

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, May 12, 2015

6:00 PM

Council Chambers

City Council

Mayor James S. Mayberry
Mayor Pro-Tem Pamala Harris
Council Member Jesse Kerley
Council Member Pedro (Pete) Souza
Council Member Danny Wyatt
City Manager David Rutherford
City Clerk Sally Oglesby

PUBLIC HEARING

A public hearing was held at Crossville City Hall on Tuesday, May 12, 2015, to receive comments from the public regarding the proposed 2015-2024 Capital Improvement Plan. Mayor James Mayberry was present and presiding. He called the public hearing to order at 5:45 p.m.

Proposed 2015-2024 Capital Improvement Program

The CIP has been posted on the website, as well as discussed in work session. A brief summary of the plan was presented by the Finance Director. There were no comments. The public hearing was adjourned at 5:50 p.m.

This Public Hearing was received and filed

REGULAR MEETING

The City Council for the City of Crossville, Tennessee met in regular session on Tuesday, May 12, 2015, at Crossville City Hall.

Roll Call

- Present:** 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt
- Absent:** 1 - Council Member Jesse Kerley

Others present were City Manager David Rutherford, City Attorney Will Ridley, City Clerk Sally Oglesby, Chief Rodney Shoap, Larry Qualls, Fred Houston, Mark Rosser, Pauline Sherrer, Clifford Pugh, Don Alexander R. J. Peterson, Tammie French, Justis Cook, Sandy Shoap, Wyatt Erkkila, Christy Morris, Levonn Hubbard, Andy Vaughn, Robert D. Kimbro, Jr. Ed Camera, Michelle Heiner, Cathleen Lapsley, Clyde Webb, Thomas E. Hale, Kevin Music, Robert W. Mitchell, Jim Young, Rodolfo Estrada, Brad Allamong, Steve Powell, Billy Martin, Jared South, Stella South, Frances Adkins, Bill Eldridge, Sue Eldridge, Jeff Kerley, Ray Harris, Debby Jarvis, Lee Ann Smith, Rodney Smith, Cathe Raymer, Clark West, Mike Dalton, Bruce Wyatt, Patricia Thurman, Mason Caruthers, Lynn Thurman, Tiffany Lyon, Mike Turner, Chris South, Tim Begley, Clark Annis, Michele South, Kristen South, Randy Graham, Edward Williams, Lillie Norris, and Sharon Norris.

Call to Order

Mayor James Mayberry was present and presiding. He called the meeting to order at 6:00 p.m. The invocation was given by Clyde Webb of the Cumberland Worship Center. Mayor Mayberry led the Pledge of Allegiance.

1. Proclamations/Presentations

- a) National Public Works Week
- b) Police Officer of the Month
- c) Lifesaving Medal

- a) *National Public Works Week - May 17-23*
- b) *Police Officer of the Month - Chief Shoap presented citations to E.J. Williams, Jared South, Camden Davis, Roldolfo Estrada*
- c) *Lifesaving Medal - Chief Shoap presented the medal to Jared South. Patricia Thurman was present to personally thank him for saving her life.*

The Proclamations and presentations were made.

2. Appointments

a. Crossville Housing Authority

Mayor Mayberry re-appointed Thomas Hale to the Crossville Housing Authority Board and administered the Oath of Office.

This Appointment was announced.

b. Alternate Administrative Hearing Officer

The position of Alternate Administrative Hearing Officer was posted and advertised. In addition, all the previous candidates for City Attorney and City Judge were notified of the position. The deadline for submitting a resume was April 27. Applications were received from Jack Atkins and Tiffany Lyon.

The selection is the responsibility of the City Council. A selection was recommended so that they can attend the training session on May 21. The next training will not be available until December. Both applicants have indicated that they can attend the training on May 21.

*City Attorney Ridley collected the ballots for the position and announced the votes.
Tiffany Lyon - Harris, Mayberry, Wyatt
Jack Atkins - Souza*

A motion was made by Councilmember Danny Wyatt, seconded by Mayor Pro-Tem Pamala Harris, that Tiffany Lyon be named Alternate Administrative Hearing Officer. The motion carried by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

c. Appointment to vacancy on the Beer Board

*The following nominations were made for the vacated position on the Beer Board:
Councilmember Wyatt - George Marlow
Mayor Mayberry - Tom Isham
Mayor Pro-tem Harris - Levonn Hubbard and Wendell Kerley*

Ballots were distributed for a vote on those nominated.

