

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes Tuesday, December 11, 2012 6:00 PM Council Chambers

The City Council for the City of Crossville met in regular session on Tuesday, December 11, 2012, 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 Bruce Wyatt, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Police Chief David Beaty, Finance Director Fred Houston, Tommy Porter, Steve Powell, Carolyn Reynolds, Tyler Pelfrey, Kevin Music, Tim Bolin, Clayton Tanner, Roger Potter, Kris Wiese, Steve Clark, Joe Miller, Jacqueline Roberts, Sophie Roberts, Allen Robbins, Velma Delk, John Turner, Rhes Caysdell, Karlie Threet, Carmen Wyatt, Chris Bennett, Pamela Capley, Elicia Rollins, Darlene Barnwell, Brian Dehart, Jay DeRossett, Tonya Hinch, Charles Strayer, Josh Haney, Judy Stover, Lewis Stover, Jeff Kerley, Mike Fuency, Neal Fuency, Wendy Davis, John Davis, Brian Eckelson, Bob Kastens, Jeff Brown, Lee Lawson, Jerry Garrison, Clark Annis, Sam Sherrill, Stephen Hillis, Jim Morrow, David Hassler, Rick Myers, Thomas E. Smith, Jeremy Mangas, Ted Meadows, D. J. Witt, Stuart Hale, Joe Kerley, Mike Turner, Jerry Kerley, Chris South, Jim Young, Jeff Smith, Leslie Smith, Krista Stapleton, Becky Stapleton, Linda Wakefield, Roger Wakefield, Tim Johnson, Billy Martin, Ashley Gentile, Tim Begley, Bob Schwartz, Terry Graham, Boyd Wyatt, Erika Green, Brandi Green, Ellie Sanders, Mitchell Jenkins, Bob and T Shurmur, Spencer Pack, Angeila Pack, F. J. Warmood, Brianna Moore, Brian Hearndon, Hank Kemmer, Lesley Johnson, Beth Alexander, Margie Buxbaum, Judy Wojta, Joe Salvano, Ray Hansen, Norm Westerbuhr, Tanatta Eiammutita, Dhamatcha Harrison, Pam Harris, Tiona Burgess, Chuck Burgess, Monte Garrett, Ashley Allen, Tom Flynn, Billy Loggins, and Tony Perry.

### 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 Bob Kastens of the First Christian Church. The Young Marines presented the colors and led the Pledge of Allegiance.

### ITEM #1 – Proclamations/Presentations

- a) Student of the Month - Mayor Graham presented the Student of the Month to Riley Smith for the character trait "caring" and Spencer Pack for the character trait "manners".
- b) Model Railroad Club - The Model Railroad Club presented a model railroad car designed for the City of Crossville to promote the city and the train club and a cookbook.
- c) Senior Softball Association - The Senior Softball Association presented a plaque and expressed their appreciation for the support of the City of Crossville as they compete in the Senior Olympics.

d) Christmas Card Contest Winners - Mayor Graham recognized the Christmas Card winners for 2012:

- Grand Prize Winner-Tanatta Eiammutita from Crab Orchard Elementary, age 14 and a seventh grader. She received \$100 and her teacher received \$200 for use in the classroom. Tanatta's teacher is Jennifer DeHart.
- Stone Elementary-Rylee Allen, age 8
- South Cumberland Elementary-Andrew Johnson, age 11
- Cumberland County High School-Rebecca Stapleton, age 16
- Glenn Martin Elementary-Ellie Sanders, age 12
- North Cumberland Elementary-Elicia Rollins, age 14
- Pleasant Hill Elementary-Callie Piper, age 12

## ITEM #2 – Appointments

### a. Election of Mayor Pro-Tem

A motion was made by Councilman Marlow, seconded by Mayor Graham, that Danny Wyatt be elected as Mayor Pro-Tem. 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. Regional Planning Commission

A motion was made by Mayor Pro-Tem Wyatt, seconded by Mayor Graham, that Councilman Marlow be appointed to the Regional Planning Commission. 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. Joint Economic Development Board

