Beat: Local

City Planner Placed on 6 Month Probation

Behavioral Issues Involved

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USPA NEWS - City Planner, Amanda Rhinehart to return to job after two-week Paid Administrative Leave on Six-month Probationary period and mandatory Behavioral Classes following issues with fellow employees and failure to properly carry out her duties.

City Planner to Return to Job after Two Week Admin. Leave

SHELBYVILLE, TENNESSEE, APRIL 3, 2015- Amanda Rhinehart was hired by the City of Shelbyville City Manager, Jay Johnson, in February 2013, as the new City of Shelbyville Planner and Community Development Director.
After several written complaints were submitted against Ms. Rhinehart from various City Employees and Department Heads, an investigation was launched by the City Manager. These complaints included accusations of harassment by Ms. Rhinehart towards her fellow employees, and the investigation revealed, according to Mr. Johnson´s official Decision Memorandum, that “As you well-know, over the course of four weeks, there was an extensive investigation related to complaints filed against you related to your conduct in the workplace“¦“.

Johnson also stated, “However, almost ever since you became a part of our City staff, there have been instances when your behavior, attitude, demeanor or un-cooperativeness created tension in the workplace. Without question, your behavior has harmed your work-related relationship with fellow employees.“

Conflict of Interest and Dereliction of Duties

Ms. Rhinehart´s personal relationship with Mr. James Farrar, was also brought up in the Memorandum. Apparently Mr. Johnson and Ms. Rhinehart had a “Verbal understanding“ that she would ““¦ recuse yourself on decisions involving Mr. James Farrar's extensive real estate holdings in the City to avoid any potential conflict of interest due to your personal relationship with him,

I have handled Mr. Farrar's zoning matters on your behalf. In November, 2014, I verified that a proposed cell tower to be constructed on property located at 1314 Madison Street owned by Mr. Farrar, was in compliance with the City's Zoning Ordinance. My approval was based on what I believed was your previous actions as City Planner in allowing such towers as an accessory structure in commercial zones.“ Johnson stated.
During a City Staff meeting on March 17th of this year, Ms. Rhinehart requested that Mr. Johnson and City Attorney, Ginger Shoffner, remain with her after the meeting to discuss “a different cell tower matter“.

City Attorney Shoffner asked Ms. Rhinehart several question with regards to the Zoning Ordinance pertaining specifically to Cell Phone towers and the interpretation of the Zoning Ordinance with regards to them. After Mr. Johnson approved the cell tower at the end of 2014, based on the opinion given to him by Ms. Rhinehart, he stated at this meeting “did not notify me that you thought my statement to be an incomplete understanding of your position on the Zoning Ordinance, nor that my decision in that matter might be seen as being inconsistent with your interpretation regarding cell towers.“

Following this staff meeting, City Attorney Shoffner spent several days researching the matter and attempting to confirm the city´s position on the Zoning Ordinance Interpretation. But Ms. Rhinehart did not respond on Ms. Shoffner´s questions until Mr. Johnson received an email on March 20th to its contents he stated “that you were not standing by your previously stated Zoning Ordinance interpretation that cell towers were allowed as accessory structures in commercial zones pursuant to your email dated February 26, 2014.“ Adding that “as City Planner, you had direct knowledge that the zoning approval I gave Mr. Farrar's tower was as "An accessory use in a commercial zone, and that you have known such for a considerable length of time.“

During the Pre-termination Hearing, Mr. Johnson stated that Ms. Rhinehart “confirmed that on Thursday afternoon, March 19th, you advised Ms. Shofner you had overheard that a possible error occurred with the survey for the placement of the recently-constructed cell tower on Mr. James Farrar's Madison Street property for which I had verified zoning compliance.“ Mr. Johnson went on to state

that he had no knowledge of the potential issue against the city due to this towers location.

City Attorney Shoffner was reported by Mr. Johnson as stating that she “expressed concern that if the information you overheard was correct, the Zoning compliance approval (based on accessory use in a commercial zone) and the subsequent building permit issued by the Building and Codes Department for this cell tower might have been issued in error and/or subsequent Zoning Ordinance violation had taken place which must be addressed.“

Johnson followed up with the statement that “I certainly do not expect you to investigate and pursue correction on this matter, but in no uncertain terms are you allowed to withhold information from the City“, and closed his response on this Conflict with “The agreement by which you are allowed to recuse yourself from your normal job duties is for the protection of the City. It is not for the protection of the person with whom you claim you have a conflict of interest, not your own personal interests. To do otherwise would allow an untenable situation by which you could be aware of all kinds of zoning violations, the knowledge of which you kept hidden from other officials responsible for enforcing the law in your stead.

