

CITY COUNCIL MEETING MINUTES

Mayor Wallace Cartwright called the regular City Council meeting of January 9, 2014, to order at 6:00 p.m. The invocation was given by Bro. Kevin Menche, of First Baptist Church and the Pledge of Allegiance was led by the Council. Roll was called and Councilmember Rose, Councilmember Pruitt, Councilmember Landers, Councilmember Meek, and Councilmember Williams, and Councilmember Feldhaus were present. Also present were City Manager Jay Johnson, City Recorder Vickie Haskins, City Treasurer Jamey Owen and City Attorney Ginger Shofner.

First item to be considered is a motion to adopt the Agenda. City Manager Jay Johnson announced that he had a request to defer Item VIII regarding Ordinance on Second Reading for rezoning of Ray Beech property on Whitthorne Street. Also, a request has been submitted to the council to add a motion accepting the report received from SilverSneakers and authorizing the proposed extension of 25% discount for unenrolled SilverSneakers Members. The agenda, as amended, was adopted upon unanimous oral vote of the Councilmembers.

The next item on the agenda was approval of the minutes from the following meetings:

December 12, 2013-Regular Council Meeting

Councilmember Pruitt made a motion to approve the minutes of the previous meetings, seconded by Councilmember Landers, and carried unanimously upon oral vote.

No Public Hearings.

Councilmember Feldhaus then made a motion to authorize City Attorney to read caption only on Ordinances, seconded by Councilmember Meek, and carried unanimously upon oral vote.

Items of Old Business were then in Order:

The next item to be considered was Ordinance on Third and Final Reading Amending Shelbyville Municipal Code Title 11, Chapter 4. Flood Damage Prevention Ordinance. Councilmember Williams moved to approve the Ordinance, seconded by Councilmember Pruitt. Mayor Cartwright then requested discussion. City Manager stated for the record that this Ordinance changes the language of the Ordinance only and does not change the status of any property of the flood map.

Items of new business were then in order.

The next item on the agenda was Ordinance on First Reading Amending Shelbyville Municipal Code Title 1, Chapter 9. Municipal Airport Authority. Councilmember Feldhaus moved to adopt the Ordinance. The motion was seconded by Councilmember Williams. There being no discussion. The motion carried unanimously upon roll call vote.

The next item considered was Resolution amending City of Shelbyville Personnel Policies and Procedures. Following the reading of the resolution, Councilmember Williams made a motion to approve the Resolution. The motion was seconded by Councilmember Pruitt. There being no discussion, the motion carried unanimously upon roll call vote.

The Council then considered a resolution amending City Street Plan by closing the street currently known as "Pencil Street" and reopening the closed street known as "Moore Street". Following the reading of the Resolution by the City Attorney, Councilmember Meek moved to approve the Resolution. The motion was seconded by Councilmember Feldhaus. There being no discussion, the motion carried unanimously upon roll call vote.

The next item considered was Resolution authorizing amendment of the City's Vantagecare retirement health savings plan as required by the Patient Protection and Affordable Care Act of 2010 regarding prohibition on annual and lifetime benefits. Following reading of the Resolution by the City Attorney, Councilmember Rose moved to approve the Resolution. The motion was seconded by Councilmember Landers. There being no discussion, the motion carried unanimously upon roll call vote.

The City Attorney then read a Resolution amending Purchasing Policy Chapter V, General Guidelines, Section P. Sale or Transfer of Surplus Property. Councilmember Williams moved to approve the Resolution and the motion was seconded by Councilmember Meek. There being no discussion, the motion was unanimously approved upon roll call vote.

Councilmember Landers made a motion to approve the Accounts Payables for January 2014. Councilmember Feldhaus seconded and upon roll call vote motion was unanimously approved upon roll call vote.

Mayor Cartwright asked if there were any amendments to be made to the Treasurer's Report for November 2013 and the various Department Reports for December 2013. Hearing none, the reports were received as submitted.

