

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, January 13, 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

Plan of Services - 26 Sunshine Road

Mayor James Mayberry was present and presiding. He called the public hearing to order at 5:40 p.m.

The annexation of 26 Sunshine Road was effective on 7/10/14. The Plan of Services was adopted on 6/10/14. As required by state law, a public hearing must be held six months following the annexation to review the progress on the implementation of the Plan of Services. All services of the City have been provided as outlined in the Plan of Services and/or requested by the property owner/developer.

Comments from the public were requested. With no comments, the public hearing was adjourned at 5:42 p.m.

This Public Hearing was received and filed

PUBLIC HEARING

CDBG Application

Mayor James Mayberry was present and presiding. He called the public hearing to order at 5:45 p.m.

Assuming that the current Community Development Block Grant (CDBG) project is completed by the end of January, City staff is considering the submittal of an application for CDBG funds of up to \$500,000 to continue improvements in the wastewater system, especially in the reduction of nutrients. A public hearing is required to describe potential use for these funds and receive comments from the public. Mayor Mayberry requested comments from the public. Evan Sanders explained the grant program. The maximum grant is \$500,000 with a 26% local match required.

With no further comments, the public hearing was adjourned at 5:50 p.m.

This Public Hearing was received and filed

REGULAR MEETING**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 Kenneth Chadwell, City Clerk Sally Oglesby, Fred Houston, Tim Begley, Bart Riden, Carla Riden, Brian Tilley, Camden Davis, Jonathan O'Neal, Scot Van Ruden, Kevin Wood, Larry Qualls, David Beaty, Mark Rosser, Vanessa Myers, Camdon Myers, Tracy Newman, Dick Demars, Jim Young, Fred Houston, Andy Vaughn, Pauline Sherrer, Chris Bennett, Lee Lawson, Jane Powers, Mark Fox, Tara Cross, Richard Whited, John Turner, Brad Allamong, Mike Turner, Rick Myers, John Kinnunen, Teresa

Payne, Shelley Miller, Clark Annis, Jim Morrow, Tom Bailey, Jerry Kerley, Clark Annis, Kevin Music, Steve Powell, Jeff Johnson, Margie Buxbaum, Bruce Wyatt, Levonn Hubbard, Tom Flynn, Kevin Poore, Ashley Richards, Cathe Raymer, Debbie Gunter, Tom Isham, Rachel Raulerson, Ivy Gardner, Jeff Vires, and Kyle Turner.

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 Kenneth Chadwell. Mayor Mayberry led the Pledge of Allegiance.

1. Proclamations/Presentations

Student of the Month

Elisjsa Cross was recognized for the character trait "honesty".

2. Appointments

a. Lake Commission

Levonn Hubbard was appointed in July to fill the unexpired term of Earl Dean on the Lake Commission. This term expires this month.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that Levonn Hubbard be re-appointed to the Lake Commission. 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

b. City Judge

Applications were received from:

Jack Atkins

Landon Colvard

Ivy Garner

Tiffany Lyon

Earl Patton (removed his application prior to the meeting)

Kevin Poore

Jane Powers

James E. Thompson

Jeff Vires

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Pamala Harris, that the procedure for voting for City Judge with paper ballots with the Council voting for two in the first round and one in subsequent rounds until one person receives 3 votes be approved. 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

The following votes were announced by the City Attorney in the first round of voting:

Mayberry - Gardner, Vires
Kerley - Gardner, Powers
Harris - Colvard, Gardner
Souza - Gardner, Poore
Wyatt - Colvard, Poore

Following the first round, Colvard, Gardner, and Poore remained as candidates for the second round of voting:

*Mayberry - Gardner
Kerley - Gardner
Harris - Gardner
Souza - Gardner
Wyatt - Colvard*

A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that Ivy Gardner be appointed as City Judge at an annual salary of \$12,000.

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

Following the vote, Mayor Mayberry administered the oath of office to Ivy Gardner.

c. Discussion and possible action on City Attorney position

Councilmember Kerley discussed accepting applications for the City Attorney position. Mayor Pro-Tem Harris expressed her concern for continuity with the City under a Private Act Charter. Councilmember Wyatt agreed with the Mayor Pro-Tem and commented that a change could be costly. Councilmember Kerley stated that he would like to see the position be term limited.

