

Regular City Council Meeting Minutes

Regular Meeting: January 14, 2021

Place: Shelbyville Recreation Center, 220 Tulip Tree Road

Call to Order: 6:05 PM, Mayor Wallace Cartwright & Officer Laterra Clay

Invocation: Councilmember Gary Haile

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 Interim City Manager Lori Saddler, 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 announced Administration is requesting to Amend the Agenda. City Recorder Smith advised the request is to add the December 8th Special Called Meeting to approval and to add Business Item F and Business Item G. Councilmember Feldhaus made a motion to amend the Agenda as requested, Councilmember Ewing seconded, and the motion carried unanimously by oral vote. Councilmember Feldhaus then made a motion to Adopt the Amended Agenda, seconded by Councilmember Overcast and carried unanimously by oral vote.

Approval of Minutes: Hearing no corrections or additions, Mayor Cartwright stated the minutes from the Study Session of December 1, 2020, the Regular Business Meeting of December 10, 2020, and the Special Called Meeting of December 8, 2020 would stand as submitted.

Mayor Cartwright then closed the Business meeting at 6:04 PM and opened the Public Hearings.

Public Hearings:

An Ordinance of the Shelbyville City Council to Amend the City of Shelbyville Sewer Use Ordinance 2015-959, Section 1.2, Definitions and Section 2.2 Building Sewer and Connections. There were no comments.

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 5.01 (+/-) Acres Owned by Hartsford Development, LLC Located Northeast of the Intersection of TN-437 and Fairfield Pike and Referenced on Bedford County Tax Map 69, Parcel 18.03 From Bedford County A-1(Agricultural-Forestry) to PUD (Planned Unit Development) and Repealing any Ordinance or Portion of Ordinance in Conflict Therewith. There were no comments or speakers.

An Ordinance of the Shelbyville City Council to Approve the Global Manor Phase 7 Planned Unit Development Regulating Pattern Book as Recommended by the Shelbyville Municipal Planning Commission and Repeal any Ordinance or Part of an Ordinance in Conflict Herewith. There were no speakers or comments.

A Resolution Adopting a Plan of Services for an Area Proposed for Annexation, the Territory Located on the Northside of Highway 437 By-Pass Referenced on Bedford County Tax Map 69, Parcel 61.00 to be Annexed by Owner Consent and to be Incorporated Within the Boundaries of the City of Shelbyville,

Tennessee, and Owned by Suzy Cartwright Johnson. City Recorder Smith advised that the property is owned by Global Development, LLC so there will be a request at second reading to amend the Resolution to reflect the correct ownership. Global Development has owned the property prior to the annexation request and is the proper person to request the annexation. There were no other comments.

A Resolution to Annex Certain Territory Upon Written Consent of the Owners and to Incorporate the Same Within the Boundaries of the City of Shelbyville, Tennessee. This Property is a 10.31 (+/-) Acre Tract of Land Located on the Northside of Highway 437 By-Pass Referenced on Bedford County Tax Map 69, Parcel 61.00, and Owned by Suzy Cartwright Johnson. The same circumstance concerning ownership applies as the previous Resolution. There were no other speakers.

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

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

Old Business:

Ordinances– Second and Final Reading:

An Ordinance of the Shelbyville City Council to Amend the City of Shelbyville Sewer Use Ordinance 2015-959, Section 1.2, Definitions and Section 2.2 Building Sewer and Connections. Councilmember Overcast made a motion to approve, seconded by Councilmember Haile and the motion carried unanimously upon roll call vote.

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 5.01 (+/-) Acres Owned by Hartsford Development, LLC Located Northeast of the Intersection of TN-437 and Fairfield Pike and Referenced on Bedford County Tax Map 69, Parcel 18.03 From Bedford County A-1(Agricultural-Forestry) to PUD (Planned Unit Development) and Repealing any Ordinance or Portion of Ordinance in Conflict Therewith. Councilmember Christie made a motion to approve, seconded by Councilmember Overcast and the motion carried unanimously upon roll call vote.

An Ordinance of the Shelbyville City Council to Approve the Global Manor Phase 7 Planned Unit Development Regulating Pattern Book as Recommended by the Shelbyville Municipal Planning Commission and Repeal any Ordinance or Park of an Ordinance in Conflict Herewith. Councilmember Overcast made a motion to approve, seconded by Councilmember Feldhaus and the motion carried unanimously upon roll call vote.

Resolutions – Second and Final Reading:

A Resolution Adopting a Plan of Services for an Area Proposed for Annexation, the Territory Located on the Northside of Highway 437 By-Pass Referenced on Bedford County Tax map 69, Parcel 61.00 to be Annexed by Owner Consent and to be Incorporated Within the Boundaries of the City of Shelbyville, Tennessee, and Owned by Suzy Cartwright Johnson. Attorney Shofner requested that this Resolution be amended to reflect the correct owner as Global Development, LLC. Councilmember Feldhaus made a motion to amend the Resolution as requested and adopt amended Resolution, Councilmember Ewing seconded, and the motion carried by unanimous roll call vote.

