

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Tuesday, February 11, 2014

6:00 PM

Council Chambers

### City Council

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

*City Manager David Rutherford*  
*City Clerk Sally Oglesby*

**PUBLIC HEARING**

*A public hearing was held on Tuesday, February 11, 2014, to receive comments from the public regarding the progress reports on recent annexations. Mayor J. H. Graham, III was present and presiding. He called the public hearing to order at 5:45 p.m.*

**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

**Annexation Progress Reports**

*Grandview Drive - 0.39 acres - All services of the city have been provided as outlined and/or requested by the property owner/developer. The sewer line will be installed within six months following the payment of fees by the property owner.*

*Hwy. 127N (Dollar General) - 1.33 acres - All services of the city have been provided as outlined and/or requested by the property owner/developer.*

*Mayor Graham requested comments from the public regarding the progress reports.*

**This Public Hearing was received and filed**

*With no comments, the public hearing was adjourned at 5:47 p.m.*

**REGULAR MEETING**

*The City Council met in regular session on Tuesday, February 11, 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, Jerry Kerley, Steve Hill, Chris Bennett, Brad Allamong, Glenn McDonald, Andy Vaughn, Joe Miller, Dave Burgess, Jim Young, Ray Harris, Peggy Harris, Khrista Wyatt, Jim Morrow, Vanessa Myers, Tony Myers, Tim Begley, Jerry Garrison, Mike Stubbs, Charles Loveday, Ella Loveday, Alan Baker, Jane Powers, Jim Powers, David Simcox, Mary Beth Elrod, John Turner, Chris Smith, Carmen Wyatt, Lori Freitag, Linda Tabor, Tom Flynn, Barry Field, Nancy Hyder, David Beaty, Bruce McShan, Ashley Pealer Richards, Billy Loggins, Harry Sabine, Tommy Pelfrey, Lynn Carson, Tom Isham, Clyde Webb, Jan Fisher, Vicky Scarlett, Melvin Davis, Chris South, Skip Freitag, Tina Burgess, Marlene Potter, Vince King, Lisa Harrison, Rob Harrison, Frances Carson, Mike Turner, Lou Morrison, Judy Wojta, Margie Buxbaum, Dee Bohl, Rolf Weeks, David Proffitt, Martha Ruanply, Harold Allred, Fred Houston, Jim Young, Mary Jo Page, Nita Boring, David Cole, Buttons Cole, Camden Myers, Skyler Hawn, Darryl Cole, Diane Cole, Jan Fisher, Casey Scarlett, Clark Annis, John Kinnunen, and Thomas Schubert.*

## Call to Order

*Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 6:00 p.m. Clyde Webb of Cumberland Worship Center gave the invocation. The Young Marines presented the colors and led the Pledge of Allegiance.*

## 1. Proclamations/Presentations

- a) Student of the Month
- b) Spay Day
- c) Careers in Energy Week

- a) Student of the Month - Buttons Cole for the character trait "respect"*
- b) Spay Day - February 25 - Alan Baker gave a report on their spay grant from Pets Mart.*
- c) Careers in Energy Week - February 10-14*

**The presentations were made.**

## 2. Appointments

Convention and Visitors Bureau

*Two of the City's appointments expired last June and need to be re-appointed for an additional 3 year term: Steve Hill and Rob Harrison.*

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that Steve Hill and Rob Harrison be re-appointed to the Convention & Visitor's Bureau. 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

## 3. Consent Agenda

**A motion was made by Councilman Pete Souza, seconded by Mayor J. H. Graham, that all items, except f, h, and j, be approved on the Consent Agenda as presented.**

