

## Regular City Council Meeting Minutes

**Regular Meeting:** June 10, 2021

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

**Call to Order:** 6:00 PM, Vice Mayor Henry Feldhaus & Officer Josh Graves

**Invocation:** City Manager Josh Ray

**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 City Manager Josh Ray, City Attorney Ginger Shofner and City Treasurer Kay Parker. Mayor Cartwright was absent. A quorum was declared by Vice Mayor Feldhaus and the meeting open for Business.

**Adopt the Agenda:** Vice Mayor Feldhaus ask for a motion to adopt the Agenda, Councilmember Overcast made a motion to Adopt the Agenda as submitted, Councilmember Isaacs seconded, and the motion carried unanimously by oral vote.

**Approval of Minutes:** Hearing no corrections or additions, Vice Mayor Feldhaus declared the minutes would stand approved as submitted.

Vice Mayor Feldhaus then closed the Business meeting at 6:03 PM and opened the Public Hearings.

### **Public Hearings:**

**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.** There were no comments or speakers.

**An Ordinance (As Amended) of the Shelbyville City Council to Amend Article I General Provisions of the Shelbyville Zoning Ordinance by Replacing Section 1.9 Severability with Section 1.9 Board of Zoning Appeals and Renumbering Section 1.9 Severability to Section 1.10, Interpretation to Section 1.11, Penalties to Section 1.12, and Remedies to Section 1.13 and to Repeal Any Ordinance or Part of An Ordinance in Conflict Therewith.** There were no comments or speakers.

**An Ordinance of the Shelbyville City Council to Amend Article II Definitions of the Shelbyville Zoning Ordinance by Adding A Definition Of FENCE, Amending the Definition of Accessory Use and Structure, Amend Article III by Adding Section 3.14 Fencing, and Amend Section 6.3(E) Destruction and To Repeal Any Ordinance or Part of An Ordinance in Conflict Herewith.** Jane Prince Neugu gave a comment noting it was good to have rules, but we need people to enforce them, and she would encourage the City to hire additional staff for that purpose.

**An Ordinance (As Amended) of the City of Shelbyville, Tennessee, Establishing the Municipal Property Tax Rate for the Fiscal Year 2021-2022 at \$1.69 on Each \$100 of Assessed Valuation of Property and Providing for an Effective Date of July 1, 2021.** Heather Scott spoke against the tax rate of \$1.69. She stated the City currently has a surplus and should focus on needs not wants.

**An Ordinance (As Amended) of the City of Shelbyville, Tennessee, Adopting the Annual Operating and Capital Improvements Budget, All Funds, For the Fiscal Year 2021-2022 and Providing for an Effective Date of July 1, 2021.** There were no speakers for or against.

**An Ordinance to Make Final Amendments to 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.** There were no speakers for or against.

Vice Mayor Feldhaus then closed the Public Hearings at 6:11 PM and reopened the Business meeting.

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

**Old Business:**

**Ordinances– Second and Final Reading:**

**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 Overcast made a motion to approve, seconded by Councilmember Christie and the motion carried unanimously upon roll call vote.

**An Ordinance (As Amended) of the Shelbyville City Council to Amend Article I General Provisions of the Shelbyville Zoning Ordinance by Replacing Section 1.9 Severability with Section 1.9 Board of Zoning Appeals and Renumbering Section 1.9 Severability to Section 1.10, Interpretation to Section 1.11, Penalties to Section 1.12, and Remedies to Section 1.13 and to Repeal Any Ordinance or Part of An Ordinance in Conflict Therewith.** Councilmember Christie made a motion to approve, seconded by Councilmember Haile and the motion carried unanimously upon roll call vote.

**An Ordinance of the Shelbyville City Council to Amend Article II Definitions of the Shelbyville Zoning Ordinance by Adding A Definition Of FENCE, Amending the Definition of Accessory Use and Structure, Amend Article III by Adding Section 3.14 Fencing, and Amend Section 6.3(E) Destruction and To Repeal Any Ordinance or Part of An Ordinance in Conflict Herewith.** Councilmember Isaacs made a motion to approve, seconded by Councilmember Overcast and the motion carried unanimously upon roll call vote.

**An Ordinance (As Amended) of the City of Shelbyville, Tennessee, Establishing the Municipal Property Tax Rate for the Fiscal Year 2021-2022 at \$1.69 on Each \$100 of Assessed Valuation of Property and Providing for an Effective Date of July 1, 2021.** Councilmember Ewing made a motion to Amend the Ordinance to go with the state certified tax rate of \$1.35, Councilmember Christie seconded. A roll call vote was taken as follows: Councilmember Overcast – No, Councilmember Isaacs – No, Councilmember Christie- Yes, Councilmember Haile – Yes, Councilmember Ewing – Yes, Councilmember Feldhaus – No. City Recorder Smith advised there was a tie vote 3-3 and the Ordinance would require 4 votes therefore the Amendment motion failed. Vice Mayor then called for a motion on the original Ordinance for a tax rate at \$1.69, Councilmember Overcast made a motion to approve, Councilmember Isaacs seconded, and a roll call vote was taken as follows: Councilmember Overcast – Yes, Councilmember Isaacs– Yes, Councilmember Christie – No, Councilmember Haile – No, Councilmember Ewing – No, Councilmember Feldhaus – Yes. City Recorder Smith advised a tie 3-3 vote and the motion failed.

