

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, October 8, 2013

6:00 PM

Council Chambers

City Council

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

REGULAR MEETING

The City Council met in regular session on Tuesday, October 8, 2013, at Crossville City Hall.

Roll Call

Present: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

Others present were City Manager David Rutherford, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Andy Vaughn, Jim Young, Jim Morrow, Ted Meadows, Bob Karstens, Pam Harris, Carman Kington, John Turner, Jim Hilborn, Jerry Garrison, Pauline Sherrer, Steve Hill, Fred Sherrill, David Beaty, Clark Annis, Tom Isham, Ray Harris, Peggy Harris, Darlene Barnwell, Fred Houston, Bob Schwartz, Bill Schmidt, Jan Fisher, Frances Carson, Brad Allamong, Ray Hansen, Harold Allred, Kenneth Ferguson, John Solomon, Dick Deweese, Joseph Reali, Gary Nyquist, Helen Camp, Bob Camp, Jerry Smith, Teresa Smith, Joe Miller, Tanya Shumer, Lee Ann Gaddis, Bob Shumer, David Brockway, Jim Young, Tim Begley, Margie Buxbaum, Danny Findley, and Billy Loggins.

Call to Order

Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 6:00 p.m. The invocation was given by Bob Kastens from First Christian Church. The Young Marines presented the colors and led the Pledge of Allegiance.

1. Proclamations/Presentations

- a) Student of the Month
- b) Senior Softball
- c) National Business Women's Week
- d) Wounded Warriors Project
- e) Breast Cancer Awareness Day
- f) Domestic Violence Awareness Month

- a) Student of the Month - Isaac Smith for the character trait "responsibility"*
- b) Senior Softball - The Senior Softball teams were recognized for their recent successes at the Senior Olympics. The 60-64, 70-74, and 75+ teams received silver medals in the State competition. The 65-69 team received a gold medal in the State competition and a bronze medal in the National competition*
- c) National Business Women's Week - October 21-25*
- d) Wounded Warriors Project - Lee Ann Gaddis, President of BP&W, provided information on this upcoming project*
- e) Breast Cancer Awareness Day - October 18*
- f) Domestic Violence Awareness Month - October*

These Presentations/Proclamations were announced.

2. Appointments - NONE**3. Consent Agenda**

Mayor Pro-Tem Wyatt asked that items "i, j, and k" be deferred to a special called meeting on the downtown project. It was agreed to hold that meeting on Thursday, October 10, at 3:00 p.m.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that items "a-s, except d, e, i, j, and k" be approved on the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

a. Approval of minutes (9/10/13)

The Minutes were approved as recommended.

Ordinances on Second Reading**b. Ordinance amending the FY12/13 budget for depreciation and bond expenses**

This Ordinance was approved on second reading.

Ordinances on First Reading**c. Ordinance closing a portion of Lillian Ct.**

Kenneth Chadwell discussed the rights-of-way on Lillian Court. He recommended getting consents signed from all property owners prior to final reading.

This Ordinance was approved on first reading.

d. Ordinance annexing approximately 4.52 acres on Lantana Rd/Dunbar Rd

Councilman Souza expressed concern about the cost for 7 street lights and maintenance of the traffic signal that would become necessary with the annexation. It was pointed out that by annexing the vacant property now, the city would get any local option sales tax on any development on the property without holding the County harmless for 15 years.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that the Ordinance annexing 4.52 acres on Lantana Road be approved on first reading. The motion carried by the following vote:

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

Nay: 1 - Council Member Pete Souza

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- e. Ordinance annexing approximately 15.83 acres adjacent to the Gardens
This Ordinance was tabled at the request of the property owner.

Other Consent Items

- f. Approval of temporary street closing of Stanley Street from Main St. to Thurman St. on October 26
The temporary street closings were approved as recommended.
- g. Approval of temporary streets closings for CCHS Homecoming Parade on October 24
The temporary street closings were approved as recommended.
- h. Approval of lease with DCI on Snodgrass building
The lease of the Snodgrass building to DCI was approved as recommended.
- i. Approval of Utility Facilities Relocation Contract with Citizens Telecommunications Company of Tennessee (Frontier)
This Contract was deferred.
- j. Approval of Utility Facilities Relocation Contract with Volunteer First Services, LLC
This Contract was deferred.
- k. Approval of Utility Facilities Relocation Contract with Spirit Broadband
This Contract was deferred.
- l. Approval of contract extension with EDA on downtown improvement project
The Contract Amendment with EDA was approved as recommended.
- m. Approval of Network Coordinator Grant contract in the amount of \$19,420.00
This Contract was approved as recommended.
- n. Approval of High Visibility Enforcement contract in the amount of \$5,000
This Contract was approved as recommended.
- o. Approval of Alcohol Enforcement/Alcohol Saturation/Roadside Checkpoints contract in the amount of \$27,900

This Contract was approved as recommended.

