

City of Crossville

392 North Main Street
Crossville, Tennessee 38555



Minutes

Tuesday, February 4, 2025

5:00 PM

Conference Room 317

Work Session

Mayor R.J. Crawford
Council Member Art Gernt
Council Member Mike Turner
Council Member Mark A. Fox
Council Member James Mayberry
City Manager Valerie Hale
City Clerk Baylee Rhea

Call to Order

The Crossville City Council met for its monthly work session on Tuesday, February 4, 2025 at Crossville City Hall. Mayor Crawford was present and presiding. He called the meeting to order at 5 p.m.

Roll Call

Present 5 - Mayor R.J. Crawford, Council Member Art Gernt, Council Member Mike Turner, Council Member James Mayberry, and Council Member Mark A. Fox

Others present were City Manager Valerie Hale, City Clerk Baylee Rhea, City Attorney Randy York, Lee Lawson, Nathan Clouse, Victor Torasso, Bob Ross, Mandy Perhay, Chris Kendrick, Jessie Brooks, Tracey Barnes, Larry Kidwell, Shea James, Kate Whittaker, Rob Harrison, Serena Vasudeva, Ethan Medley, Tim Begley, Ethan Hadley, John Conrad, Terry Potter, Kevin Music, and Chris South.

Public Comment

Kate Whittaker lives in the Iris Circle area and a trail was put in several years ago. She would like it closed off because it is in a residential neighborhood and claims people use it to sell drugs. Mrs. Whittaker states it is not welcome or needed, and she needs City's help getting rid of it. Council member Turner asked how many people she was speaking for and she said eight or so. Mrs. Whittaker states it is known trail for drug dealers. She went on to say that the Police Department has responded when she called but doesn't know what happens from there. City Manager Hale said parking lot was temporarily closed last week due to complaints by Mrs. Whittaker.

Victor Torasso is with the Crossville Cruisers. He stated last year, the downtown cruise in was a good event, and everyone had a good time. They averaged 200 cars per show, but only about 15 of Cruisers attended, so the remainder are from outside of their group. The money they collected was donated to Time4Paws, House of Hope, and a \$1,000 TCAT scholarship for the automotive program. He stated they have asked for an additional block down to 5th Street because GrinderHouse stated their business picks up when the car show is an additional block, and this would allow for extra space for sidewalk project.

1. Approval of temporary street closure - Crossville Cruisers

Crossville Cruisers have requested four temporary street closures of Main Street from Lantana Road to 5th Street in 2025. The dates are April 26, May 24, June 28, and July 26 from 12 p.m. until 4 p.m.

Staff has reviewed the request for an additional block in their request. Sergeant Kevin Wood stated he recommends against adding the additional block because of traffic control. If traffic is blocked off at 5th Street rather than 4th Street, there is not a redlight to assist in directing traffic. He also stated that this will cause a traffic issue due to the heavy volume of traffic using West Avenue going north because of Main Street being closed. Staff has suggested using the route that was used last year.

Mayor Crawford asked Victor Torasso if they were open to modifying their request to the same route used last year. Mr. Torasso stated he would be fine with that.

This item was recommended for approval for the modified route.

2. Discussion regarding property on Interchange Drive

Aviagen, Inc. has submitted an offer to purchase a portion of Tax Map 73, Parcel 30.04 on Interchange Drive. They have offered \$25,000 per acre for 15 +/- acres by submitted letter.

Aviagen, Inc. will be responsible for closing costs and the City for surveying and subdividing.

This item was recommended for approval.

