

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Friday, August 16, 2013

1:00 PM

Council Chambers

Call for Special Meeting

The City Council for the City of Crossville met in special session on Friday, August 16, 2013. Mayor J. H. Graham, III was present and presiding. He called the Solicitation Board to order at 1:00 p.m.

Roll Call

Present 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza, and Council Member Jesse Kerley

Others present were Interim City Manager Jack Miller, City Attorney Kenneth Chadwell, Assistant City Clerk Valerie Hale, Julie Tinkham, Andy Vaughn, Philip Tinkham, Jon Wirey, Jim Young, Jim Morrow, Peggy Harris, Ray Harris, Tom Isham, Harold Allred, Fred Houston, Tim Begley, Eric Brady, Steve Hill, Pauline Sherrer, John Turner, Sarah Hazelton, Jeff Skidmore, Khrista Wyatt, Jerry Kerley, Jerry Garrison, Michelle Whittenburg, Jim Peters, Roger Whittenburg, Charles Daugherty, Cameron Sexton, and Sandy Gruber.

SOLICITATION BOARD

a. United Fund of Cumberland County

The United Fund of Cumberland County submitted an application for a Solicitation Permit for their annual fundraising campaign. Their 2014 goal is \$365,000.

A motion was made by Council Member Jesse Kerley, seconded by Council Member George Marlow, that a Solicitation Permit be issued to The United Fund of Cumberland County. The motion carried by the following vote:

Aye: 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza and Council Member Jesse Kerley

(At 1:02 p.m. the Solicitation Board was adjourned and the Special Called Meeting called to order.)

Consent Agenda

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that items "a" and "c" be approved on the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza and Council Member Jesse Kerley

ORDINANCES ON THIRD READING

- a. Ordinance amending the FY13-14 budget in the amount of \$8,500 for dog park

This Ordinance was adopted on third reading

ORDINANCES ON SECOND READING

- b. Ordinance amending the FY2013-14 budget for billboard (dog park)

A motion was made by Mayor J. H. Graham, III, seconded by Mayor Pro-Tem Danny Wyatt, that the ordinance amending the 2013-14 budget for a billboard be passed on second reading.

Aye: 4 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III and Council Member Jesse Kerley

Abstain: 1 - Council Member Pete Souza

- c. Ordinance annexing 5.43 acres on Dayton Spur Road

This Ordinance was approved on second reading

OTHER BUSINESS

- a. Matters relative to TLD/TCAT commercial drivers' education facilities

Interim City Manager Miller reminded the Council that the original discussions with TLD were that the City's contribution would be to provide a short-term lease on the property and not contribute to the improvement costs. He recommended that the City try to accommodate the request, subject to a 90-day cancellation clause, for a short-term lease on the property, but not participate in any improvements to the land and that the City make every effort to find a new site if a new location is needed. Councilmen Souza and Wyatt agreed with the Interim City Manager's recommendation since it is a for-profit business. Tim Begley reported that the cost would be \$6,600 for base gravel and material, which does not include installation or labor. A culvert will not be needed. The City can provide the labor. Mayor Graham pointed out that the company has shown growth in the last 5 months with the number of new employees and they are providing the trucks for the training. They will also be providing the instructor.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that the recommendation of the Interim City Manager be approved in regard to the commercial driver education facilities for TLD with the City contributing \$5,000 toward the gravel expenses, and that the remaining costs be assumed by TLD as well as responsibility for adding gravel to the base as needed, under the same conditions as previously discussed.

Aye: 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza and Council Member Jesse Kerley

- b. Matters relative to drainage issues on Rusty Blue Drive

Dr. Miller distributed copies of a report from Storm Water Coordinator, Eric Brady, to members of Council. Dr. Miller was granted permission from the Council to meet with the Tinkhams to discuss the report and his recommendations. Dr. Miller and Mr. Brady believe that the City is not liable for any damage; therefore, no action was needed by Council. Mayor Graham asked Dr. Miller to report back to Council on the outcome of the meeting.

This Report received and filed

c. Matters relative to City Manager position

A motion was made by Councilman Marlow that Aaron Elmore be hired as City Manager with a salary of \$74,000 plus benefits. The motion died for lack of a second.

Councilman Souza expressed his concerns over the previous process because there were no open discussions prior to the vote. Further, he believed the Council should have been involved in the salary package prior to the Mayor discussing it with Mr. Skidmore. He suggested that the Council discuss openly what they desire in a City Manager prior to voting. Councilman Souza stated that he was looking for a professional City Manager with moral courage and the skills to deal with the Council, public, and employees in a manner of respect.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the public ballot system be used following the same rules as the last time and that, later in the afternoon, the offer be extended to the person selected. The motion carried by the following vote:

Aye: 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza and Council Member Jesse Kerley

Public ballots were distributed and collected by the City Attorney. The votes announced by the City Attorney and certified by the Assistant City Clerk, were:

Councilman Souza - David Rutherford

Councilman Kerley - David Rutherford

Mayor Graham - Jeffrey Skidmore

Councilman Marlow - Aaron Elmore

Mayor Pro-Tem Wyatt - David Rutherford

Each member confirmed their vote. (Copies of the ballots are attached and made a part of these minutes.)

In discussing the salary and benefit package, Councilman Souza stated that he would like to include a six month severance package. A potential severance package was discussed as meaning that it would be available if they are fired without cause.

Mayor Graham reviewed the salaries of the last several City Managers and the reduced costs for the new retirement plan. Council discussed a salary and benefit package.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that an employment offer be extended to Mr. Rutherford at an annual starting salary of \$85,000 with full benefits, a minimum 5% increase after 6 months, a six month no-cause severance package, use of a city vehicle, and other benefits as available to other employees; that the offer

be contingent upon a background and reference check; that he agrees to the 401A plan due to the City no longer being in TCRS; and that he begin employment on September 30, 2013 or earlier if available. The motion carried by the following vote:

Aye: 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza and Council Member Jesse Kerley

With the Mayor leaving on vacation, it was agreed that Mayor Pro-Tem Wyatt would extend the offer to Mr. Rutherford. City Attorney Chadwell stated that if he agrees to the offer, than a start date can be determined without another meeting. However, if he does not agree with the offer, another meeting of Council will have to be scheduled.

Adjournment

A motion was made by Councilman Souza, seconded by Councilman Kerley, that the meeting be adjourned.

Aye: 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza and Council Member Jesse Kerley

With no further business, the meeting was adjourned at 1:48 p.m.