

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, March 14, 2017

6:00 PM

Council Chambers

City Council

Mayor James Mayberry
Mayor Pro-Tem J. H. Graham, III
Council Member Pamala Harris
Council Member Scot Shanks
Council Member Danny Wyatt
City Manager Greg Wood
City Clerk Sally Oglesby

The City Council for the City of Crossville, Tennessee, met in regular session on Tuesday, March 14, 2017, at Crossville City Hall.

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 Willard Dale of the Southwest Baptist Church. The Pledge of Allegiance was led by Mayor Mayberry.

Rollcall

Present: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

Others present were City Manager Greg Wood, City Attorney Will Ridley, City Clerk Sally Oglesby, Lee Lawson, Sgt. Jonathan O'Neal, Monica Mowdy, Chris Smith, Joe Mowdy, Dylon Mowdy, Mark Anderson, S.P. Anderson, Steven Douglas, Brandon King, Willard Dale, Derek Gernt, Jason Kittrell, Robin Kittrell, Madeline Kittrell, Darren Kittrell, Maci Gernt, Valarie Kemmer, Cline Kemmer, Andy Vaughn, Katina Atkinson, Ted Meadows, Woody Geisler, Starr Stone, Daryl Atkinson, Carmen Atkinson, Gavin Threet, Anita Threet, Ansley Tay, Justin Reed, Melinda Wattenbarger, Ben Wattenbarger, Patrick Garrison, Travis Threet, Carey Garrison, Sarah Wattenbarger, Matt Stover, Alyssa Jo Herman, Bobbie Jo Herman, Lance Herman, Kelly Herman, Christopher, Gary Bolin, James Wattenbarger, Phil Cox, Peggy Threet, Charles Threet, Leo Garrison, Andrea Smith, Ty Stone, Mitch Lowe, Matthew Lowe, Rodney Reed, Harold Stryker, Darrin Stryker, Marshal Webb, Sheryl Webb, Hunter Webb, Taylor Webb, Connor Webb, Judy Smith, Linda McGraw, Steve W. Brown, Bethany Garrison, Valorie Cox, Heather Garrison, John Conrad, Abby Richards, Clyde Bowman Jr., V.S. Wisdom, Fred Stout, Billy Martin, Jeff Johnson, Kevin Music, Glen McDonald, Ronny Hill, Jerry Kerley, Wade Davenport, Mike Turner, Tim Begley, Marcie Bowman, Christ Smith, Steve Powell, Ashley DeRossett, Heather Mullinix, Jim Young, Chris South, Leah Threet, Tom Flynn, Fred Houston, Levonn Hubbard, Bo Watson, Balie Houston, Tim Warner, Jim Petty, Alex Petty, Khrista Wyatt, Tom Isham, Margie Buxbaum, Randy Boston, and Teresa Boston.

1. Proclamations/Presentations

a) Student of the Month

Mayor Mayberry presented the Student of the Month to Calum Wilson for the character trait "fairness".

The Student of the Month was announced

2. Public Comment

Harold Stryker spoke on behalf of property owners in the Albert Frye Road in opposition of the shooting sports park being located on the City's property. He

presented two petitions. He stressed that they were not opposed to a shooting sports park, but rather the proposed location.

Monica Mowdy spoke in favor of the shooting sports park. She expressed her understanding of those who live in the area, however, it is reclaiming a landfill and will generate significant tourism and is for the greater good for the community. She also spoke as a parent and the importance of the positive activities for the youth.

James Wattenbarger spoke in favor of the shooting sports park. He presented pictures of other complexes. He also stated they had not being able to locate any other property that was for sale and would serve as a suitable site. He also emphasized his respect for those in the area. They are trying to locate the facilities in such a way as to lessen the impact.

Greg Cantrell, Trustee for the Frank Brown Family Trust and the Juanita Gilbert Family Trust, explained that they own significant property in the area and have visions of their property being developed for economic development. He asked that the process be slowed down, if possible, so that they can work together.

Valorie Cox presented petitions in favor of the shooting sports park and pictures of the team. TWRA chose Cumberland County out of 25 counties vying for the project. She spoke on the economic impact for each event.

