

City Council Meeting Minutes

The Shelbyville City Council met in regular **Study Session** on **Tuesday, August 2, 2022**, at the Shelbyville Recreation Center, 220 Tulip Tree Road. The meeting was called to order at 6:02 PM by Mayor Wallace Cartwright.

The following were present: Mayor Wallace Cartwright, Councilmember Henry Feldhaus, Councilmember William Christie, Councilmember Marilyn Ewing (out at 8:30 PM), Councilmember Stephanie Isaacs, Councilmember Rick Overcast and Councilmember Gary Haile (out at 8:30 PM). Also, present were Interim City Manager & City Treasurer Kay Parker, City Recorder Lisa Smith, and City Attorney Ginger Shofner.

Mayor Cartwright invited Economic Director Shane Hooper to the podium. Mr. Hooper had requested a moment before the start of the meeting to express his appreciation to the City Council for all their support in the last 18 months. The announcement last week that Duksan Electera America (formerly known as Project Cardinal) has signed to build a large industrial development in the 231 N. Business Park is the first major announcement for Shelbyville/Bedford County since 1984. Hooper stated it would not have been possible without the support of the City of Shelbyville.

SIA Road: County Highway Superintendent/TDOT Contact Mark Clanton advised Council that the SIA Road for Duksan Electera America will require right-of-way along Frank Martin Road for a cul-de-sac. The City will be responsible for \$170,500.00 or ½ of the amount to acquire the right-of-way. Clanton stated we do not have to pay the amount up front as TDOT will come back to the City with an exact amount once they designate the amount of right-of-way needed. He further noted this is a City street therefore it will be a City expense not one to be divided with the County. Interim City Manager/City Treasurer Kay Parker advised this will require a Budget Amendment.

Highway-Rail Grade Crossing Improvement Project: Public Works Director Buck Vallad stated this project is on Railroad Avenue. The Railroad is currently working on their portion of this project, and it appears the City never received the Contract to sign. The City's part will be 10% or \$6,900.00, which includes some street signs, paving and some lighting. Parker advised she had spoken to TDOT, and the City did not apply for this project, it was identified as a dangerous area during inspections.

Fairfield Pike Project: Parker stated this is a follow-up to the meeting with Gresham Smith representatives last week. The first item is their contract Amendment in the amount of \$34,000 due to the design change of the project. Additionally, there are two additional amounts \$6,950 for archeological study and \$1,550 for NEFA which would have been required with either design due to TDOT regulations. The second part of this item is to decide which design option to proceed with. Vallad stated he had spoken with Gresham Smith, and he would like to put the numbers to the project himself as he does not believe the updated design will be \$4 million. However, he does agree with the design which is built to the City standards and does include curb and gutter along with a sidewalk. He stated he would rather it take longer and do it right.

Cemetery update: Director Vallad advised the survey that was completed a while back showed 300 lots for burial, however they actually only have 30 good lots. The remainder have a lot of rock and while this will not be a cost to the City it will cost whomever the lots are sold to when they dig. He advised they are at a point they need direction to move forward. Does the City want more land to have more cemetery, or do we get to the point where we sell the lots with all the rock, or we can have a ground penetrating study done over the entire cemetery which is needed because there are not very good records from the past. Sexton Mike George then advised there are currently around 100 graves sold a year. He noted there is limited options for additional land

around the current cemetery unless there would be an option to purchase the ballpark. George stated there is a mass grave of cholera victims that cannot be touched. He believes there are around 800 people buried there. Director Vallad then went over the burial columbarium which is an option for people who are cremated. Vallad stated the penetrating survey could help to identify area that may be available for additional graves, and he felt the scan would help Council to know what direction to move forward. He further stated around 5 acres really should be surveyed for the most knowledge.

