

## **REGULAR MEETING: AUGUST 9, 2011**

The City Council for the City of Crossville, Tennessee met in regular session on Tuesday, August 9, 2011, at Crossville City Hall.

**Roll Call. Present:** Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt. Others present were Interim City Manager Mike Turner, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Evan Sanders, Julia Dean, James Perry, Jimmy Hoover, Glenn McDonald, Andy Lyon, Bob Schwartz, Valerie Hale, Steve Lane, Dewey Peterson, Joe Miller, Chris Bennett, Frances Carson, Terri Curran, Steve Powell, Allen Tabor, Wendell Brannan, Marlene Potter, Karlie Threet, Bruce Wyatt, Carmen Wyatt, Frank Shipley, Jeff Kerley, Jerry Garrison, Pam Harris, Kim Hinch, Brian Templeton, Britt Tyler, David Wells, Norman Roach, Darian Dykes, Sandy Gruber, Mary Beth Elrod, Dorothy Meharg, Art Meharg, Darlene Barnwell, Beth Alexander, Ashley Kesterson, Tony Perry, Mark Fox, Chris South, Khrista Wyatt, Katie Kirkham, Scott Christian, Warren Dean, Buddy page, Hazel Page, Jim Morrow, Elaine Morrow, Jason Matthews, Steve Hill, Billy Loggins, Ann Eckman, Chief David Beaty, Assistant Chief Darrell Sherrill, Derrick Clemow, and Ann Johnson.

Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 6:00 p.m. The invocation was given by Dewey Peterson of the New Beginnings Fellowship Church. The Young Marines presented the colors and led the Pledge of Allegiance.

### **ITEM #1- PRESENTATIONS/PROCLAMATIONS**

- a) Wastewater Treatment Plant Operational Excellence Award – An award was recently presented for Outstanding Operation of the City of Crossville Wastewater Treatment Facility for the 7<sup>th</sup> year.
- b) Mayor's Green Partner –The Green Team of Flowers Baking Company
- c) ECE Services – A presentation of a picture of Holiday Lake was made to the Council by Mary Beth Elrod and Pam Harris.

### **ITEM #2 – CONSENT AGENDA**

A motion was made by Mayor Pro-Tem Danny Wyatt, seconded by Councilman George Marlow, that all items on the consent agenda be approved as presented:

- a) Approval of minutes (7/12, 7/19)
- b) 3<sup>rd</sup> Reading of ordinance amending the FY11-12 budget in the amount of \$7,300 for Fire Department salaries

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- c) 2<sup>nd</sup> Reading of ordinance amending the FY11-12 budget in the amount of \$61,070 for animal control officer
- d) 1<sup>st</sup> Reading of ordinance amending §8-200 of the Crossville Municipal Code regarding the sale of beer
- e) Approval of policy for water line extension requests
- f) Approval of "Freedom Walk" on September 11 at 2:00 p.m. at the Courthouse
- g) Approval of 2011-12 street paving priorities
- h) Approval of amendment of Contract in Lieu of Performance Bond on the Crossville Sanitary Landfill reducing the bond from \$824,343 to \$777,081
- i) Approval of temporary street closings for Wellness Express Fitness Fun Run/Walk on Saturday, November 12
- j) Approval of loan agreement with the Department of the Navy on the jet at Cumberland County High School

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt.

### ITEM #3 – BIDS/PURCHASES

- a) Approval of purchase of replacement sewer pump from Smith Electric Motor Service in the amount of \$7,600
- b) 4 WD truck – Maintenance – TN Fleet Sales on 2011 Ford F-250 XL for \$21,319
- c) 2011 Crown Victoria patrol vehicle – Alexander AutoMall (state contract) in the amount of \$23,428
- d) 2011 Nissan Pathfinder detective vehicle – Alexander AutoMall (state contract) in the amount of \$23,921
- e) Two 2011 Ford Explorers patrol vehicles – Alexander AutoMall (state contract) in the amount of \$24,522 each (\$49,044 total)
- f) Engineering for Safe Routes to School sidewalks – Director of Engineering Tim Begley recommended that a contract be negotiated with Field Engineering Services at an amount in accordance with TDOT reimbursement guidelines.
- g) Automated Fuel System – Trak for \$15,600.13

A motion was made by Mayor Pro-Tem Danny Wyatt, seconded by Councilman Earl Dean, that all bids/purchases be awarded as recommended.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt.

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Councilman Marlow commented on the difficulty for local dealers to compete with state contract that can be below dealer costs. However, we do ask local dealers to help with repairs and service.