A motion was made by Council Member Danny Wyatt, seconded by Council Member Pamala Harris, that agenda item #8a be moved up in the agenda to follow public comment. The motion carried by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

f. Discussion and possible action on Shooting Sports Park

As discussed in the work session, concerns have been expressed by property owners in the proposed area of the sports park. They were asked to meet with the Crossville Shooting Sports Park board. A contract exists between the City of Crossville and Crossville Shooting Sports Park, Inc. to convey the property on or before April 1, 2017. The 30-day advertisement period ends on March 23. Mayor Mayberry reported that the contract was signed February 23 to convey the property to Crossville Shooting Sports Park. The 30-day advertising period ends on March 23. Mayor Pro-Tem Graham asked if a public meeting had been arranged or could be arranged to explain the project to the neighbors and property owners with TWRA.

City Attorney Will Ridley stated that a delay in executing the contract would have to be agreed to by both parties or it could be in breach of the contract. He reviewed some of the provisions of the contract.

It was noted that the TWRA grant is current tied to this property. Randall Boston spoke as a member of the Board of the non-profit and stated that time is of the essence. He commented that this project has been discussed with the Council since mid-2015. He also stated that he knew of no requirement for contacting the property owners or a public hearing.

Wade Davenport expressed his concern about the misinformation concerning the actual location being described as the landfill property.

A motion was made by Mayor Pro-tem J. H. Graham, seconded by Council Member Danny Wyatt, that the City of Crossville requires the non-profit

organization to have a public hearing where the property owners are identified and asked to come to a public meeting within the next 30-60 days to address the pros and cons of a shooting range. The motion carried by the following vote:

Aye: 4 - Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

Nay: 1 - Mayor James Mayberry

(The vote on the original motion came after the call for the question.)

At 6:43 p.m. Mayor Mayberry recessed the meeting for 5 minutes.

The meeting was reconvened at 6:50 p.m.

A motion was made by Mayor Pro-tem J. H. Graham, seconded by Council Member Danny Wyatt, to call for the question. The motion carried by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

3. Appointments

a. Stormwater Board of Appeals

Two appointments need to be made to the Stormwater Board of Appeals.

1. The term of Jim Mitchell expires on 3/10/17. He represents the development/industrial segment on the Board. Mr. Mitchell has indicated his willingness to serve another term.

2. The Council is currently represented by Jesse Kerley. A member of the current Council needs to be appointed to fill this seat.

A motion was made by Mayor James Mayberry, seconded by Council Member Danny Wyatt, that Scot Shanks be appointed to fill the unexpired Council seat. The motion carried by the following vote:

Aye: 4 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt and Mayor Pro-tem J. H. Graham

Abstain: 1 - Council Member Scot Shanks

A motion was made by Council Member Pamala Harris, seconded by Mayor James Mayberry, that James Mitchell be appointed to an additional term. The motion carried by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

b. Crossville Regional Planning Commission

The term of Dave Burgess expired on March 1. Mr. Burgess does not wish to be re-appointed. Mayor Mayberry announced that he had appointed Greg Tabor to a five year term.

This Appointment was announced

c. Personnel Board

The two members of the Personnel Board representing the employees have resigned. Their terms end June 30. At the advice of the City Attorney, nominations were solicited from the employees to fill the remaining months of the terms and continue with a full term. Employees were advised of these additional months and any objections were to be made to the City Clerk by the deadline for nominations. No objections were received.

Ballots were distributed to City employees to vote for two members. The deadline for turning in their ballots was March 6. As directed by the Municipal Code, the City Manager formed a committee to count the ballots. Human Resources Administrator Leah Crockett announced that the employees had elected Pete Souza and Larry Dyer for terms ending June 30, 2022.

The Appointments were announced

4. Consent Agenda**Approval of the Consent Agenda**

A motion was made by Mayor Pro-tem J. H. Graham, seconded by Council Member Danny Wyatt, to approve items a-o, except e, f, g on the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

a. Approval of minutes (2/14, 3/7)

The Minutes were approved as recommended.

Ordinances on Third Reading**b. Ordinance amending the FY2016-17 budget for police vehicle**

This Ordinance was adopted on third reading.

Ordinances on Second Reading**c. Ordinance amending § 1-801 of the Crossville Municipal Code regarding public records**

This Ordinance was approved on second reading.

d. Miox M2 System - Holiday Hills

This Ordinance was approved on second reading.