A Resolution to Annex Certain Territory Upon Written Consent of the Owners and to Incorporate the Same Within the Boundaries of the City of Shelbyville, Tennessee. This Property is a 10.31 (+/-) Acre Tract of Land Located on the Northside of Highway 437 By-Pass Referenced on Bedford County Tax

Map 69, Parcel 61.00, and Owned by Suzy Cartwright Johnson. City Attorney Shofner requested that this Resolution also be amended to reflect the correct owner as Global Development, LLC. Councilmember Overcast made a motion to amend the Resolution as requested and approve the Resolution as amended, seconded by Councilmember Ewing and the motion carried unanimously upon roll call vote.

New Business:

Ordinances – First Reading:

An Ordinance of the City Council for the City of Shelbyville to Establish the Term for the City Council Representative for the Shelbyville Power, Water & Sewerage Board of Directors and Providing for an Effective Date. Councilmember Ewing made a motion to approve, seconded by Councilmember Christie and carried unanimously by roll call vote.

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 22.46 (+/-) Acres Owned by Hartsford Development, LLC Located Northeast of the Intersection of TN-437 and Fairfield Pike and Referenced on Bedford County Tax map 69, Parcel 18.02 from Bedford County A-1 (Agricultural-Forestry) to PUD (Planned Unit Development) and Repealing and Ordinance or Portion of Ordinance in Conflict Therewith. Councilmember Feldhaus made a motion to approve, Councilmember Overcast seconded, and the motion carried by unanimous roll call vote.

An Ordinance of the Shelbyville City Council to Approve the Global Manor PUD II (Phases 8-12) Planned Unit Development Regulating Pattern Book as Recommended by the Shelbyville Municipal Planning Commission and Repeal any Ordinance or Part of an Ordinance in Conflict Herewith. City Recorder Smith advised this item and the previous one had received a favorable recommendation from the Planning Commission. Councilmember Overcast made a motion to approve, Councilmember Ewing seconded, and the motion carried by unanimous roll call vote.

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 1.05 (+/-) Acres Owned by Chris Prosser Located at 330 Dover Street and Reference on Bedford County Tax Map 79, Park of Parcel 29.00 from R-1 (Low Density Residential) to R-3 (Medium Density Residential) and Repealing any Ordinance or Portion of Ordinance in Conflict Therewith. City Recorder Smith advised this item received a favorable recommendation from the Planning Commission. Councilmember Ewing made a motion to approve, Councilmember Haile seconded, and the motion carried by unanimous roll call vote.

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 1.06 (+/-) Acres Owned by Russell Flade Located at 328 Bethany Lane and Referenced on Bedford County Tax Map 89F Group G Parcel 18.00 From C-2 (General Business District) to R-4 (High Density Residential) and Repealing any Ordinance or Portion of Ordinance in Conflict Therewith. City Recorder Smith advised this item had received an unfavorable recommendation from the Planning Commission. At the request of the Mayor to clarify the options for voting, she further advised that the Council make either a motion to follow the recommendation from the Planning Commission and deny the Ordinance or make a motion to go against the Planning Commission's recommendation and approve the Ordinance. Councilmember Feldhaus made a motion to follow the recommendation of the Planning Commission and deny the Ordinance. Councilmember Isaacs announced she would recuse herself from this vote. Councilmember Ewing seconded Feldhaus' motion. Recorder Smith called the roll and the motion to deny the Ordinance passed as follows: Councilmember Overcast – Yes, Councilmember Isaacs – Abstain, Councilmember Christie – Yes, Councilmember Haile – Yes, Councilmember Ewing – Yes and Councilmember Feldhaus – Yes. The motion passed with 5 yes votes, therefore the Ordinance to Rezone failed.

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

Resolutions:

A Resolution Authorizing the Issuance of Approximately \$17,450,000 in Aggregate Principal Amount of Federally Tax-Exempt and/or Federally Taxable General Obligation Refunding Bonds of the City of Shelbyville, Tennessee; Making Provision for the Issuance, Sale and Payment of Said Bonds; Establishing the Terms Thereof and the Disposition of Proceeds therefrom; and Providing for the Levy of Taxes for the Payment of Principal of, Premium, if any, and Interest on the Bonds. (In reference to Shelbyville Power, Water and Sewerage) Councilmember Christie made a motion to approve, Councilmember Overcast seconded. Councilmember Feldhaus recused himself from this vote and read the following statement: "I, Henry Feldhaus receive compensation from my wife's ownership of Feldhaus Investor Services, who is an affiliate of Raymond James Financial Services, Inc., which is a sister company of Raymond James & Associates, Inc. (Shelbyville's Municipal Advisor), being commonly owned and controlled by parent company: Raymond James Financial, Inc. Therefore, I am recusing myself from all matters regarding the Resolution Authorizing the Issuance of Approximately \$17,450,000 to avoid any appearance of an actual or potential conflict of interest. I nor my locally owned office will receive any type of compensation from this issuance. Thank you." (a signed copy of this statement is attached to these minutes). Upon roll call vote the Resolution passed with the vote as follows, Councilmember Overcast – Yes, Councilmember Isaacs – Yes, Councilmember Christie – Yes, Councilmember Haile – Yes, Councilmember Ewing – Yes, and Councilmember Feldhaus – Abstain.

