

## Regular City Council Meeting Minutes

**Regular Meeting:** March 10, 2022

**Place:** Shelbyville Recreation Center, 220 Tulip Tree Road

**Call to Order:** 6:00 PM, Mayor Wallace Cartwright & Officer Diaz

**Invocation:** City 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: Mayor Wallace Cartwright, Councilmember Rick Overcast, Councilmember Marilyn Ewing, Councilmember Henry Feldhaus, Councilmember Stephanie Isaacs, Councilmember William Christie, and Councilmember Gray Haile. Also, in attendance were City Manager Josh Ray, City Attorney Ginger Shofner and City Treasurer Kay Parker. A quorum was declared and the meeting open for Business.

**Adopt the Agenda:** Mayor Cartwright noted Staff is requesting to amend the Agenda by adding a Business Item F under New Business for a Purchase concerning repairs to the flood pumps. Councilmember Feldhaus made a motion to approve the requested Amendment and to further Amend the Agenda by adding a Motion for Consideration of the Immediate Termination of City Manager Josh Ray, Feldhaus further requested that this motion be placed on the Agenda immediately after Adoption of the Agenda. Councilmember Overcast seconded and the motion carried unanimously by oral vote. Councilmember Feldhaus then made a motion to adopt the Agenda as amended, Councilmember Haile seconded, and the motion carried unanimously by oral vote.

**Consideration of a Motion to Immediate Terminate Josh Ray from his position of City Manager:** Councilmember Feldhaus made a motion that City Manager Josh Ray be terminated and relieved of all responsibilities immediately upon passage of this motion. Furthermore, he is to turn in immediately to the City Attorney (1) The city I-Pad, (2) City credit cards and (3) all keys to city facilities. Further, City IT Department is instructed to cut off all access to electronic city files and emails and Mr. Ray be escorted to City Hall at 8:00 AM tomorrow for removal of any personal belongings. Upon conclusion of this motion Feldhaus requested a five-minute recess to accomplish these tasks. Councilmember Overcast seconded and the motion carried unanimously upon roll call vote.

Meeting was recessed at 6:06 PM.

Meeting was recalled to Order at 6:11 PM.

- I. **Consent Agenda** – All items in this portion of the Agenda are considered to be routine and non-controversial by the Council and may be approved by one motion; However, a Councilmember may request that an item be removed for separate consideration.
  - A. Approval of Minutes Study Session of February 1, 2022.
  - B. Approval of Minutes City Council Meeting of February 10, 2022.
  - C. Approval of Minutes Special Called Workshop of February 22, 2022 (United)
  - D. Approval of Minutes Special Called Workshop of February 23, 2022 (Spectrum)
  - E. Approval of Minutes Special Called Meeting of February 23, 2022
  - F. Approval of Minutes Special Called Workshop of February 23, 2022 (PEG Channel)
  - G. Accept all Monthly Reports (February)

- H. Accept Treasurer's Report (January)
- I. Approval of Accounts Payable (February)
- J. Approval of the City of Shelbyville's Audited Financial Statements and Supplementary Information for Fiscal Year Ending June 30, 2021, prepared by Winnett Associates, PLLC.
- K. Approval of the Addendum to Mack Air, LLC's Lease with the Shelbyville Municipal Airport, as recommended by the Airport Authority Board.
- L. Authorize the Mayor to sign the Maintenance Agreement with Airport Sponsor for Airfield Pavement and Markings Maintenance with no local cost.
- M. Authorize Police Chief Jan Phillips to sign the Memorandum of Understanding between the Tennessee Bureau of Investigation (TBI) and the Shelbyville Police Department.
- N. Approval of a Resolution of the City of Shelbyville, Tennessee, to Support Restoring the Historic Revenue Sharing Relationship Between the State of Tennessee and its Local Governments and to Return the Local Share of the Single Article Cap to Local Governments.
- O. Approval of a Resolution of the Mayor and City Council of the City of Shelbyville Authorizing and Directing the City Attorney to File the 2020 Tax Bills for the Collection of All Delinquent Taxes for that Year.
- P. Approval of a Resolution of the City of Shelbyville Authorizing Submittal of an Application to the Tennessee Department of Environment and Conservation for Funds Through the American Rescue Program.
- Q. Authorization to declare the following items surplus to be listed on GovDeals.com:
  - a. 3 Life Fitness 95T treadmills
  - b. 3 Life Fitness elevation recumbent bicycles
  - c. 2 Life Fitness elevation upright bicycles
  - d. 2 Life Fitness 91X ellipticals
  - e. 2 Precor EFX534i ellipticals
 Authorization to purchase extrication tools for the Fire Department through a NPPGov national cooperative contract from Municipal Emergency Services in Charlotte, NC in the amount of \$23,000.00. With this purchase \$23,923.15 remains in the extrication tool budget line of the Capital Fund.