The next item considered was Motion for consideration of request of Argie Cooper Public Library Board of Trustees for Capital Funds Donation in the amount of \$250,000.00. Councilmember Rose requested to be recognized by the Mayor in order to make a comment. Councilmember Rose stated that she is a member of the Library Board, both as a representative of the City Council and because she is a strong advocate of the library. Councilmember Rose gave substantial statistical data related to education, work force development, unemployment, and industry. Councilmember Rose then made the motion to approve a donation of \$200,000 to Argie Cooper Public Library. The motion was seconded by Councilmember Feldhaus. Mayor Cartwright then requested discussion. Councilmember Landers requested comments from City Treasurer Jamey Owen. Ms. Owen stated that the City is currently experiencing uncertainty in sales tax receipts. She further stated that since the City will receive a large percentage of the property tax revenue in February, it is not possible for her to project the percentage of property tax that will be received in comparison to budget. She stated that many internal needs of the City have been put on hold due to the uncertainty of the tax receipts. She stated that she does not recommend at this time to draw the reserve fund down by the amount of \$200,000. Councilmember Landers then referred the question to City Manager Jay Johnson to state in what manner the reserve funds may be used. Mr. Johnson stated that the original intention of the reserve fund was to be available in the face of a natural disaster such as a tornado or flood, or if the City were facing a situation such as the failure of the stormwater flume upon which much of the City is located. Mr. Johnson stated that the Council could determine a project worthy of tapping the reserve since those funds are available to cover the needs of the City. Councilmember Feldhaus then stated that he agreed that the deep reserve fund is for the purpose of emergency situations; however Councilmember Feldhaus stated that he felt the City had enough money on hand to cover this request. Councilmember Feldhaus then requested comment from City Treasurer Owen. Ms. Owen stated that the difference between the projected funds received and the projected funds to be expended for the FY 2014 budget amount of approximately \$150,000. Councilmember Feldhaus then commented that during budget

development from the previous year, revenue over expenses was well over one million dollars. City Manager Jay Johnson then commented that City Staff has really worked hard to bring financial reporting methods into compliance with governmental accounting guidelines. Following additional comments from Councilmember Feldhaus regarding the appropriateness of this monetary donation to the library, City Manager Johnson requested affirmation from the library representatives that a donation of \$200,000 would allow the commencement of the construction of the new library facility. Mr. Al Simmons then rose to be recognized by Mayor Cartwright to make comment. Mr. Simmons explained that he is on the building committee for the new library. He stated that there are substantial pledges outstanding. He stated it is his belief that receiving the amount of \$200,000 would bring the library close to being able to sign the construction contract to begin construction of the new library in February or March 2014. Mayor Cartwright then questioned whether it would be necessary that the funds be paid in a lump sum. Mr. Simmons stated that the library would not be seeking a bond issue or borrowing the money and that a lump sum payment would be preferred. City Attorney Ginger Shofner then brought forth that we should be very clear that this is a one-time donation for a special project and should not affect the maintenance of effort requirements. Councilmember Rose accepted this amendment to her motion, and Councilmember Feldhaus stated that he wished to second the amendment. The motion was restated as Motion to donate the sum of \$200,000 to Argie Cooper Public Library Board of Trustees for a one-time donation for a special project. Roll Call vote was as follows: Voting for the donation was Councilmember Rose and Councilmember Feldhaus. Voting against the donation was Councilmembers Meek, Landers, Pruitt, and Williams. The motion failed.

The next item considered was motion adopting Federal and State Legislative Issues Policy Statement and authorizing its distribution under direction of the City Manager. Councilmember Rose made the motion, seconded by Councilmember Landers, and carried unanimously upon roll call vote.

Councilmember Landers then made the motion adopting Rules and Regulations on Roll-Out Carts and authorizing the Public Works Director to implement those rules under his direction. The motion was seconded by Councilmember Williams and carried unanimously upon roll call vote.