- p. Approval of Young Driver Crash Reduction Grant contract in the amount of \$19,535.00

This Contract was approved as recommended.

- q. Approval of Satsuma Drive Abutment Project final change order in the deduct amount of \$2,957.20

The deduct change order with Hopper Excavation was approved as recommended.

- r. Approval of Oakmont Drive Water Line Relocation

The relocation of the water line was approved as recommended.

- s. Approval of Mutual Assistance Agreement with Roane State Community College

The Mutual Aid Agreement with Roane State Community College was approved as recommended.

(At 6:19 p.m. the regular meeting was recessed and the Solicitation Board was convened.)

SOLICITATION BOARD

- a. VFW Post 5025

An application for a Solicitation Permit was received from VFW Post 5025 for their annual Buddy Poppy campaign to raise funds for various causes.

A motion was made by Council Member Pete Souza, seconded by Council Member George Marlow, that a Solicitation Permit for the VFW Post 5025 be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

- b. VORP/Community Mediation Center, Inc.

An application for a Solicitation Permit was submitted by VORP/Community Mediation Center, Inc. to raise funds for their free services in providing access to justice and mediation dispute resolutions.

A motion was made by Council Member Pete Souza, seconded by Council Member George Marlow, that a Solicitation Permit for VORP/Community Mediation Center, Inc. be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

(At 6:20 p.m. the Solicitation Board was adjourned and the regular meeting reconvened.)

4. Bids/Purchases

a. Meter Reading Equipment

The Water Department needs to upgrade the MC3 RF unit (truck unit) and purchase two new handheld units (field units) for meter reading. They recommended acceptance of the proposal from United Systems, which includes the purchase of two FC300 handhelds, w/accessories, and an upgrade to the MC3 RF unit for a total cost of \$12,468.00. The City of Crossville utilizes Itron "Automatic Meter Read" equipment and United Systems is the sole source for Itron/Water equipment.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that the purchase of the meter reading equipment be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

b. Police Cruiser

The City received a \$15,000 JAG grant from the Department of Justice to cover a portion of the costs for the police cruiser included in this year's budget. Approval was requested to purchase a 2014 Ford Interceptor Sedan for \$24,988 plus \$200 delivery fee under State Bid Contract #35434 from Ford of Murfreesboro.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the purchase of a police cruiser be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

c. Semi-Rugged Laptops for Police Vehicles

The current inventory of in-car laptops is 5 years old and have reached the point where it is not feasible to continue to repair because of the difficulty infinding parts. The IT Department recommended replacement with the Getac S400. They acquired a demo unit to compare with the Panasonic CF-53. In their opinion, the Getac unit surpasses the Panasonic in design and durability.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the purchase of laptops be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

d. Fencing - Police Dept.

Bids were received for fencing at the Police Headquarters. The low bid from Ace Fence in the amount of \$27,050 was recommended for acceptance.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the fencing bid of Ace Fence be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

e. Northwest Connector Traffic Signals

TDOT bid the Phase 1 of the Northwest Connector with generic traffic controllers. The City has 37 traffic signals and the brand of each traffic controller is Peek. LoJac's bid included Eagle equipment and they have submitted a change order to TDOT to change the controller to the Peek brand totaling \$5,709.90. If the Eagle controller is installed, the future cost to the City for additional spare parts will be a minimum of \$15,000. The Director of Engineering and the Street Department Superintendent recommended that the City pay LoJac for the change order, if TDOT doesn't agree to pay it in the near future.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the payment of \$5,709.90 to LoJac for the additional cost of the two Peek controllers be approved as recommended. The motion carried by the following vote:

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

Nay: 1 - Council Member Jesse Kerley

5. Marketing Report

October Marketing Report

Marketing Director Billy Loggins provided updates on the following:

- *Downton Abbey – The premier event will be held on December 14 at the Palace Theatre. Tickets were sold out in 2 days.*
- *Upper Cumberland Senior Olympics – A banquet will be held on September 30. Crossville will be hosting state committee in November. He announced that Mayor Graham won the Gold Medal in golf and will be participating in the state tournament.*
- *September Events - Pioneer Days, Apple Festival, Cruise-In, Airport Fly In were all very successful. Jim Crabtree is doing a PSA for October events.*
- *Airport Open House / Fly In - big success*
- *Christmas Parade - December 14 - Denise Melton and House of Hope will be Grand Marshall with a theme of "Heart of Christmas".*
- *Tennessee Challenge Cup Matches will be held on October 25. Two local residents qualified for the Professional team.*
- *December 19 - Christmas Open House*

