

Regular City Council Meeting Minutes

Regular Meeting: May 13, 2021

Place: Shelbyville Recreation Center, 220 Tulip Tree Road

Call to Order: 6:02 PM, Mayor Wallace Cartwright & Officer Stevens

Invocation: Park Director Mike Alsup

Pledge of Allegiance: Led by City Council

Roll Call: Roll was called by City Recorder Lisa Smith and the following were present: Councilmember Rick Overcast, Councilmember Marilyn Ewing, Councilmember Henry Feldhaus, Councilmember Stephanie Isaacs, Councilmember Gray Haile, and Councilmember William Christie. Also, in attendance were City Manager Josh Ray, City Attorney Ginger Shofner and City Treasurer Kay Parker (by zoom). Mayor Cartwright declared a quorum and the meeting open for Business.

Adopt the Agenda: Mayor Cartwright ask to amend the Agenda by adding the March Treasurer's Report for approval. City Recorder Smith advised the Council that the reports were included in their packets.

Councilmember Christie made a motion to amend the Agenda as requested, Councilmember Ewing seconded, and the motion carried by unanimous oral vote. Councilmember Feldhaus then made a motion to Adopt the Agenda as amended, Councilmember Isaacs seconded, and the motion carried unanimously by oral vote.

Approval of Minutes: Hearing no corrections or additions, Mayor Cartwright asked for a motion to approve the minutes. **Councilmember Feldhaus made a motion to approve as submitted, Councilmember Isaacs seconded, and the motion carried unanimously upon oral vote.**

Mayor Cartwright then closed the Business meeting at 6:06 PM and opened the Public Hearings.

Public Hearings:

An Ordinance to Amend the Adopted Budget Ordinance (As Amended) of the City of Shelbyville, Tennessee Various Funds for the Fiscal Year 2020-2021, the Period Ending June 30, 2021. There were no comments or speakers.

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 8, Existing Building 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 2018 Edition of the International Residential Code; To Provide for Local Amendments; To Provide for an Effective Date. There were no comments or speakers.

An Ordinance Amending the City Code Title 7, Chapter 2, To Adopt By Reference the 2018 Edition of the International Fire Code, Regulating and Governing the Safe-Guarding of Life and Property from Fire and Explosion Hazards Arising from the Storage, Handling and Use of Hazardous Substances, Materials and Devices, and from Conditions Hazardous to Life or Property in the Occupancy of Buildings and Premises in the City of Shelbyville; Providing for the Issuance of Permits and Collection of Fees Therefore; Repealing Any and All Other Ordinances and Parts of the Ordinances in Conflict Therewith. There were no comments or speakers.

Mayor Cartwright then closed the Public Hearing at 6:08 PM and reopened the Business meeting.

Councilmember Overcast made a motion for City Attorney Shofner to read the caption only on Ordinances Councilmember Haile seconded, and the motion carried unanimously by oral vote.

Old Business:

Ordinances– Second and Final Reading:

An Ordinance to Amend the Adopted Budget Ordinance (As Amended) of the City of Shelbyville, Tennessee Various Funds for the Fiscal Year 2020-2021, the Period Ending June 30, 2021.

Councilmember Feldhaus made a motion to approve, seconded by Councilmember Haile and the motion carried unanimously upon 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 8, Existing Building 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 2018 Edition of the International Residential Code; To Provide for Local Amendments; To Provide for an Effective Date. Councilmember Christie made a motion to approve, seconded by Councilmember Isaacs and the motion carried unanimously upon roll call vote.

An Ordinance Amending the City Code Title 7, Chapter 2, To Adopt By Reference the 2018 Edition of the International Fire Code, Regulating and Governing the Safe-Guarding of Life and Property from Fire and Explosion Hazards Arising from the Storage, Handling and Use of Hazardous Substances, Materials and Devices, and from Conditions Hazardous to Life or Property in the Occupancy of Buildings and Premises in the City of Shelbyville; Providing for the Issuance of Permits and Collection of Fees Therefore; Repealing Any and All Other Ordinances and Parts of the Ordinances in Conflict Therewith. Councilmember Christie made a motion to approve, seconded by Councilmember Haile and the motion carried unanimously upon roll call vote.

New Business:

Ordinances – First Reading:

An Ordinance to Amend the Adopted Budget Ordinance (As Amended) of the City of Shelbyville, Tennessee Various Funds for the Fiscal Year 2020-2021, the Period Ending June 30, 2021.

Councilmember Feldhaus made a motion to approved, Councilmember Overcast seconded, and the motion carried by unanimous roll call vote.

An Ordinance of the Shelbyville City Council to Amend Article I General Provisions of the Shelbyville Zoning Ordinance by Replacing Section 1.9 Severability with Section 1.9 Board of Zoning Appeals and Renumbering Section 1.9 Severability to Section 1.10, Interpretation to Section 1.11, Penalties to Section 1.12, and Remedies to Section 1.13. Repeal All Previous Ordinances and Resolutions Pertaining to Principal Structures and to repeal any Ordinance or part of an Ordinance in conflict herewith. Councilmember Christie made a motion to approve, Councilmember Haile seconded, and the motion carried by unanimous roll call vote.