Ordinances on First Reading

- e. Ordinance replacing § 16-200 of the Crossville Municipal Code regarding excavation and cut fees in public right-of-way

The current ordinance on excavations and cuts has not been reviewed and revised in over 30 years. A team consisting of Tim Begley, Kevin Music, Kevin Dean, Billy Martin, Lee Lawson, and Sally Oglesby has been working on totally rewriting this ordinance to reflect current and future projects and issues. The ordinance has been reviewed by the City Attorney for form and legality. As discussed in the work session, the ordinance has been revised regarding masonry columns and mailboxes to allow them to be 3' off the white line from the traffic lane.

The team recommended adoption of the new revised ordinance.

In response to a question by Council, Kevin Music recommended that the masonry columns and mailboxes be placed a minimum of 3 1/2 feet from the pavement edge if there is no white line. This change will be made in the proposed ordinance. A question was asked about the treatment of grandfathered structures if a new utility line was installed. The matter will be researched.

A motion was made by Council Member Danny Wyatt, seconded by Council Member Pamala Harris, that the ordinance replacing §16-200 of the Crossville Municipal Code be passed on first reading. The motion carried by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

Additional Consent Items

- f. Resolution regarding Tennessee Broadband Accessibility Act

A bill has been proposed by Governor Haslam to the Tennessee General Assembly that would provide grants and tax credits to encourage deployment of broadband to previously unserved areas and give non-profit electric cooperatives authorization to provide broadband throughout their territories. City Manager Wood stated that the availability of broadband has a significant impact on economic development and recommended passage.

A motion was made by Mayor Pro-tem J. H. Graham, seconded by Mayor James Mayberry, that the resolution supporting the Tennessee Broadband Accessibility Act be adopted. The motion carried by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

- g. Approval of \$3,500 donation to Senior Men's Softball

The Senior Men's Softball League is requesting \$3,500 donation for expenses related to attending the Senior Olympics in Nashville and Birmingham. Ted Meadows spoke on the request which covers entry fees for two teams in the National Senior Olympics in Birmingham. They market Crossville where ever they go. The players cover their

own expenses. They will also have 2 teams at the Tennessee state games in Franklin.

A motion was made by Mayor Pro-tem J. H. Graham, seconded by Council Member Pamala Harris, that the \$3,500 donation be approved. The motion carried by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

h. Approval of funds for Fire Department Recruit School

The Fire Department requested approval of funds needed to pay for Basic Firefighter Recruit School for three (3) new employees. Brian Garrett, Nathan Wattenbarger, and Jordan Winningham are attending the ten (10) week training academy for certification as a firefighter. The total cost is \$9692.00 for the three employees and includes tuition, lodging and meals for the course entirety.

The request was approved as recommended.

i. Approval to submit grant request for funding of Jet A fuel truck

Approval was requested to submit a request to TDOT-Aeronautics to authorize using maintenance grant money for the purchase of a used Jet A fuel truck. The estimated cost is \$35,000. There is approximately \$40,000 (\$20,000-Grant, \$20,000-local match) to be spent from the maintenance grant by June 30. Some of the other projects planned for that money can be deferred to the 2017-18 grant period.

This request was approved as recommended.

j. Approval of Policy for "Request for Qualifications"

The City Code for professional services was presented, along with the referenced Tennessee Code. The City has used several processes for selecting firms for professional services and the City staff is uncertain on what process to follow.

At the work session, it was proposed that the policy be that the City Manager will assemble a team to review all RFQ's and RFP's with a recommendation of the top three being brought to Council for approval.

This Policy was approved as recommended.

k. Approval of Certificate of Compliance for Good Times Wine Spirits & Brew

The Certificate of Compliance for Good Times Wine Spirits & Brew must be renewed every two years. This Certificate affirms that this business meets all requirements of the City of Crossville. Once approved, the Certificate will be submitted by the business to the Tennessee Alcoholic Beverage Commission for review, approval, and reissuance of their license.

This Permit was approved as recommended.

l. Approval of Certificate of Compliance for Peavine Wine & Spirits

The Certificate of Compliance for Peavine Wine & Spirits must be renewed every two

years. This Certificate affirms that this business meets all requirements of the City of Crossville. Once approved, the Certificate will be submitted by the business to the Tennessee Alcoholic Beverage Commission for review, approval, and reissuance of their license.