- *Sales Tax Revenue – Mr. Loggins pointed out that the growth is due to the work of the entire community.*

This Report was received and filed

6. Other Business

a. Matters relative to proposed Charter changes

The Charter Review Committee (Laney Colvard, Randy Graham, Ted Meadows) completed their review and made their recommendations. They reviewed the entire charter and thoroughly reviewed and discussed specific requests and issues raised by Council. Councilman Marlow expressed his thanks to the committee and recommended accepting their changes. City Clerk Oglesby clarified the process for changing the charter. The City Council passes the recommended changes and they are forwarded to the General Assembly. Upon passage by the General Assembly, these particular changes since they are considered housekeeping type changes must be approved by a two-thirds vote of the City Council to become effective. The two proposed changes by Councilman Souza would be expected to require a referendum by the voters following approval by the General Assembly. Councilman Kerley asked that the change to Article VII, Section 1 be removed and voted on separately. It was his opinion that those changes should be under the City Manager section rather than under the Mayor's section.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the changes recommended by the Charter Review Committee be approved as amended by removing the change to Article VII, Section 1. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the change to Article VII, Section 1 be approved as recommended. The motion carried by the following vote:

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

Nay: 2 - Council Member Pete Souza and Council Member Jesse Kerley

Councilman Souza asked that Article IV, Section 3 be changed to remove the \$5,000 assessed value to have voting rights. He took the position that to have voting rights based on the property value of \$5,000 is affording voting rights based on wealth. He did not feel that the dollar value is relevant, but rather the act of owning property and having a voice in the democratic process over which taxation may be legislated.

Mayor Graham expressed his concerns about property being subdivided for the purpose of voting. It was pointed out that timeshare owners could not vote. City Attorney Chadwell pointed out case law about stripping the economic value of a property. It could become an issue under constitutional law, so it is somewhat

important to maintain a reasonable monetary value to the property. Councilman Souza commented that if you allow all the property owners to vote, then you dilute the vote; however, he didn't think there are many lots assessed less than \$5,000. Councilman Kerley stated that he was for the motion or he would suggest removing all non-resident voting. Mayor Graham re-interated his concern on the property values and the constitutionality. Mayor Pro-tem Wyatt expressed his concern over diluting the vote of the residents.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the current language in paragraph two under Article IV, Section 3 be deleted in its entirety and replaced with "In any election under this Act, all registered voters, otherwise legally qualified to vote in county and state elections held in Cumberland County, Tennessee, and who are bona fide residents of said City and who have been such for three months preceding any election under this act, and all persons otherwise legally qualified to vote in county and state elections held in Cumberland County, Tennessee, who own parcels of real property, not including cemetery lots, in the City of Crossville shall be eligible to vote in municipal elections, not to exceed two persons to each parcel with at least fifty (50%) percent ownership in said parcel. Proof of ownership of parcels shall be presented to the voter registration office by deed or city tax notice no less than three months prior to the election date. The county election commission shall be requested to prepare and maintain separate voters' registration forms and books for voters eligible to vote in city elections." The motion failed by the following vote:

Aye: 2 - Council Member Pete Souza and Council Member Jesse Kerley

Nay: 3 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt and Council Member George Marlow

Councilman Souza asked that Article IV, Section 5 be changed to provide for term limits of two four-year terms because his constituents overwhelmingly want term limits. Mayor Graham suggested that the referendum be at the same time as the next city election to avoid extra costs. Councilman Souza agreed to amend his motion to have the referendum in November 2014. Mayor Pro-Tem Wyatt and Councilman Marlow both stated that they believe the voters should determine term limits. Councilman Marlow further stated that this change would take away the rights of the voters. Mayor Graham agreed with Councilman Marlow, but wanted the voters to say that they wanted to retain their rights. Councilman Kerley stated his agreement with the change.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the following be added to Article IV, Section 5, "Councilmembers and the Mayor shall be limited in office to two consecutive four-year elected terms. A councilmember or mayor alternating from one position to the other shall be viewed as non-consecutive." and that a referendum be held at the next city election in November 2014 to approve the change. The motion carried by the following vote:

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

Nay: 1 - Council Member George Marlow

b. Matters relative to I/I Improvements

As discussed at the September 23rd work session, funding of \$1,950,000 through the State Revolving Loan Fund has been offered to the City with a principal forgiveness (grant) of \$195,000. The rate would be 2.5% for 20 years. In addition, the City has a grant of \$30,000 through the Tennessee Healthy Watershed Initiative to cover some of the study and engineering costs. The remaining projected costs for the study and engineering are included in the budget. The City also has a grant application in for \$500,000 in CDBG grant funds for I/I improvements that are expected to be announced at any time.