A motion was made by Mayor Pro-Tem Danny Wyatt, seconded by Mayor Graham, that Councilman Kerley be appointed to the Joint Economic Development Board. 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 # 3 – Consent Agenda

Councilman Souza asked for an explanation on annexation in relation to the boundaries shown in the City Charter.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that all items be approved on the Consent Agenda as presented:

### a. Approval of minutes (11/13)

#### Ordinances on Third Reading

b. Ordinance amending the FY12-13 budget for Water Treatment Plant Improvements

c. Adoption of 2012-S1 supplement to the Crossville Municipal Code

d. Annexation of 10.07 acres on Lantana Road (Ace Hardware)

e. Ordinance amending the 12-13 budget for janitorial services

#### Ordinances on Second Reading

f. Ordinance amending the FY12-13 budget for the dog park

g. Ordinance amending the FY12-13 budget for sewer line replacements

#### Additional Consent Items

h. Resolution adopting a Plan of Services for the annexation of 10.07 acres on Lantana Road

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 #4 – Bids/Purchases**

## Records Management System

The City Manager and the Police Department recommended approval of the purchase of a Records Management System from Tri-Tech/Visionair for use by the records division of the Police Department. The purchase price is \$125,897.25. They recommended that the purchase be split into an initial down payment of \$25,897.25 upon contract signing and the remaining financed over a three year time span at an expected interest rate of 3.037%. Funds for this purchase will come from the Drug Fund. A note resolution, required by the Comptroller's Office, also needs to be approved.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the purchase of the records management system be approved with a down payment of \$25,897.25 out of the drug fund; that payments of \$35,852 each year for the next 3 years from the drug fund be approved; that a budget amendment in the amount of \$25,897.25 be passed on first reading; and that the resolution authorizing capital outlay notes be approved. The motion carried by the following vote: Aye: - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley.

**ITEM #5 – Marketing Report**

Marketing Director Billy Loggins gave updates on the following:

- Christmas Parade
- TSSAA Proposal has been submitted - The decision will be announced in January

Mr. Loggins informed the Council that the Women's Open will be held in July 2013, but is not in the budget. If the City wishes to continue to host, the cost is \$25,000 for the sponsorship plus the costs of promotion. Secondly, the State Team Championship is also not in the budget and has a sponsorship cost of \$15,000. A decision needs to be made as soon as possible so that the TGA will know if the City wants to continue sponsorship. Mr. Loggins is working on sponsorships to share in the costs. Councilman Souza requested a work session to discuss the matter further. Mayor Pro-tem Wyatt expressed his opinion that it is an important benefit to the City with all the participants and their families in the community for a number of days. Mayor Graham suggested that if the Council is not willing to continue sponsoring both tournaments, who would suggest keeping the Women's Open, but allow the State Team Championship to be played somewhere else. Councilman Souza asked if Fairfield Glade might bear some of the costs since the event is held there. Mayor Graham pointed out that the tournament ties up Stonehenge for over a week plus the cost of the grounds crews. City Manager Wyatt stated his conclusion that the City has established a unique brand that identifies the City with the Cumberland County Playhouse and golf. However, he agreed that the money spent on the tournaments could be reviewed and spent more wisely. He recommended continuing with the tournaments. Councilman Souza asked to look further at it being a recurring event and asked that efforts be made to obtain co-sponsors.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the City continue sponsorship of the Women's Open and the State Team Championship. 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.

- Water Fest - July 6, 2013 at Meadow Park Lake
- Sustainability Fair - May 9, 2013
- Discover Upper Cumberland Tourism show will air January 10 and the City will be the final destination spotlighted.

(At 6:40 p.m. the regular meeting was recessed and the Beer Board convened.)

### **BEER BOARD**

**a. Cumberland Mountain State Park**

An application was submitted by the State of Tennessee for an on-premises beer permit for the Cumberland Mountain State Park Restaurant. Police Chief David Beaty recommended approval.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member George Marlow, that an on-premises beer permit be approved for the Cumberland Mountain State Park Restaurant 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. Last Call Sports Bar**

An application for an on-premises beer permit was submitted by Shawn M. Voelker dba Last Call Sports Bar to be located at 467 Old Lantana Road. Following a records check, Police Chief David Beaty recommended that the permit not be approved. This Permit was denied.

