- An Ordinance to amend the official zoning map of the City of Shelbyville, Tennessee to rezone two parcels of property located on L. Fisher Rd. and Cedar King Rd., more specifically identified as Tax Map 77, Parcel 26.06 and 27.11, owned by White & Associated from I-1 (Light Industrial) to I-2 (Heavy Industrial) and to repeal any Ordinance or part of an Ordinance in conflict herewith. There was no discussion or comments on this Ordinance.
- An Ordinance to amend the City Code of Ordinances Title 3 Chapter 2, (Dogs and Cats): to repeal any and all Ordinances or parts of Ordinances in conflict herewith. There were comments and discussion on this Ordinance. Mayor Cartwright recognized Mrs. Jane Deatley, President of the Shelbyville Humane Association. Mrs. Deatley then recognized Dianne Forbes, member of the Shelbyville Humane Association to provide comments. Mrs. Forbes addressed the Council and stated that the Prospective Ordinance had been reviewed by the Shelbyville Humane Association and requested that the Council defer the Ordinance and rather form a Committee consisting on representatives of Animal Control, Shelbyville Police Department, Shelbyville Humane Association, Law Professional, and nonprofit member such as The Spay and Neuter Clinic. Mrs. Forbes stated that she had concerns of enforcement of chaining regulations of the Ordinance and the possible high surrender rate that it would create and thus create more liability and burden on agencies such as the Humane Association. She thanked the Council for their time. Don Parker was then recognized by the Mayor. He provided comments that he was in opposition of the Ordinance. Kimberly Warren was also recognized by the Mayor. She is the President of the local Spay & Neuter Clinic. She also stated that she had review the prospective Ordinance and wishes the Council would defer the Ordinance and create a Committee as suggested by Mrs. Forbes. Donna Clanton was recognized by the Mayor. Mrs. Clanton stated that a committee should be formed as recommended earlier and stated that she supports the city's efforts in trying to revise the current Ordinance. Jamie Williams was then recognized by the Mayor. He stated that he felt the Ordinance was a step in the right direction and it in the best interest of the city long term. Mr. Williams agrees that more review is needed, but expressed that the Ordinance needs to move forward.

- An Ordinance to amend the City Code of Ordinances Title 5, by creating a new Chapter 11, (Alarms): to repeal any and all Ordinances or parts of Ordinances in conflict herewith. There were no comments on this Ordinance.

The Mayor reopened the Regular Session of the Council at 6:16 for Business.

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

There were three Ordinances on Third & Final Reading.

An Ordinance as amended to annex into the City of Shelbyville certain area containing eighty-eight acres located on Frank Martin Rd. Councilmember Feldhaus made a motion to defer the Ordinance of which was seconded by Councilmember Pruitt and carried unanimously upon roll call vote.

An Ordinance to zone 88 acres located on Frank Martin Rd. as L-1 Light Industrial. There was no discussion on the Ordinance. Councilmember made a motion to defer, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

An Ordinance to amend the Zoning Maps by affixing a Mixed Plan Use Development Overlay on property zoned C-2, Commercial, North Main Street; more specifically defined as Map 078 O G 4.00 and providing for an effective date of January 23, 2015. There was no discussion of the Ordinance. Councilmember Landers made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

There were three Ordinances on Second Reading.

An Ordinance to amend the official zoning map of the City of Shelbyville, Tennessee to rezone two parcels of property located on L. Fisher Rd. and Cedar King Rd., more specifically identified as Tax Map 77, Parcel 26.06 and 27.11, owned by White & Associated from I-1 (Light Industrial) to I-2 (Heavy Industrial) and to repeal any Ordinance or part of an Ordinance in conflict herewith. There being no discussion Councilmember Landers made a motion to approve, seconded by Councilmember Christie, and carried unanimously upon roll call vote.

An Ordinance to amend the City Code of Ordinances Title 3 Chapter 2, (Dogs and Cats): to repeal any and all Ordinances or parts of Ordinances in conflict herewith. There was discussion among the Council on this Ordinance including if the Ordinance should be deferred or tabled. Councilmember Landers made a motion to defer the Ordinance until the March Regular Session of the Council and to appoint a Committee. The motion was seconded by Councilmember Rose and carried unanimously upon roll call vote.