A contract with GRW Engineers in an amount not to exceed \$75,000 was also submitted for review. Included in the \$75,000 cost is \$66,950 for CSL who will install the flow monitors as a subcontractor to GRW Engineers. The proposal from CSL was also presented. City Manager Rutherford pointed out the deadline of October 15 to accept the loan/grant offer. Finance Director Fred Houston stated that MTAS has recommended an increase of 2% every year to adequately cover all operating expenses, including this debt; however, it was clarified that this loan would only require a 1/2% of the increase. Mayor Pro-Tem Wyatt asked if the work could be done by in-house crews. City Manager Rutherford responded that some, but not all, of the work could be done in house, but not all because the City does not currently have the staff dedicated to that at this time. Councilman Souza suggested using part of the money to set up an in-house construction crew. The City Manager responded that he would have to check with SRF on using in-house crews. The deadline of October 15 is to tell the State that we want the money and then we have until December 15 to get the application in. He recommended that Council move forward and then he can find the answers to the questions during the interim period.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that acceptance of funding through the State Revolving Loan Fund for I/I improvement costs be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

c.

Matters relative to rates charged by the wastewater treatment plant

Councilman Souza discussed the rate charges that are in effect as follows; \$0.025/gallon inside city, \$0.03/gallon outside of city, and \$0.05 for septic outside of city from other waste treatment facilities in other sewer districts. He recommended that the charges be changed to \$0.02/gallon for City customers and \$0.035/gallon for customers outside the City. He would eliminate separate charges for wastewater plant sludge and leachate. The charges he recommended would be less than other counties, some of whom do not accept septic waste. Councilman Kerley charged the City Manager with making sure that proper logs are kept to be sure they are properly charged. Currently most of the waste comes from outside the City. City Manager Rutherford recommended acceptance of the new rates and that it be tracked over the coming year to see if further adjustments need to be made

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the charge for accepting sewage be set at \$0.02/gallon for all city customers and \$0.035/gallon for ALL customers outside the city. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

d. Matters relative to City-owned property

Proposed covenants for the Waterview lots were prepared by the City Attorney for review and approval by Council prior to the selling of the two lots.

Mayor Graham asked for consideration of several other requirements. It was agreed to have a section on excessive motor vehicles.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the recommended covenants, as amended for motor vehicles, be approved. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

7. **City Attorney's Report**

City Attorney's Report

City Attorney Kenneth Chadwell reported that a lawsuit was filed during the previous month over a sewer backup. It has been forwarded to TML and they are handling the case.

This Report was received and filed

8. **City Manager's Report**

City Manager's Report

City Manager Rutherford reviewed the monthly revenue reports for local option sales tax, wholesale beer, and retail liquor. He also presented updates on building permits, special projects, and grants.

He commented that he has been working with the Finance Director and that the operating budget work for 2014-15 will begin in December. He is also working with Planning on updating the land use and transportation plans. Mr. Rutherford reported on the Governor's Conference that he, Mayor Graham, and Billy Loggins attended last week.

The Police Department requested a 2.5% increase for Officer Jonathan O'Neal (retroactive to September 1) due to his completion of the canine officer certification. His hourly rate will increase from \$14.41 to \$14.77. A budget amendment is not necessary.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the pay increase for Jonathan O'Neal be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

9. **Public Comment**

Mayor Graham opened the floor for comments from the public.

Helen Camp asked about the deduct change order on Satsuma project. She also asked about the time to pay the abutment charge. She was informed that the change order would lower her assessment and that it had not yet been determined, but the assessment would probably be spread over 5 to 7 years.

David Brockway spoke on the fact that animal codes enforcement is limited on abused animals because there is no Humane Society. He suggested the Council might want to consider licensing of dogs as a source of revenue.

Jim Hilborn of GRW Engineers was prepared to clarify their proposal on the I/I project, but it was deferred to a special called meeting for further discussion.

David Brockway thanked the Council for the yard work on the meth lab house in his subdivision on Prentice St, which is now owned by the bank, but expressed concern over the future clean-up of the property. The City Manager was asked to study the situation and contact him. City Attorney Chadwell commented that if there is evidence of meth, he would not recommend the City accept the problem because of the liability.

ADJOURNMENT

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

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

With no further business, the meeting was adjourned at 7:46 p.m.