

### **Council Minutes- July 18, 2019**

The following regular council meeting was called to order by Mayor David B. Eaton at 6:30 p.m. with the following councilmembers present: Pam Carter, Mike Zoeller, Frank Page, and John Swindler. Absent: Troy Ethington, and Shane Suttor.

City Attorney: Steven Gregory

City Employees Present: Chief Bruce Gentry, Candice Selph, Tory Harris, Barry Edington, Jennifer Herrell, Fred Rogers, Trace Kirkwood and Meagan Whitacre.

Invocation: Kevin Comp, Shelby Christian Church

All present pledged allegiance to the flag.

### **Minutes- Special Called Minutes of June 25, 2019**

A motion was made to approve the minutes of the special called council meeting of June 25, 2019, as read by the members prior to the meeting, by Councilmember Page and seconded by Councilmember Swindler.

All voted 'aye' and the motion carried. Absent: Councilmembers Ethington, and Suttor.

### **Proclamation - Mayor Eaton**

Mayor Eaton read a proclamation declaring the week of July 28, 2019 – August 3, 2019, "A Place to Sleep" week.

### **Re-Appointment – Mayor Eaton**

Mayor Eaton proposed the re-appointment of Dan Feesor to the Code Enforcement Board for a three-year term to expire on June 30, 2022.

A motion was made by Councilmember Page to approve the appointment. Seconded by Councilmember Swindler.

All voted "aye" and the motion carried. Absent: Councilmembers Ethington and Suttor.

### **Bid Approval - Jennifer Herrell**

Jennifer Herrell, City Engineer, presented the council with a recommendation to accept the bid from O'Brien Ford of \$39,886.21 for a 1 ½ ton truck, cab and chassis only.

A motion was made to approve the bid recommendation by Councilmember Carter and seconded by Councilmember Swindler.

All voted "aye" and the motion carried. Absent: Councilmembers Ethington and Suttor.

**Ordinance/An Ordinance of the City of Shelbyville Amending the Position of Assistant Fire Chief–  
Candice Selph, HR Director**

Mayor Eaton summarized the changes proposed in the ordinance by saying the job description of the Assistant Fire Chief was updated to meet the city’s needs and some of the language was re-arranged. The changes were reviewed with the Fire Committee.

Councilmember Carter made a motion to approve the ordinance for the first reading. Seconded by Councilmember Page. Absent: Councilmembers Ethington and Suttor.

**Ordinance/An Ordinance of the City of Shelbyville Amending the Position Description of Fire Chief  
– Candice Selph, HR Director**

Mayor Eaton expressed that the job description for Fire Chief needed an update as well; so that in the event the Fire Chief position became available that the Assistant Fire Chief would be qualified to hold the position. The changes were reviewed with the Fire Committee.

Councilmember Carter made a motion to approve the ordinance for the first reading. Seconded by Councilmember Zoeller. Absent: Councilmembers Ethington and Suttor.

**Ordinance/ An Ordinance Amending Articles I-III of Chapter 41 of the City of Shelbyville Code of Ordinances Relating to Street and Sidewalks – Steven Gregory, City Attorney**

Steven Gregory, City Attorney, explained that amendment adjustments made to Articles I-II needed language change due to title changes of the head of the Public Works Department. The amendment made to Article III changes the responsibility of sidewalk repair from 100% of the property owner to 50% each to the property owner and the City. Work must be done under the supervision of the City Engineer.

Councilmember Zoeller made a motion to approve the ordinance for the first reading. Seconded by Councilmember Swindler. Absent: Councilmembers Ethington and Suttor.

**Architectural Firm Recommendation for Conference Center - Mayor Eaton**

Mayor Eaton put forth a recommendation, for the council’s approval, of the EOP architectural firm to design the conference center. RFPs were advertised and the city received seven submissions. The submissions were jointly reviewed by members of City Hall, the Tourism Department, and OVEC. Of those seven submittals, three were chosen to make verbal presentations with members from Tourism, City Hall, OVEC and Shelby Main Street present.

A motion was made to approve the architectural firm recommendation by Councilmember Swindler and seconded by Councilmember Zoeller.

All voted “aye” and the motion carried. Absent: Councilmembers Ethington and Suttor.

**Zone Change Appeal: JACAT, LLC, 72 & 80 Smithfield Road / Sanford Lane, Medium Density Residential (R-3) to Multi-Family Residential (R-4) – Steven Gregory, City Attorney**

The council members were asked to review a decision made by the Triple S Planning & Zoning Commission regarding a zone change request. Steven Gregory, City Attorney, explained to the council that there were two options; approve the planning commission’s decision or dis-approve of their decision. The planning commission denied the zone change request by JACAT. The council’s decision can only be

made based upon the records submitted by the planning commission and information heard during tonight's meeting; no new evidence would be allowed to be presented. If the council dis-approves of the decision from the Zoning Commission, the zone change would have to be approved through ordinance by August 19, 2019. There is only one council meeting scheduled before the approval deadline, which means a special called meeting would need to be scheduled to allow for a first reading of an ordinance. The council may also choose to hold a public hearing on the issue, but again under the same time constraints. The Mayor recommended that the council go by the record due to the time constraints. It was explained that the current zone of R-3 allowed up to 63 apartment units and the requested R-4 could have up to 96 apartments.