3. Discussion regarding Municipal Advisor

Council member Mayberry stated this item has been on his mind for a time, but the only discussion being held regarding it is by the Sports Authority of the City of Crossville. Council member Mayberry stated Mr. Kidwell has been the City of Crossville's Municipal Advisor for 35+ years, but he did not have any experience with him until 2020 when he refinanced our debt, and everything went very smoothly. He stated Mr. Kidwell saved the City millions of dollars. On June 8, 2021, Council voted to renew Mr. Kidwell's contract for 3 years rather than 5 years presented. Council member Mayberry reviewed details within the contract and specifically mentioned that if the City wanted to opt out of the agreement, notice had to be provided 180 days prior to the contract ending. Council member Mayberry continues to review previous minutes detailing work Mr. Kidwell performed during the time period of his contract. Council member Mayberry states that on April 2, 2024 during a work session, a new agreement was provided and presented to Council. The minutes detail Mr. York wanting an indemnification clause removed from the contract, and to be placed on the Council's agenda the following week. The item was not placed on the agenda the following week although the clause had been removed. Council member Mayberry stated that this date was exactly 180 days prior to the end of Mr. Kidwell's contract, and this would have been the time to terminate service with Mr. Kidwell. Council member Mayberry asked why this item never went to the Council meeting. Council member Mayberry went on to say that on May 9, 2024 Mr. Kidwell received an email from City Manager Hale stating the termination of the contract with Kidwell & Co. He continued that he cannot find in the minutes anywhere where City Council decided to terminate this agreement. Council member Mayberry continued to review minutes of meetings where action items took place at the direction of Mr. Kidwell. Council member Mayberry stated that Mr. Kidwell put in a lot of time in this project prior to bond closing, and has been involved the City's finances for years. He does not believe the project would be where it is today without Mr. Kidwell's creativity and persistence. Council member Mayberry stated he believes it is time for the City to live up to their end of the contract and notify the trustee to pay Mr. Kidwell his 1%. Council member Mayberry requested for this to be placed on the Council agenda to have some kind of settlement with Mr. Kidwell.

Mayor Crawford stated Kidwell & Company's new contract presented increased from 1% to 2%, and this item was placed on hold so the City Manager and City Attorney could negotiate with Mr. Kidwell. Mayor Crawford continued saying that Mr. Ben Regen informed him during this process that 2% is the maximum in fees you can pay out on these types of bonds. Any other fees associates with bond closing would then have to

be paid for by the City's and couldn't be rolled in to closing of the bonds. Other than the fees, the new contract had a 5 year renewal period, and several other clauses that were worrisome. Mayor Crawford stated time was needed for the City Manager and City Attorney to negotiate. Mayor Crawford stated that the City Manager notified Mr. Kidwell of their intent not to renew to give them time to negotiate the new contract presented. Mayor Crawford stated during this, he reached out to Mayor Foster see what the County does for financing, and they are not under contract with anyone. He stated he reached out to other City and County Mayors, and they also do not have exclusivity with a municipal advisor. Mayor Crawford stated there was never an agreement brought forward for Council to vote on because Mr. Kidwell would not agree to any of the negotiations.

Mayor Crawford moved to the next item presented by Council member Mayberry and responded by saying that Mr. Kidwell has already been paid by the Sports Authority for this project and is requesting to be paid double for his work. Mayor Crawford stated Mr. Kidwell wants to be paid \$150,000 by the Sports Authority plus the 1% from the City which would equal out to \$550,000. Council member Mayberry stated that Mr. Kidwell spent a longer amount of time working for the City of Crossville and has a lot more time invested with the City of Crossville rather than the Sports Authority. Mayor Crawford informed Council member Mayberry that Mr. Kidwell was informed he would either be paid by the Sports Authority or by the City, but not both. Council member Mayberry said that was not stated in any minutes. Mayor Crawford responded that this conversation took place with the City Manager and City Attorney, and this issue never made it to the Council. Council member Mayberry asked if these people worked at the will of the Council?

City Attorney Randy York asked to respond to the question. Mr. York presented the Council members several dates and conversations that took place with Mr. Kidwell and other issues he had with the contract Mr. Kidwell presented. He stated he had issues with the assignability clause, the increase in his rate, the term of the contract, the indemnification clause, the exclusivity clause, and the automatic renewal clause. Mr. York stated he drafted a new contract and presented it to Mr. Kidwell. Mr. Kidwell refused the new contract and only wanted the rate of 2%. Mr. Kidwell told Mr. York he hadn't had a raise the entire time working for the City. Mr. York revised the contract to reflect a rate of 1.25% with a 3 year term and no automatic renewal clause, and Mr. Kidwell still refused it. Mr. York stated in May, Ms. Hale sent Mr. Kidwell the termination letter for his contract that ended in November and informed Mr. Kidwell that if he wanted to renew it, in the future, it could be on the agenda. Mr. York stated that they never heard anything from Mr. Kidwell on this. During the closing of the bonds, Mr. Kidwell placed an additional invoice in the closing documents without giving notice to himself, Ms. Hale, or the Finance Director for the City. Mr. York stated that Mr. Kidwell was told many times he had a fiduciary duty to inform those involved what he was charging. The bond was not issued in the name of the City of Crossville, but in the name of the Sports Authority, and he has been paid in full by the Sports Authority.

