

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Thursday, December 10, 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

A public hearing was held to receive comments from the public regarding the plan of services progress report on 5 previous annexations.

Annexation Progress Reports

A public hearing is required after a property has been annexed for approximately six months to review the progress in fulfilling the services outlined in the plan of services. The following annexations have been completed and all services have been provided or as requested by the property owner/developer:

- Hwy. 70E & Miller Ave (13.91 acres)*
- Woodlawn Road (24.85 acres)*
- McKinley Lane (0.33 acres)*
- 83 Grandview Drive (0.34 acres)*
- 4341 Hwy. 127S (1.18 acres)*

Mayor Mayberry requested comments from the public regarding the progress reports.

With no comments, the public hearing was adjourned at 5:52 p.m.

The comments from the Public Hearing were received and filed.

REGULAR MEETING

Roll Call

Present: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Absent: 1 - Council Member Jesse Kerley

Others present were City Manager David Rutherford, City Attorney Will Ridley, City Clerk Sally Oglesby, Mark Rosser, Tony Davis, Katheryn Swelten, Lucas Martin, Tristen Hassler, Rosie Miller, Tom Isham, Laney Colvard, John Conrad, Gil Buffkin, Brooklyn Buffkin, Rolf Weeks, Jim Young, Donoavan Phillips, Paul Phillips, David Marsh, Tim Hilborn, Tim Begley, Emma Rockafeller, Mike Turner, Nathan Hodge, Justin, Vossler, Dale Liffy, Laimie Bass, April Hicks, Jacob Hicks, Andy Vaughn, Linda K. Miller, Tammie French, Levonn Hubbard, Skip Freitag, Lori Freitag, Margie Buxbaum, Michelle Cole, Jeff Myers, Savannah Turner, Chris South, Fred Houston, Chris Bennett, Wanda Fulmer, David Brockway, Bruce Wyatt, Clark Annis, Brianna Kerley, Nancy Strait, Donna Moffler, Ray Hansen, Hank Jones, Brad Allamong, Steven Frank, Nicole Hackman, and Randall Kidwell.

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 Hank Jones of Cumberland Fellowship who also announced their Love Crossville campaign. Following the invocation, Mayor Mayberry led the Pledge of Allegiance.

1. Proclamations/Presentations

- a) Student of the Month
- b) Christmas Card contest

a) Student of the Month - Andre Flores for "caring"
b) Christmas card contest-8 schools participated in the annual holiday card contest, which has been sponsored by the City of Crossville since 2001. One winner from each school was chosen:

- Stone Elementary-Jakob Hicks*
- Pineview Elementary-Hope Loden*
- Homestead Elementary-Gunner Hale*
- Pleasant Hill-Kimberly Wooll*
- CCHS-Madison Russell*
- North Cumberland-Allysa Burns*
- SMHS-Tierra Scoville*
- Martin Elementary-Brooklyn Buffkin*

The presentations were made.

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 Pamala Harris, to approve all items on the Consent Agenda except item "e". The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

- a. Approval of minutes (11/12, 11/24)

The minutes were approved as recommended.

Ordinances on Third Reading

- b. Ordinance amending the 2015-16 budget regarding Sanitation Fund

This Ordinance was adopted on third reading.

- c. Ordinance amending Crossville Municipal Code regarding purchase order limits

This Ordinance was adopted on third reading.

Ordinances on Second Reading

- d. Ordinance amending the FY2015-16 Budget for new vehicle to be paid

out of the Drug Fund

This Ordinance was approved on second reading.

- e. Ordinance amending §1-102 of the Crossville Municipal Code regarding Public Comments

Those in favor of the change stated they wanted to hear from the public at the beginning so they don't have to stay through the entire meeting if they didn't want to. They also pointed out that the Mayor can still recognize people during the discussion of an individual item.

A motion was made by Council Member Pete Souza, seconded by Council Member Danny Wyatt, that this Ordinance be approved on second reading. The motion failed by the following vote:

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

Nay: 2 - Council Member Pete Souza and Mayor James Mayberry

Absent: 1 - Council Member Jesse Kerley

- f. Discussion and action on Community Transportation Planning Grant

This Ordinance was approved on second reading.

Ordinances on First Reading

- g. Ordinance amending portions of §10-200 of the Crossville Municipal Code regarding dogs and other domestic animals

A proposed ordinance was offered by the City Attorney to include cats.

This Ordinance was approved on first reading.

Additional Consent Items

- h. Presentation of CT-0253 regarding \$2,000,000 loan

As previously approved by City Council, a \$2,000,000 loan was secured through the Tennessee Municipal Bond Fund to cover costs for paving and improvements at Parks & Recreation. A report on this debt obligation has been prepared now that the loan has closed. The Comptroller's Office requires that this be presented to the City Council.