This would damage your ability to do your job effectively, clearly not in the City's best interests, as well as cast doubt upon your integrity in the public's mind, and potentially create a legal and public relations nightmare for the City of Shelbyville. In a conflict of interest situation, you must act above reproach, both in what you do and what you don't do. Your failure to realize that your job requires you to report directly to me a potential Zoning Ordinance violation that you cannot handle, seriously calls into question your judgement and has caused a tremendous loss of my faith in you.“

With final regard to the Farrar property tower site, which has already been constructed, Mr. Johnson stated “The City Attorney and I have reviewed the file on the tower at 1314 Madison Street. Quite frankly, questions do exist“¦“
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Suspension & Pre-termination Hearing
On Wednesday, March 25th, City Manager Jay Johnson, placed Ms. Rhinehart on Paid Administrative leave pending a Pre-Termination Hearing which was originally scheduled for Friday, March 28th, and rescheduled at Ms. Rhinehart´s request to Tuesday March 31st, at 1:30pm. At this meeting were present:

“¢ City of Shelbyville City Manager, Jay Johnson
“¢ City of Shelbyville City Attorney, Ginger Shoffner
“¢ City of Shelbyville City Recorder, Shanna Boyette
“¢ City of Shelbyville Planning & Community Development Director, Amanda Rhinehart
“¢ Ms. Rhinehart´s attorneys, Mr. Luke Evans & Mr. Kerry Knox, both of Murfreesboro, TN.

This suspension and hearing were not the result of the official complaints filed by fellow city employees, but was the result of the possible violation of the City Zoning Ordinance by the City as a direct result of Ms. Rhinehart´s failure to properly communicate all issues with the zoning ordinance.

“While it is acknowledged the grievance issues involving you and the Codes Department were outstanding, and numerous concerns existed from the grievance review, I issued the suspension memo of March 25th and scheduled the pre-termination hearing on the basis of your failure to communicate critical information to me as your direct supervisor.“, Johnson stated in the Memorandum.

Johnson goes on to document that on numerous occasions he has had “informal feedback“ from the community with regards to how they have been treated by Ms. Rhinehart. Some stating that they had been treated with “curt, difficult, or gave the impression that the citizen was interrupting you and, that you just wanted to be doing something else.“ He went on to state that the complaints made against Ms. Rhinehart were “founded“, and that her behavior was “disruptive in the workplace“, and that “your behavior is creating issues that could lead to a consideration of a toxic or hostile work environment.“

Final Decision of the City Manager

Mr. Johnson closes his memorandum with his final decision on the employment status and consequences of her actions in the previously listed matter. He stated that there will be “Official Reprimands for her “"disgraceful personal conduct or language toward ...

fellow employees." (Editor´s Note: The Official City of Shelbyville Personnel Manual, classifies this violation as a grounds for immediate termination, and states: “f. Disgraceful personal conduct or language toward the public, toward fellow officers or employees, or abusive public criticism of his/her superior or other public officials of the City.“).

.“). Secondly, Ms. Rhinehart will be placed on a six month probationary period beginning at the end of her Paid Administrative Leave next Wednesday. Thirdly, she is required to participate in a “Workplace Behavior Counselling“ which should include “Communication, Conflict Resolution, Stress Management, Anger Management, Diversity in the Workforce, and Interpersonal Relationships“.

Public Outrage

The decision made by Mr. Johnson on behalf of the City of Shelbyville has caused a public outrage. Messages, e-mails, phone calls, and the like have been received across the community voicing their concerns that if Ms. Rhinehart can do all that she has done, and get a “slap on the wrist“, how far the city will actually let her go? Many of the same individuals have been on the receiving end of Ms. Rhinehart´s Rude, Curt, and inappropriate comments and actions. Those citizens are submitting “Official Complaints“ to the City for the treatment that they have received. In fact, the SFP, published an Editorial on Ms. Rhinehart´s behavior on July 26, 2014, so this is not a new issue.

If the City Manager, who in a statement to the Shelbyville Free Press earlier this week, called residents of the city “Rumor Mongers“ and “Idiots“, for the simple reason that they voiced disagreement with him, and in his decisions, permits Ms. Rhinehart to remain on staff, then what does the future of Shelbyville look like? It may look barren and bankrupt? Who can say?

Hours before the “Decision Memorandum“ was released to the Public, the City of Shelbyville Building & Codes Director, Michael Blanks, submitted his resignation, effective the first week in July. Coincidence? Unlikely.

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