**Councilmember Overcast made a motion to approve all items on the Consent Agenda, Councilmember Christie seconded, and the motion carried unanimously by roll call vote.**

Mayor Cartwright closed the Regular meeting and opened Public Hearings at 6:16 PM.

**Public Hearings:**

A Resolution Adopting a Plan of Service for An Area Proposed for Annexation, the Territory is a 30.00 (+/-) Acre Tract of Land Located on the Westside of 231 North Business Park and Referenced on Bedford County as Tract 2, Tax Map 050, Parcel 8.00, to Be Annexed by Owner Consent and to Be Incorporated Within the Boundaries of the City of Shelbyville, Tennessee, and Owned by Silicon Ranch Corporation. **There were no speakers for or against this item.**

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 30.00 (+/-) Acre Tract of Land Located on the Westside of the 231 North Business Park and Referenced on Bedford County as Tract 2, Tax Map 050, Parcel 8.00, and Owned by Silicon Ranch Corporation. **There were no speakers for or against this item.**

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 30.00 (+/-) Acres Owned by Silicon Ranch Corporation, Located on the Westside of the 231 North Business Park and Reference on Bedford County as Tract 2, Tax Map 050, Parcel 8.00, From A-1 (Agricultural and Forestry to I-3 (Heavy Industrial), and Repealing any Ordinance or Portion of Ordinance in Conflict Therewith. **There were no speakers for or against this item.**

An Ordinance to Establish an Updated Occupational Safety and Health Program Plan, Devise Rules, and Regulations, and to Provide for a Safety Director and the Implementation of Such Program Plan. **There were no speakers for or against this item.**

The Public Hearings were closed, and the regular meeting reopened at 6:18 PM.

Councilmember Ewing 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:**

##### **Resolutions– Second and Final Reading:**

A Resolution Adopting a Plan of Service for An Area Proposed for Annexation, the Territory is a 30.00 (+/-) Acre Tract of Land Located on the Westside of 231 North Business Park and Referenced on Bedford County as Tract 2, Tax Map 050, Parcel 8.00, to Be Annexed by Owner Consent and to Be Incorporated Within the Boundaries of the City of Shelbyville, Tennessee, and Owned by Silicon Ranch Corporation. **Councilmember Christie made a motion to approve, Councilmember Overcast seconded and the motion passed unanimously upon 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 30.00 (+/-) Acre Tract of Land Located on the Westside of the 231 North Business Park and Referenced on Bedford County as Tract 2, Tax Map 050, Parcel 8.00, and Owned by Silicon Ranch Corporation. **Councilmember Feldhaus made a motion to approve, Councilmember Haile seconded, and the motion passed unanimously upon roll call vote.**

##### **Ordinances– Second and Final Reading**

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 30.00 (+/-) Acres Owned by Silicon Ranch Corporation, Located on the Westside of the 231 North Business Park and Reference on Bedford County as Tract 2, Tax Map 050, Parcel 8.00, From A-1 (Agricultural and Forestry to I-3 (Heavy Industrial), and Repealing any Ordinance or Portion of Ordinance in Conflict Therewith. **Councilmember Christie made a motion to approve, Councilmember Feldhaus seconded, and the motion passed unanimously upon roll call vote**

An Ordinance to Establish an Updated Occupational Safety and Health Program Plan, Devise Rules, and Regulations, and to Provide for a Safety Director and the Implementation of Such Program Plan. **Councilmember Feldhaus made a motion to approve, Councilmember Isaacs seconded, and the motion passed unanimously upon roll call vote**

#### **New Business:**

##### **Ordinances – First Reading:**

An Ordinance of the Shelbyville City Council to Approve the Planned Unit Development Zoning District and the Amended Cedar Glade Regulating Pattern Book as Recommended by the Shelbyville Municipal Planning Commission and 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**

**unanimously by roll call vote.**

An Ordinance to Amend the Adopted Budget Ordinance (As Amended) of the City of Shelbyville, Tennessee Various Funds, for the Fiscal Year 2021-2022, the Period Ending June 30, 2022. **Councilmember Feldhaus made a motion to approve, Councilmember Isaacs seconded, and the motion carried unanimously by roll call vote.**