*City Attorney Ridley collected the ballots and announced the following votes:
Councilmember Wyatt - George Marlow
Mayor Mayberry - Tom Isham
Mayor Pro-Tem Harris - Tom Isham*

A motion was made by Mayor Pro-Tem Pamala Harris, seconded by Councilmember Danny Wyatt, that Tom Isham be named to the Crossville Beer Board. The motion carried by the following vote:

Aye: 3 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Recuse: 1 - Council Member Pete Souza

3. Consent Agenda

Approval of the Consent Agenda

A motion was made by Council Member Pete Souza, seconded by Council Member Danny Wyatt, to approve items "a - m", except "d" and "e" on the Consent Agenda. The motion carried by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Absent: 1 - Council Member Jesse Kerley

- a. Approval of minutes (4/14, 4/20, 4/23, 5/7)

The Minutes were approved as recommended.

Ordinances on First Reading

- b. Ordinance amending §1-801(E) of the Crossville Municipal Code regarding open records

The City's ordinance regarding charges for copies needs to be revised to mirror the recommendations of the Tennessee Office of Open Records Counsel. The recommended ordinance sets the charges at the recommended amount of \$0.15 for black and white copies and \$0.50 for color copies for 8 ½ x 11 or 8 ½ x 14 sizes.

This Ordinance was approved on first reading.

- c. Ordinance adopting the FY2015-16 operating budget (in title only)

This Ordinance was approved on first reading.

- d. Ordinance establishing a tax rate for FY2015-16 (in title only)

Mayor Pro-Tem Harris stated that the Council is still working on the budget and that she was not in favor of a ten-cent tax increase and would prefer that the increase be stretched over three years. She also pointed out that the ordinance is in title only. Councilmember Souza responded that he did not believe the Council could obligate tax increases for future years. Councilmember Wyatt stated that he was not in favor of a tax increase since there is a healthy rainy day fund, additional sales taxes received this year, and that the City needed to cut expenditures by 2% to 2 1/2%.

A motion was made by Mayor James Mayberry, seconded by Councilmember Pete Souza, that the ordinance establishing a tax rate for FY2015-16 operating budget (in title only) on first reading.

Aye: 3 - Council Member Pete Souza, Mayor James Mayberry and Mayor Pro-tem Pamala Harris

Nay: 1 - Council Member Danny Wyatt

Absent: 1 - Council Member Jesse Kerley

e. Resolution annexing 0.34 acres at 83 Grandview Drive

This Ordinance was deferred

f. Ordinance amending the budget for year-end FY 2014-2015

Year-end amendments are needed for:

- *Depreciation expense because city budgeted for the modified depreciation method*
- *The employee buyout costs*

This Ordinance was approved on first reading.

Additional Consent Items

g. Adoption of Capital Improvement Program for 2015-2024

Councilmember Danny Wyatt suggested that some of the larger capital projects might need to be taken to a referendum. The City Manager responded that those projects could be identified over the summer and a financial strategy put together.

The Capital Improvement Plan was approved as recommended.

h. Resolution revising Standing Rules and Procedures for Crossville City Council meetings and work sessions

With the change in the day for the Council meeting and work session, the Standing Rules need to be revised. The changes:

- *Section 1, Rule 1 - changed from Tuesday to Thursday*
- *Section 1, Rule 5 - agendas will be provided by 4:00 p.m. on the Tuesday prior to the meeting (whenever possible, they will be provided earlier)*
- *Section 3, Rule 1 - changed from Tuesday to Thursday*
- *Section 3, Rule 3 - deadline for all items to be on the agenda will be the Thursday prior to the work session*

This Resolution was approved as recommended.

i. Approval of action on Prior Year Abutments

In prior years, the city has set up abutments for Iris Circle and Ponderosa Drive. As of today, the city has four property owners that have delinquent abutment assessments on either Iris Circle or Ponderosa Dr. that are unpaid. These abutments have accumulated interest over \$11,000.

Council was requested to give these four property owners until June 30, 2015 to pay these abutments in full without paying any interest. The city would send a certified letter with invoice informing the property owners of the decision. If these conditions are not met, the abutments would be sent to the Clerk & Masters' office for collection.

This Resolution was approved as recommended.

j. Renewal of Debt Policy

The Debt Policy was approved as recommended.

k. Approval of engineering contract with Stigall Engineering Associates, Inc. on the Hwy. 127N water storage facility

At the November 10, 2014 Council meeting, City Council approved contracting with Stigall Engineering Associates, Inc. for engineering services for the Catoosa water tank to be located on Hwy. 127N. Council also approved funding this project through Rural Development on January 13, 2015. A proposed contract has been received. The full contract is being reviewed by the City Attorney and a copy is available in the City Clerk's office. Selected sections of the contract regarding the specific work and costs are attached for review by Council.

