

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Monday, November 10, 2014

6:00 PM

Council Chambers

City Council

Mayor J. H. Graham, III
Council Member George Marlow
Council Member Jesse Kerley
Council Member Pedro (Pete) Souza
Council Member Danny Wyatt
City Manager David Rutherford
City Clerk Sally Oglesby

The City Council for the City of Crossville met in regular session on Monday, November 10, 2014, 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, Tim Begley, Fred Houston, Kevin Music, Jerry Garrison, Andy Vaughn, Jim Young, Mayor-Elect James Mayberry, Council Member-Elect Pam Harris, Jerry Kerley, Earl Patton, David Beaty, Chris Bennett, Kay Whiteaker, Ralph Reagan, Gloria Sue Lewis, Jerry Lewis, John Turner, Khrista Wyatt, Carmen Wyatt, Judy Stover, Lewis Stover, Brad Allamong, Jim Morrow, Mark Rosser, Warren Nevad, Billy Loggins, Bob Schwartz, Randall Kidwell, Mark Fox, Ashley Pealer-Richards, Joe Reynolds, Tony Myers, Vanessa Myers, Dee Bohl, Dick Demars, Jeff Johnson, Elaine Morrow, Tom Baisley, Carol Williamson, Donnie Williamson, David Morrow, Cathe Raymer, Helen Camp, Mary Corson and family, Rolf Weeks, Chris South, Mike Turner, Margie Buxbaum, Ed Camera, and Frances Carson.

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 Ralph Reagan of the Bread of Life Ministries. The Young Marines presented the colors and led the Pledge of Allegiance.

1. Proclamations/Presentations

a) Student of the Month

The Student of the Month was Dalton Corson for the character trait "manners".

Mayor Graham gave comments regarding his service and the history of leaders in the community and the growth we have experienced. He presented Mayor-Elect James Mayberry with a gavel.

Warren Nevad presented Mayor Graham with a Certificate of Appreciation from TREEDC and UT Institute of Public Service.

The Presentation was announced

2. Appointments - NONE

3. Consent Agenda

Approval of the Consent Agenda

A motion was made by Council Member Pete Souza , seconded by Mayor Pro-tem Danny Wyatt, to approve items "a - g" 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 (10/14)

The Minutes were approved as recommended.

Ordinances on Second Reading

- b. Ordinance amending §11-402(A)(8) of the Crossville Municipal Code regarding anti-noise regulations

This Ordinance was approved on second reading.

- c. Ordinance amending §15-613(B) pertaining to handicapped parking

This Ordinance was approved on second reading.

Ordinances on First Reading

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

This Ordinance was approved on first reading.

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

This Ordinance was approved on first reading.

Additional Consent Items

- f. Approval of temporary street closing for TAD Center 5K run on December 13

The TAD Center is planning a 5K to be held on Saturday, December 13, starting at 8:00 a.m. The run will start and end at their center on Yvonne Ave.

This Permit was approved as recommended.

- g. Discussion and action on Amendment #1 to Agreement with TDOT on the Northwest Connector

Following first reading of the ordinance annexing the right-of-way for the Northwest Connector, contact was made with Chad Jenkins of the Tennessee Municipal League regarding the annexation moratorium and the current requirements for annexation. The moratorium only allows annexations requested by the property owners or approval of the Cumberland County Commission for extenuating circumstances. Ordinarily, the right-of-way would not be considered a property owner, but since it is

the only property involved, it was determined that a letter from TDOT would be in order. The City Clerk discussed the issue with Paul Degges, Deputy Commissioner and Chief Engineer, and the situation the City is in with a signed agreement for the City to maintain the new road, but portions being outside the City. Because of issues in other cities that TDOT does not want to be involved in, they were not in a position to issue a letter requesting the annexation. Their alternative was to amend the existing agreement to put maintenance in the unincorporated area under the responsibility of TDOT.

This Contract Amendment was approved as recommended.

Approval of the Consent Agenda

A motion was made by Council Member Jesse Kerley , seconded by Council Member Pete Souza, to approve items "h and i" 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

- h.** Approval of Joint Funding Agreement with USGS for a stream gage to be located on the Obed River at Adams Bridge

The U.S. Department of the Interior Geological Survey (USGS) has proposed a one-year joint funding agreement to locate a stream gage on the Obed River at Adams Bridge. The cost would be split with USGS paying \$6,541 and the City paying \$8,059.

The USGS stream gage located on the Obed River at Adams Bridge is vital to the City of Crossville for water quality monitoring. The gage collects real-time water quality data, including temperature, pH, velocity and turbidity. These indicators are extremely useful for quantifying water quality improvements by the City of Crossville and its MS-4 Stormwater Program.