The next item on the Agenda was an Ordinance to amend the City Code of Ordinances Title 5, by creating a new Chapter 11, (Alarms), and to repeal any and all Ordinances and parts of Ordinances in conflict herewith and providing for an effective date of April 1, 2015. There was discussion of this Ordinance. Councilmember Christie inquired on if existing alarm holders are subject to register and pay fee. City Manager Johnson referred to Section 1108 of said Ordinance that denotes a one (1) time fee shall be paid at the time of registration so it would be applicable to existing alarm holders as currently proposed. City Manager Johnson clarified that there is a provision that exempts Senior Citizens 65 years of age or older from paying the fee. This alarm fee would be for all alarms in commercial, residential, and industrial zones as written. Councilmember Christie made a motion to amend the Ordinance to exempt pre-existing alarm holders from the initial registration fee at the time of registration and that the registration fee only pertain to new alarm holders going forward, and that pre-existing alarm holders only be subject to penalty if not registered with one hundred and eighty days (180), six months.

Councilmember Feldhaus seconded the amendment and upon roll call vote passed unanimously. Chief Jan Phillips of the Shelbyville Police Department provided alarm statistics to the Council in regards to false alarms including that the Shelbyville Police Department responded to 1159 alarms calls last year and two were legitimate. Councilmember Feldhaus inquired on the existing Alarm Ordinance and if there were fees associated with false alarms. Councilmember Feldhaus made a motion to approve the Ordinance as amended, seconded by Councilmember Christie, and approved unanimously upon roll call vote.

Items of New Business were then in order.

Ordinances on First Reading were the next item of business. There were four (4) Ordinances for consideration before the Council.

The first being an Ordinance of the City of Shelbyville to amend the City Code of Ordinances, Title VII, Chapter 2, Section 1 to adopt the 2009 Edition of the International Code and establishing a Public Hearing date of February 12, 2015. There was no discussion of the Ordinance. Councilmember Meek made a motion to approve, seconded by Councilmember Rose, and approved unanimously upon roll call vote.

An Ordinance of the City of Shelbyville to amend the City Code of Ordinances, Title IV, Chapter 12, (Life Safety Code) to adopt the 2009 NFPA 101 Life Safety Code and exempting sprinkler requirements set forth for one and two family dwellings in section 903, establishing a Public Hearing Date of February 12, 2015 was the next Ordinance for consideration. Councilmember Landers made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

The next item was an Ordinance amending the City of Shelbyville Municipal Code, Title 10, Chapter 2, Section 10-207 and 208, (Weapons and Firearms generally and discharge of weapons) and to repeal any Ordinance or part of an Ordinance in conflict herewith, establishing a Public Hearing date of February 12, 2015. Councilmember Christie made a motion to approve, seconded by Councilmember Landers, and carried unanimously upon roll call vote.

The final Ordinance on First Reading was an Ordinance of the City of Shelbyville to amend Title 2, Chapter 2, (Beer) and to repeal any Ordinance or portion of an Ordinance in conflict herewith, establishing a Public Hearing Date of February 12, 2015. Councilmember Feldhaus made a motion to amend the Ordinance to delete section 2-223 as it pertains to distance from churches and schools. Councilmember Feldhaus provided comments on his motion to amend that by removing Section 2-223, distance regulations, that it could potentially promote growth in restaurant and retail development for Shelbyville. In addition Councilmember Feldhaus referenced an email that he recently sent to city staff that addresses surrounding jurisdictions and distance regulations. Councilmember Landers inquired on if the amendment included schools and if in the prospective Ordinance included distinction between taverns and restaurants. City Manager Johnson provided comments and stated that Section 222 would give the Beer Board authority to approve or deny a beer application based on congestion to schools and traffic. Councilmember Feldhaus reaffirmed that the Beer Board was also still responsible for the morals side of granting permit to applicants. City Manager Johnson also stated that the prospective Ordinance strengthens the application process. Councilmember Rose seconded the motion to amend the motion and the motion was approved unanimously upon roll call vote. Councilmember Feldhaus then made a motion to approve the Ordinance as amended, seconded by Member Christie, and approved unanimously upon roll call vote.

Resolutions were the next item on the Agenda.