**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 (1/14)

**The Minutes were approved as recommended**

### **Ordinances on Second Reading**

### b. Amendment to Personnel Board

**This Ordinance was approved on second reading**

- c. 2013 S-2 Municipal Code Supplement

**This Ordinance was approved on second reading**

- d. Ordinance amending the FY2013-14 budget for Ladder #1 repairs

**This Ordinance was approved on second reading**

- e. Ordinance amending the FY13-14 budget for a special city census

**This Ordinance was approved on second reading**

- f. Ordinance amending the FY13-14 budget for recreation master plan

*Mayor Pro-Tem Wyatt asked if the contract had been executed. When the response was positive, he stated that he had a problem with approving contracts before the money was allocated. Mr. Rutherford informed the Council that work had already been started on the master plan. Councilman Marlow commented that he would like to see it go forward because of the many ideas that have been discussed for future recreation needs. Councilman Souza expressed regret that it wasn't talked about enough in a work session so that the questions could have been answered, but that he was not opposed. Councilman Kerley stated that he had not been in favor of it last month when it was voted on, but failed to pull it for a separate vote. He felt that since they have already started work on it, they would be owed the money. City Manager Rutherford reminded the Council that the master plan was a result of the task force the Council appointed. The task force reviewed the submittals from a variety of companies, interviewed three and selected Lose & Associates. They will review the condition of the current facilities, determine future facilities that may be needed, review the public hearing about many recreation needs that were brought up, review new facilities, locations, access and maintenance of current facilities, and review revenue opportunities. He believes that it will be a very beneficial document for him and the Council as they address the budget and the recreational needs of the community.*

**A motion was made by Council Member George Marlow, seconded by Mayor J.H. Graham III, that this Ordinance be approved on second 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

- g. Ordinance amending the FY13-14 budget for City Manager pay

**This Ordinance was approved on second reading**

#### **Additional Consent Items**

- h. Approval of Productive Workplace Policy

*Councilman Kerley expressed his concern that the policy might make it more difficult*

for Councilmembers to state their opinions. Mayor Pro-Tem Wyatt commented that he thought the City probably had enough policies and there was no enforcement procedures included. Councilman Souza apologized for bad language in the past, but continued that he thought the City had a lack of oversight, had enough policies, and that he didn't want to hinder anyone's ability to speak out, but with respect.

**No action was taken on the proposed policy.**

**i. Approval of mutual aid agreement with City of Cookeville Department of Water Quality Control**

*Cookeville requested a short-term mutual aid agreement to allow the Crossville Fire Department to respond in the event of a chlorine leak or the release of chlorine gas until their personnel can obtain certification. This agreement would expire on June 30, 2014. Any cost reimbursements are covered under state law.*

**This Contract was approved as recommended**

**j. Approval to change contract with Crossville Aero, LLC to Crossville Aero**

*At the January City Council meeting, Council approved the renewal of the contract with Crossville Aero, LLC for two additional years. Subsequent to the meeting, it was discovered that Crossville Aero, LLC had changed from an LLC to a proprietorship and is now Crossville Aero. Insurance coverage has been changed to the proprietorship and the City is adequately covered as required in the contract. Approval of converting the current contract under the same terms (second renewal) to Crossville Aero was requested. Councilman Souza complimented Mr. Bennett and the job he is doing, but reported that since there is no Crossville Aero LLC because it was closed by the Secretary of State's office, the matter should be tabled to a work session. Mr. Bennett responded that he had changed from an LLC to a proprietorship, but there were no other changes. City Attorney Chadwell explained that Mr. Bennett had dissolved the LLC to operate as a sole proprietorship.*

**A motion was made by Council Member Jesse Kerley, seconded by Council Member George Marlow, that the Contract change 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

**Abstain:** 1 - Council Member Pete Souza

**k. Approval of Change Order #1 with Plateau Excavation on the CoLinX project**

*Change Order #1 adjusts the contract time by 30 days due to additional undercut that was encountered. It also provides payment of \$23,550 for construction testing and observation costs and 42 hours of hammering previously disturbed oversized materials. The cost is under Schedule II, which will be covered by CoLinX.*

**This Contract was approved as recommended**

**4. Bids/Purchases**

**a. Gate Valve & Accessories**

*Bids were received on a gate valve and accessories to be installed at the Meadow Park Lake dam. The low bid of Southern Pipe & Supply in the amount of \$12,735.46 was recommended. The cost will be covered using remaining grant funds of \$13,448 from the Rural Development grant/loan for the renovation of the dam.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that the purchase of the gate valve 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