Stigall Engineering proposes the following:

\$ 63,000 - Basic Services

\$ 42,000 - Resident Inspection

\$113,500 - Total

This Contract was approved as recommended.

l. Approval of revisions to beer permit application

With the adoption of the new beer code, the application requires revision and approval of Council. The revised application removes sections regarding churches and schools.

The revised Beer Permit application was approved as recommended.

m. Approval of organization chart for Police Department

The City Manager and Chief of Police announced some promotions within the Police Department to fall in line with the organizational chart presented at the last regular work session. The Charter requires Council to approve the organizational chart.

The Police Organizational Chart was approved as recommended.

4. Bids/Purchases

(Bid tabulations are attached and made a part of this agenda.)

a. Dehumidifiers

The bid of Bennett Heating and Cooling for \$13,276.52 was recommended.

A motion was made by Councilmember Danny Wyatt, seconded by Mayor Pro-Tem Pamala Harris, that the low bid be accepted, as recommended. The motion carried by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

b. Anthracite Filter Media

The bid of Carbonfilt, LLC for \$7254.70 was recommended.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Councilmember Pete Souza, that the low bid be accepted, as recommended. The motion carried by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

c. Leak Detection Proposal

The City requested proposals for Leak Detection Survey. Six proposals were received. The proposal involves performing a system wide leak detection survey on approximately 213 miles of water main, which includes approximately 896 fire hydrant assemblies and approximately 2,354 gate valves. Utility Maintenance Supervisor reviewed all proposals and recommended Rye Engineering in Erin, TN as the best and lowest proposal at a contract price of \$27,477.00. It is anticipated that water loss will decrease once the project is completed and leaks are repaired.

A motion was made by Councilmember Danny Wyatt, seconded by Councilmember Pete Souza, that the contract with Rye Engineering be accepted, as recommended. The motion carried by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

d. Beverage Service

Bids were received from Coca-Cola Bottling Co., and Pepsi Co. for beverages for the parks. The 2 year partnership with Coca-Cola is recommended. This contract includes \$17,000 for scoreboard funding, \$2,450 in free products, \$15,303 in equipment, \$900 in marketing items, and profits and volumes estimated at \$104,674, dependent on actual sales. If the partnership is renewed for an additional 3 years, additional scoreboard funding of \$5,000 will be provided each year (\$15,000).

A motion was made by Mayor Pro-Tem Pamala Harris, seconded by Councilmember Pete Souza, that a two-year partnership with Coca-Cola be approved, as recommended. The motion carried by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

e. Palo Alto Firewall

The current firewall is 15 years old and it is the recommendation of our network audit that the firewall be replaced. The IT Department recommended the purchase of the Palo Alto PA 500 device from Flat Earth in the amount of \$13,070. It includes threat prevention and web content filtering services for 1 year. A new firewall was planned in the 2014-15 budget.

A motion was made by Councilmember Pete Souza, seconded by Mayor Pro-Tem Pamala Harris, that the purchase be approved, as recommended. The motion was adopted by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

f. Airport Terminal Building Membrane Roof Replacement

The City received two bids on the "Airport Terminal Building Membrane Roof

Replacement" project. The Director of Engineering recommended the low bid of \$21,816 from Turner Roofing Company. This project will have a 50% reimbursement through the TDOT-Aeronautics maintenance grant.

A motion was made by Councilmember Danny Wyatt, seconded by Mayor Pro-Tem Pamala Harris, that the bid from Turner Roofing Company in the amount of \$21,816 be accepted. The motion carried by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

5. Marketing Report

May Marketing Report

Mr. Loggins was unavailable due to the Sr. Men's Open.

This Report was received and filed

6. Cumberland County/Chamber Report

Brad Allamong, President of the Crossville/Cumberland County Chamber of Commerce, reported on statistics from the Visitor's Center showing the first year of operation. He reported that submittals are now being made on all requests for industrial prospects. As requested by a member of Council, he provided financial data of the Chamber, including salaries, and an explanation on the financial handling for the Plateau Partnership Park consultant, Ray Evans. He also discussed the economic development plan and his experience in fundraising with the private sector. Mayor Mayberry commended him on the visioning process and the community response that is being received.

7. Other Business

a. Discussion and action on County building permits

The Cumberland County Commission voted at their April 20th meeting to develop a Codes Enforcement Department for Cumberland County, but have requested that the City continue until October 1 so that they can have time to get the department set up. Councilmember Souza stated that he was not in favor of continuing with any permits that are in process on October 1. Mayor Mayberry commented that he had received calls from contractors on how the transition would be handled. He was also concerned about the City and County working out a plan for the transition, especially those permits still active on October 1.