This Permit was approved as recommended.

m. Approval of Certificate of Compliance for Jan's Wine & Liquor

The Certificate of Compliance for Jan's Wine & Liquor must be renewed every two years. This Certificate affirms that this business meets all requirements of the City of Crossville. Once approved, the Certificate will be submitted by the business to the Tennessee Alcoholic Beverage Commission for review, approval, and reissuance of their license.

This Permit was approved as recommended.

n. Approval of temporary street closings for Fridays at the Crossroads on April 7

The steering committee for Fridays at the Crossroads has requested the following temporary street closings from 3:45 p.m. - 8:15 p.m. for the April 7th event:

- *Main St. from Hwy 70 to Neecham St.*
- *4th St. from Thurman St. to West Ave.*
- *5th St. from Main St. to West Ave.*
- *2nd St. from Main St. to West Ave. (to be closed last)*

The steering committee was contacted on March 8 and they have assured the City they are contacting every business in the area.

This Permit was approved as recommended.

o. Approval of Three Star Grant

The Department of Economic & Community Development has designated Cumberland County/Crossville as a Tier 2 County and eligible to receive \$5,000 for projects that would improve one or more of the following pillars: Jobs & Economic Development, Fiscal Strength & Efficient Government, Public Safety, Education & Workforce Development, and Health & Welfare. The JECDB is responsible for making the decision on how the funds will be spent and will make that decision at its next meeting on March 22. The JECDB is requesting the City to file the grant application and to receive and administer grant funds on its behalf.

This Contract was approved as recommended.

5. Bids/Purchases

a. Sale & Harvesting of Timber

Bid requests were sent out for the sales and harvesting of timber on the Maryetta and airport properties. One bid was received.

FNT Logging proposed purchasing and paying \$12,500 for the timber. Staff recommended acceptance of their offer.

A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem J. H. Graham, that the proposal of FNT Logging be accepted. The motion carried

by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

6. Marketing Report

March Marketing Report

Mr. Loggins was out of town and unavailable for the meeting.

This Report was received and filed

7. Cumberland County/Chamber Report

Ashley DeRossett, representing the Chamber of Commerce, reported that they were invited to attend the Greater Milwaukee Golf Conference by the Tennessee Department of Tourist Development and will be encouraging participants to visit and relocate to Crossville. They will be offering a golf vacation package. She reported that their efforts seem to be working because in 2015 over 700 new water meters were set in the County. The number of new electric meters was requested by the Council to be provided at the next meeting. Over 7800 retiree packages were sent out in 2015-16.

The bowling tournaments are here this month and will conclude next weekend.

Vancieneta Wisdom reported the Mrs. Tennessee Senior Pageant will be held April 7-8 in Crossville.

8. Other Business

a. Discussion and action on Woodlawn trail

John Conrad requested \$10,000 on behalf of Friends for specialty equipment to aid in the construction of the trail from Centennial Park. City Manager Wood recommended that the money be donated to the non-profit for them to contract with their preferred vendor. Any additional money would be used for other trails.

A motion was made by Council Member Danny Wyatt, seconded by Council Member Pamala Harris, that a donation of \$10,000 to Friends of the Trails be approved and a budget amendment passed on first reading. The motion carried by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

b. Discussion and possible action on retiree rehires

It was the recommendation of the Human Resources office that a policy be adopted that illustrates the conditions of a rehire of an employee that has retired from the City of Crossville. MTAS conducted a survey in regard to the reinstatement of a retired employee. Of the 14 cities that responded, only 2 will rehire a retired employee back in a full-time capacity.

City Manager Wood provided his recommendation regarding the rehiring policy to make it fair with current employees. This recommendation included a payback of the

retirement buyout and a 5% salary reduction to compensate for the extra cost for the TCRS retirement program that is non-contributory. It also exempts police and fire from the knowledge-based testing, but requires passage of the physical testing requirements.

Mayor Pro-Tem Graham made a motion that those employees who took the buyout would forgo any COLA for a period of not less than 3 years and that they would not receive the 5% increase after the six months probation period for two years, if this would be legal. It was seconded by Council Member Harris. Mayor Mayberry asked that the motion be deferred to the next special called meeting so he could see something in writing. The motion was withdrawn.

This Policy was deferred

c.

Discussion and action on full time position for Palace Theatre

Palace Administrator Ronny Hill would like Council to approve a full-time position for the Palace Theatre.

