

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Friday, March 21, 2014

2:00 PM

Council Chambers

Call for Special Meeting

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

City Manager David Rutherford
City Clerk Sally Oglesby

The City Council for the City of Crossville, Tennessee met in special session on Friday, March 21, 2014, at Crossville City Hall.

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 City Manager David Rutherford, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Fred Houston, Tim Begley, Heather Mullinix, Andy Vaughn, Lainie Luse, Jan Fisher, Sarah Hazelton, John Conrad, Lee Lawson, Peggy Harris, Ray Harris, James Mayberry, Bruce Wyatt, Ronnie Webb, Skip Freitag, Lori Freitag, Steve Franks, Billy Loggins, Fred Sherrill, David Beaty, Charles Daugherty, Rob Harrison, and Shane Daugherty.

Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 2:11 p.m.

1) Consent Agenda

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Jesse Kerley, that items "a and b" 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 for selling lot on Holiday Drive
This Ordinance was adopted on third reading
- b.** Ordinance amending the FY2013-14 budget for payment to Board of Education for mixed drink tax
This Ordinance was adopted on third reading

ORDINANCES ON SECOND READING

- c.** 3rd Reading of Ordinance amending §14-500 pertaining to sign code

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the Ordinance be passed on second reading. The motion carried by the following vote:

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

Nay: 1 - Council Member Pete Souza

2) OTHER BUSINESS

a. Matters relative to grant application for proposed greenway

As discussed in the work session, Lose & Associates is preparing a grant application to TDEC-Recreation Division for LPRF funds for a grant to construct a portion of a proposed greenway that would connect Centennial Park with Obed River Park. The proposed budget is \$500,000, which would be funded by \$250,000 in grant funds and \$250,000 in local funds.

Tim Begley explained the difference between the greenway that is proposed and a nature trail that is being planned at Meadow Park Lake. Nature trails are not fundable through grants because they are not accessible. The greenway is designed for use by multi-use such as walking, wheelchairs, bicycles, rollerblades, skateboarding, strollers etc. He showed two options that are being considered for the greenway. Mayor Graham asked for information to be gathered about culverts being installed and engineered for trails at Meadow Park Lake so they would last. He also asked about potential volunteer help for the greenway project. Mr. Begley stated that no plans had been made for the use of volunteers unless we used them for the temporary sections on the north side portion of the trail. The County has not been requested to help since it would connect with their park. Mayor Pro-Tem Wyatt questioned if there would be a requirement for accessibility if grant funds were not used. Mr. Begley responded that we would not have to, but that he thought it would be a good idea for the potential liability. Councilman Marlow expressed concern about the cost between the proposed trail at Meadow Park and Centennial Park. Councilman Kerley stated that he didn't feel the Obed River Park greenway was used enough to justify an additional one at this time. John Conrad explained to the Council that there is a clear distinction between the two projects because Meadow Park Lake is remote and the greenway would be urban and designed for higher usage for bikers, skateboarders, etc. It was pointed out that the high estimated cost for the greenway is driven by the two bridges that would need to be constructed.

A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that the application for funding of a proposed greenway not be filed. 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

b. Matters relative to downtown revitalization project

Bids are currently out on the project to be received on April 1 at 2:00 p.m. Councilman Kerley asked the City Manager about the bidding and potential contractors. He also inquired as to what the grant funds can be used for if the project is dropped. Mr. Rutherford responded that there were 5-6 contractors at the pre-bid conference, but that the public comments might have them jittery about bidding. He stated that the City probably can't use the funds, if the project is dropped. The SRF

funds are specifically for the water line. Councilman Kerley requested that the City Manager to get more information.

During discussion about the motion, Councilman Marlow stated that he did not see any reason to not wait until the bids come in.

Councilman Souza commented that 18% of costs are for aesthetic effects and that DCI has committed to helping raise the funds. He believes the constant discussion by the Council has made it difficult for city staff and the people in Crossville who have been at it for 7 years. He stated that the people are due a decision today and that any project less than doing the stormwater would be inadequate.