A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that the City Manager be requested to advertise the position of City Attorney in the same manner as was done for the City Judge. The motion carried by the following vote:

Aye: 3 - Council Member Pete Souza, Council Member Jesse Kerley and Mayor James Mayberry

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

3. Consent Agenda

Approval of the Consent Agenda

A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, to approve items "a-q", except "p" on the Consent Agenda. 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

- a. Approval of minutes (12/9)

The Minutes were approved as recommended.

Ordinances on Third Reading

- b. Ordinance amending §7-100 pertaining to Fire Codes

This Ordinance was adopted on third reading.

- c. Ordinance amending the FY14-15 budget for USGS stream gage

This Ordinance was adopted on third reading.

Ordinances on Second Reading

- d. Ordinance adopting 2014-S3 supplement to the Code of Ordinances

This Ordinance was approved on second reading.

Ordinances on First Reading

- e. Ordinance adding §6-104 pertaining to sexual offender registration fees

State law provides that each sexual offender must pay an annual fee of \$150 to cover administrative costs for the City and TBI in implementing the requirements of the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. In addition, legislation was passed in 2014 permitting cities, by a two-thirds vote of the Council, to establish a community notification system with an annual fee of \$50. An ordinance covering this system is required for implementation. The primary notice will be on the City's website, where information on all those registered will be kept up-to-date.

This Ordinance was approved on first reading.

- f. Ordinance amending §1-102 Order of Business to add reports from Cumberland County and Chamber

As suggested by Councilman Souza, an ordinance has been prepared to add an opportunity for a report from Cumberland County at each Council meeting. The ordinance has been prepared to allow the Chamber of Commerce to make a report at the same time. The report is suggested to come after the Marketing report.

This Ordinance was approved on first reading.

- g. Ordinance amending 2014-15 budget for SRF waterline project

At earlier meetings, Council approved additional funding from SRF to replace waterlines in Brookhaven and on Highland Lane. Council also approved a contract with ECE Services for engineering design. This project has been tied to the SRF project funding the waterlines downtown, which are planned for bidding in January.

When the project is bid, Highland Lane will be bid as an alternate and be constructed only if there are remaining funds either from the downtown project or from the bid on Brookhaven.

A budget amendment is required to cover the expenses. If Highland Lane is able to be constructed, then the appropriate funds will be moved to a new line item for Highland Lane waterline.

This Ordinance was approved on first reading.

- h.** Ordinance deleting Title 14, Chapter 6 from the Crossville Municipal Code pertaining to Historic Zoning District

Due to lack of zoning city-wide and lack of activity, interest, and need for a historic zoning district at this time, it was recommended that Title 14, Chapter 6, in its entirety, be removed from the Crossville Municipal Code. A new ordinance can be adopted at a later time, if the need arises.

This Ordinance was approved on first reading.

- i.** Ordinance amending the 2014-15 budget for storage hangar

A budget amendment is required to cover the costs expected to be incurred this fiscal year on the storage hangar at the airport. Construction is not expected to begin until after July 1, 2015.

This Ordinance was approved on first reading.

Additional Consent Items

- j.** Approval of temporary street closings for BenchMark Physical Therapy 5K on April 18

Benchmark Physical Therapy is planning a 5K charity run on Saturday, April 18. The race is planned for Northside Drive between Hwy. 70N and Hwy. 70W beginning at 6:30 a.m. and ending at approximately 9:30 a.m.

The temporary street closings were approved as recommended.

- k.** Approval of one-time donation of \$3,000 to Crossville Youth Baseball and Softball and a request be made to Cumberland County to share in the donation

Crossville Youth Baseball and Softball Association requested a one-time donation from the city of \$3,000 as they work toward self-sufficiency. They also requested that no new fees be instituted by the City for use of the fields that could affect their program and costs. At the work session, the City Manager was requested to contact the County Mayor about splitting the \$3,000.

A one-time donation of \$3,000 was approved.