This Report was presented.

4. Bids/Purchases

(Bid tabulations are attached and made a part of these minutes.)

- a. Fire Inspection Software

The Crossville Fire Department requested approval to purchase fire inspection

computer software to greatly enhance the ability to perform, track, and document fire inspections and pre-fire surveys of occupancies located in the City of Crossville. The software package by MobileEyes™ is a patent pending, innovative inspection solution developed and distributed exclusively by TradeMaster, Inc. and its licensed resellers. MobileEyes inspection solution helps fire and building departments increase the number of inspections completed by reducing the time, rework, and paperwork associated with capturing inspection data. MobileEyes will help the Crossville Fire Department accomplish the following:

- Increase the number, accuracy, and timeliness of inspections.
- Eliminate paper from the inspection process.
- Eliminate the re-keying of data.
- Get code violations corrected faster.
- Enable inspectors to deliver the inspection report to the customer immediately upon completion of the inspection.
- Improve tracking and scheduling of inspections and re-inspections.
- Manage permits, business licenses, and fees if applicable.
- Attach pre-incident planning drawings to inspection records.
- Allow fire incident managers to access vital information from a tablet or smartphone during an emergency at the occupancy. This can be from emergency contact information to preplan drawings.

The Program is integrated and maintained with the adopted version of the International Fire Code 2012 edition and will update as needed. The program is an annual expense and is budgeted in the current fiscal year budget. This will allow some cost savings as the adopted fire code subscription is included in the bundle. There is a one-time expense for administrative system setup and onsite training of department personnel and IT staff. Pricing will be an annual expense of \$4,236.00 and a one-time fee of \$4,447.00 for a total 1st year price of \$8,683.00. This pricing comes in below the anticipated budget pricing. The Fire Department evaluated the existing Firehouse software and found the fire inspection portion to be inadequate. They polled several cities that are using Firehouse Cloud for inspection documentation and they all advised against the purchase of Firehouse Cloud as it was ineffective. They also talked with several cities that are using MobileEyes and they were all extremely satisfied. All of the users found ease of use and increased productivity. The Fire Department fully recommended this acquisition and feel it will be the most economical and efficient for inspection activities and tracking. MobileEyes is a yearly contract that can be cancelled at any time.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Pamala Harris, that this purchase be approved as recommended. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

b.

Drone Aircraft Purchase

Bids were received on the purchase of a drone aircraft. The bid of \$5516 from GhostTracs, LLC was recommended. GhostTracs was the second lowest bidder; however the lowest bidder, SHI International Corp, did not meet the bid requirements by including all equipment.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Pete Souza, that this purchase be approved as recommended. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

c. Landfill Pump Station Renovation

Bids were received on December 1 for the renovation of the landfill pump station. This project is being funded through State Revolving Loan Funds that include a 10% forgiveness (grant). The low bid of W & O Construction Co. in the amount of \$379,000 was recommended.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the bid of W & O Construction be approved as recommended. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

d. Jet A Fuel Tank Pump, Cabinet, and Piping

Bids were received on November 24 for the equipment for Jet A fuel. Following review of the bids and checking references, the low bid of Rebel Services was recommended by Director of Engineering Tim Begley.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that this bid be approved as recommended. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

e. Ordinance amending the 2015-16 budget for Jet A Fuel System Cabinet

The budget amendment was adjusted to \$81,000 to reflect the accepted bid.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that this budget amendment be adopted on third reading. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

5. Marketing Report

a. December Marketing Report

Marketing Director Billy Loggins provided updates on the following:

- Crossville Tree Lighting Ceremony
- Christmas Parade

- December 12th Downtown Happenings
- TAD Center Reindeer Run
- 30TH Annual Breakfast Rotary Club Chili Cook-off
- Downton Abbey (Last Season Premier)
- Tennessee Greenways & Trails
- Christmas Open House
- Cumberland County Playhouse - Nicole Hackman provided information on the documentary about the Playhouse. They are ahead of schedule in the fundraising for it. The filming has been finished in Crossville and is now filming in LA and NYC with alumna of the Playhouse. The economic impact study is underway by MTSU.

This Report was received and filed

b. Discussion and action on 2016 State Golf Tournaments sponsorship

It was requested that Council make a decision on the 2016 State Golf Sponsorships to the Tennessee Golf Assoc. and the Tennessee PGA. The 2016 Senior Men's Open has been approved thru 2016.

Tournaments in question are:

- City of Crossville Team Championship - *May 2016 \$6,000
(*this is a change of date request by the PGA from July to May)
- Women's Open, July 2016 - \$25,000
- Tennessee High School Invitational, \$6,000 *Outside sponsorship money was raised in 2015, sponsorship dollars for 2016 will also be pursued.

