

Regular City Council Meeting Minutes

Regular Meeting: April 14, 2022

Place: Shelbyville Recreation Center, 220 Tulip Tree Road

Call to Order: 6:04 PM, Mayor Wallace Cartwright & Officer Jenkins

Invocation: Brother Ron Adams

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 Interim City Manager and City Treasurer Kay Parker and City Attorney Ginger Shofner. A quorum was declared and the meeting open for Business.

Adopt the Agenda: Mayor Cartwright asked for a motion to adopt the Agenda. Councilmember Christie stated he wish to amend the Agenda by adding an item, a Motion to add an Ordinance to the May Council meeting to reduce the present property tax rate from the current \$1.59 to the prior rate of \$1.36 and any discussion to do tonight to add that. Councilmember Ewing seconded. Mayor Cartwright questioned if this is a motion and City Recorder Smith stated it is a motion to Amend the Agenda by adding an item to tonight's Agenda to add an Ordinance to the May Study Session. Councilmember Christie stated that is correct it was his understanding you cannot vote on an Ordinance until it has been presented to you for consideration. With no further amendments, the motion to amend the Agenda passed unanimously by oral vote. Councilmember Feldhaus made a motion to adopt the Agenda as amended, Councilmember Haile seconded, and the motion passed by unanimous oral vote.

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 March 1, 2022.
- B. Approval of Minutes City Council Meeting of March 10, 2022.
- C. Approval of Minutes Special Called Workshop of March 28, 2022
- D. Accept all Monthly Reports (March)
- E. Accept Treasurer's Report (February / March)
- F. Approval of Accounts Payable (March)
- G. Authorize the Mayor and City Attorney to sign a Construction Lease between the Shelbyville Municipal Airport and Azure Flight Support.

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

Mayor Cartwright closed the Regular meeting and opened Public Hearings at 6:11 PM.

Public Hearings:

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. **There were no**

comments on this item.

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. **No speakers for or against this item.**

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. **There were no comments for or against this item.**

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 0.57 (+/-) Acres Owned by Curl Properties, LLC, Located on the East 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. **There were no comments for or against this item.**

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. **There were no comments for or against this item.**

The Public Hearings were closed, and the regular meeting reopened at 6:14 PM.

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

Old Business:

Ordinances– Second and Final 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 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 Overcast made a motion to approve, Councilmember Isaacs seconded, and the motion carried 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 Feldhaus made a motion to approve, Councilmember Haile seconded, and the motion carried 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 East 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. **Councilmember Overcast made a motion to approve, Councilmember Ewing seconded, and the motion carried 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 Ewing seconded, and the motion passed unanimously upon roll call vote.**

New Business:

Ordinances – First Reading:

An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of 54.34 (+/-) Acres Owned by Black Diamond Construction, Located West of Green Lane Near Northside Park Drive and Referenced on Bedford County Tax Map 78 Parcels 11.00 and 12.01 from Industrial-1 (Light Industrial District), Residential-2 (Low Density Residential District), and Residential-4 (High Density Residential District) to Residential-3 (R-3) (Medium Density Residential District), 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.**

Resolutions:

A Resolution of the Mayor and City Council of the City of Shelbyville, Tennessee Authorizing a Grant Application with the State of Tennessee Department of Agriculture for Animal Friendly Spay/Neuter Grant. **Councilmember Ewing made a motion to approve, Councilmember Isaacs seconded, and the motion carried unanimously by roll call vote.**

A Resolution of the City of Shelbyville, Tennessee, Authorizing An Application for Grant Contract Between the State of Tennessee, Department of Transportation, Aeronautics Division, in the Amount of \$63,400.00 for Design of a Taxiway. **Councilmember Isaacs made a motion to approve, Councilmember Overcast seconded.** Councilmember Ewing questioned if there was a local match required. City Recorder Smith advised yes, a 5% match or in this case \$3,170.00. **The motion then carried unanimously by roll call vote.**