- l.** Approval of resolution on administrative services for SRF I/I project

As required, RFQ's were solicited for administrative services for the SRF I/I project for which funding was approved at the December meeting. It was the recommendation of staff that Community Development Partners, who prepared the

loan/grant application be selected for administrative compliance services as this project moves forward. The cost of \$40,000 is included in the grant/loan and provides required services of planning, construction, Davis Bacon wage compliance, Equal Opportunity documentation, financial management, and close-out requirements.

This Resolution was approved as recommended.

m. Approval of resolution on engineering services for SRF I/I project

As required, RFQ's were solicited for engineering services for the SRF I/I project for which funding was approved at the December meeting. This project includes the old landfill pump station and collection system rehabilitation. It was the recommendation of staff that GRW Engineers, Inc., who prepared the preliminary engineering reports and the I/I studies be selected for engineering services as this project moves forward.

This Resolution was approved as recommended.

n. Resolutions approving submittal of an application for funding of a 2015 CDBG project and selecting Community Development Partners for administrative services and GRW Engineers for engineering services

A public hearing was held prior to the meeting. While other projects may be suggested, City staff recommend that a grant application be submitted for a wastewater project to reduce nutrient loading at the plant.

Requests for Qualifications for administrative services and engineering services were issued via mail to capable firms and advertised in the paper. The only responses received were from Community Development Partners for administrative services and GRW Engineers for engineering services. Since both firms are familiar with the project, it was recommended that they be utilized to assist in the preparation of the grant application. There will be no charge for their services in the application; however, if the project is funded, they would be asked to submit a contract for their services for approval by Council.

The Resolutions were approved as recommended.

o. Authorization for Mayor to execute Agreed Order from the U.S. Army Corps of Engineers for the soccer complex

The environmental attorney has informed the City Manager that an agreed order will be coming from the U.S. Army Corps of Engineers that the City must execute to close the matter.

The Mayor was authorized to execute an Agreed Order from the U.S. Army Corps of Engineers for the soccer complex once it has been received.

p. Approval of Revised Council Standing Rules of Procedures

As discussed in previous work session, concerns were express about rule 3 and rule 6 of the Standing Rules that were adopted June 10, 2014. The City Manager and City Clerk have reviewed the areas of concern and submitted some proposed changes.

Councilmember Wyatt stated his position on the need for the 24 hour notice for Public Comment to allow the Council and staff to be prepared and that he would be opposing the change. Councilmember Souza expressed his concern about items being taken off the agenda and wanted that change in the rules. Councilmember

Kerley related that the Charter has always provided for a period for public comment. Mayor Mayberry stated that he felt the current rules do allow for the public to comment and that he would not restrict anyone from speaking. Mayor Pro-Tem Harris pointed out that the 24 hour notice does allow staff and Council to be prepared and there is an opportunity for the Mayor to allow others to speak. She pointed out that the changes were minor.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the revised Council Standing Rules of Procedure be approved. The motion carried by the following vote:

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

Nay: 1 - Council Member Danny Wyatt

- q. Approval of Residential Street Lighting Policy and acceptance of existing decorative streetlights on Goose Pointe Circle with contingencies

A policy was presented regarding residential street lighting. It contains provisions that have been followed for several years as an unwritten policy. The decorative street lights on Goose Pointe Circle pre-date any decorative street lighting policy and the City was not contacted by the Developer to take over the lights and/or pay the electric bill for the street lights. The locations of the street lights were shown, which match the policy. The Goose Point Circle lights are not a VEC standard decorative street light. A resident of Goose Point Circle requested that the City take over the lighting system.

The Residential Street Lighting Policy was approved as recommended and the Decorative Street Lights on Goose Point Circle accepted, contingent on the Street Department inspection and with the stipulation that if the light or pole is ever damaged, the City will replace it with a VEC standard decorative light.