A motion was made by Councilmember Danny Wyatt, seconded by Councilmember Pamala Harris, that the City continue county building permits until October 1, continuing any existing building permits until they are completed. Motion failed by the following vote:

Aye: 2 - Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Nay: 2 - Council Member Pete Souza and Mayor James Mayberry

A motion was made by Mayor Pro-Tem Pamala Harris, seconded by Councilmember Pete Soua, that the resolution of the County be accepted by

the City to continue building permits until October 1, that the City Manager be authorized to work with the County Mayor to come up with a resolution on the transition, and the matter come back before the Council at the June meeting. Motion carried by the following vote.

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

b. Discussion and action on downtown sidewalks

Mayor Mayberry asked for more information on the LED lighting. Tim Begley reported that the taller poles with LED lighting will keep the number of poles the same as existing under Alternate 2, which is a similar style as the current lights only black-coated and provides new conduit and wiring. The lights will be metered. The base proposal replaces all the sidewalks to ADA compliant, utilizes the current poles, repairs the pole bases, and leaves the underground wiring in place. The estimates contain a 20% contingency. A contract with the engineer for the design will be brought back to the Council for approval.

A motion was made by Mayor Pro-Tem Pamala Harris, seconded by Councilmember Pete Souza, that the the downtown sidewalk project be approved with Alternate #2. The motion passed with the following vote:

Aye: 3 - Council Member Pete Souza, Mayor James Mayberry and Mayor Pro-tem Pamala Harris

Nay: 1 - Council Member Danny Wyatt

c. Discussion and action on Downtown Waterline Project Change Order

The Contractor has offered a \$40,000 deduct to the project if he is allowed to change the depth of the waterline to have a minimum cover of 3 feet. The project was bid at depths of over 7 feet to allow for future storm sewer and minimum depths for the relocation of overhead lines.

A motion was made by Mayor James Mayberry, seconded by Councilmember Danny Wyatt, that the change order be approved, contingent on TDOT's approval and accordingly with the Engineer's recommendation. The motion was approved by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

d. Discussion and action on acquisition for the Northwest Connector Section III

TDOT has issued a Notice to Proceed on acquisition on Section III (Hwy. 127N to Genesis Road) of the Northwest Connector. The City previously allocated its \$715,799 (\$143,159.80-local match) of Surface Transportation Funds toward the costs of acquisition. Those funds will be lost if not used for this acquisition.

If Council wishes to proceed, the following steps will take with approval by Council for each step.

- *Requests for Proposals issued for appraisal firms for appraisals and review appraisals - received 12/3/2013*
- *Hiring of appraisal firms 12/10/13 Sam Pipkin hired for review appraisals and to advise whether to have partial or formal appraisals for each property by City Council; May 2015 - recommendation to hire Ben Broome for partial and formal appraisals, as*

recommended by Sam Pipkin

- *Hiring of engineering firm to provide legal descriptions of the takings - recommend hiring Civic Engineering who designed the project for TDOT. A proposed contract is attached, including staking which may or may not be needed depending on availability of the City engineering department personnel.*
- *Receipt and review of appraisals by Council in total for the Section (individual appraisals will not be provided) to determine maximum liability*
- *Requests for Proposals issued for acquisition services*
- *Hiring of firm to provide acquisition services*
- *Approval of budget for acquisition costs*

A motion was made by Councilmember Danny Wyatt, seconded by Mayor Pro-Tem Pamala Harris, that approval be given to hire Ben Broome for partial and formal appraisals and to hire Civic Engineering for legal descriptions. The motion carried by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

8. City Attorney's Report

City Attorney's Report

City Attorney Will Ridley reported that there had been no new litigation filed in the previous month. On the eminent domain lawsuit for Crossville vs Turner, he is waiting on the State to determine if he will be deputized to handle the case or the State will continue to handle it. The Abbott vs City case is in the final settlement stage and waiting all the complaintants to sign the agreement. The goal is to complete this process by the end of August.

This Report was received and filed

9. City Manager's Report

City Manager's Report

City Manager Rutherford presented the monthly revenue reports on local option sales tax, wholesale beer tax, and retail liquor inspection fees. He also provided monthly reports on building permits, special projects, grants, and debt service.

This Report was received and filed

10. Public Comment

Clifford Pugh commented that he is a partner of Cotton Patch properties on the Section 3 of the Northwest Connector. He also pointed out that the partnership previously gave 100' of right of way in the area and the land for the water tank.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:08 p.m.