

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Tuesday, May 14, 2013

6:00 PM

Council Chambers

### PUBLIC HEARING

**Present:** 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza. **Absent:** 1 - Council Member Jesse Kerley.

- Plan of Services for annexation of 0.77 acres on Lantana Road
- Progress Report for annexation at 699 Woodlawn Road

Mayor Graham called the public hearing to order at 5:45 p.m. He requested comments from the public on the two annexations. There were no comments. The public hearing was adjourned at 5:53 p.m.

### REGULAR MEETING

The City Council for the City of Crossville met in regular session on Tuesday, May 14, 2013, at Crossville City Hall.

#### **Roll Call**

Present: 4 - Mayor J.H. Graham, III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza. Absent: 1 – Council Member Jesse Kerley. Others present were Interim City Manager Jack Miller, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Ray Harris, Peggy Harris, Rich Demars, Steve Hill, John Turner, Joe Miller, Dan Taylor, Andrew King, Dana Sappier, Howard Buck Carr, Jerry Garrison, Chris White, Valorie White, Madison White, Neal White, Lesley Johnson, Jim Morrow, Georgia Peterson, Dewey Peterson, Karli Threet, Ed Camera, Melanie Garrett, Roger Rotte, Mark Fox, Ashley Allen, Karen Cole, Don Alexander, Larry Moore, Carmen Wyatt, Sandy Gruber, Fred Houston, Darlene Barnwell, Shirley Rinks, June Zettelmeyer, Pam Harris, Amanda Elmore, Aaron Elmore, Joe Salvano, David Beaty, Tim Begley, Jerry Kerley, Kathy Neal, Gary Neal, Janice Hamby, Betty Bowman, Rick Myers, Sr. , Chuck Burgess, Bobby Randolph, Sue Randolph, Vancieneta Wisdom, Nick Fiscina, Alisa Kendrick, Steve Powell, Billy Martin, Jeff Skidmore, Donna Skidmore, Clark Annis, Helen Camp, E. J. Williams, Harold Allred, Tom Isham, Sue Sexton, Lou Morrison, John Tarr, Chris Bennett, Bob Schwartz, Margie Buxbaum, Mike Turner, Bill Schmidt, Robin Abram, Anna Abram, Alley Abram, Tonya Hinch, Kay Ball, Kynetha Turner, and Dan Turner.

#### **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 Dewey Peterson of the New Beginnings

Fellowship. The Young Marines presented the colors and led the Pledge of Allegiance.

### **ITEM #1 – Proclamations/Presentations**

a) National Hospital Week – Mayor Graham proclaimed the week as National Hospital Week. He presented the proclamation to Larry Moore, Ed Camera, and Sally Oglesby representing Cumberland Medical Center.

Dan Taylor informed the Council about the All Veterans Tribute being planned for May 31-June 2. They asked that the flags be left up for this tribute and for the Police Honor Guard to be present. A number of activities are planned.

City Manager Jack Miller provided plaques for Council to present to the Street, Water Resources, Maintenance, Utility Maintenance, Police, and Fire Departments for their response to the road collapse on Tennessee Ave. on April 30. He also recognized the contributions of Crossville-Cumberland County EMA, Salvation Army, Mary Lou Wibel, Rocky Ridge Stone Company, and Clark Equipment Rental Company.

Steve Hill announced the award by the International Softball Association naming Centennial Park as the 2012 ISA Fastpitch Complex of the Year. Nick Fiscina, representing ISA, announced that Centennial Park has been awarded the 2013 ISA C World Series.

### **ITEM #2 – Appointments**

Crossville Housing Authority – Mayor Graham announced his re-appointment of Bobby Randolph to the Crossville Housing Authority Board of Directors. He administered the oath of office to Mr. Randolph.