Other State Championships held in the "Golf Capital" that are not funded by the City are:

- Tennessee Father/Son
- Tennessee Cup Matches

The action is required for planning and will be added to the 2016-17 budget, if approved.

Randall Kidwell spoke to the Council on his disagreement with spending tax money on golf tournaments. He stated that the money should be spent on sidewalks and roads in the city.

Discussion ensued with those in favor commenting on the sales tax that comes in from all the events, which was up last year. This year sales tax is even higher, which keeps the property tax rate low. Those in opposition pointed out that there was no evidence that the golf tournaments bring in any tax revenue or tourism.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the sponsorships be approved. The motion failed by the following vote:

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

Nay: 2 - Council Member Pete Souza and Mayor James Mayberry

Absent: 1 - Council Member Jesse Kerley

6. Cumberland County/Chamber Report

Brad Allamong reported that visits to the visitors center are up from previous months. He also reported that they estimated a need for 72 mentors to guide the 507 students in the Tennessee Promise program and were fortunate to have 87 mentors signed up. He discussed the Horizon Project which is the coming together of the City,

County, and Chamber for attracting new industry and economic development. They will be bringing in the educational institutes to the process. Currently, the Chamber, City, and County are working on 8 projects that he believes will have positive results.

7. Other Business

a. Discussion and action on Eagle Scout Project

Eagle Scout Candidate Austin Cole of Boy Scout Troop #374 requested permission to construct an addition to the Fallen Firefighter Memorial located at Fire Station #1. Mr. Cole would like to construct a second column with a decorative Firefighter bell to be affixed to the top. All funding and work will be donated to the project and will be overseen by Cole and his advisors. The bell has been donated by Firefighter Ted Welch and design work by Volunteer Firefighter Rogers Spencer. His project was supported by Fire Chief Mike Turner. There will be no cost to the city.

A motion was made by Council Member Pete Souza, seconded by Council Member Danny Wyatt, that the project be approved as recommended. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

b. Discussion and action on request from TDOT for sewer access on Hwy. 127N

TDOT is in the acquisition process for the Hwy. 127N major road project. At this time, there are two properties that will have their septic system displaced. TDOT requested that the City allow these two properties to have access to the sewer line serving North Cumberland Elementary School. The agreement between the Board of Education and the City allows the City to make connections to the sewer line. When that is done, the City assumes all responsibility for maintenance of the sewer line to that connection. It is possible that other properties will be requested as they move through the acquisition process.

· Tax Map 50, Parcel 84.00 - Ernest England - The acquisition will displace a small house. The owner would like to rebuild on the remaining portion of the property, but cannot put in a septic system due to poor soil characteristics.

· Tax Map 62, Parcel 14.04 - Wendell Phillips Company (Small World Preschool) - The acquisition will displace the daycare. The owner would like to rebuild on the remaining portion of the property, but cannot do so without access to public sewer.

When Lantana Road was constructed, the City entered into a similar agreement. TDOT paid all the costs for the connections to the sewer line. It was recommended that any approval be contingent on TDOT reimbursing the city's cost to provide access.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that access to sewer be approved as recommended, contingent on TDOT reimbursing costs of the City. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

c. Discussion and action on creating an Office Space at the Crossville Memorial Airport

The Police Department is planning on creating an office space at Crossville Memorial Airport in the terminal building. This space will be used by officers who patrol the area and by Police detectives that investigate crimes. There is no cost to the Police Department for the use of this space; however, a cost estimated at \$3000 for the purchase of furniture and equipment does apply. This money has not been budgeted and requires a budget amendment. This process will apply an extra layer of security at the airport.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Pamala Harris, that the budget amendment be approved on first reading. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

d. Discussion and action of Part-Time Administration Assistant

The Police Department needs to add a person who will report to the Law Enforcement Major and work in the area of accreditation, planning, and research. The person would be budgeted for 24 hrs. a week at a salary of \$14.00 per hour, not to exceed \$9000 from January 1st to June 30th.

A motion was made by Council Member Pete Souza, seconded by Council Member Danny Wyatt, that the position be approved as recommended. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

e. Discussion and action on Additional Full-time Law Enforcement Trainee

The next person to hire on the Police Department list has to attend the Police Academy in January. While this hire will put them one sworn officer over our current approved staff, they anticipate losing one sworn officer during the next six months. The salary will be \$20,655. including benefits for the period January 1, 2016 through June 30, 2016. This money currently exists in the Police Department budget and no additional funds will be needed.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Pamala Harris, that the hiring be approved as recommended. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

f. Discussion and action on contract with ECE Services for Dorton Landfill Testing, including budget amendment

This item was deferred.

g. Discussion and Action on Downtown Waterline Project

The Engineers estimate for the water line extension from Neecham Street to Genesis Road is \$380,371.59, which includes 10% contingency. City Staff has negotiated with Ironwood Construction and they have agreed to not charge the City for \$8,000 worth of items for a total cost of \$337,701.59 for unit priced items. Staff recommended that the City extend the existing contract with Ironwood Construction to cover these additional unit price items at a price of \$337,701.59 and alternate funding be secured for the extension.