A Resolution of the Mayor and City Council of the City of Shelbyville, Tennessee Authorizing a Grant Application with the Federal Aviation Administration for Funds under the Bipartisan Infrastructure Law (BIL) in and Amount not to Exceed \$64,100.00. **Councilmember Feldhaus made a motion to approve, Councilmember Isaacs seconded.** City Recorder noted there is also a local match of \$3,750.00. **The motion carried unanimously by roll call vote.**

A Resolution of the Mayor and City Council of the City of Shelbyville, Tennessee accepting a Resolution from the 231 North Business Park Oversight Committee endorsing the engagement of the Ackerman Law Firm and further to approve a joint partnership with Bedford County to engage the services of the Ackerman Law Firm to pursue joint grant opportunities at a rate of \$12,500.00 a month, \$6,250.00 from each entity and finally to authorize the Mayor and City Attorney to sign any necessary documents. **Councilmember Feldhaus made a motion to adopt the Resolution with an amendment.** He requested to include the Flume ownership and request help with the Corp of Engineers as part of the Akerman work. He further requested to reinstate the

City's previous Akerman Contract at a rate of \$12,500 a month until June 30, 2022. After which the FY 23 Budget will take effect and the County will begin to pay one-half of the monthly fee thereafter.

Councilmember Overcast seconded the amendment and the motion passed by unanimous roll call vote. Councilmember Feldhaus than made a motion to approve the Resolution as amended, Councilmember Ewing seconded, and the Resolution was adopted by unanimous roll call vote.

Business Items:

Consideration of a motion to approve the City Manager Profile, with City limit residency required and a salary range of \$90,000 to \$145,000 and to authorize advertisement for a new City Manager with all applications to be received by May 31, 2022, at 4:00 PM. **Councilmember Feldhaus made a motion to approve,**

Councilmember Haile seconded. Councilmember Ewing questioned if this is approving the Profile that was emailed early today. City Recorder advised yes and reviewed the changed that had been made prior to this meeting and stated other changes could be made. Councilmember Ewing advised she would like to request the word or be added concerning bachelor's degree. Councilmember Feldhaus stated he felt that was covered in the section stating a degree or a combination of work experience. City Recorder noted that MTAS can forward all applications received to the Council for review and Council stated they want to review all applications. After a short discussion, **the motion to approve passed by unanimous roll call vote.**

Consideration of a motion to authorize City Staff to correspond with the Chamber of Commerce Board advising that the City Council is rejecting the Chamber's current offer to sell the building for \$75,000 and would like to request a meeting at the Chamber to see the building and discuss further options. **Councilmember Feldhaus made a motion to authorize, Councilmember Christie seconded, and the motion carried by unanimous roll call vote.**

Consideration of a motion to authorize the Mayor and City Attorney to sign Amendment No. 3 with Neel-Schaffer, Inc., in the amount of \$14,960.00, for additional engineering services on Sidewalk Projects TAP 3 and 4. **Councilmember Feldhaus made a motion to approve, Councilmember Isaacs seconded, and the motion carried by unanimous roll call vote.**

Consideration of a Motion to Ratify National Cooperative Service Order # 12630605 with Spectrum Enterprise for fiber installation and service. (Related to PEG Channel) **Councilmember Overcast made a motion to not ratify Service Order # 12630605, Councilmember Ewing seconded, and the motion carried by unanimous roll call vote.**

Consideration of a Motion to provide Staff with direction on current Spectrum Internet Service Bills and Future Service. **Councilmember Feldhaus made a motion to not pay the current bill owed under the previously not ratified contracts and re-establish internet services to the level that we had previously to those service under those contracts and with whatever internet service provider you can contract with under the City Manager's limits, Councilmember Christie seconded.** City Attorney clarified that under this motion City Staff would not pay any invoice related to those contracts. She further noted some of those contracts are already active and there have been services provided. City Treasurer Parker advised there are currently four (4) bills. Councilmember Feldhaus stated maybe negotiate some level of service to pay for something, but not committed to going out three to five years on something that was not authorized. Parker stated she just wanted to be clear if she should pay the current invoice. She noted the service period on two lines was 3/9 to 4/8, another one 3/13 to 4/12 and the final one 3/26 to 4/25. Councilmember Overcast stated they were never authorized, do not pay them. Councilmember Ewing agreed. City Attorney Shofner once again clarified the City has already paid some on these contracts as the service has been active for months but from here on you