This Agreement was approved as recommended.

- i.** Approval of Joint Funding Agreement with USGS for a stream gage to be located on Basses Creek below Lake Tansi

The City has had a joint funding agreement with USGS for a number of years for a stream gage on Basses Creek that fulfills one of the requirements for the water harvesting line permits. The extension of this agreement will be through December 31, 2017 when the requirement terminates. USGS will provide \$21,258 and the City will provide \$26,192 over the term of the agreement.

This Agreement was approved as recommended.

Approval of the Consent Agenda

A motion was made by Council Member George Marlow , seconded by Mayor J.H. Graham III, to approve items "j and k" on the Consent Agenda. 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

- j. Approval of grant contract with TDOT-Aeronautics for the funding of \$904,000 for the construction of a corporate hangar

The Tennessee Aeronautics Commission has approved funding of \$904,000 for the construction of a corporate hangar. Federal and Local Grant funds are authorized for \$858,800 with the City's share of \$45,200 (5%). This hangar will be mostly used for short-term rentals. Prior to the completion of construction, a plan will be presented to Council for approval of the rent to be charged and the business plan with Crossville Aero for moving planes in and out of the hangar and other costs they incur. Approval was recommended.

Councilman Souza asked for it to be tabled to the next meeting for more discussion on the business plan for the hangar.

This Contract was approved as recommended.

- k. Approval of grant contract with TDOT-Aeronautics for funding of sitework for storage hangar and apron

The Tennessee Aeronautics Commission has awarded the City funding toward a \$250,000 project for sitework for the storage hangar and apron. The State will provide \$237,500 with the City responsible for \$12,500 (5%). Approval was recommended.

This Contract was approved as recommended.

- l. Approval of contract with Atkins for engineering services for a storage hangar

This Contract was deferred.

4. Bids/Purchases

- a. Radar Units (3)

The Police Department requested approval to purchase three radar units to equip the new patrol vehicles. It was recommended that they be purchased from Stalker Radar for \$1,695 each on state contract.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the radar units 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. Patrol Cars Video System (3)

New Video System cameras for the 3 new patrol vehicles. Approve purchase from Mobile Vision L3 at \$4595.00 each. Mobile Vision was approved on an annual bid contract.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the purchase of the video systems 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. Nutrient Testing Equipment

Karina Bynum from TDEC applied for a grant which has been approved by TDEC for Crossville, Livingston, and Cookeville to participate in a Nutrient Reduction Study for wastewater facilities. The study will involve a consultant with the goal of reducing nutrient concentrations and operational savings. Part of the study requires frequent data to do nutrient testing that facilities cannot currently do without proper lab equipment. The three facilities will need to order standardized lab equipment that can be used as part of the study. This equipment will be required because of the new permit requirements regardless of the grant and study. The total cost of the instrument is \$6,686.40. The recommended accessories cost will be covered by Veolia and the City will be reimbursed half of the cost of the Hach Instrument (\$3,343.20).

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the purchase of the Nutrient Testing 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

5. Marketing Report

November Marketing Report

Marketing Director Billy Loggins provided an update on the following:

- Depot
- Christmas Parade
- TVA Sustainable Communities
- Stonehaus Winery
- TVA Mentor Scout Program
- Upper Cumberland Senior Olympics
- Magazine Article on Crossville
- Meadow Park Lake trail work

Mayor Pro-Tem Wyatt asked for an economic forum with the City Council and County Commission.

This Report was received and filed

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

BEER BOARD

a. Honey's Market

Francisco Antonio Fuentes requested to change his off-premises beer permit for Honey's Market located at 822 Sparta Hwy to an on- and off-premises beer permit.

Because there was an existing beer permit at this location before the church moved into the area, continual beer permits are allowed. Chief of Police David Beaty gave a clear records report on the applicant and recommended approval.

Councilman Souza pointed out the Place of Refuge Church is within the 500' radius. He said the application was false because it was mistaken in regard to the closest church and should be resubmitted. City Attorney Chadwell pointed out that the existence of the church was after the original beer permit was issued at that location and recommended approval.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that this Permit 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 Jesse Kerley

Nay: 1 - Council Member Pete Souza

b. Butcher's Block at Stonehaus

An application for an on-premises beer license has been received from The Grapevine LLC dba The Butcher's Block at Stonehaus to be located at 2444 Genesis Road, Suite 101. Chief of Police David Beaty gave a clear records report on the applicant and recommended approval.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that this Permit 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 6:34 p.m. the Beer Board was adjourned and the regular meeting reconvened.)