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 32.50 (+/-) Acres Owned by Eleazar Cruz Bautista and Gonzales Guzman Aide, Located Close to the Green Lane and Archery Lane Intersection and Referenced on Bedford County Tax map 078, Parcel 011.07 From Low Density Residential (R-2) and General Commercial (C-2) to High Density Residential (R-4), and Repealing Any Ordinance or Portion of Ordinance in Conflict Therewith. **Councilmember Overcast made a motion to approve, Councilmember Haile seconded, and the motion carried unanimously by roll call vote.**

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 0.57 (+/-) Acres Owned by Curl Properties, LLC, Located on the West Side of Sevier Street and Referenced on Bedford County Tax Map 078P, Group C, Parcel 003.00 from Medium Density Residential (R-3) District to High Density Residential District (R-4), and Repealing Any Ordinance or Portion of Ordinance in Conflict Therewith. City Recorder Smith advised the Ordinance needed to be amended as it should say the East Side of Sevier Street. **Councilmember Overcast made a motion to amend the Ordinance as requested, Councilmember Ewing seconded, and the motion passed unanimously upon oral vote. Councilmember Feldhaus then made a motion to approve the Ordinance as amended, Councilmember Haile seconded, and the motion carried unanimously by roll call vote.**

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 0.84 (+/-) Acres Owned by Curl Properties, LLC, Located Close to the East Cedar Street and Deery Street Intersections and Referenced on Bedford County Tax Map 0780, Group E, Parcel 003.00 from Residential Medium Density (R-3) to High Density Residential (R-4), and Repealing any Ordinance or Portion of Ordinance in Conflict Therewith. **Councilmember Overcast made a motion to approve, Councilmember Christie seconded, and the motion carried unanimously upon roll call vote.**

**Business Items:**

Consideration of a Motion to Approve the funding request from the Southern Saddlebred Spring Fling Event in the amount of \$5,000.00 and designate the funding source. Councilmember Feldhaus requested if this would come from the Hotel/Motel tax. City Treasurer advised there was a Tourism Line in the Hotel/Motel tax fund and \$5,000 of \$25,000 had been spent. **Councilmember Feldhaus made a motion to approve the funding request and that the funds come from the Hotel/Motel tax fund for Tourism, Councilmember Overcast seconded, and the motion carried upon unanimous roll call vote.**

Consideration of a Motion concerning the future of the City Owned Buildings located on the South Spring Street. **Councilmember Feldhaus made a motion to reject all current offers and hold on to the buildings, Councilmember Overcast seconded and the motion passed unanimously upon roll call vote.**

Consideration of a Motion to Ratify National Cooperative Service Orders with Spectrum Enterprise for fiber installation and service. **Councilmember Feldhaus made a motion not to ratify the Service Orders, Councilmember Ewing seconded, and the motion passed. The National Cooperative Service Order with Spectrum Enterprise for fiber installation and service were not ratified by Council.**

Consideration of a Motion on the Fiber Proposals from United Communications or Spectrum Business.

**Councilmember Feldhaus made a motion to reject both proposals, Councilmember Christie seconded, and the motion carried unanimously upon roll call vote.**

Consideration of a Motion to finalize the PEG Channel and request development of a contract with MTSU to provide content development. **Councilmember Ewing made a motion to defer this item, with no second the motion died.**

Consideration of a Motion to approve an emergency repair of one flood pump by National Water Services at an estimated cost of \$32,166.91. Public Works Director advised we have 3 flood pumps on the levy system and currently we are down to 1 ½. He further noted there is a problem with the starter on pump number 3, which is one of the better pumps. Vallad stated that in the future the entire system will need to be redone. Fire Chief Matt Doak requested that this be treated as an emergency repair. **Councilmember Feldhaus made a motion to declare this an emergency repair and approve National Water Services to do the work for an estimated cost of \$32,166.91, Councilmember Overcast seconded and the motion carried unanimously upon roll call vote.**

**Appointments:**

Mayor Cartwright appointed Nicole Guiffra to the remaining term on the ADA Authority Board. The term will expire in September 2022.

**Announcements:**

Mayor Cartwright questioned if there should be an appointment of an Interim City Manager. City Attorney advised there was no need at this time. City Councilmember Feldhaus ask for a Special Called Meeting and after discussion the meeting was set for next Thursday, March 17<sup>th</sup> at noon to discuss the City Manager issues.

**With no further business the meeting adjourned at 6:41 PM.**

Approved:

  
Wallace Cartwright, Mayor

Attest:



Lisa Smith, City Recorder

Approved as to Form:



Ginger Bobo Shofner, City Attorney