A Resolution authorizing the final application to TN Aeronautics Commission for North/Taxiway Paving Project was the next item. City Manager Johnson stated that the cost estimates from the

preliminary project have grown thus requiring a budget amendment. City Manager Johnson confirmed that the local match is still 5%. There being no further discussion, Councilmember Meek made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

The next item was a Resolution authorizing a final application to TN Aeronautics Commission for Electrical System & Airfield Lighting Improvements. Councilmember Landers made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

A Resolution of the City of Shelbyville, TN to establish a Board of Construction Appeals Application Fee of \$250.00 was the next business item. Councilmember Pruitt made a motion to approve, seconded by Councilmember Rose, and approved unanimously upon roll call vote.

The final Resolution for consideration was a Resolution of the City of Shelbyville to amend fees for Site Plans, Subdivision Plats, Planned Unit Development Fees, Text Amendments, Variances, Administrative Reviews, Special Exceptions, and to establish new fees for General Services; more specifically defined as Special Called Meetings requests, Zoning/Use Verification Letters, Vacating of Public Right of Way, and Telecommunications Tower Applications. Councilmember Feldhaus inquired on if the fees proposed in the Resolution are within reason of which City Planner Rhinehart was recognized and confirmed that the fees were within reason. Councilmember Christie made a motion to approve, seconded by Councilmember Pruitt, and approved unanimously upon roll call vote.

Business Items were then in order.

The first item was the approval of the Accounts Payable for December 2014. Councilmember Meek made a motion to approve, seconded by Councilmember Rose, and carried unanimously upon roll call vote.

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

Consideration of a motion to enter into a Professional Services Agreement with Raymond James & Associates for Financial Aid Advisory Services for Issuance of Capital Outlay Notes was the next item of business. City Manager provided comments on this item. City Manager Johnson explained that the City staff won't move forward until such time as overall project is moved on. Councilmember Feldhaus inquired on any costs incurred to the City. City Manager Johnson explained that in regards to the Financial Advisory Service that there would be no costs incurred. There could be initial costs on setting up bond. Councilmember Landers made a motion to approve, seconded by Councilmember Feldhaus, and approved unanimously upon roll call vote.

Consideration of a motion to enter into a Professional Services Agreement with Bass, Berry, & Sims for Bond Counsel on Issuance of Capital Outlay Notes for Commerce Business Park was the next item of business. Councilmember Landers made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

The next item of business was a consideration of a motion to authorize issuing a "Request for Qualifications" for Professional Consultant Services for Commerce Business Park. Councilmember Feldhaus made a motion to approve, seconded by Councilmember Meek, and carried unanimously upon roll call vote.

Consideration of a motion authorizing the Mayor and City Manager to continue action for Interlocal Agreement with Bedford County on the Proposed Commerce Business Industrial Park was the next item of business. Councilmember Rose made a motion to approve, seconded by

Councilmember Feldhaus, and approved unanimously upon roll call vote. City Manager Johnson stated the Committee met the previous day and the meeting was productive.

The next item on the Agenda was consideration of a motion allowing Volunteers in Animal Control Facilities and requiring volunteers to enter into a Hold Harmless Agreement. Councilmember Meek made a motion to approve, seconded by Councilmember Feldhaus, and carried unanimously upon roll call vote.

The next item was consideration of a motion acknowledging receipt of Calendar Year Goals 2015 submitted by City Departments. Councilmember Feldhaus made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon oral vote.

Consideration of a motion acknowledging receipt of Deed for purchase of 58 acre tract for Park Expansion, Horse Mountain Rd. was the next item before the Council. Councilmember Landers made a motion to approve, seconded by Councilmember Rose, and approved unanimously upon roll call vote.

Consideration of a motion authorizing staff to purchase Affordable Health Care Act Reporting software with vendor Five Points ICT Inc. of Franklin, TN sole source at an estimated cost of \$10,380.00 was the next item of business. Councilmember Feldhaus made a motion to approve, seconded by Councilmember Landers, approved unanimously upon roll call vote.

Consideration of a motion authorizing the removal of retaining wall on Palmer St. by third party vendor and accepting Letter of Credit was the next item of business. City Manager Johnson stated that the Letter of Credit had been received by City Staff. Councilmember Meek made a motion to approve, seconded by Councilmember Feldhaus, and carried unanimously upon roll call vote.