4. Bids/Purchases

- a. 40 cal. Training Ammo

Approval was requested to purchase 40 caliber training ammo from Precision Delta Corporation, State of Tennessee contract #SWC331.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Pamala Harris, that the purchase of the ammo be approved as recommended. 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

- b. Collection Agency for Police Department

MTAS uses Pioneer for all of the training they perform on Municipal Court Collections. Pioneer also focuses more on the collection of court fines and fees than the other agencies.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that Pioneer be approved as the Police Department's collection agency as recommended. 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

(At 6:30 p.m. the regular meeting was recessed and the Beer Board convened.)

BEER BOARD

Walgreens #06223

Due to a pending change in ownership, a new application has been filed for an off-premises beer license for Walgreens located at 82 Elmore Road.

A motion was made by Council Member Danny Wyatt, seconded by Council Member Jesse Kerley, that an off-premises beer permit be issued to Walgreens #06223. 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

(At 6:32 P.M. the Beer Board was adjourned and the regular meeting re-convened.)

c. Backup Virtualization Server

IT has recently begun virtualizing workstations so that users now connect directly to a remote server. In the event of a failure of that server, a redundant backup machine is needed. A quote was received from Dell for \$12,114.31.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Pete Souza, that the purchase of the server from Dell be approved as recommended. 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

d. SCADA Equipment upgrade

On 10/28/14, a hard drive failure was experienced in the Meadow Park Water Plant SCADA computer, the computer that monitors and records State-required water information. About 95% of the data was recovered.

Being that the SCADA machines are critical to required record keeping and that they operate 24/7/365, the following expenditures were recommended to safeguard the records and to increase reliability.

<i>Meadow Park Water Plant-</i>	
<i>Lookout 6.7 Software upgrade -</i>	<i>\$7,245.00</i>
<i>Dell PowerEdge server hardware -</i>	<i>\$2,729.36</i>
<i>APC SMC 1500 Battery Backup -</i>	<i>\$ 600.00</i>
<i>Total for site</i>	<i>\$10,574.36</i>

<i>Holiday Water Plant-</i>	
<i>Lookout 6.7 Software upgrade -</i>	<i>\$7,245.00</i>
<i>Dell PowerEdge server hardware -</i>	<i>\$2,729.36</i>
<i>APC SMC 1500 Battery Backup -</i>	<i>\$ 600.00</i>
<i>Total for site</i>	<i>\$10,574.36</i>
<i>Catoosa Utility Department-</i>	
<i>Dell PowerEdge server hardware -</i>	<i>\$2,729.36</i>
<i>APC SMC 1500 Battery Backup -</i>	<i>\$ 600.00</i>
<i>Total for site</i>	<i>\$3,329.36</i>
<i>Grand Total for Project</i>	<i>\$24,478.08</i>

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the purchase be approved and a budget amendment passed on first reading. 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

5. Marketing Report

Marketing Report

Marketing Director Billy Loggins updated the Council on the following:

- *Christmas Parade recap - 97 entries*
- *Cumberland County Playhouse - 50th Anniversary*
- *Event Schedule for 2015*
- *Economic Development Forum*

This Report was received and filed

6. Other Business

a. Discussion and action on Proposed Joint Economic Development Program

The City Manager, County Mayor, and President of the Chamber of Commerce have been working together on a development of a joint program for economic development. A draft of a proposed agreement has been prepared. It was pointed out that the version presented is still in draft form and that the final version will be brought back to Council for approval. A resolution agreeing to work to enter into a cooperative agreement was presented for adoption by the three bodies.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Jesse Kerley, that the Resolution be approved as recommended. 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

b. Discussion and action on request from Rick Myers for additional compensation

Rick Myers is retiring from the City of Crossville through the retirement incentive package. He had previously requested additional compensation for his certification for graduating from the Police Academy in 1997. He went through the Academy to

allow him to carry a gun as an arson investigator. This request was verified through our records and approved in the amount of \$4,979.75 by the City Manager.

Mr. Myers is now requesting a 10% increase from 1985. He has a newsletter showing that the City Manager at that time named him as Assistant Fire Chief and did not give him additional compensation. All personnel files, records, and minutes have been checked and there is no documentation of this promotion or the intent of additional compensation. The City Manager did not recommend this additional compensation as he felt that it should have been handled at the time by previous City Managers and Councils, if that was their intention.