**An Ordinance (As Amended) of the City of Shelbyville, Tennessee, Adopting the Annual Operating and Capital Improvements Budget, All Funds, For the Fiscal Year 2021-2022 and Providing for an Effective**

**Date of July 1, 2021.** Councilmember Isaacs made a motion to amend the Ordinance by adding to the FY 21-22 Budget a 3% raise to the City Manager's salary after six (6) months of employment and adding an \$18,000 appropriation for an MTAS internship. Councilmember Overcast seconded. Councilmember Ewing questioned the term of the internship. City Manager Ray advised it was for two years commitment for \$18,000 a year. The consultant would be in the city for a 4-month period at a time each year. It was noted this is a contract position not payroll. A roll call vote was taken on the Amendment and was passed unanimously. Councilmember Overcast then made a motion to approve the Ordinance as amended, Councilmember Isaacs seconded, and the motion carried unanimously upon roll call vote.

**An Ordinance to Make Final Amendments to 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 Christie made a motion to approve, Councilmember Haile seconded, and the motion carried unanimously upon roll call vote.

**New Business:**

**Ordinances – First Reading:**

**An Ordinance of the City of Shelbyville, Tennessee to Approve the Rezoning of .44 (+/-) Acres Owned by Anastacio Hernandez, located at 121 Bethany Lane and Referenced on Bedford County Tax Map 089F, Group F, Parcel 21.00 From Residential-3 (R-3) (Medium Density Residential District) to Residential-4 (R-4) (High Density Residential), and Repealing any Ordinance or Portion of Ordinance in Conflict Therewith.** Councilmember Ewing made a motion to approved, Councilmember Haile seconded, and the motion carried by unanimous roll call vote.

**Resolutions:**

**A Resolution of the City of Shelbyville, Tennessee to Approve and Adopt a Capital Improvements Program Guide for Fiscal Years 2022 to 2026.** Councilmember Christie made a motion to approve, seconded by Councilmember Isaacs and the motion carried upon roll call vote.

**A Resolution to Authorize Appropriations for Non-Profit Organizations.** Councilmember Christie made a motion to approve, Councilmember Haile made a second and the motion carried by unanimous roll call vote.

**A Resolution of the City of Shelbyville, Tennessee Authorizing a Grant Application to the Tennessee Department of Economic and Community Development for the Governor's Threestar Program.** Councilmember Ewing made a motion to approve, Councilmember Isaacs made a second and the motion carried by unanimous roll call vote.

**Business Items:**

**Accounts Payable (May 2021):** Councilmember Ewing made a motion to approve Accounts Payables for May 2021, Councilmember Haile seconded, and with no questions or discussion the motion carried unanimously by roll call vote.

**Treasurers Report (May 2021) and Various Department Reports (May 2021):** Hearing no questions or concerns, Vice Mayor Feldhaus declared these reports would stand as submitted.

**Consideration of a Motion to approve a payment of \$5,000.00 to the Bell Buckle Chamber of Commerce to assist with the 2021 Bell Buckle RC-Moon Pie Festival. This will be paid from the \$21,000.00 of Hotel/Motel Funds appropriated for Tourism.** Councilmember Isaacs made a motion to approve, Councilmember Christie seconded. There was a short discussion concerning how any future request of this type will be handled. City

Manager Ray advised as the Chamber is no longer handling this the Council will be required to do so until they assign this responsibility to someone else. The motion then carried unanimously on roll call vote.

**Consideration of a Motion to authorize the Mayor to submit a letter to Tennessee Department of Transportation requesting a three (3) year extension on the Fairfield Pike Improvement Project.** Councilmember Overcast made the motion to authorize, Councilmember Haile seconded, and the motion carried by unanimous roll call vote.

**Consideration of a Motion to approve the 2<sup>nd</sup> Addendum to the Interlocal Agreement between Bedford County, Tennessee and the City of Shelbyville, Tennessee Concerning the Commerce Business Park to Amend Membership of the Oversight Committee by Replacing the Position of Chamber of Commerce Director with the Executive Director of the Shelbyville-Bedford Partnership, Inc. and to Authorize the Mayor and City Attorney to sign the Addendum.** Councilmember Christie made a motion to approve, Councilmember Ewing seconded, and the motion carried unanimously by roll call vote.