### ITEM #4 – MATTERS RELATIVE TO MARKETING AND PUBLIC RELATIONS

Marketing Director Billy Loggins discussed the latest marketing and public relations projects.

- Christmas Parade – December 10 – Theme contest underway; trying to get schools more involved
- Women's Open recap
- Airport Open House/Fly-In – October 1
- Jr. Golf Event
- State Team Championship recap – July 25-26
- Amphitheatre Possible Opening Date – October 15
- Business Incubator @ Roane State
- Bio-Diesel Program
- Welcome to Crossville video will be shown at Comfort Suites in their lobby and then expand to other hotels
- TVA – working with them on a program to identify prospective industries
- 5 goals in the next year to make us ready for commercial and industrial growth
- Recognition from TGA

(At 6:25 p.m. the regular meeting was recessed and the Solicitation Board convened.)

### SOLICITATION BOARD

#### **United Fund of Cumberland County**

An application was submitted by the United Fund of Cumberland County for their annual fundraising campaign.

A motion was made by Councilman Earl Dean, seconded by Mayor Pro-Tem Danny Wyatt, that a Solicitation Permit be issued to the United Fund of Cumberland County. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt.

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### VFW, Post 9686

An application was submitted by the VFW, Post 9686 for their annual Buddy Poppy Sale to be held October 7-8.

A motion was made by Mayor J. H. Graham, seconded by Councilman George Marlow, that a Solicitation Permit be issued to the VFW, Post 9686.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt.

### The Rock/Life Worth Living

An application was submitted by The Rock/Life Worth Living. City Attorney Kenneth Chadwell reviewed the application and found the following lacking: 3 year financial statements, ending date for the solicitation campaign, resolution authorizing application for permit, estimated cost of the solicitation, not a 501(c)(3) organization, and a business plan. He recommended that the application be rejected and resubmitted in complete form. Action on the application was deferred.

(At 6:30 p.m. the Solicitation Board was adjourned and the Beer Board convened.)

## BEER BOARD

### Mexikan Grill

An application for an on- and off-premises beer permit was submitted by Salvador Flores dba Mexikan Grill located at 202 N Main. Assistant Chief David Beaty gave a clear records report on the applicant.

A motion was made by Mayor Pro-Tem Danny Wyatt, seconded by Councilman Earl Dean, that an on- and off-premises beer permit be issued to Salvador Flores dba Mexikan Grill. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt.

### Dollar General Store #12671

An application for an off-premises beer permit was submitted by Dolgencorp, LLC dba Dollar General Store #12671 located at 31 Kearney Drive. If approved, the beer permit will be effective August 11, which is the effective date of the annexation. Assistant Chief Darrell Sherrill gave a clear records report on the applicant.

A motion was made by Mayor Pro-Tem Danny Wyatt, seconded by Councilman Boyd Wyatt, that an off-premises beer permit be issued to

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Dolgencorp, LLC dba Dollar General Store #12671. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt.

(At 6:34 p.m. the Beer Board was adjourned and the regular meeting reconvened.)

### ITEM #5 – MATTERS RELATIVE TO BUILDING PROJECTS

Discussion was held regarding the improvements requested by the Fire and Police Departments on the current City Hall building and the Public Safety building. It was recommended that Upland Design be contracted to prepare design and bid specifications on both of these renovations in addition to Fire Hall #3 and the new City Hall. When the final design is completed, Upland Design will come back before the Council with revised cost estimates and Council can decide if there are any items to be bid as alternates.

Derrick Clemow stated that the drawings on the new City Hall will take approximately 60 days at a fee of 7% of the construction cost. However, half of the original fee for the study will be credited toward the final cost.

On Fire Hall #3, they now estimate a construction cost of \$1,000,000 with a proposed fee of 7% of the actual construction cost. They proposed a 25% deduction to the Schematic Design and Construction Document Services portion which is estimated at \$52,500. The Bidding and Construction Administration Services estimated fee is \$17,500.

A motion was made by Councilman Earl Dean, seconded by Mayor Pro-Tem Danny Wyatt, that (1) a contract with Upland Design on the new City Hall building be approved; (2) an updated contract with Upland Design on Fire Hall #3 be approved; and (3) approval be given to proceed with final plans for the new City Hall building and Fire Hall #3. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt.