As requested at the December work session, the Finance Director reported that the 10% would total \$13,085.17, based on W-2 records. A conversation was had with Charlie Akins, the City Manager in 1985, who does not recall any compensation being offered.

Councilmember Souza commented that staff found a number of documents, including motions passed during that time that there would be no promotions and pay increases without the City Manager signing a document. Councilmember Wyatt asked the City Attorney if there would be a statute of limitations. He responded in the negative. With no motion offered, Mayor Mayberry declared the request denied.

The request was denied.

c. Discussion and action on Classification and Compensation Plan

Since the last meeting, the plan has been revised to reflect a lower starting pay for new employees. The City Manager pointed out that there will be some additional tweaking for individual employees before it is finalized. Council Member Souza expressed his support for the plan, which he felt was long overdue and asked that it be effective 1/1/2015. Councilmember Wyatt stated his preference to wait until the next budget.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, the Classification and Compensation Plan be approved effective 1/1/2015 and the FLSA rules on hours of work be adopted. The motion carried by the following vote:

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

Nay: 1 - Council Member Danny Wyatt

d. Discussion and action on funding for water lines and tank

As discussed at the work session, the Rural Development funding approved by City Council in August 2014 is not available for all the projects since the City is no longer eligible for funding through Rural Development for projects in the City limits. They can fund the Catoosa water storage tank and the waterlines in Lantana Estates & Fairyland Acres only.

The options available are:

Rural Development - 38 year loan at 3% fixed rate with a 20% grant. Based on the estimated costs of the eligible projects, the loan would be for \$1,121,200 and the grant would be \$280,300. The loan money must be spent before the grant money is available.

TML Bond Fund - 20 year variable loan, currently at 1.03%. The variable rate can be converted to a fixed rate at any time. Finance Director Fred Houston provided

a report on that process.

Projects to be funded are:

- \$910,000 - Water Storage Tank - Catoosa Department
- \$296,000 - Holiday Drive waterline replacement and hydrants - approximately 6,040 feet
- \$181,000 - County Seat and Southbend waterline replacement and hydrants - approximately 3,400 feet
- \$491,500 - Lantana Estates & Fairyland Acres waterline replacement and hydrants - approximately 11,500 feet
- \$617,500 - Old Lantana Road waterline replacement and hydrants - approximately 8,300 feet
- Other similar projects may be added

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the action taken on August 20, 2014 regarding funding the projects through Rural Development be rescinded. 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

A motion was made by Council Member Danny Wyatt, seconded by Council Member Pete Souza, that an application be submitted to Rural Development for funding of the water tank and the waterlines be funded through a loan from the TML Bond Fund. 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

e. Discussion and action on contract with EG&G on downtown sidewalks

TDOT is scheduled to re-pave Main Street in March 2015. As discussed in work session, a request needs to be made to delay the paving one year so that the sidewalks can be replaced.

A proposed contract for \$18,950 to review the project area to determine the sidewalk and curb areas that do not meet current ADA requirements and/or in poor condition, provide design, and an opinion of probable construction cost was presented for consideration.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the City Manager be directed to request a one-year extension on the re-paving of Main Street and the contract with EG&G be approved. 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

7. City Attorney's Report

City Attorney's Report

City Attorney Kenneth Chadwell reported that no new lawsuits had been filed during the previous month.

This Report was received and filed

8. City Manager's Report

City Manager's Report

City Manager Rutherford presented the monthly revenue reports for local option sales tax, wholesale beer, and retail liquor. He also presented reports on debt schedules, building permits, grants, and special projects. Mr. Rutherford announced promotions in the Fire Department: new Captains - Daniel Tollett, Tim Johnson; new Lieutenants - PJ Phipps and Kevin Edwards.

He also announced that, in the Parks & Recreation Department, Tammie French will be over Administration and Budgeting and Rick Houston over Field Maintenance and Grounds.

The work on the guardrail on the Holiday Lake dam is trying to be scheduled. There is \$25,000 in the budget for this project.

This Report was received and filed

9. Public Comment

Mayor Mayberry opened the floor for comments from the public. There were none.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:13 p.m.