### **ITEM #3 – Consent Agenda**

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member George Marlow, that items "a-e" be approved on the Consent Agenda. The motion carried by an unanimous vote.

a. Approval of minutes (4/9, 4/12, 4/30)

Ordinances on Third Reading

b. Ordinance annexing 0.77 acres on Lantana Road

c. Ordinance amending the FY2012-13 budget for outside agencies

d. Ordinance changing the speed limit on Short Road from 35 MPH to 25 MPH

Ordinances on Second Reading

e. Ordinance annexing 1.11 acres on Meadowview Lane

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

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that items "f - q" be approved on the Consent Agenda. The motion carried by the following vote:

Ordinances on First Reading

f. Authorizing payment for contracts with Atkins

g. Authorizing payment for contracts with Fields Engineering Services

h. Authorizing payment for contracts with GRW Engineers, Inc.

i. Authorizing payment for contracts with Hopper Excavating

j. Authorizing payment for contracts with Lori Neal & Associates

k. Authorizing payment for contracts with Stigall Engineering

l. Authorizing payment for contracts with W & O Construction

m. Authorizing payment for contracts with W. Rogers Company

n. Authorizing payment for contracts with Freitag Construction

- o. Adoption of a Tax Rate for FY2013-14 (in title only)
- p. Adoption of FY2013-14 budget (in title only)
- q. Ordinance annexing 0.39 acres on Grandview Drive  
Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza.

A motion was made by Council Member Pete Souza, seconded by Council Member George Marlow, that items "r - aa", except "s", be approved on the Consent Agenda.

Additional Consent Items

- r. Resolution adopting a Plan of Service for annexation of 0.77 acres on Lantana Road
- t. Approval of Interlocal Agreement for CoLinx Expansion
- u. Approval of one year extension for welcome sign at Crossville Ford
- v. Approval to replace Jet Pride banners on Miller By-Pass and Stanley Street
- w. Approval of temporary street closings for the Obed Watershed Community Association's 5K Run and the Cumberland Center's one-mile color run on June 22
- x. Approval of temporary street closings for Avalon Center 5K on June 8
- y. Approval of temporary road closures for Cardiac Support Group 5K on September 7
- z. Approval of temporary street closings for The Chop Shop block party on July 13 from 10:00 a.m. to 10:00 p.m.
- aa. Approval of temporary street closings for Memorial Day ceremonies on Monday, May 27th from 9:00 a.m. - 1:00 p.m.

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.

- s. Adoption of 2013-14 Strategic Goals – Councilman Souza commented that the goal of the utility district assessment plan will probably be the most significant thing that he will ever be called to vote on during his tenure.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the 2013-14 Strategic Goals be approved. 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.

#### ITEM #4 – Bids/Purchases

- a. Technical Rescue/Wildland personal protective clothing – Bids were received on technical rescue/wildland personal protective clothing. While numerous vendors were sent the specifications, the only bid received was from NAFECO in the amount of \$534.00 per set. Funds were budgeted to allow for the purchase of 45 complete sets at a total cost of \$24,030.

A motion was made by Council Member Pete Souza, seconded by Council Member George Marlow, that the bid of NAFECO 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.

- b. Dump Bed (Street Dept) – Bids were solicited for a dump bed to be installed on a 1997 Volvo in the Street Department. Only one bid was received in the amount of \$9,500 from Cottrell Truck & Equipment.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that the bid of Cottrell Truck & Equipment 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.

c. Pension Plan Bids – RFP's were received from five (5) companies and The State of Tennessee was contacted about their pension plan and the costs associated. In reviewing the costs of all these companies (see attachment), Finance Director Fred Houston recommended accepting the proposal of ICMA. They have a representative in Tennessee even though they are based in Washington DC. There are no costs to the City with ICMA and benefits to the employee are sufficient.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that the proposal of ICMA 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.

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

### **BEER BOARD**

#### **Eagle Food Mart**

Yogeshkumar G. Patel applied for an off-premises beer permit for Eagle Food Mart located at 290 Hwy. 70E. Chief David Beaty recommended approval.

A motion was made by Mayor Pro-Tem Wyatt, seconded by Councilman Sousa, that an off-premises beer permit be issued to Yogeshkumar G. Patel dba Eagle Food Mart. **Aye:** 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza.

*(At 6:35 p.m. the Beer Board was adjourned and the regular meeting reconvened.)*

### **ITEM #5 – Marketing Report**

Marketing Director Billy Loggins was unable to be present due to the finals of the Senior Men's Open. As discussed earlier in the meeting, an All Veterans Tribute is being planned for May 31 - June 2. Chief Beaty stated that they had requested the Police honor guard to present the colors each day. He saw no problem with this request.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that the request of the All Veterans Tribute organization be approved. 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.