Council member Mayberry stated his feelings would be hurt if his pay was shrunk \$400,000 with a contract in place. Council member Mayberry asked for the item to be placed on the agenda. Mayor Crawford asked for the item to be placed on the agenda.

Council member Fox asked a question regarding the 180 days notice. Ms. Hale stated the contract actually expired November 9, 2024 and notice was given May 9, 2024 so it was within the 180 days. Council member Mayberry stated he thought the contract ended in September.

Ms. Hale stated there were other concerns mentioned in audio and not the minutes with the contract presented. She also informed Council that bond counsel stated payment would have to be made by City, and the Sports Authority cannot pay it out of bond proceeds. One governmental entity cannot pay the debts of another without proper resolution.

Mr. Clouse asked to speak and informed Council that the Sports Authority voted not to pay the additional invoice submitted by Mr. Kidwell.

Council member Fox asked if he was to be paid for services leading up to the closing. Council member Mayberry responded by reading a portion of Mr. Kidwell's contract that states "service leading to the closing of transactions, value acquired, or divested by the City."

This item was recommended to be placed on the agenda.

4. Ordinance amending Title 10 Chapter 1 - Animal Control

Staff has recommended updating the current animal control ordinance. The suggested update is based on current practices of staff, a suggestion from a member within the community, and MTAS's sample ordinance.

This item was recommended for approval.

5. Approval to submit changes to the Charter

City Staff has recommended changes that are necessary to be made to the City's Charter. Suggested changes were reviewed and discussed at the Council Retreat held on January 23, 2025. Most changes suggested are to reflect changes in state law. Approval to submit the changes to the Tennessee General Assembly for review is requested.

Once approved by the Tennessee General Assembly, the City Council will ratify the changes by a two-thirds vote.

This item was recommended for approval.

6. Approval of VoIP Services/Phones bid

The City of Crossville received 15 bids regarding the VoIP Services/Phones bid on December 17, 2024. The IT Department set up demos with 4 of the bidders after reviewing the bids submitted - True IP Solutions, Crexendo, CrossPath and DanMark. DanMark had the most impressive presentation. Based off their presentation and several interactions with each company through this process, DanMark seemed to have the best support and service. They also required no contract or any commitment. The City of Crossville can cancel at any time without penalty.

This item was recommended for approval.

7. Approval to purchase Groundskeeper 4500 Athletic Field Mower

The Parks and Recreation Department requests purchase of Groundskeeper 4500 Athletic Field Mower for a cost of \$90,834.12 from Smith Turf and Irrigation. This item can be purchased through Sourcewell.

This item was recommended for approval.

8. Approval of Engineering Services Contract for Genesis Road Water Tank

A contract has been submitted by J.R. Wauford and Company for engineering services to rehab the Genesis water tank. The total cost of the engineering services is \$60,000. Approval is recommended subject to approval of the contract by the City Attorney.

This item was recommended for approval subject to City Attorney's review.

9. Approval of Sewer Rehab Closeout Change Order

The sewer rehab project is a unit price project. The closeout change order removes or adds money and/or time to the project to bring the remaining monies in the contract to zero and to eliminate a claim for time damages. The closeout change order is attached and shows a net decrease in the contract price of \$13,016.86 and an increase in time of 45 days. The Director of Engineering recommends the approval of the change order.

This item was recommended for approval.

10. Approval of resolution for administrative services

Qualifications were received for administrative services regarding the 2024 Recreational Trails Program grant. Staff recommends selecting Community Development Partners, LLC for administrative services for this project to construct a trailhead at Meadow Park Lake.

This item was recommended for approval.

11. Approval to apply for Project Diabetes grant

City staff is requesting to apply for the Project Diabetes grant. The letter of intent is due March 7, 2025. Staff would like to apply for this grant to develop access and usage beyond the new pedestrian bridge at Meadow Park Lake. Staff intends to apply for the 3-year grant that allows for \$150,000 per year, for a maximum total of \$450,000. A match is not required.

This item was recommended for approval.

12. Approval to adopt Crossville/Cumberland County Hazard Mitigation Plan

The Crossville/Cumberland County Emergency Agency is requesting that the City adopt the Hazard Mitigation Plan. The plan has been reviewed by both the Fire and Police Chiefs and is recommended for approval.

This item was recommended for approval.

Adjournment

The meeting was adjourned at 5:56 p.m.