An Ordinance of the Shelbyville City Council to Amend Article II Definitions of the Shelbyville Zoning Ordinance by Adding a Definition Of FENCE, Amending the Definition of Accessory Use and Structure, Amend Article III by Adding Section 3.14 Fencing, and Amend Section 6.3(E) Destruction and To Repeal Any Ordinance or Part of An Ordinance in Conflict Herewith. Councilmember Isaacs

made a motion to approve, Councilmember Overcast seconded, and the motion carried by unanimous roll call vote.

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 17.8 (+/-) Acres Owned by Barrani Kafroshy, Located West of 126 South Cannon Boulevard and Referenced on Bedford County Tax Map 089H Group A, Parcel 004.00 From R-1 (Low Density Residential District) to Commercial -2 (C-2) (General Business District), and Repealing any Ordinance or Portion of Ordinance in Conflict Therewith. This item received an unfavorable recommendation from the Planning Commission. Councilmember Overcast made a motion to follow the recommendation of the Planning Commission and not to approve the rezoning, Councilmember Feldhaus seconded, and the motion carried by unanimous roll call vote therefore the rezoning request failed.

Resolutions:

A Resolution of the Mayor and City Council of the City of Shelbyville, Tennessee Removing all Restrictive Covenants for Land Regulations of the 231 North Business Park and have the Property Only Subject to the Zoning Ordinance of the City of Shelbyville and its Subdivision Regulations.

Councilmember Feldhaus made a motion to approve, seconded by Councilmember Isaacs and the motion carried upon roll call vote.

A Resolution of the City Council of Shelbyville, Tennessee in Support of the Drug Dealer Liability Act Lawsuit and Approving Retention of Legal Counsel. Councilmember Overcast made a motion to approve, Councilmember Haile made a second and the motion carried by unanimous roll call vote.

Business Items:

Accounts Payable (April 2021): Councilmember Ewing made a motion to approve Accounts Payables for April 2021, Councilmember Isaacs seconded, and with no questions or discussion the motion carried unanimously by roll call vote.

Treasurers Report (March & April 2021) and Various Department Reports (April 2021): Hearing no questions or concerns, Mayor Cartwright declared these reports would be received as submitted.

Consideration of a motion to amend Section 4 of the Employment Agreement of City Manager Josh Ray to provide direction for his 7% retirement contributions to be paid into his ICMA-RC account, retroactive to his first day of employment. Councilmember Feldhaus made a motion to approve, Councilmember Issacs seconded, and with no discussion the motion carried unanimously on roll call vote.

Consideration of a motion to amend Section 7 of the Employment Agreement of City Manager Josh Ray to state the city will reimburse up to \$10,000 for moving expenses and the city will pay the applicable taxes to ensure Ray receives the fully authorized amount of \$10,000. Councilmember Feldhaus made the motion to approve the amendment, Councilmember Isaacs seconded. Roll call vote was taken, and the vote was as follows: Councilmember Overcast – Yes, Councilmember Isaacs – Yes, Councilmember Christie – No, Councilmember Haile – Yes, Councilmember Ewing – Yes and Councilmember Feldhaus – Yes. With five (5) yes votes the motion carried.

Consideration of a motion to direct Staff on creating an Ordinance restricting the number of liquor stores that can exist within the municipal limits of Shelbyville. Councilmember Feldhaus made a motion to not entertain restricting the number of liquor stores, Councilmember Christie seconded. City Recorder Smith advised if you want to pursue the option to limit the number of liquor stores you would vote No. Roll Call vote was called as follows: Councilmember Overcast – Yes, Councilmember Isaacs – Yes, Councilmember Christie

– Yes, Councilmember Haile – Yes, Councilmember Ewing – No and Councilmember Feldhaus – Yes. With five (5) yes votes the motion carried and therefore Staff will not create an Ordinance to restrict the number of liquor stores.