6. Other Business

a. Discussion and action on pilot recycling program

Mayor Pro-Tem Wyatt led a discussion on the pilot recycling program that has been proposed and budgeted. City Manager Rutherford expects that the cost will be less than the amount budgeted and would last about 5 months using city crews. Mayor Pro-Tem Wyatt indicated that he hopes to recoup some money from the reduction of the costs which might lower the solid waste cost and avoid a charge to the residents. Mayor Graham recommended Zone 1 with bags provided by the City. Councilman Souza pointed out that he thought the City was on the right track, but that communication with the County needed to be done before the project started. He asked that it be tabled until next month. It was pointed out that several meetings have been held with Mike Harvel and Mayor Carey. Councilman Kerley asked about the effect on the cost for regular garbage pick-up. Mr. Rutherford pointed out that the pilot project would be done to get the information to take to the county and see if there could be any savings to offset the cost for regular garbage pick-up. Councilman Marlow indicated that he wanted to encourage recycling by the city residents.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the City Manager determine which areas to cover and be authorized to proceed. 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. Discussion and action on engineering services for water projects

As discussed previously, RFQ's were requested for engineering services for the following Rural Development projects:

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

The submittals have been received and were reviewed and scored by individuals selected by the City Manager. The top score for the water tank was received by Stigall Engineering. The top score for the water lines was received by ECE Services. Mayor Pro-Tem Wyatt recommended a contract with Stigall on the water tank and split the water lines between ECE and J. R. Wauford. City Manager Rutherford pointed out that if Rural Development is used for funding, there will be an added cost to have two engineers on the waterline projects.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the City Manager be authorized to negotiate contracts on the water tank project with Stigall Engineering and the waterline replacement projects being split between ECE Services and J. R. Wauford Consulting Engineers, with contracts brought back to Council for final approval. 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. Discussion and action on proposed payment-in-lieu-of-taxes (PILOT) for CoLinX

With the new addition for CoLinX nearing completion, a request has been received for a PILOT similar to previous tax abatements. This PILOT is based on new investments of \$7,525,000 in real property and \$6,850,000 in personal property. The PILOT must be approved by the City, County, and the Industrial Development Board. Councilman Souza asked questions regarding the lease to the IDB, which were explained by the City Manager.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the PILOT for CoLinX 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. Discussion and action on proposed settlement on Abbott, et al. v. City of Crossville

A proposed settlement was forwarded to each Council member individually. Since this involves a lawsuit, if approved, copies of the settlement will be made public once signatures from both parties have been obtained.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that approval be given for the Mayor to sign the proposed settlement agreement in the Abbott, et al. v. City of Crossville lawsuit and a budget amendment passed on first reading. 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. Discussion on Veolia contract

Councilman Kerley questioned the City Manager and Council regarding the Veolia contract.

Why was it important to have the special called meeting on September 25 when all members could not be present? Mr. Rutherford replied that if the contract was not going to be renewed, there would be less than 45 days to negotiate with a new provider.

Was any member from Veolia's executive team here to answer questions at the meeting? Not that was recalled.

How much did it save from last year? \$36,000 decrease from the previous contract. It was pointed out that the duties were better defined in the new contract.

Does the use of the sewer system financially impact any member of Council? None indicated other than in the normal course of business and their residences.

Did any member of the Council disclose before voting or file with the with the City Clerk any conflicts? No.

This Report was received and filed

7. **City Attorney's Report**

City Attorney's Report

City Attorney Kenneth Chadwell complimented the out-going and in-coming members of Council and the time they have contributed to the City.

He 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 David Rutherford presented the monthly revenue reports on local option sales tax, wholesale beer, and retail liquor franchise fees. He also provided reports on building permits, grants, special projects, and debt service.

The County has requested additional information on the building permits in the County as they determine what route they want to take in the future.

A late request was received from the Veterans' Service Office requesting temporary street closings for Veterans' Day on Tuesday, November 11. They requested the streets around Memorial Park to be closed from 10:00 to 12:30 p.m.

Mr. Rutherford presented Mayor Graham and Councilman Marlow with Distinguished Service Awards and framed City seals in recognition of their service to the City. Mayor Graham inquired about the 80/20 grant from TDOT on a major road plan. The deadline has been moved to January so the City will be working on it with UCDD.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the temporary street closing 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.

Ed Camera, representing CoLinX, updated the Council on the CoLinX expansion. He stated that they were within days of getting their Certificate of Occupancy for the new addition. He thanked the Council and staff for all their assistance.

ADJOURNMENT

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

With no further business, the meeting was adjourned at 7:20 p.m.