### February Marketing Report

*Marketing Director Billy Loggins gave an update on the following:*

- *Christmas Parade DVD*
- *Annual Report*
- *Community Events Schedule*
- *2014 Farmer's Market dates*
- *Regional and State Publications*
- *Local InSite.....linked to TVA Sites database*
- *Fly-In – A budget of \$18,000 was suggested. Council requested that it be put on the March agenda.*

**This Report was received and filed**

## 6. Other Business

### a. Matters relative to request from Planning Commission

*The Crossville Regional Planning Commission discussed the Northwest Connector at their January meeting. They have requested that the Council reconsider the action taken at the January 14th meeting and continue with the project. The Chairman, David Burgess, addressed the Council. He gave a report on the population trend for the County. The out-migration is the working population; however, the in-migration is retirees. His concern, as a planner, is how the influx will affect the community and the ability of having workers to accommodate the retirement growth. The growth will happen whether we are ready or not. Businesses and employers make decisions on where to locate based on the preparation of the community. The Northwest Connector has been in the plans for over 30 years. Mayor Pro-Tem Wyatt stated his support of the project, but is working on a 10-year capital plan that will require significant investments. He believes that they will require a 10 cent tax increase and a 25% increase on water/sewer rates over the next 3 years. He wants to resolve those issues before moving forward. Councilman Marlow commented that it was a good opportunity to move forward and it is well funded by the State, which might not be available later and the improvements will have a big impact on the community. Further, he commented that the City was already in the middle of the project. Councilman Souza stated that he had no issue with the project, but he is concerned about the impact on the current commercial district and that zoning is needed. Further, he would support it after it is determined what will go on the road. Mr. Burgess responded that a land use plan is currently being developed that should accomplish what zoning would do and that it is conceived that it would be mostly residential in Section 1 and Section 2 would be a*

combination of residential and commercial. He also stated that stormwater must be reduced to expand the capacity of the wastewater treatment plan. It is his understanding that the reduction of stormwater is part of the the downtown project, which will help to allow for the future growth of the community. Mayor Graham commented that growth has helped to lower property taxes because of the increase in sales tax and explained the TDOT contract on the Northwest Connector. He felt like the City had adequate reserves and bonding capacity to cover the costs.

Mayor Pro-Tem Wyatt commented that the City can't do all the projects and hard decisions will have to be made. Mayor Graham's priorities are road, water, sewer, police and fire protection. He also stated his belief that zoning will be controlled by the price of the property and that developers will pay for the utilities in the area. Councilman Souza stated that he will go along with the project once he has assurances that the area between 127 and Sparta Hwy is residential. Mayor Pro-Tem Wyatt reiterated his concern on how the projects would be funded. He reviewed the alternatives presented in the capital plan with the first being to charge for garbage, second a tax rate increase, and third a water/sewer rate increase. City Manager Rutherford responded that those were his alternatives if the Council wants to do everything in the plan. The Council will have to set the priorities and set the schedule. Mayor Graham suggested that the Council will need more information in the budget hearings to determine the priorities. Councilman Kerley requested a list of people that said they would donate their property for the project if there was a list on file. Further, he would like to get a proposal from Barry Field to do the design which might be able to save some money. Mr. Rutherford stated that Gresham Smith and Partners were notified not to proceed with any work after the Council failed to pass the budget amendment.

**This Report was discussed**

**b. Matters relative to Lillian Court**

Letters have been received from Larry Tramel and Joe Page requesting that the undeveloped right-of-way between their properties on N. Main Street be closed. Closure of that portion of Lillian Court would lead to closure of the final portion of Lillian Court since there would be no other access to it. Closure of the right-of-way would lead to a land-locked parcel owned by Flynn Sign Co. That parcel adjoins a parcel also owned by Flynn Sign Co. and fronting on N. Main Street. If those two parcels were combined into one parcel by the owner, the issue would be resolved. The request was discussed by the Planning Commission on January 16, but deferred.

**This Ordinance was deferred**

**c. Matters relative to Employee Wellness Program**

Mr. Rutherford presented a proposal for an employee wellness program. According to the survey presented last month, over 100 employees stated they would be interested in a wellness program. If 70 or more join, the cost to the employee would be \$13/month and the cost to the City would be \$13/month for a total of \$26. The total for the rest of the fiscal year would be approximately \$4,000 for the memberships plus incentives for weight loss. A budget amendment would not be necessary. The cost for the total program (memberships, weight loss incentives, fitness assessment rewards) for fiscal year 2014/2015 would cost the City approximately \$50,000. However, Blue Cross/Blue Shield will cover a portion of the cost through a premium reduction for the program. (A copy of the proposed City of Crossville Wellness Program is attached and made a part of these minutes.)