Consideration of a motion to enter into an agreement with the County for a joint venture to fund Tourism with a contribution of \$21,282 from the FY21 Hotel/Motel tax to be paid into a Tourism Fund and \$61,750 being Budgeted in the FY22 Budget and \$116,850 in the FY23 Budget for continued support of the venture. Councilmember Feldhaus made a motion to approve the contribution of \$21,282 for FY21 from the Hotel/Motel Tax and the Budgeted amount of \$61,750 for FY22 from the Hotel/Motel Tax to be spent for Tourism and for Staff to draft a formal Resolution to establish a Tourism Advisory Board and to approve this appropriation to the Budget Amendment just passed on First Reading. Councilmember Ewing questioned if this was Countywide and ask why Shelbyville is then taking this on and have the others been requested to contribute. Councilmember Feldhaus stated this is following the Chamber's mode and they have advised in the last sixty days that they will not be doing the Tourism aspect anymore. However, there are still pending tourism matters including the Moon Pie Festival, so these things need to be continued. The City can fund it with the Motel/Hotel tax as it has been done in the past. The proposed Advisory Board would be developing how it would be funded down the road and Feldhaus noted that is why he only made a motion to fund the first two years as he anticipates additional partners to come in at a later date. Feldhaus advised the County would provide office space, utilities, phones, etc. for an approximately \$20,000. He further advised this was recommended by the Shelbyville Bedford County Economic Group. After a lengthy discussion, Councilmember Overcast seconded and a roll call vote was had as follows: Councilmember Overcast – Yes, Councilmember Isaacs – Yes, Councilmember Christie – No, Councilmember Haile – Yes, Councilmember Ewing – No, Councilmember Feldhaus – Yes. The Motion carried with 4 Yes votes.

Consideration of a motion to establish an Enterprise Fund for Solid Waste Operations in accordance with Tennessee Code Annotated § 68-211-874(a). Councilmember Overcast made a motion to not establish the Enterprise Fund, Councilmember Isaacs seconded. Councilmember Feldhaus ask if we could account for the expenses of Solid Waste without an Enterprise Fund. City Treasurer Kay Parker advised that is how the city has been operating with the Solid Waste as a separate Department. City Manager Josh Ray stated business like activities could not be tracked in the General Fund because it does not allow for depreciation. In an Enterprise Fund you would have to designate a funding source but not necessary a fee. This would be a restricted fund and the dollars would stay in the fund and not roll over. Treasurer Parker advised she does a depreciation schedule as part of the government audit every year. Discussion continued with Manager Ray advising an Enterprise Fund is a cleaner better way to hand a utility such as solid waste. A roll call vote was had with the motion to NOT establish an Enterprise Fund passing unanimously.

Consideration of a motion to authorize the Mayor to sign a letter to TDEC requesting an extension for the Site Development Grant Project at the 231 N. Business Park, if deemed by Staff to be necessary. Councilmember Feldhaus made a motion to authorize, Councilmember Overcast seconded and the motion carried unanimously upon roll call vote.

Consideration of a motion to lower the age requirement to participate in the City's Retirement Plan to 18 years of age. Councilmember Haile made a motion to approve, Councilmember Isaacs seconded, and the motion carried by unanimous roll call vote.

Consideration of a motion to set eligibility for the City's 7% contribution to the Retirement Plan on an employee's behalf to the one-year anniversary date of the fulltime employee and this will be retroactive to January 1, 2021. Councilmember Feldhaus made a motion to approve, Councilmember Isaacs seconded, and the motion carried by unanimous roll call vote.

Consideration of a motion to add the Retirement Track Target Date Fund, changing to a Zero Revenue Share Class to the City's 401K Plan. Councilmember Feldhaus made a motion to approve, Councilmember Haile seconded, and the motion carried by unanimous roll call vote.

Consideration of a motion to approve a Certificate of Good Moral Character for Siddharth Patel, Celebration Liquors, 1413 N. Main Street, Shelbyville, TN 37160. Councilmember Christie made a motion to approve, Councilmember Haile seconded, and the motion carried by unanimous roll call vote.

Purchasing / Bid Awards:

Consideration of a motion to award the bid for Sidewalk Improvements Phase 3 and Phase 4 to Curl Construction in the amount of \$1,353,198.27, pending TDOT concurrence. Councilmember Ewing made a motion to award bid to Curl Construction, Councilmember Christie seconded, and the motion passed by unanimous roll call vote.

Appointments:

Councilmember Christie made a motion to reappoint Justin Spence to the Board of Construction Appeals for one year, Councilmember Haile seconded, and the motion carried unanimously upon roll call vote.

The next appointment was for the first available seat on the Power Board. City Recorder called for Nomination for the seat. All Councilmember unanimously voted for Ms. Claudia Mallard to serve as a Power Board representative for an additional 3-year term. Recorder Smith then ask for nominations for the second open seat, all Councilmembers unanimously voted for Mr. Ervin Miller to serve as a Power Board representative for an additional 3-year term.

Announcements: City Hall will be closed on May 31st for Memorial Day. Monday's trash will be picked up on Tuesday, June 1st with Tuesday's regular route.

With no further business the meeting adjourned at 7:23 PM.

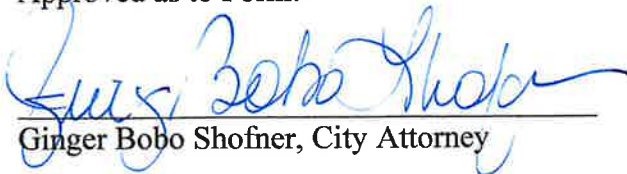
Approved:


Wallace Cartwright, Mayor

Attest:


Lisa Smith, City Recorder

Approved as to Form:


Ginger Bobo Shofner, City Attorney