

## Special Called City Council Meeting Minutes

**Special Called Meeting:** March 17, 2022

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

**Call to Order:** 12:00 PM, Mayor Cartwright

**Roll Call:** The following were present: Councilmember Christie, Councilmember Feldhaus, Councilmember Ewing, Councilmember Haile, Councilmember Rick Overcast. Councilmember Isaacs was absent. Also, in attendance were City Recorder Lisa Smith, City Treasurer Kay Parker, and City Attorney Ginger Shofner. Mayor Cartwright declared a quorum.

**Adopt the Agenda:** Mayor Cartwright ask for a motion to Adopt the Agenda, **Councilmember Overcast made a motion to adopt the Agenda as submitted and Councilmember Christie seconded, the motion carried by unanimous oral vote.**

**Business:** The first item of Business was **Consideration of a Motion for payment on former City Manager Ray's Contract.** City Attorney Shofner advised she have forwarded a copy of Mr. Ray's contract to Council and Section 9 speaks to severance. She further noted the Mr. Ray had received his last regular paycheck and it included the prorated stipends. She stated the severance package allows him to receive six (6) months of salary at his current rate of pay with health and life insurance. The Contract states it is to be paid out in a lump sum, however she advised Mr. Ray has requested that he be paid out as weekly payroll which would allow a smoother transition for the insurances. Mr. Ray is also entitled to his vacation time, and he has request that be paid out in a lump sum. Additionally, he has requested his 111 hours of sick leave be paid out. Shofner explained Ray had noted there had been some conversation concerning this when he was hired, however to the knowledge of the payroll department it has not been the practice to pay out any sick leave. **Councilmember Feldhaus made a motion that per the City Manager's Contract the City pay everything, including the vacation time, but not pay the sick time due to past policy and it was not stated in his contract and per Mr. Ray's request it be paid out over six (6) months.** City Attorney advised that the cost of insurance may change in July. Councilmember Ewing questioned if there were records concerning Ray's vacation time. Shofner advised she had provided Council with an excel sheet that he maintained showing work hours and allowed for hours over 40 to be used to cover time off. **Councilmember Feldhaus then amended his motion to state Ray's vacation time would be paid out based on the City's records and would not include comp time.** There was further discussion concerning the vacation time with the final note being that the City records showed Ray currently had 98.4 hours of vacation time. Conversation then turned to payment of the City's 7% paid into employee's 401K. It was noted that the City had stopped contributing to Ray's account in May at his request as he investigated if the payment would go into a 401K or his former 457. City Treasurer Parker advised if you pay into the 457 the City will have to pay both sides of the Social Security. Additionally, she requested if the 7% would continue in the pay out of his payroll. City Recorder Smith restated Councilmember Feldhaus' motion on the table "pay out everything in the Contract including vacation time based on the City's Records of 98.4 hours. Sick Time would not be paid out as this has not been the City's past practice, is not a policy and was not included in Mr. Ray's Contract". **Councilmember Feldhaus then amended his motion to include that the City would make the contribution to Ray's 457 to bring it current and would continue to pay the City's 7% during the six (6) months pay out of his salary, Councilmember Christie then seconded the motion and all amendments. The motion then carried by unanimous roll call vote.**

**Consideration of a Motion to Appoint an Interim City Manager and for any associated Contracts:**  
**Councilmember Ewing made a motion to appoint City Treasurer Kay Parker to serve as Interim City Manager, Councilmember Overcast seconded.** Councilmember Feldhaus questioned if there would be any additional salary for this added responsibility. City Attorney Shofner noted that as the City Treasurer Ms. Parker is one of two people authorized to sign checks. In the past the Interim and the Treasurer could sign check, however with the Treasurer serving as Interim she could not be the only signature on the checks. She further noted that the City's Internal Control Policy states that persons authorized to sign checks should be named by Resolution. Shofner suggested that someone be named today, and a Resolution presented at the next meeting and if checks have been signed prior to that meeting they will need to be ratified at that time. She further suggested that Ms. Parker continue to sign checks as City Treasurer and someone else be appointed to sign checks in lieu of the City Manager. **Councilmember Feldhaus made an amendment to the motion on the floor to pay an additional \$500.00 a week to the Interim City Manager and authorize the City Mayor Wallace Cartwright as the second signature on all checks. Councilmember Ewing accepted the amendment to her motion, Councilmember Overcast also accepted the amendment and the motion and amendments passed by unanimous roll call vote.**

**Announcements:** City Recorder Smith advised a meeting will be held here on Wednesday, March 23<sup>rd</sup> between City Staff, and area Developers. The meeting will be to discuss the City's process in building and developing. It will not be a formal meeting, but the Council is invited to attend. Councilmember Feldhaus advised he had met with City Staff earlier this week in preparation for this meeting and he encouraged all Council to attend as it was very eye opening. Councilmember Christie asked about establishing the process for selecting a new City Manager. City Attorney suggested it be added to the Agenda for the Special Called Meeting on Monday, March 28<sup>th</sup>.

With no further items of business **Mayor Cartwright adjourned the meeting at approximately 12:41 PM.**

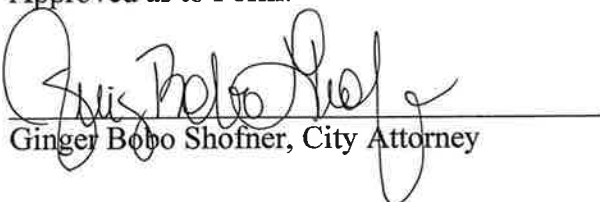
Approved:

  
Wallace Cartwright, Mayor

Attest:

  
Lisa Smith, City Recorder

Approved as to Form:

  
Ginger Bobo Shofner, City Attorney