Chamber Building update: City Recorder Smith reported that she and City Attorney Ginger Shofner had met with Josh Lynch, Chamber Board President and Yolanda Flick, Chamber of Commerce Director at the Chamber building to review the signed and approved Lease. Smith advised there had been several changes in key personnel in the Chamber as well as City Administration and therefore there has been some confusion over what part of the Chamber building the Chamber will continue to use as an office space. The Chamber would like to be allowed to use an office area and have some space for storage. As for the auditorium they would like to have access for meetings only of the Board of Directors, Chamber Ambassadors, and the Bedford County Leadership Classes. Smith then noted that the electric service had been transferred to the City along with the pest control services through Cooks which includes brown recluse service. Attorney Shofner clarified Council has a new Lease to allow the Chamber to have an office space with a 6-month termination clause. The misunderstanding came along with the new director Ms. Flick only felt she was allowed storage space. Shofner noted there is still a lot of items that belong to the Chamber in the building and Ms. Flick needs to go through these items and decide what to keep and where to store it. Ms. Flick indicated she will be primarily working from home, but they do want to maintain an office space at the Chamber. Additionally, the office that was identified as the one they would use does have room for two desk and the Chamber requested the City put in a wall to divide the area. They would like to have the small storage space next to the office also. They also requested that it be put in an Amendment they be allowed to put in internet access to be paid by the Chamber. Shofner would also like to include the meeting dates the Chamber would like to use the meeting room. Smith advised the Chamber's original intent was to use that one large office on the right side of the hallway for both office space and storage and after discussion it was suggested to use part of the office and the storage area behind. Councilmember Ewing stated this has gotten very complicated and if there is City Business going on would the Chamber be in the room. Shofner stated not if the office is separated, and she suggested the Council all do a site visit to the Chamber to more fully understand the layout. Councilmember Ewing stated she felt we needed a deadline on them getting their items out of the building. Councilmember Overcast suggested given them the 6 months to vacate the building and for us to not do anything until they are out of the building. He stated he does not think they should be in there around city business. Attorney Shofner stated she had not seen a willingness from Council to change the agreement and therefore she would not draft any amendments. She suggested Ms. Parker or Ms. Smith advise the Chamber the Council is not willing to make any changes to the signed Lease so we will go by that document. Mayor Cartwright suggested changing the agreement to where the Chamber has the old director's office. Shofner reminded the Chamber currently has access to the building and according to the signed Agreement they have an office space and can use the meeting room when the City is not using it. Attorney Shofner questioned if Council had may a decision what they wanted to do with the building. Council stated no and Shofner advised she felt it would be premature to give the Council a 6-month notice. Councilmember Ewing stated the Chamber could be moving out while we decide. Interim City Manager suggested going ahead and getting someone in to evaluate the building for what needs to be done to make the building usable for the City. With a long discussion and no direction agreed upon Council moved on to the next item.

Tourism Items: Request for Grant – American Mule & Bluegrass Festival. Marty Gordon, organizer for the American Mule & Bluegrass Festival stated that last year's event was a successful event, and he thanked the

Council for their support at that time. He requests the Council again support this year's event scheduled for September 27th through October 2nd by giving \$3,500 in a Tourism Grant to go toward advertising expenses.

The second item for Tourism is the SCTTA Membership Dues - Interim Manager Parker advised the City had been a member of the South-Central Tennessee Tourism Associations and the dues which were previously \$500 a year had increased to \$2,000 a year. She was advised by Director Ryan French that the increase was based on a change to the fee structure the is now based on population. Parker also noted that French also has requested to give a presentation to the Council once a new City Manager is in place. Council stated to wait a month and revisit this item.

Proposed ADA Project for FY23: Manager Parker stated in February the ADA Committee sent her their recommendation for the FY23 project. That was the push-button doors at both the Recreation Center main entrance and the pool area. The estimated cost is around \$35,000 and there is budgeted in capital \$79,000 for new lockers at the Recreation Center that were paid for out of last year's Budget so there are funds to cover this project.

OLD BUSINESS:

ORDINANCES – Public Hearing – Second & Final Reading:

An Ordinance of the Shelbyville City Council to Approve the Regulating Pattern Book for 69.67 (+/-) Acres Referred to as Walking Horse Estates and Located North of Highway 437 By-Pass and Constituting a Portion of Bedford County Tax Map 069, Parcels 029.00, as Recommended by the Shelbyville Municipal Planning Commission, and Repeal any Ordinance or Part of an Ordinance in Conflict Herewith. Planner Albakry advised there had been no changes since the First Reading.

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 2.23 (+/-) Acres Owned by Johnny Smotherman, Located at 904 Whitthorne Street and Referenced on Bedford County Tax Map 078N, Group F, Parcel 017.00 From Residential PUD (Planned Unity Development) to Medium Density Residential (R-3) District, and Repealing Any Ordinance or Portion of Ordinance in Conflict Therewith. Planner Albakry advised there had been no changes since the First Reading.

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 21.46 (+/-) Acres Owned by the Bedford County Department of Education, Located on the West Side of Fairfield Pike and Referenced on Bedford County Tax Map 69 Parcel 58.07 From R-2 (Low Density Residential District) to R-4 (High Density Residential District) and Repealing any Ordinance or Portion of Ordinance in Conflict Therewith. There was no discussion on this item and there have been no changes.

NEW BUISNESS:

ORDINANCES – First Reading:

An Ordinance of the City of Shelbyville, Tennessee to approve the Rezoning of 11.74 (+/-) Acres Owned by Arnold Betty Dean, Located at 329 Dover Street and Referenced on Bedford County Tax Map 079, Parcel 095.00 From R-1 (Low Density Residential District) to R-3 (Medium Density Residential District), and Repealing Any Ordinance or Portion of Ordinance in Conflict Therewith. Planner Waleed Albakry gave a review of this request advising it received a favorable recommendation from the Planning Commission. He further noted the new Future Land Use Map does agree with this zoning request.