A Resolution of the Mayor and City Council of the City of Shelbyville in Support of the State Acquisition of Martin Methodist College establishing a fourth undergraduate campus of the University of Tennessee System. Councilmember Feldhaus made a motion to approve the Resolution, Councilmember Christie seconded, and the motion carried upon unanimous roll call vote.

Business Items:

Accounts Payable (December 2020): Councilmember Overcast made a motion to approve Accounts Payables for December 2020, Councilmember Ewing seconded, and with no questions or discussion the motion carried unanimously by roll call vote.

Treasurer's Report (November & December 2020) & Various Department Reports (December 2020): Hearing no questions or concerns, Mayor Cartwright declared these reports would be received as submitted.

Consideration of a motion to authorize Interim City Manager to send a letter to the Shelbyville Bedford County Chamber of Commerce in response to their December letter to confirm the procedures of the requested audit and to amend the audit request to cover the period from July 1, 2017 through December 31, 2020. Councilmember Overcast made a motion to authorize, Councilmember Ewing seconded. Councilmember Feldhaus ask to amend the motion to add to the request to include (1) obtain all financial policies and bylaws pertaining to the Board of Directors and any specific audit committee or financial experts assigned to financial overview process; (2) determine budget policy and adherence to policy for yearly budgets; (3) determine financial structure policy and methods for internal controls when separating Chamber versus EDT funds; (4) determine detailed funds distribution for EDT division versus Chamber activities, not just 50% allocations; and (5) an independent auditor (not a affiliated with the Chamber. Councilmember Overcast approved to amend his motion as requested, Councilmember Ewing seconded the amendment and the motion carried by unanimous roll call vote.

Consideration of a motion to voluntarily extend the Families First Coronavirus Response Act (FFCRA) paid leave benefits through March 31, 2021. Councilmember Overcast made the motion to approve, Councilmember Isaacs seconded, and the motion carried unanimously by oral vote.

Consideration of a motion to move the February Study Session date from Tuesday, February 2, 2021 to Thursday, February 4, 2021. Councilmember Overcast made a motion to approve, Councilmember Christie seconded, and the motion carried unanimously by oral vote. City Recorder advised that the Study Session was being moved to allow the newly elected Councilmember to attend the Elected Officials Academy.

Consideration of a motion to appoint Joshua Ray as City Manager and to approve the final Employment Contract and authorize City Mayor and City Attorney to sign Employment Contract for the City. Councilmember Feldhaus made a motion to appoint Joshua Ray as City Manager and to approve the final Employment Contract and authorize the signatures on behalf of the City, Councilmember Haile seconded, and the motion carried by unanimous roll call vote.

Purchasing / Bid Awards: None

Appointments:

Planning Commission – Mayor reappointed Steve Taylor to a new three-year term.

BZA - Mayor reappointed Randy Carroll and John Davis to serve a new two-year term.

Housing Authority – Mayor appointed Vivian Haggard to serve as the resident representative to the Housing Authority for a five-year term.

Beer Board - Mayor appointed Adam Johnson to serve the remaining six-month term of member Thomas Rodgers.

231 N. Business Park – Shelbyville City Representation. Mayor Appointment / Council ratify: Mayor Cartwright appointed Shanna Boyette to serve a one-year term. Councilmember Feldhaus made a motion to approve, Councilmember Overcast seconded, and the motion carried by unanimous oral vote.

Announcements: City Hall will be closed on Monday, January 18th in observation of Martin Luther King, Jr. Day. Monday's trash will be pickup on Tuesday, January 19th with Tuesday's regular route.

With no further business the meeting adjourned at 6:36 PM.

Approved:

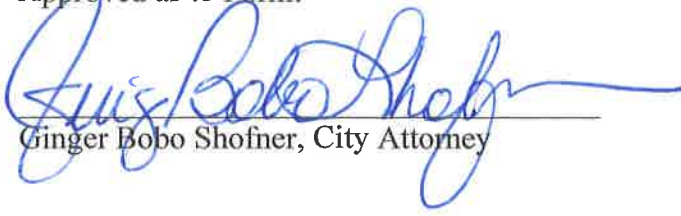

Wallace Cartwright, Mayor

Attest:



Lisa Smith, City Recorder

Approved as to Form:

A handwritten signature in blue ink, appearing to read "Ginger Bobo Shofner", written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ginger Bobo Shofner, City Attorney