Councilman Kerley stated that he thought the stormwater should have been planned for the back side of the properties.

Director of Engineering Tim Begley stated that the City can use the plans for the waterlines, but that some of the fire hydrants might have to be moved because they are planned for curb bump-outs that would be eliminated. He cautioned that we would have to check with the state for approvals of those changes.

While he stressed he was not taking a position on the project, City Attorney Chadwell provided his legal concern for the motion since it was not part of the notice for the meeting. He stated that it may take 4 votes to be legal based on previous information received from MTAS on parliamentary procedure. He stated that if the Council wanted to proceed with a vote on the motion, it could be done, but that a report would be given later on whether or not it passes or fails.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, to renew the motion that was made in the March meeting to do a water line only, as engineered with the current plans, and to do a 3 year plan with ADA sidewalks where needed. The motion carried by the following vote:

Aye: 3 - Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III and Council Member Jesse Kerley

Nay: 2 - Council Member George Marlow and Council Member Pete Souza

c. Matters relative to Northwest Connector, Section II and III

Mayor Pro-Tem Wyatt led a discussion on the Northwest Connector. He stated that the project has been slowed down by at least 3 months by the failure of the budget amendment. He asked the City Manager about his thoughts about the delay and its effect on the project. Mr. Rutherford responded that having it delayed may have hurt the City because of potential funding decreases for road projects from USDOT and that the available funding will be going for safety issues. The City can proceed and lobby to stay on the list for bidding and construction. Councilman Souza questioned the possibility that the City proceed and complete the acquisition and the State not build the road. Mr. Rutherford responded that anything is possible, but that the city could fund the construction itself, which is estimated at \$10-12 million. Mayor Pro-Tem Wyatt asked that the City Manager consult with TDOT to see where we stand before April meeting. Mr. Rutherford stated that letters have been received asking us to get utility plans.

Prior to the vote on the motion, Councilman Kerley asked that the matter be put off until next Friday to gather more information.

City Attorney Chadwell reminded the Council that the vote to rescind the previous action on the budget amendment will take 4 votes since it was not publicized in advance. He also stated that because of conflicts he has, due to his relationship with Highland Federal Savings & Loan, he would not be making the decision on the vote on downtown and would ask that the questions be sent to MTAS for a legal ruling.

In summary of the project:

Section II - North of Hwy 70E to Hwy. 127N - This section has not been designed. The City is responsible for design and acquisition. On November 12, 2013, a contract with Gresham Smith and Partners for design services was approved. The budget amendment to cover those costs failed on third reading. Gresham Smith and Partners has been informed to stand down on any work until further notice from the City. The State has agreed to construct it, but no time table will be set until the design and acquisition are complete.

Section III - Hwy. 127N to Genesis Road - This section has been designed by TDOT but utility relocation plans must be prepared and submitted to the State. On December 10, 2013, a contract with Gresham Smith and Partners for utility design services was approved. The budget amendment to cover those costs failed on third reading. Gresham Smith and Partners has been informed to stand down on any work until further notice from the City. Once those plans are completed and approved, staff will know what has to be acquired for both right-of-way and utilities and can get the appraisal and review appraisal done, then acquisition can begin. The State has agreed to construct it, but no time table will be set until the utility relocation design and acquisition are complete.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, to rescind the action on the budget amendment on January 14, 2014. The motion carried by the following vote:

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

Nay: 1 - Council Member Pete Souza

d. Matters relative to Senior Men's Open golf tournament

The Council voted on 5/14/2013 to extend the City of Crossville title sponsorship of the Tennessee Senior Men's Open Golf Championship for an additional three years starting in 2014 running thru 2016. The tournament will be held in May 2014. Councilman Souza stated that he would like to only approve one year; however, it was pointed out that the 3 year commitment had already been made.

A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Danny Wyatt, that the sponsorship payment be approved as recommended. 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

ADJOURNMENT

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

Skip Freitag asked for clarification on the status of the downtown project.

With no further business, the meeting was adjourned at 3:00 p.m. and followed by a closed executive meeting regarding a legal matter.