**Consideration of a Motion to approve a ninety (90) day Option to Purchase for 2905 Highway 231 North owned by Janice H. Carlton and consisting of 33 Acres. The purchase will be a joint venture with the County for additional land in the 231 North Business Park. The purchase price is \$2,100,000., the City will be responsible for \$1,050,000.** Councilmember Overcast made a motion to approve, Councilmember Isaacs seconded. Councilmember Christie verified this is just an option not a contract to purchase. Feldhaus noted this would allow the City and County to begin some research on the property to see if it is suitable for the needs. Councilmember Ewing ask if we would have to agree to purchase prior to the end of the 90-day period and when would the 90 days start. City Manager Ray advised the 90 days had already begun and officially there were 77 days remaining therefore this item will be back on the August Agenda for consideration prior to the end of the 90 days. City Attorney Shofner advised if purchased the Interlocal Agreement will be amended to fold this property into the Business Park. Councilmember Ewing requested the motion be repeated and Vice Mayor Feldhaus restated the current motion on the floor is to approve the 90-day Option only. A roll call vote was had, and the motion was approved unanimously.

**Consideration of a Motion to forward the Annexation Request by Barlee Ventures for 3.90 Acres located at the Southeast corner of the intersection of Highway 437 and Fairfield (Tax Map 69, Parcel 25.09) to the Planning Commission for further review.** Councilmember Christie made a motion to forward the Annexation request to the Planning Commission for further study, Councilmember Haile seconded, and the motion carried unanimously by oral vote.

**Consideration of a Motion to approve the elimination of all non-profit appropriations, not related to the Hotel/Motel Tax Fund, over the next three-year period by reducing the FY22 Budgeted amounts by 50% for FY23 and the final payment of the 50% reduced amount being paid in FY24. This action does not pertain to the Argie Cooper Library, the Senior Citizens Center, or the Vocational Rehabilitation Center.** Councilmember Ewing made a motion to approve, Councilmember Christie seconded, and the motion carried unanimously upon roll call vote.

#### **Purchasing / Bid Awards:**

**Consideration of a Motion to renew contracts with Rogers Group, Inc., and Vulcan Materials for various rocks for City projects for one year without any price or service changes (purchasing from each the items they were lowest on). This is the second and final one-year options to renew.** Councilmember Overcast made a motion to approve, Councilmember Isaacs seconded, and the motion passed by unanimous roll call vote.

**Consideration of a Motion to renew contract with Mac Brown Photographers for Photography Package Services for Youth Sports Leagues managed by the Parks and Recreation Department, with a \$5 increase to package prices and a \$2 increase to most ala carte items. This is the second and final one-year option to renew. Councilmember Overcast made a motion to approve, Councilmember Ewing seconded, and the motion passed by unanimous roll call vote.**

**Consideration of a Motion to award the bid for the Boiler replacement at the Recreation Center to low bidder Hesco Industries, Inc. in the amount of \$21,938.00, as recommended by the Bid Committee and Park Director. Councilmember Ewing made a motion to approve the bid award, Councilmember Isaacs seconded, and the motion passed by unanimous roll call vote.**

**Consideration of a Motion to award contract for paving of City Streets to low bidder Wright Paving of Fayetteville, TN for one-year with 2 one-year options to renew, as recommended by the Bid Committee and Public Works Director. Councilmember Overcast made a motion to approve, Councilmember Haile seconded, and the motion passed by unanimous roll call vote.**

**Consideration of a Motion to award contract for oil change and routine vehicle service for City Department to only bidder, Tire & Muffler USA of Shelbyville, TN. This is a one-year contract with 2 one-year options to renew, as recommended by the Bid Committee. Councilmember Ewing made a motion to approve, Councilmember Isaacs seconded, and the motion passed by unanimous roll call vote.**

**Appointments: None**

**Announcements:** City Manager questioned if Council would like to set a workshop to discuss and set the tax rate as the Ordinance failed. City Attorney advised that a Motion to Reconsider the Item on tonight's Agenda could be made and discussed tonight, however, it would have to be made by one of the three (3) Councilmembers who prevailed on that Motion (Ewing, Haile, or Christie). Hearing no Motion and after a short discussion a date of Tuesday, June 15<sup>th</sup> was set for a Workshop and Special Called Meeting to consider a tax rate for the FY 2021-2022.

**With no further business the meeting adjourned at 7:06 PM.**

Approved:



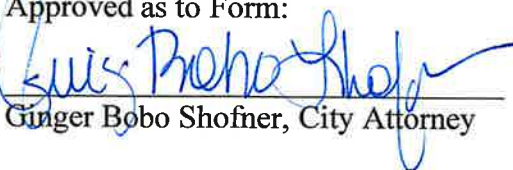
Henry Feldhaus, Vice-Mayor

Attest:



Lisa Smith, City Recorder

Approved as to Form:



Ginger Bobo Shofner, City Attorney