The Council then considered a motion to approve work authorization amendment with Garver Engineering so as to allow additional fifteen (15) calendar days for work completion of Airport Ramp and Taxiway project. Councilmember Pruitt made the motion, seconded by Councilmember Feldhaus, and carried unanimously upon roll call vote.

Councilmember Williams moved to accept Athletic Leagues Financial Review for Bedford County Majors Baseball. The motion as seconded by Councilmember Pruitt and unanimously upon oral vote.

Councilmember Feldhaus made a motion to accept the following reports:

- a. Tennessee Secretary of State MOE for Argie Cooper Library
- b. 2014 Calendar Year Department Goals

The motion was seconded by Councilmember Landers and carried unanimously upon oral vote.

The next item considered was a motion to declare the following items as surplus and that same be scrapped.

- a. 1 - 4- Ton AC Unit
- b. 3 - 30 Ton AC Units
- c. 1 - 25 Ton AC Unit

- d. Split Unit
- e. 1 – Boiler
- f. Misc. scrap
- g. 1 – 5 Ton AC Unit

Councilmember Pruitt made the motion, seconded by Councilmember Rose, and unanimously approved upon roll call vote.

The next item considered was Motion to approve cooperative purchase request through U.S. Communities Cooperative Purchase Agreement with BSN for fitness equipment for Recreation Center at a cost of \$15,400, after \$1,000 rebate. The motion was made by Councilmember Rose, seconded by Councilmember Williams, and carried unanimously upon roll call vote.

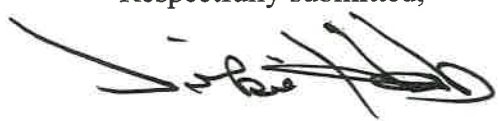
The Council then considered the item previously added to the agenda, as follows:

A motion accepting the report received from SilverSneakers and authorizing the proposed extension of 25% discount for unenrolled SilverSneakers Members. The motion was made by Councilmember Meek, seconded by Councilmember Landers, and carried unanimously upon roll call vote.

Announcements included an announcement by City Manager Jay Johnson that the City was presented with a plaque from Tennessee Risk Management Pool recognizing the City's 25-year membership with the Tennessee Municipal League Risk Management Pool.

There being no further business to come before the Council, the meeting was adjourned at 6:43 p.m .

Respectfully submitted,



Vickie Haskins, City Recorder

CALLED EXECUTIVE SESSION

PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED, WE HEREBY CALL AN EXECUTIVE SESSION TO MEET IN THE CITY HALL ANNEX COURTROOM ON THURSDAY, JANUARY 9, 2014, AT 4:00 O'CLOCK P.M. TO CONSIDER THE FOLLOWING MATTERS:

- 1. Call to Order.**
- 2. Consideration of Motion to enter Executive Session with City Attorney and outside counsel to review various matters of pending litigation.**
- 3. Adjourn.**

Mayor Wallace Cartwright

City Recorder Vickie Haskins

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The session was called to order by Mayor Wallace Cartwright at 4:00 p.m. Present were Councilmembers Feldhaus, Pruitt, Williams, Landers, Meek, and Rose. Also present were Mayor Wallace Cartwright, City Attorney Ginger Shofner, City Manager Jay Johnson, City Recorder Vickie Haskins, City Treasurer Jamey Owen, and City Planner Amanda Rhinehart.

Motion was made by Councilmember Williams to enter into Executive Session with City Attorney and legal counsel regarding matters of pending litigation. The motion was seconded by Councilmember Feldhaus and carried unanimously upon oral vote.

The session was adjourned at approximately 4:40 p.m.

APPROVED:


MAYOR WALLACE CARTWRIGHT

ATTEST:


VICKIE HASKINS, CITY RECORDER

APPROVED AS TO FORM:


CITY ATTORNEY GINGER B. SHOFNER