### ITEM #6 – MATTERS RELATIVE TO DOWNTOWN PROJECT

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Mayor Graham announced that the City had been awarded a \$1,000,000 grant by EDA and reviewed the current funding status for the downtown project and grant/loan timelines. He further reviewed the current status of the water lines and their inability to adequately fight fires. He also discussed the storm sewers that are in major need of installation to adequately convey stormwater run-off. The Mayor relayed an article on odor problems in Chattanooga due to sewer lines not being replaced prior to their revitalization project and his policy to fix problems before they break for the future generations. Grants will fund \$4,457,354 of the estimated cost of \$8,786,725. In addition, low interest loans are already committed in the amount of \$1,512,000.

Evan Sanders with Community Development Partners reviewed the funding sources. (attached and made a part of these minutes) Councilman Boyd Wyatt pointed out that the letter from EDA indicates that their commitment is non-binding. Mr. Sanders stated that while it is a non-binding letter, it is EDA's intention to fund the project once the remaining documents are submitted. Tim Begley explained the reason for the high construction administration costs and that they will take quite a bit of time because of the intensity of the project. It will require coordination of unforeseen issues with water and a large contingency because of unknown underground conditions such as abandoned fuel tanks and contaminated soils.

Councilman Earl Dean reminded the Council that the project started a long time ago and that it was time to fix the old waterlines. He stated his desire to see the project get started.

Councilman Boyd Wyatt commented that it is a good project, but when it was started it was projected to receive \$6-7M in grant money. He also did not believe it was a good time for financing more projects due to buying land at airport, buying the bank building, and the commitment to building fire hall #3. He also stated that he was not convinced that DCI will raise their commitment of \$500,000.

Councilman George Wyatt agreed that there are a lot of improvements that need to be completed and that he is always concerned about the amount of money being spent and his desire to not leave a large debt. However, he would rather pay 40 cents on the dollar than a dollar on the dollar. He originally voted against the engineering because the project wasn't fully funded, but he now believes it is better to move forward. He did indicate a concern about the potential for property tax increases.

Councilman Danny Wyatt commented that he expects DCI to come up with some of their committed funds through in-kind donations.

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Finance Director Fred Houston stated that the water/sewer loan can be financed under the current rate schedules. State Revolving Loan Fund personnel concurred with this opinion. Currently, there are reserves of \$4.5M in the General Fund. He stated that the City may have to go up on property tax depending on final costs of the downtown project, the fire hall, and the addition of 15 employees requested for the Fire Department.

Mayor Graham pointed out that the City could apply for long-term funding for all building projects including the original cost of \$1.9M cash that was paid for the bank building. He estimated that this debt service would be about 4 cents on the tax rate. The current budget projected no increase in revenues for sales tax and property taxes

The contract for the final engineering for the project is \$461,158. However, \$189,000 of the cost will be paid through the SRF funds, leaving a net cost for City funds of \$272,158.

A motion was made by Councilman Earl Dean, seconded by Mayor Pro-Tem Danny Wyatt, that authorization be given for Step F and Step G services for the downtown economic development project as provided in Amendment No. 1 to Agreement with E.G.& G., Inc. for a total cost of \$461,158. **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0). **Yes:** Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt. **No:** Councilman Boyd Wyatt, Sr.

With his vote, Councilman Boyd Wyatt commented that he voted no because he felt like it would be putting the City of Crossville in financial jeopardy.

### ITEM #7 – MATTERS RELATIVE TO OUTDOOR SALES

The revised ordinance regulating outdoor sales was presented by the City Attorney and City Clerk. Mayor Graham read a letter from property owners, Norris and Ree Sorrells, in favor of the new ordinance. Mayor Pro-Tem Danny Wyatt stated that he had not received any negative comments on the proposed ordinance. Councilman Boyd Wyatt voiced his desire to leave residential people alone and allow the corridor sale to be held for 14 days. Councilman George Marlow stated his opinion that he would like to prevent Crossville from being a tent city where vendors set up many months in the year. He also voiced the concern of existing businesses. The City Attorney stated that to remove the residential portions of the ordinance would take significant revisions in the correct definitions. City Clerk Sally Oglesby reported that it is difficult to determine when frequent yard sales become businesses rather than just casual, isolated, sales. If the ordinance is adopted, her office will go out and assist those holding sales to get their permit as easy as possible. Mayor Graham stated his position that the City

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must protect the rights of businesses that are competing with outdoor sales that have new goods. Councilman Earl Dean said the original concept was for a short period of time, but the vendors are stretching it out much longer. Councilman Boyd Wyatt said that the hotels want it to continue as it is and that it does create additional sales tax.

