

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Monday, April 4, 2016

12:00 PM

Council Chambers

Call for Special Meeting

Mayor James 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

The City Council for the City of Crossville met in special session on Monday, April 4, 2016, at 12:00 noon at Crossville City Hall.

Call to Order

Mayor James Mayberry was present and presiding. He called the meeting to order at 12:00 noon.

Roll Call

Present 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris, and Council Member Danny Wyatt

Others present were City Manager David Rutherford, City Attorney Will Ridley, City Clerk Sally Oglesby, Randall Kidwell, Dr. Elizabeth Denton, Denise Melton, Sandie Dutcher, Eric Ritzman, Linda Eichner, Andy Vaughn, Howard Burnette, Heather Mullinix, Kyle Turner, Lori Freitag, Cumberland County Mayor Kenneth Carey, Heather Gunter, Frances Carson, Lynn Carson, Pauline Sherrer, Glen McDonald, Rob Harrison, Lisa Harrison, Sandi Shoap, Kyle Sherrill, Lee Lawson, Ann Crabtree, Harry Sabine, Joey Smith, Wayne Schoebel, Ed Camera, Debi Davis, Nancy Burns, Amanda D. Houston, Brenda Cox, Susie Murphy, James R. Carbtree, Teresa Payne, Brad Allamong, V.S. Wisdom, Carolyn Jozwiak, Woody Geisler, Barb Grayson, David Brockway, John Turner, Leah Crockett, Ray Hansen, Sue Ann Jamerson, Ellen O'Brien, Norma Solloway, Melanie Garrett, Sheri Nichols, Vick Baucum, McKinley Tabor, Ann Looney, Jeanne Geib, Rafferty Clary, Fred Drikez, III, Gloria Lewis, Melissa Kerley, Jim Young, William L. Martin, Kevin Music, Steve Hill, Levonn Hubbard, Linda Hanson, Kimi Tabor, Khrista Wyatt, Robin Miles, Greg Miles, Chris South, Fred Houston, Mike Turner, Jerry Kerley, Nicole Hackmann, Marcia Ardis, Colby Ardis, Tom Gernt, Ashley DeRossett, Debra Greer, Jim Morrow, Bob Schwartz, Mark Rosser, Larry Qualls, and Rodney Shoap.

1) Discussion and action to dismiss City Manager

Mayor James Mayberry read a statement expressing his support of Mr. Rutherford, but the need to end the controversy and move forward. He presented a resolution to suspend the City Manager and buy-out his employment agreement with the City. Upon questioning, City Attorney Ridley indicated that he had not read the resolution, but from hearing it, did not see any problem with the resolution.

Councilmember Souza offered a secondary motion that the public be allowed to speak during the agenda item. That motion died for lack of a second.

Mr. Ridley opined that if this motion passes, the severance amount is approved and does not come back to Council. He further explained that the motion is a suspension and the Council will vote on the final resolution of termination at the regular meeting.

Councilmember Souza requested to know if Mr. Rutherford could sue for defamation of character or libel. Mr. Ridley declined to respond since he would be representing

the City Council, if there was any action. A number of other questions were asked regarding the authority of the City Council and Interim City Manager. With Councilmember Souza's time expiring, Mayor Mayberry asked other members of the Council if they wished to speak. When they declined, Councilmember Souza was allowed to continue his remarks. The remaining members of Council expressed their disagreement with comments made by Councilmember Souza. Following the passage of the motion, Mr. Rutherford requested approval to leave the meeting, which was given.

A motion was made by Mayor James Mayberry, seconded by Council Member Danny Wyatt, that the Resolution to suspend the City Manager and buy-out his employment agreement with the City of Crossville be approved. 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

Nay: 1 - Council Member Jesse Kerley

2)

Discussion and action on appointment of Interim City Manager

James Mayberry nominated Sally Oglesby - she declined.

Council Member Jesse Kerley nominated Steve Hill.

Mayor Pro-Tem Pamala Harris nominated Randy Bond, however she had not spoken to him.

Council Member Danny Wyatt nominated Billy Loggins.

Following a point of order raised by Council Member Souza, Mayor Pro-Tem Harris declared a conflict of interest as she has a relationship with Mr. Loggins and would recuse herself in that respect.

Concerns were expressed about the fact there had been no time to interview the candidates and discuss a salary.

A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Pamala Harris, that each Councilmember nominate a candidate, if they choose to, and the Council vote by ballot with two rounds of voting. The first round, vote for two of the persons nominated. For the second round, you take the top two to the second round and take your top pick. The motion carried by the following vote:

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

Nay: 1 - Council Member Pete Souza

A motion was made by Council Member Pete Souza, seconded by Mayor James Mayberry, that the voting procedure resolution be tabled. The motion carried by the following vote:

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

Nay: 3 - Council Member Jesse Kerley, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

(The vote to table the resolution on voting was held prior to the vote on the original motion.)

Nominations were:

Council Member Kerley - Steve Hill

Mayor Pro-Tem Harris - Randy Bond, contingent on his agreement to serve in an interim capacity

Council Member Wyatt - Billy Loggins

Council Member Souza - Colby Hardis

Paper ballots were distributed and then collected by the City Attorney. He announced the following votes:

1st round of voting:

*Council Member Souza - Ardis
Council Member Wyatt - Loggins, Hill
Mayor Mayberry - Bond, Ardis
Mayor Pro-Tem Harris - Bond, Hill
Council Member Kerley - Hill, Loggins*

*Since 3 candidates received 2 votes, Council was instructed to vote for two again.
2nd round of voting:*

*Council Member Souza - Ardis
Council Member Wyatt - Hill, Loggins
Mayor Mayberry - Bond
Mayor Pro-Tem Harris - Hill
Council Member Kerley - Hill*

A motion was made by Council Member Jesse Kerley, seconded by Council Member Danny Wyatt, that Steve Hill be appointed as Interim City Manager until City Council has time to go through the process to hire a permanent City Manager. The motion passed by the following vote:

Aye: 3 - Council Member Jesse Kerley, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

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

Council Member Souza asked for a forensic audit since Mr. Rutherford had been accused of misappropriating funds. A point of order was ruled that such a motion was not germane to the agenda item; however, City Attorney Ridley ruled it is germane, but noted that the adopted resolution didn't make an accusation of misappropriation of funds.

A motion was made by Council Member Pete Souza, seconded by Mayor James Mayberry, that a forensic audit of the books of the City be performed since the time that the City Manager took office. The motion failed by the following vote:

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

Nay: 3 - Council Member Jesse Kerley, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

A question was asked whether there would be a problem since Mr. Hill retired from the City and is receiving a pension from TCRS. Finance Director Fred Houston said he will probably have to go off TCRS while he is serving as Interim City Manager.

A motion was made by Council Member Jesse Kerley, seconded by Council Member Danny Wyatt, that the salary for Mr. Hill be set at \$75,000. The motion carried by the following vote:

Aye: 3 - Council Member Jesse Kerley, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

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

ADJOURNMENT

A motion was made by Council Member Jesse Kerley, seconded by Council Member Danny Wyatt, that the meeting be adjourned. The motion carried by the following vote:

Aye: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

With no further business, the meeting was adjourned at 12:51 p.m.