

City Council Meeting Minutes

The Shelbyville City Council met in regular **Study Session** on **Tuesday, May 4, 2021**, at the Shelbyville Recreation Center, 220 Tulip Tree Road. The meeting was called to order at 6:00 PM by Mayor Cartwright and an Officer of the Shelbyville Police Department.

The following were present: Councilmember William Christie, Councilmember Marilyn Ewing, Councilmember Stephanie Isaacs, Councilmember Henry Feldhaus, Councilmember Rick Overcast, Councilmember Gary Haile and Mayor Wallace Cartwright. Also, present City Manager Josh Ray, City Recorder Lisa Smith, City Attorney Ginger Shofner, and City Treasurer Kay Parker (by zoom).

Alcohol Permits – Liquor Store Limits: City Manager Ray advised there was a request to present the City Council the idea of limiting the number of liquor stores in the city limits. Ray explained Staff contacted MTAS concerning what surrounding areas are doing. That information was included in Council's packet for review.

City Manager Employment Agreement Addendum: Manager Ray present two items for consideration, first the amount of moving expenses reimbursed. He noted City Council agreed to a sum of \$10,000 to be paid towards moving expenses and when Staff went to pay this it was discovered that payment had to be run through payroll which was different then had been done in the past and would require taxes to be taken out and he would then receive a lesser amount. Ray is requesting that the Council approve the full reimbursement of \$10,000 and the City pay the associated taxes for that reimbursement. The second item concerns the 7% contribution to the retirement fund. Ray is requesting that the 7% contribution be paid into his ICMA-RC account instead of the City's account and be retroactive until the first date of hire. Regarding the travel expenses Councilmember Ewing questioned what his total reimbursement would be. Ray explained the total expenses for the transition was around \$13,000 but he would only receive the total of \$10,000 as agreed upon. Ewing requested what is included in moving expenses and Ray agreed to provide the IRS guidelines to the Council prior to the Business Meeting.

Tourism Proposal: City Manager Ray stated this is a recommendation from the Shelbyville Bedford County Economic Advisory Committee and covers a plan for Tourism. It will encompass the Marketing Plan that was passed at last month's meeting and allow for a short-term and long-term solution. He advised the plan is to start out with a part-time position which would become full-time in FY23. The total cash budget would be from the City with the County providing in kind by way of office space and utilities, etc. Councilmember Feldhaus explained Tourism and Workforce Development had only recently come up in conversations when the Chamber decided they would not be doing it anymore. Feldhaus advised there is currently Hotel/Motel Funds that would normally fund Tourism events in the summer through the Chamber and it still needs to be spent for that. He further advised that the County would be more of a participant in the Workforce Development as the school system will be involved in that project.

Enterprise Fund - Solid Waste Services: Manager Ray advised this is a follow-up to the previous discussion by Council in March, which was voted down along with a requested that Staff create an information sheet for citizens. That has been done and delivered to all citizens who are on the Shelbyville Power, Water & Sewerage System. The request before Council today is to consider setting up an Enterprise Fund for Solid Waste Services and not to consider any type of fee associated with it. All Solid Waste services would be pulled from the General Fund and placed in the Enterprise Fund. If the Council decided not to go forward with establishing a fee for the revenue stream a different source would have to be established at some time.

Power Board Application: City Manager Ray advised four (4) applications had been received for the two open Power Board Seats. Council agreed to begin the interviews at 5:00 PM on May 13th prior to the Business Meeting.

Site Development Grant Project Business Park Extension Request – Manager Ray advised this is a request to request an extension of time for the completion of the site development project at the 231 North Business Park. Ray advised the work is moving along and should be completed but we do not want to leave any money on the table, so we want to ask for the extension now just in case it is needed.

OLD BUSINESS:

ORDINANCES – Public Hearing – Second & 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.

There have been no changes since First Reading and there was no additional discussion.

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. No changes to this Ordinance since First Reading and no further discussion.

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 have been no changes since the First Reading and there was no further discussion.

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. Manager Ray advised this is no additional funding simple allocating funds from one area of the Budget to the individual Departments.

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. Acting Planning Director gave an overview explaining that in the Zoning Ordinance the information concerning the Board of Zoning Appeals was in a different place. Therefore, the request is to amend the Zoning Ordinance by clarifying the information and put in a more appropriate section.