are instructed her to not pay them. Councilmember Feldhaus stated he made a part of his motion to not pay them that since Council has become aware of the Contracts, they are authorizing Staff to not pay them. Therefore, City Attorney stated Staff will not pay the current due nor any future invoice associated with these Contracts. Councilmember Overcast stated they need to get their stuff and go and let Teresa get us covered. Councilmember Feldhaus advised he stated in his motion to re-establish services with whomever could provide them so that if Spectrum would not do it for the same price as before or we can get it cheaper somewhere else. Councilmember Overcast stated the Police Department needs to upgrade to what they need but the other Department do not need it. Purchasing Director Saddler stated she was unsure what the Police needed with the addition of the body cameras, but she would get back with the Council with that information. Teresa Berry stated the Police Department and Fire Department currently have co-axel that would have to be turned back on. However, the Recreation Center and City Hall would have to have the co-axel service re-established. City Recorder Smith restated Councilmember Feldhaus' motion: **Consideration to direct Staff to not pay any current invoices due or any new invoices that will become due under the previously unratified contracts with Spectrum Enterprises for fiber and to instruct Staff to re-establish services at the previous limits with whatever provider can meet those requires and under the purchasing limits of the City Manager.** Councilmember Feldhaus and Councilmember Christie approved the restating of their motion and the **motion then pass unanimously upon roll call vote.**

Consideration of a Motion to open an Inquiry and Investigation of City's Policies and Procedures in place during recent fiber installation. **Councilmember Feldhaus made the motion** and stated under the Charter that City Councilmembers can only direct questions to their direct appointees, City Manager, City Treasurer, City Recorder and City Attorney but not specifically to ask certain questions of employees unless there is an official inquiry or investigation approved by this body. He noted where he wanted to go is to ask where our policies were violated and how concerning the Contracts with Spectrum Enterprise. There was discussion if the Council wanted to appoint a committee and it was decided the entire Council would participate. **Councilmember Overcast seconded and the motion passed unanimously upon roll call vote.** After discussion it was decided the City Recorder will send out dates next week.

Consideration of a Motion to add an Ordinance for consideration to the May Study Session to reduce the current property tax rate from \$1.59 to the previous tax rate of \$1.36. **Councilmember Christie made a motion, Councilmember Ewing seconded, and the motion carried by unanimous roll call vote.**

Purchasing / Bid Items:

Consideration of a Motion to Authorize Garver Engineering to enter into costs negotiations with only bidder Hawkins & Price for the sewer project at the Shelbyville Municipal Airport. **Councilmember Christie made a motion, Councilmember Isaacs seconded, and the motion carried upon roll call vote.**

Appointments:

Mayor Cartwright appointed Mark Chicoine to complete the term of Adam Johnson on the Beer Board.

Mayor Cartwright then appointed JoAnn Gault to serve on the County Equalization Board as a City Representative for a two (2) year term.

Announcements:


City Hall will be closed on Friday, April 15th for Good Friday.

Spring Cleanup is April 18th through April 21st on your regular trash day – Clean up rules can be found on the City's website at shelbyvilletn.org.

Public Works Director Buck Vallad thanked Nearest Green for the donation of several barrels and stated the Public Works Department had worked hard to clean them up and they will be used as planters and garbage cans on the square once the work is completed.

With no further business the meeting adjourned at 7:03 PM.

Approved:



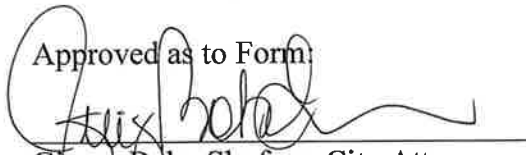
Wallace Cartwright, Mayor

Attest:



Lisa Smith, City Recorder

Approved as to Form:



Ginger Bobo Shofner, City Attorney