The only full-time position is the Administrator. The Palace has three part-time positions; with one of those being vacant at this time. Ronny would like to eliminate the vacant, part-time position and replace with a full-time position. Having one other full-time employee within the department would allow for a more flexible schedule. There is an approved number of staff for each department. In order to add an employee, with any benefits, Council needs to approve. Although this request will not add to the number of staff members, it does bring the addition of benefits.

Part-time

- Starting rate of pay for a part-time employee with the Palace is \$10.61/hour.
- Maximum of 30 hours to be worked in one week.
- Maximum annual earnings = \$16,551

Full-time

- Starting rate of pay for a full-time employee is \$10.61/hour.
- Annual salary = \$22,065.97.
- When estimating an employee cost we always figure on the high side in regard to benefits (family packages).
- With the addition of health package, probationary increase and retirement contribution the total employee cost to City, for this position, is approximately \$39,900.
 - o If estimating on the low side (individual packages), the total cost of employee is approximately \$31,000.

Mr. Hill confirmed that his budget for remainder of fiscal year can accommodate the salary and benefit cost should a full-time employee be hired within the next month. An employee has to be employed with us for a full 30 days, and the benefits can start on the 1st of the month following that 30 days. (April 3 start date; June 1 benefit date) Retirement and probationary increase would not fall within this fiscal year. City Manager Wood recommended approval of the request, but pointed out that there would be an increase in annual cost of up to \$20,000. The advisory board is recommending increasing fees to six hours for \$600 in 2018, which will offset the additional expense.

Mr. Hill reported they are booked up through April 2018 for weekends and even having to double-book for some events.

A motion was made by Mayor Pro-tem J. H. Graham, seconded by Council Member Scot Shanks, that approval be given for the elimination of one part-time position to be replaced with a full-time position. The motion carried by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

d. Discussion and action on Solid Waste Collection

In August 2017, the contract for sanitation will be up for renewal. Kevin Music, Street Department Supervisor, outlined issues that need to be resolved as part of the deciding factor of whether to work toward developing a new contract and accepting bids vs. in-house collection. The current contract stipulates a 120-day prior notification of cancellation (May 4, 2017).

The Street Department would like to take over the brush and leaf pickup. The estimated cost for a leaf vacuum truck is \$40,110.

The contract between Cumberland County and CWD was provided, but does not stipulate the definition of commercial/residential, except "one family at one address".

City Manager Wood asked for a little more time to review the contract with the City Attorney and maybe consider renewing for one year only to have more time to review some of the issues. He did recommend the purchase of the leaf vacuum truck.

A motion was made by Mayor Pro-tem J. H. Graham, seconded by Council Member Pamala Harris, that the matter be deferred. The motion carried by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

e. Ordinance adding § 14-900 to the Crossville Municipal Code pertaining to telecommunication facility services

Following a request from a communication facility provider, a team was put together to craft an ordinance to govern telecommunication facilities such as towers. This team included Engineering, Planning, E-911, Utility Maintenance, Street, IT, and City Clerk.

At the recommendation of MTAS, an ordinance needs to be passed to establish a temporary moratorium and appoint a committee to work on the ordinance. The committee has started their work on the new ordinance.

City Manager Wood reported that he will be meeting with the representative from Mobilitie to get more information. He recommended approving both ordinances on first reading.

A motion was made by Mayor James Mayberry, seconded by Council Member Scot Shanks, that the ordinance adding §14-901 to the Crossville Municipal Code enacting a temporary moratorium on new facilities for a maximum of six months and the ordinance adding §14-900 to the Crossville Municipal Code be passed on first reading. The motion carried by the following vote:

Aye: 5 - Mayor James Mayberry, Council Member Pamala Harris, Council Member Danny Wyatt, Mayor Pro-tem J. H. Graham and Council Member Scot Shanks

9. City Attorney's Report

City Attorney's Report

City Attorney Will Ridley stated there has been no litigation filed during the past month. He has filed on the three properties, but they are all deceased so required notices have been filed.

This Report was received and filed

10. City Manager's Report

City Manager's Report

City Manager Greg Wood provided the monthly revenue reports on local option sales tax, wholesale beer, and retail liquor franchise fees. He also updated the Council on building permits, special projects, and bonded debt.

Mayor Pro-Tem Graham asked Mr. Wood to check on some property settlements on the Cox Avenue project.

This Report was received and filed

ADJOURNMENT

With no further business, the meeting was adjourned at 7:39 p.m.