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. Acting Planning Kevin Chastine advised this is a request to rezone 17.8 acres from R-1 to C-2. He advised most of the acreage is in the flood plane and there is no way to construct anything on the property. The desire of the owners is to create a walking trail. The current Land Use Map does not allow for the C-2 zoning on this property, therefore Staff recommended to Planning Commission to provide an unfavorable recommendation and they agreed so this request comes to Council with an unfavorable recommendation. Chastine did advise that the new Future Land Use Map which has not been approved at this time does allow for the C-2 zoning. There was a short discussion on this item.

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. Planner Chastine advised this comes from the Planning Commission with a favorable recommendation. It provides for a definition of a Fence in the Zoning Ordinance as there currently is not one.

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. City Manager Ray advised this request comes from the 231 Business Park Committee. The Economic Director Shane Hooper has noted that the Restrictive Covenants can be an obstacle for businesses interested in the locating in the Business Park. Hooper met with Acting Planning Director Kevin Chastine, Building & Codes Director Bryan Stevens and City Manager Josh Ray and reviewed the Zoning Ordinance and the Restrictive Covenants. The recommendation was to remove all covenants and have guidelines to be used along with the Zoning Ordinance as the only limitations.

A Resolution of the City Council of Shelbyville, Tennessee in Support of the Drug Dealer Liability Act Lawsuit and Approving Retention of Legal Counsel. City Attorney advise this is a request from the District Attorney General. She advised this is really a technicality as the City was included in the original lawsuit back in 2017 but the Tennessee Supreme Court has ruled that the District Attorney must get express permission to continue to represent the City in this matter. The case is on behalf of cities and counties for possible monetary recovery under the Drug Dealer Liability Act and concerns the maker of Oxycontin and the opioid epidemic. It is anticipated that the parties will try to reach a settlement in the late summer. This Resolution will make sure the City is included in any settlement agreement.

BUSINESS ITEMS:

Recommendations from Employee Pension Committee: Manager Ray stated the Employee Pension Committee recently meet and had several recommendations for the employee retirement plan. The first is to lower the age of participation to 18 years of age. Currently the age is set at 21 and some City Departments do routinely hire younger individuals. The second recommendation was to make the eligibility for the City's 7% contribution to the Retirement Plan effective immediately upon one-year of full-time employment. This current plan states an employee must wait until January 1 after the one-year anniversary of employment this change will make it effective on the anniversary date and the request is to make this retroactive to January 1, 2021. The

final recommendation is to add a Retirement Tract Date Fund, changing to a Zero Revenue Share Class for the 401K. Ray explained this is a new option that would allow employees an additional choice for employee on how they wanted to invest in their retirement fund depending on their current life situation.

An Application for a Certificate of Good Moral Character for Siddharth Patel, Celebration Liquors, 1413 N. Main Street, Shelbyville, TN 37160. Ray advised this is a requirement as this Liquor Store is changing hands. He advised the required background check came back clear.

PURCHASING/BID ITEMS:

Sidewalk Improvements – Phases 3 &4: City Manager Ray reviewed the bid process for this project stating there was one final bid received from Curl Construction in the amount of \$1,353,198.27. The engineer's estimate for the project is \$1,594,270.10. The bid is currently pending TDOT concurrence.

APPOINTMENTS: Council Appointment to the Board of Construction Appeal – one member and the two seats on the Power Board.

OTHER BUSINESS: None

ANNOUNCEMENTS: City Hall will be closed on Monday, May 30th in observation of Memorial Day.

CITIZENS COMMENTS: Mayor Cartwright began by reading the Guidelines for Citizen Comments. Jane Prince Nengu spoke concerning the update to the Building Codes requesting that we update to be in line with the County Codes. Additionally, she spoke against a Solid Waste Fee stating her property taxes cover the pickup. Joey LaMatinia gave comments on the Solid Waste Fee advising he had sent in an alternate proposal that would help the disabled and elderly. Finally, Vic Patel spoke in favor of the request to limit Liquor Stores advising he is a small business and already competes with Murfreesboro because he pays more taxes.

ADJORN:

With nothing further to discuss Mayor Cartwright adjourned the meeting at approximately 7:21 PM.

Approved:

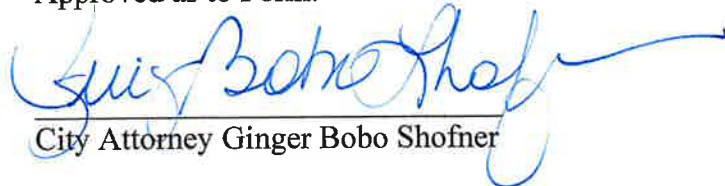

Mayor Wallace Cartwright

Attest:



City Recorder Lisa Smith

Approved as to Form:



City Attorney Ginger Bobo Shofner