### **ITEM #6 – Other Business**

#### **a. Matters relative to annexation request on Hwy. 127N**

Jay Hayes, President of JJK Partners LLC, requested the annexation of his property on Hwy. 127N. This is the site of a new Dollar General Store to be open in July. The request is for the opportunity to access sewer. To accommodate the property, a bore under 127 will be required. The Engineering Department is acquiring prices for a road bore and one initial rock bore price is just under \$5,000. If dirt is encountered the road bore would be half of the rock price. Mr. Hayes asks that this be provided by the City. If not, it will be more feasible to them to remain outside the city and install a septic system. In addition to the sewer, the City has been notified of stormwater issues on a neighboring property caused by the construction. It is recommended that connection to the City's sewer be contingent on the proper stormwater measures being installed.

David White, Christian Redemption Center, requested that the stormwater issues be addressed.

Councilman Souza stated that he had issues with the developer waiting until construction was underway before he asked for sewer and asked that the bore be paid by contractor or Dollar General.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that the ordinance annexing 1.33 acres on Hwy. 127N be passed on first reading and that connection to the City sewer system be approved, contingent on the property meeting the City of Crossville's minimum requirement for stormwater detention for commercial developments for properties located inside the city limits. 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. Matters relative to sponsorship payment for 2013 Senior Men's Open**

The sponsorship of the 2013 Senior Men's Open is \$20,000. Approval was requested.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that the sponsorship of the 2013 Senior Men's Open 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.

The Fairfield Glade Community Club Board approved the schedule for the Women's Open in 2014 and 2015 and the Senior Men's Open for 2014 through 2016. Councilman Souza asked if this would be a contract between the City and Fairfield Glade. City Attorney Chadwell agreed that it would be a binding contract. Mr. Souza pointed out it was being approved without dollar amounts and would be binding future Councils. Mayor Graham responded that it is unknown because of the number of participants, however the more it grows the more tourists will come for the event which raises sales tax dollars and other revenues for the community.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that approval be given for the sponsorship of the Women's Open in 2014 and 2015 and the Senior Men's Open for 2014 through 2016. 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

**c. Matters relative to naming of Fire Department Headquarters**

The Crossville Fire Department requested permission to dedicate the newly remodeled Fire Headquarters in memory of Chief Thomas Girdley who gave his life in the line of duty in March 1983.

A motion was made by Council Member Pete Souza, seconded by Council Member George Marlow, that the naming of the Fire Headquarters 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. Matters relative to meals and catering**

Councilman Souza recommended that all meals and catering in excess of \$150 be approved, in advance, by City Council. He expressed his concern in how they are funded, mainly through Public Relations, and who makes the obligation. A motion was made to this effect by Councilman Souza, but died for lack of a second. Discussion by members of Council ensued on the fact that they are budgeted, some events are part of the tourism and marketing strategy, and that lunches are a small gesture toward those who volunteer their time to serve on boards and committees of the city.

**ITEM #7 – City Attorney's Report**

City Attorney Kenneth Chadwell provided an update on legal matters. There is an on-going lawsuit between Charter Communications and cities across the state regarding how they are charged business tax. It is being defended by TML. He further reported that there have been no new lawsuits since last meeting.

On the Tansi lawsuit, depositions have resumed and they are expecting further plaintiffs to drop out of the lawsuit.

Mr. Chadwell reported that he had received a phone call from the Grand Imperial Wizard of the KKK who announced that they see Crossville as a place to expand and are coming to town to hold an event at the amphitheatre in July. They were informed of lawful means to distribute their literature within the City and that they would not be permitted to leave literature in driveways of homes. Mr. Chadwell further explained to them that the City may require extra police powers to protect the rights of those in support and those in opposition and that the City may surcharge them for those costs. They do have a lawful right to be here and the lawful right to distribute literature on the sidewalks as long as they do not harass people or block them from passage. There are no permits required to distribute the literature, but they will have to pay the fee for rental of the amphitheatre.

**ITEM #8 – City Manager's Report**

Interim City Manager Jack Miller presented the monthly revenue reports on local option sales tax, wholesale beer, and retail liquor. He also provided updates on building permits, grants, and special projects.