Tim Begley reported that the current project is almost complete and ready to cut over to the new line, which will result in outages. Following that, the paving will be completed.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Pete Souza, that the recommended contract extension be approved as recommended. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

h. Discussion and action on re-bidding of airport contract

Councilmember Souza asked that the item be postponed until a legal opinion from MTAS is received.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, not to re-bid the airport contract and move to accept the renewal of the contract Mr. Bennett presented last month, which is an additional two years. The motion carried by the following vote:

Aye: 3 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Nay: 1 - Council Member Pete Souza

Absent: 1 - Council Member Jesse Kerley

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, to call for the question on the previous motion. The motion carried by the following vote:

Aye: 3 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Nay: 1 - Council Member Pete Souza

Absent: 1 - Council Member Jesse Kerley

Following the motion by Councilmember Wyatt, but prior to a second being made, Councilmember Souza raised a point of order that the scope of the motion goes beyond the advertisement of the item on the agenda. Mayor Mayberry asked for an opinion from the City Attorney who opined that the matter has been brought before the Council several times and has been on the front page of the newspaper, but there could be a technical question about the advertisement. In an abundance of caution,

he recommended postponing the motion until the January work session. Mayor Mayberry ruled that the point of order was not well taken because he felt that the bidding of the contract and the renewal are germane to the agenda item. In answer to the question as to the need for Council to renew the contract, the City Attorney stated that it is necessary to make a motion to renew based on their request. If the contract is not renewed, there could be legal repercussions.

Discussion ensued with those against the motion stating that the motion was to push it through before the legal opinion is received, which was just sent out. Those in favor of the motion pointed out that the City has a binding contract, the approval of the process in the 2008 audit, the City Manager is addressing the items in the business plan, and Crossville Aero is working with us on remedying all the issues.

The motion on the call for the question came prior to the vote on the original motion. Prior to the vote on the call for the question, Councilmember Souza raised a point of order that he should be allowed to speak on that question. The City Attorney stated that he didn't believe there was a requirement for speaking on that motion. Mayor Mayberry ruled that the point of order was not well taken because everyone had already spoken except for himself. He then stated his views.

Randall Kidwell questioned prior to the vote on the original motion as to whether there was significant notice that the Council would be voting on the renewal of the airport contract and that he did not believe there was enough notice.

8. City Attorney's Report

City Attorney's Report

City Attorney Will Ridley reported that no new litigation has been filed since the last meeting.

In preparing documents for the property for Homestead Timber Frames, he determined that the previously agreed terms would cause legal problems. He discussed the matter with Bruce Gardner and they have agreed to change the terms to lease the property for three years at no cost, with the option to purchase during the three-year period for \$25,000 per acre with a deduction of \$5,000 for each new job created (not to exceed the cost of the property). If acceptable to the Council, the proposal will be re-advertised as required by Charter. The lease will be with Bruce and Cyndy Gardner.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that the revised terms with Bruce & Cyndy Gardner dba Homestead Timber Frames be approved as recommended. The motion carried by the following vote:

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

Absent: 1 - Council Member Jesse Kerley

9. City Manager's Report

City Manager's Report

City Manager Rutherford presented the monthly revenue reports and updates on grants, special projects, building permits, and debt service.

The City and County have been invited to make a presentation on December 15

regarding the visioning process and community strategy to the Rural Task Force Committee appointed by the Governor. We are the only community dealing with it on a county-wide basis. The visioning and community strategy are part of the Horizon project. The presentation will be made by Cumberland County Mayor Kenny Carey, Mayor Mayberry, Chamber President Brad Allamong, and the City Manager.

This Report was received and filed

10. Public Comment

Randall Kidwell stated he will address the Council as a civic and personal duty and the rights of the people to speak their opinions whether they are in favor or in opposition.

Mayor Pro-Tem Harris commented that she does not have a personal agenda, but what is best for the community. Further, the polarization of the Council regarding the airport and it's detriment to the community. Councilmember Souza raised a point of order. Mayor allowed her to continue. She asked the Council to move in a positive manner.

Steve Frank asked for the resolution to be reconsidered regarding Vista of Tennessee. His information is that the Department of Revenue told him that they do not enforce business taxes.

Councilmember Souza responded to questions at an earlier meeting regarding his business license.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:42 p.m.