A motion was made by Mayor Pro-Tem Danny Wyatt, seconded by Mayor J. H. Graham, III, that the ordinance regulating outdoor sales be passed on second reading. **Vote:** Motion passed (**summary:** Yes = 4, No = 1, Abstain = 0). **Yes:** Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt. **No:** Councilman Boyd Wyatt, Sr.

### **ITEM #8 – MATTERS RELATIVE TO INDUSTRIAL RECRUITMENT**

Mayor Graham lead a discussion in regard to goals and objectives for industrial recruitment. He presented a Letter of Intent from BekZon to locate their national headquarters in Crossville. Any commitments by the City and State will be made after a due diligence review of their company information. They have asked for a five acre site in Interchange Park with an option for an additional adjacent five acres. They are also requesting a one-year lease of the entire business incubator so that they can immediately receive their equipment and begin hiring. A proposal has been made for the incubator lease to be paid with \$20,000 from Cumberland County, \$20,000 from City, and \$20,000 from RSCC. BekZon would be responsible for all utilities. They would also be offered a Payment in Lieu of Taxes (PILOT) program. The company expects to build a 50,000 s.f. building, a \$2,491,800 investment in machinery and equipment and a work force of 120 within one year. Council expressed their support of the project under the scenarios presented.

Mayor Graham reported that another company is looking at an 8 acre tract in Interchange Park next to Stowers, but would most likely have less employees. No proposals have been made pending receipt of a Letter of Intent that outlines the proposed amount of investments and number of employees.

### **ITEM #9 – MATTERS RELATIVE TO ECONOMIC DEVELOPMENT**

Mayor Graham led a discussion in regard to the goals and objectives for economic development. Mayor Pro-Tem Danny Wyatt suggested that Billy Loggins might have time to make some phone calls and knock on some doors to see what businesses are out there that might be interested in coming to Crossville. Mayor Graham voiced his concern that he might be stretched too thin with his other public relations and marketing projects. Mr. Loggins stated

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that he thought he would have additional time in the Fall and would be willing to take it on. Council agreed to allow the Interim City Manager and Billy Loggins work on a plan to contact retail businesses.

### **ITEM #10 – MATTERS RELATIVE TO MEADOW PARK DAM RENOVATION AND EXPANSION PROJECT**

Scott Christian of ECE provided an update on the project. A revised task order for the engineering services provided for in the Rural Development budget was presented for approval. This task order re-allocates the original budget for engineering fees to meet current expected costs.

A motion was made by Mayor J. H. Graham, seconded by Councilman Earl Dean, that the Revised Task Order for Meadow Park Dam Renovation and Expansion Project be approved. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt.

### **ITEM #11 – CITY ATTORNEY’S REPORT**

City Attorney Kenneth Chadwell reported that a new lawsuit was filed in the previous month and has been given to the insurance carrier for coverage.

Northwest Connector – The condemnation lawsuit against Turner has been filed in court and funds deposited. A hearing before the judge is scheduled for later in the month. TDOT has all the acquisition papers for review prior to final closings.

### **ITEM #12 – CITY MANAGER’S REPORT**

Interim City Manager Mike Turner presented the monthly revenue reports on sales tax, wholesale beer, and retail liquor. He also presented updated reports on building permits, current grants, and special projects.

Amphitheatre – In order to open it this year, he reported that it would be preferable to sod the area at an approximate cost of \$17,000 for drainage and site prep, and \$4,032 for sod. Steve Lane has agreed to allow students from the Tennessee Technology Center to install the

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sod and pour concrete, in exchange for City crews doing some finish grading at their project house and allowing them to use the straw machine.

A motion was made by Mayor J. H. Graham, seconded by Councilman Danny Wyatt, that approval be given to proceed with the proposal to sod the grounds of the amphitheatre. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt.

The annual airport maintenance agreement with TDOT-Aeronautics was presented for approval. Under this grant, the State will provide 50% of the maintenance costs up to total costs of \$23,400.

A motion was made by Councilman Boyd Wyatt, seconded by Mayor J. H. Graham, that the airport maintenance agreement be approved. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 5). **Yes:** Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt.

The Airport paving project is going very well. The runway will be closed August 21-31 for paving. It will also be closed several nights this week for crack repairs

It was noted that Terry Ashburn will be scheduling events at the amphitheatre, in addition to scheduling of the Palace Theatre.

With no further business, the meeting was adjourned at 8:10 p.m.