A motion was made to go by the record of the Triple S Planning & of the Triple S Planning & Zoning Commission meeting by Councilmember Swindler. Seconded by Councilmember Page. Absent: Councilmembers Ethington and Suttor.

The Mayor allowed the legal counsel for JACAT, Clifford Ashburner, to have five minutes to speak to the council. He pointed out to the council members that the zoning staff's review on record reflected that the zone request change complied with the comprehensive plan. While they recognize that the Zoning Commission has the right to approve or disapprove; they believed the decision to deny the request was made arbitrarily based on non-commitment of JACAT to agree to use 100% brick on the project. The Zoning Commission did not issue a documented reason for the denial of the requested zone change.

A motion was made by Councilmember Page to disapprove of the Zoning Commission's decision and begin the approval process by council through an ordinance, seconded by Councilmember Swindler. The following voted aye: Councilmembers Carter, Swindler, and Page. The following voted nay: Councilmember Zoeller. Absent Councilmember Ethington and Suttor. The motion carried.

Mayor Eaton discussed a possible date for a special called meeting to hear the first reading of an ordinance regarding the above zone change request with the councilmembers present. It was decided that the special called meeting would be held on Tuesday August 6<sup>th</sup> at 6:30 p.m.

### **Public Comments**

No Comments were made.

### **City Attorney's Report, Steven Gregory**

No report.

### **Clerk's Report, Meagan Whitacre**

No report.

### **Department Reports**

Eilene Collins, Shelby Main Street, reported that the next Street Party would be held on July 27<sup>th</sup>. The Jubilee Breakfast would be catered by 2 Country Chics on July 25<sup>th</sup>. Later the same day there will be a Youth Art Show reception at 5:30p.m. at Science Hill Inn.

Jennifer Herrell, City Engineer, reported that Jerry Aldridge would be retiring at the end of the month after 30+ years of service. A reception will be held for him on July 25<sup>th</sup> from 4-6 p.m. at City Hall. Bruce Williamson will also be retiring in August after 20+ years of service. In anticipation of these absences and

other already gone, three new employees have been hired; Shane Nutter, Noah Bailey, and Mark Turner. Advertising will begin in tomorrow's paper for paving in Osprey Cove, Brittany Estates, and Hi-Point. Paving at the Weissinger Golf Course is progressing; the first nine holes have been completed. The parking lot at 6<sup>th</sup> and Henry Clay Street is still in the design process. She hopes to have the 7<sup>th</sup> Street project designed by the end of August 2019. The EPA is coming to audit the city's MS4 Stormwater program. Jennifer announced she will distribute her 2018 yearly report to the councilmembers in September. It was also announced that a new bush hog was just purchased through capital account funding.

Candice Selph, HR Director, reported that the city has made several new hires. Three new police officers have been hired; Brett Downey, Adam Huber and Jeremy Younger. A new turf technician has been hired for Weissinger Golf Course, Jamie Perry. A new Building Official Assistant has been hired, Sean Franklin. A new full time Historic District Coordinator, Trace Kirkwood was also recently hired. There are currently positions being advertised for are part-time fire, part-time police officer, and part time police evidence room custodian.

Chief Bruce Gentry, City Police, announced that during the Battle of the Badges Blood Drive they collected over 41 units and only expected to get to 20. The department is reviving the DARE program, currently funded by the court system. Officer Kelly Cable will get re-certified and Officer Kenny Graham will get certified for the program. Jephtha Creed Distillery donated the funds to purchase a drug narcotic dog and training for two officers. Franklin County discontinued their K-9 program and donated their patrol car equipment to the department. The department purchased two new bikes for their bike patrol; two officers will attend training. The department will be updating the security of police headquarters with a system requiring someone to buzz a visitor into the building. Chief also announced that they would be increasing the fee for lawyers and insurance companies to obtain a police report to \$5 beginning in September 2019.

### **Mayor's Report**

Mayor Eaton publicly thanked and recognized Jephtha Creed for their donation to the K9 program and community support. He applauded Shelby County Fiscal Court for finding a way to fund 911 services. He recognizes that that funding will not be available until later in the year, so the council may need to help with funding in the future months. The audit for fiscal year ending on June 30, 2018 was presented at the prior council meeting on June 25, 2019, where no comments or concerns were made.

A motion was made to accept the audit by Councilmember Page. Seconded by Councilmember Swindler.

All voted 'aye' and the motion carried. Absent: Councilmembers Ethington and Suttor.

### **Council Reports**

Councilmember Zoeller pointed out that with us having the 4<sup>th</sup> largest park system in Kentucky, our park's fields need to be more handicap accessible. He suggested to the council that they may be able to work with the county to finance paving and foundation laying for cart paths. Mayor Eaton suggested that Councilmember Zoeller go talk to the county to see what they could commit to do. The city could include the paths in their upcoming paving projects, but the Mayor stressed that that would only entail just paving not prep work.

A motion was made to adjourn the meeting by Councilmember Swindler and seconded by Councilmember Zoeller. Absent Councilmembers Ethington and Suttor.

All voted 'aye' and the motion to adjourn carried.

The meeting adjourned at 8:09 p.m.

The Next Council meeting will take place on August 6<sup>th</sup>, 2019 at 6:30 p.m.

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David B. Eaton, Mayor

ATTEST:

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Meagan Whitacre, License Clerk