**Management and Legislative Activity Reports:**

1 In accordance with City of Crossville personnel policy (page 44), employees will receive pay for any vacation credit earned as of the last active day of employment, not to exceed six weeks. Former City Manager Bruce Wyatt had accumulated 130.24 hours of vacation time, valued at \$43.27 per hour (\$5,635.48). A budget amendment is not necessary.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that (1) payment of \$4,635.48 for Bruce Wyatt for unused vacation time, (2) payment of \$5,000 for retirement incentive pay for Brenda Vaden, and (3) the pay grade of 24 and 10% salary increase for Sara Cole 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.

2 Police Department-In accordance with City of Crossville personnel policy, employees receive an incentive for retiring early. Brenda Vaden is retiring and a request is being made for \$5,000 early retirement incentive. A budget amendment is not necessary.

3 Police Department-Requesting a pay increase for Sara Cole, Data Entry Specialist, due to an increase in duties and serving as the Chief's secretary and City Court Clerk II. Currently her salary is at a pay grade of 24, with an annual salary of \$26,083. Chief Beaty is requesting an additional 10% to increase her salary to \$28,691 retroactive to April 22, 2013. A budget amendment is not necessary.

4 Interim City Manager, at request of the Mayor, attended the grand opening and ribbon cutting ceremonies of the new Priceless Foods/IGA grocery store on April 18, 2013. Over 50 new jobs.

5 Interim City Manager has met, individually, with the Mayor, Mayor Pro Tem, each Councilman, City Attorney, most of the department heads, division superintendents, and held a staff meeting of the latter, April 29, 2013.

6 Interim City Manager attended the meeting of the Crossville Regional Planning Commission on April 18, 2013.

7 ISO rating evaluation for the City of Crossville and its Class 4 Fire Department is scheduled for June 25, 2013. CFD officials are compiling all records and will be

prepared to respond to ISO officials as needed.

8 The annual state inspection of the Crossville Memorial Airport was conducted on April 16, 2013.

9 Recognition of City team that responded to emergency on Tennessee Avenue

Mayor Pro-Tem Wyatt expressed his concern about rumors floating throughout the community and the employees since the resignation of Bruce Wyatt about potential firings, reorganizing of departments, and re-assignments. He further stated that the Council needed to clarify the matter and calm the situation down as he did not believe the Council had any intent for any changes to be made during the interim period. Following a question by Mayor Graham, Mayor Pro-Tem Wyatt clarified that his motion would include the transfer of any vehicles as he felt that they were related to the employees duties and their work environment. Interim City Manager Miller stated he had no issues with the motion.

Fire Captain/Arson Investigator Rick Myers requested permission to speak to the Council, which was granted by Mayor Graham. Captain Myers stated that, for the last few days, rumors have been flying. He commented that he has traveled across the state working with Fire and Police Departments and that there are none that are superior to those in Crossville, except some have higher budgets and more employees. He expressed concern over derogatory comments attributed to Councilman Souza. Councilman Souza responded that his comments were taken out of context by one of the local radio stations and that his lawyer is in contact with them on the matter. He is in full support of the Crossville Fire and Police Departments. Mr. Myers expressed appreciation for his clarification and apology for any misunderstanding.

Councilman Kerley stated that it has never been true that any member of Council have asked that the Interim City Manager to do anything. He believes that the moral was high following the hiring of Mr. Miller until the rumors started. Councilman Souza further commented that everything has gone smoothly so far during this interim period and that there should never be any political firings. Councilman Kerley asked the City Attorney if the City Council could hire or fire an employee. Mr. Chadwell responded that technically Council hires the City Manager and sets the policy for the City Manager to hire the employees; but there could be an occasion it could be happened. With this motion, any personnel matters would have to be deliberated by the Council, but certain privacy laws would have to be followed.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that clear direction be given to the Interim City Manager that no employees be terminated, duties changed, re-assigned, or departments reorganized, or any other significant changes, without Council approval, until a permanent City Manager is hired. 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

#### **ITEM #9 – Public Comment**

*Chief Beaty reported that he had met with Councilman Souza, received his apology and took as sincere.*

*Ed Camera thanked the City Council and administration for all their help on CoLinux's expansion.*

#### **ADJOURNMENT**

*With no further business, the meeting was adjourned at 7:36 p.m.*