*Councilman Kerley asked that it be delayed to give more time to think through the proposed program. Councilman Souza commented that he felt it was very progressive thinking, contained a cost advantage, shows a concern for the employees and a healthy workforce, but could be deferred for more time for review. City Manager Rutherford stated that Blue Cross/Blue Shield will contribute about 4 1/2% of the premium over 3 years (about \$16,000/year).*

**The program was discussed.**

**d. Matters relative to hunting on City property**

*As discussed in work session, there have been complaints (uncleanliness, illegal activity) about hunting on City property, specifically the former landfill property. There is currently no policy in place regarding hunting on City property except for Meadow Park Lake. City Manager Rutherford asked for direction from the Council. Councilman Kerley suggested that it be left as it is. Councilman Souza said that the issue may be determined by the decision on the proposed veterans' cemetery. He would suggest that, if the property is not chosen for the cemetery, it be sold. Mayor Pro-Tem Wyatt asked that the City Manager contact TWRA to patrol the property. Mayor Graham expressed his concern over the liability of hunting on City property. City Attorney Chadwell responded that the City would have liability because the shells cover long distances and the proximity of the property to the interstate increases liability. City Manager Rutherford responded that TWRA would be of assistance and because there is no one on City staff to watch the property because of its isolation. He asked for direction from the Council. Mayor Graham also expressed concern about allowing people on the property with or without a permit. The City Manager was requested to contact TWRA about assistance.*

**This matter was discussed**

**e. Matters relative to parking lot lease agreements for downtown project**

*The downtown task force has identified parking areas for public parking to help alleviate any overcrowding during the downtown construction process and has drafted an agreement. A member of the task force, Billy Loggins, has been charged with getting the agreements signed.*

**This matter was deferred.**

**f. Matters relative to adding a recall provision to the City Charter**

*At the request of City Council, the City Manager and City Clerk met with Suzanne Smith from the Cumberland County Elections Commission regarding the request by Councilman Souza for the voters to have a "confidence" vote on the current members of Council. She contacted the State Election Commission and there are no provisions in State law or the City's Charter to conduct such an election. The City Manager and City Clerk have researched other avenues for the Council in the future. After reviewing other city's recall provisions, they put together proposed legislation drawing from other cities and the model charter for "Modified City Manager-Council" under Tennessee Code Annotated. The proposed legislation would require a petition signed by at least 33% of the registered voters, posting of a cash bond to cover the costs should the vote fail, and an affirmative vote of 66% of the voters to be effective. It would be recommended that its addition to the City Charter be voted on in November at the same time as the charter change regarding term limits. Senator Burks and Representative Sexton have been contacted and the*



*bill can be filed during this session of the General Assembly. Councilman Souza stated that this provision would give voters an option. Councilman Kerley asked that the provision remove the statement that the money would be refunded if the recall was approved by the voters.*

**A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that this resolution be approved as amended regarding the repayment of the cash bond. The motion carried by the following vote:**

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

**Nay:** 1 - Council Member George Marlow

**g.** Matters relative to selling lot on Holiday Drive

*Councilman Kerley proposed selling the lot located next to the sewer lift station near the end of Holiday Drive at public auction. The sale will be subject to approval by City Council. It will require the relocation of a sewer line. City Manager Rutherford commented that notice of the sewer pump station next to the property would need to be included in the sale brochures. City Attorney Chadwell reminded the Council that the sale would not be final until advertised as required by Charter.*

**A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that approval be given for staff to obtain a survey, appraisal, engage the services of an auctioneer, set a date for the auction, and relocate the sewer line, and that a budget amendment be 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