An Ordinance of the Shelbyville City Council to Amend Article V Zoning Districts of the Shelbyville Zoning Ordinance by Creating Sections 5.4.2.A Medium-High Density Residential Districts (R-3A) and to Repeal Any ordinance or Part of An Ordinance in Conflict Herewith. Albakry noted the item will amend the Zoning Ordinance to create a new Zoning District, Medium-High Density Residential Districts (R-3A).

This is being done as a recommendation in connection with the new Comprehensive Plan and will fill the gap between the current Medium Density and the High Density. It did receive a favorable recommendation from the Planning Commission.

RESOLUTIONS:

A Resolution to Adopt the Municipal Comprehensive Plan and the Accompanying Future Land Use Map and Repeal the Resolution of the 2008 Official Municipal Comprehensive Plan and the Associated Future Land Use Map. Planner Albakry stated the Planning Commission had adopted the new Municipal Comprehensive Plan at their last meeting. He reviewed the 13 new Character Areas and stated the Plan had been reviewed by all Departments as well as several opportunities for area developers to review and speak to the plan. Albakry stated the developer community had positive comments and it was an easy decision from the Planning Commission to adopt the Plan. Councilmember Feldhaus thanked Albakry for being professional during this process which had been difficult. Interim City Manager and Mayor Cartwright also thanked Albakry for all his hard work and dedication to getting this done.

A Resolution Authorizing the City of Shelbyville to Participate in Public Entities Partners' James L. Richardson "Driver Safety" Matching Grant Program. City Recorder Smith advised this is one of three Grants we receive annually from PE Partners. It is a 50/50 match and is included in the FY23 Budget.

BUSINESS ITEMS:

Transportation Planning Grant/Complete Streets Pavement Plan – Interim Manager Parker advised we had applied for this Grant and been awarded. There is a 10% match or \$5,954.80, which would require a Budget amendment. Director Vallad stated this will assist with a road rating system which will inventory all roads in the City and give them a schedule for paving and repair.

Local Government Data Processing Corporation – Annual Invoice – Parker advised this is the annual invoice for software/hardware maintenance and they are noted in the Tennessee Code Annotated as being exempt from normal purchasing rules. However, this annual invoice is \$35,000 so Parker requests Council to approve the cost.

Akerman July Invoice – Parker reminded the Council had approved \$75,000 in the FY23 Budget for Akerman, however it was anticipated that the County would be paying one-half of the monthly costs. She advised she had spoken to the Finance Director for the County, and they did not include this item in their FY23 Budget, therefore she requested the Council give her direction moving forward. Councilmember Feldhaus stated we currently have a lot going on and they are working to identify Grants to assist with our projects. He therefore felt we should pay the full bill through December as we already have the funds budgeted. It was decided to put this item on the Agenda so Council can vote.

GovDeals Processing Fee - Parker advised currently GovDeals is charging a 12.5% service charge while the City is changing 7% to the buyer and absorbing the other 5.5%. Our representative with GovDeals is recommending that we pass the full charge of 12.5% on to the buyer.

PURCHASING / BIDS

Purchasing:

Gymnasium Curtain – Rec. Center – Park Director Mike Alsup stated this is the curtain that divides the gym and is budgeted for \$30,000.00, the actual cost is \$25,800.00. He noted the current curtain is 26 years old.

Gymnasium Floor Resurfacing – Rec. Center – Director Alsup advised this is in the FY23 Budget at \$30,000 and is coming in under budget at \$28,120, it is a Sourcewell purchase. This is also the first time this has been done in 26 years.

Lighting Project – Never Rest Park – Alsup stated this is also a budgeted item at \$360,000.00 and is coming in slightly under that at \$359,879.00. This is LED lighting for the baseball/softball fields as well as the tennis courts.

Authorize RFP for Planning Software – Planner Albakry stated this is a required process to allow Staff to let an RFP for the budget approved Planning Software.

APPOINTMENTS:
OTHER BUSINESS:

ANNOUNCEMENTS: City Recorder Smith advised the applicant for City Manager would be in town tomorrow for the 2nd round interview to be held at 12:00 PM. She further noted there would be a general motion on next weeks Agenda to move forward on the search for City Manager.

CITIZENS COMMENTS: Barbara Pyrdum Gossar spoke and identified herself as the new leader of the Bedford County Listening Project. She noted they have requested a meeting with the City Council to discuss their issues and they have not heard back concerning this. City Recorder Smith advised she has been working with the Council to set the meeting and had been emails concerning this as late as this afternoon. The delay in the meeting as been due to so many meeting for the budget process and the search for a new City Manager.

ADJORN: With nothing further to discuss Mayor Wallace Cartwright adjourned the meeting at approximately 8:33 PM.


Approved:


Mayor, Wallace Cartwright

Attest:


City Recorder Lisa Smith

Approved as to Form:


City Attorney Ginger Bobo Shofner