Consideration of a motion acknowledging receipt of MTSU updated Inventory & Assessment of Shelbyville's Historic Districts as recommended by the Historic Commission was the next item. Councilmember Meek made a motion to acknowledge receipt, seconded by Councilmember Rose, and approved by all upon oral vote.

Consideration of a motion establishing a Special Study Session of the City Council on Tuesday, January 20, 2015 at 6:00 p.m. was the next item. Councilmember Landers made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon oral vote.

The next item of business was consideration of a motion authorizing emergency repair of Public Works Building. Councilmember Landers made a motion to approve, seconded by Councilmember Rose, and carried unanimously upon roll call vote. City Manager Johnson said that the City had received two (2) written estimates. Lee Adcock Construction was the lower estimate of \$25,900. Tennessee Municipal League will be reimbursing the city costs less the \$1,000 deductible.

There were no bids for consideration.

Mayor Cartwright appointed Mike Bone to the Parks & Recreation Board to serve the remaining portion of Bo Melson's term.

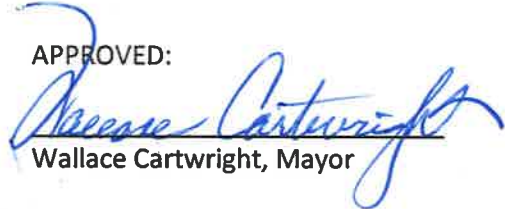
A Resolution of support to submit Community Transportation Planning Grant between the State of Tennessee, Tennessee Department of Transportation and the City of Shelbyville got purpose of major thoroughfare and planned study with the City was the next item of business. City Manager Johnson provided comments on the added item of the Agenda. City Manager Johnson explained the need to submit the application for review by the RPO. The RPO has changed procedures and only two (2) applications from the region can be considered. Councilmember

Rose made a motion approving the Resolution. Councilmember Landers seconded the motion and was approved unanimously upon roll call vote.

The final item of business was to establish a Special Called Executive Session for January 20th at 4:30 p.m. Councilmember Landers made a motion, seconded by Councilmember Feldhaus, and carried unanimously upon oral vote.

There being no other items of business to come before the Council, Mayor Cartwright adjourned the meeting at 7:13 p.m.

APPROVED:



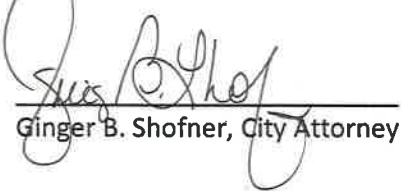
Wallace Cartwright, Mayor

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 JANUARY 20, 2015 AT 4:30 P.M. TO CONSIDER THE FOLLOWING MATTERS:

1. Call to Order.
2. Consideration of Motion to enter Executive Session with City Attorney regarding matters of pending or potential litigation.
3. Adjourn.

Mayor Wallace Cartwright

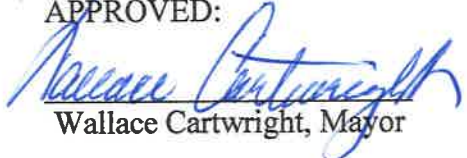
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Mayor Wallace Cartwright called the meeting to order at 4:30 p.m. Roll was called and the following were present. Councilmember Feldhaus, Councilmember Christie, Councilmember Pruitt, Councilmember Rose, and Councilmember Landers. Councilmember Meek arrived at 4:33 p.m. Also present were City Attorney Ginger B. Shofner, City Manager Jay Johnson, City Treasurer Jamey Owen, City Planner Amanda Rhinehart, Public Works Director Mark Clanton, and City Recorder Shanna Boyette.

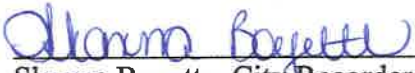
Councilmember Landers made a motion to enter into Executive Session with City Attorney regarding matters of pending and potential litigation. The motion was seconded by Councilmember Feldhaus and carried unanimously upon oral vote.

Councilmember Landers made a motion to adjourn the meeting, seconded by Mayor Wallace Cartwright, and carried unanimously upon oral vote. The meeting adjourned at 5:40 p.m.


APPROVED:


Wallace Cartwright, Mayor

ATTEST:


Shanna Boyette, City Recorder

APPROVED AS TO FORM:


Ginger B. Shofner, City Attorney