**h.** Matters relative to mixed drink tax

*As has previously been discussed, a meeting was held with Mr. Andrews from the Board of Education and County Mayor Carey regarding the issue of the mixed drink tax. A letter has been received from the Board of Education requesting the money received by the City over the past years, as well as monthly future checks. City Manager Rutherford tried to convince them to allow us to continue supporting them with the SRO's and other benefits, but it was not well received. He recommended a proposal to pay \$160,000 down and \$100,000/year until paid at no interest. A budget amendment will be required.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the recommendation of the City Manager be approved and a budget amendment be passed on first reading. The motion carried by the following vote:**

**Aye:** 4 - Mayor J.H. Graham III, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

**Nay:** 1 - Mayor Pro-tem Danny Wyatt

**i.** Matters relative to policy on contract approvals

*The City Charter requires that the Mayor sign all contracts for the City. The current practice and policy is that, following approval by Council, the contracts are signed. If*

*the project is not funded, a budget amendment is passed on first reading at either that same meeting or a subsequent meeting. The funding of the contract is a separate issue from the approval of the contract.*

*Because of the recent action by Council to not pass a budget amendment on third reading to cover the cost of previously approved contracts, it was suggested that the policy be changed. The recommendation was that "Any motion to approve a contract for which no funds have been budgeted, be approved contingent on final reading of the budget amendment".*

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the policy "that any motion to approve a contract for which no funds have been budgeted be approved contingent on final reading of the budget amendment" 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

## 7. City Attorney's Report

### City Attorney's Report

*City Attorney Kenneth Chadwell reported that no new lawsuits have been filed in the past month.*

**This Report was received and filed**

## 8. City Manager's Report

### City Manager's Report

*City Manager Rutherford presented the monthly revenue charts on local option sales tax revenues, wholesale beer tax revenues, and retail liquor inspection fees. He also provided updated information on building permits, current grants/projects, special projects, and debt schedule.*

*In other items:*

- *A work session was requested for February 24 @ 4:00 p.m. on the wastewater project process and the Capital Improvement Program. The session will last approximately 2 hours. He reminded Council members to submit their answers to the questions previously distributed.*
- *Surveys have been requested from members of Council and others for the Master Recreation Plan. The responses should be submitted as soon as possible.*
- *Downtown Project - Last Friday, we received word, after much review, from TDOT that they would not accept the bid of Highways because they did not sign the correct bid bond form. Direction was requested from the Council for direction on the next step. Councilman Souza stated that the bidding of the project has been approved by Council and he would be agreeable to amending the agenda to take a vote on re-bidding the project. City Attorney Chadwell stated that, since notice was given to the Council and the media in advance, a motion to provide direction on re-bidding would not be out of order. The cost for the re-bid was estimated at \$2,000 and a budget amendment would not be necessary. Councilman Kerley commented that he had heard from a number of people who did not believe that the beautification project was beneficial and what the people really want is an indoor recreational facility. He would be agreeable to fix the water issues.*

*He further commented about the lighting and the lack of sewer being fixed. Mayor Graham agreed that the project will inconvenience the businesses; but that the city has a major I/I problem and the storm water must be removed. Councilman Marlow stated that he felt it was worth spending \$2,000 to re-bid the project since we have already spent so much on the project. Mayor Pro-Tem Wyatt questioned as to whether or not there was a water problem or an I/I problem. He also asked Jim Powers to come to the podium to address potential underground gas tank issues and the problems that can occur if any are encountered during the project. The City Manager was questioned regarding when the City was notified that the bid would be rejected. He explained that at the time we got the first indication, it was thought to be a technicality and that since we were still working with the other agencies, TDOT was requested to further review the matter. Mayor Pro-Tem Wyatt requested that, in the future, Council be notified as soon as this type of information is received.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the City of Crossville re-bid the downtown project. The motion carried by the following vote:**

**Aye:** 3 - Mayor J.H. Graham III, Council Member George Marlow and Council Member Pete Souza

**Nay:** 2 - Mayor Pro-tem Danny Wyatt and Council Member Jesse Kerley

## **9. Public Comment**

*Mayor Graham opened the floor to the public for public comments.*

*Alan Baker expressed his thanks for the new signs on Centennial Park and dog park sign; but asked for additional signage in the park for the dog park.*

## **ADJOURNMENT**

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

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

*With no further business, the meeting was adjourned at 7:56 p.m.*