(At 6:43 p.m. the Beer Board was adjourned and the regular meeting reconvened.)

### **ITEM #6 – Other Business**

**a. Matters relative to SRO program**

Chief David Beaty updated the Council on the SRO program and the changes implemented during this school year. The City fully funds the program at CCHS, SMHS, and Glenn Martin Elementary. At the recommendation of the Director of Schools, the SRO officers drop in at Martin and the Phoenix School and it is working well. Mayor Graham stated that he receives a lot of good comments on the program. Sgt. Akins received the state-wide SRO of the Year Award.

**b. Matters relative to International Mechanical Code**

As now required by the State of Tennessee, the International Mechanical Code must be adopted and enforced by the City of Crossville and Cumberland County. Codes Director Jeff Kerley explained the requirement to the Council. Both enforcement officers are certified for the inspection of the codes. A meeting is being scheduled with the County Mayor to explain the new requirements that the County must adopt to meet the State mandate.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that this Ordinance be approved 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.

**c. Matters relative to International Fuel Gas Code**

As now required by the State of Tennessee, the International Fuel Gas Code must be adopted and enforced in the City of Crossville and Cumberland County.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that this Ordinance be approved 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.

**d. Matters relative to Plumbing and Mechanical Permit fees**

With the adoption of the required additional mechanical and fuel gas codes, it was recommended that a new fee schedule be adopted. This fee schedule will only require one permit and fee for all work covered under the International Plumbing Code,

International Residential Plumbing Code, International Residential Mechanical Code, International Mechanical Code, and International Fuel Gas Code. Councilman Souza asked Mr. Kerley who would pull the permit since contractors would only want their permit to cover the work that they do and not other contractors. Mr. Kerley responded that he will separate it so that the tradesmen would not have to work under someone else's permit.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that this fee schedule 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.

**e. Matters relative to Lantana Road and West Avenue Signal Light**

Currently, the Lantana Road and West Avenue signal light services the priority to Old Lantana Road. With the opening of the new Lantana Road, the Street Department realized a significant traffic pattern change. The Street Department gathered traffic count data for the area and it did support the theory of the traffic pattern change. It was recommended that the signal be adjusted to give priority to the West Avenue and Azalia Avenue traffic movement. With this change, the Street Department requested authority to remove the STOP on West Adams Street at the intersection of Old Mail Road/Elmo and West Adams. This change will allow better flow and natural progression of traffic through West Adams Street. Traffic count data does support that this is now the primary flow of traffic for the intersection.

Joe Miller reported that he checked with emergency services about the proposed changes and they had no objections. Mayor Graham asked that the traffic flow be monitored.

Rick Myers, as a resident in the area, spoke to the Council on the proposed changes. He did not recommend removing the stop signs as he does not see a problem with traffic backing up. City Manager Wyatt stated that he felt comfortable with the plans, based on their discussions and observations. With the change, it will be monitored and reviewed.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the traffic and road changes be approved as recommended. The motion carried by the following vote: Aye: - 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.

**f. Matters relative to Tenth Street Improvements**

The Obed Watershed Community Association has been awarded grant money for stream improvements including stormwater management, in stream or out of stream. The Tenth Street project consists of removing soil to a level just above the invert elevation of the storm sewer crossing Tenth Street. The project permitting and excavation work will be performed by the City of Crossville as in kind contributions utilizing City personnel and City equipment. The Obed Watershed Community Association will ensure proper vegetative cover and stabilization. This excavation and stabilization will increase the floodplain area on the Cumberland County Rescue Squad property. This increase in storage area will help reduce the flooding on Tenth Street and areas downstream. Additional benefits will be reduction of infiltration into the sanitary sewer system and deposition of sediment and gravel from the City to Town Branch. This project will reduce the frequency of flooding in the area but will not eliminate all flooding. This Contract was deferred.

**g. Matters relative to City Charter**

Councilman Souza requested consideration on including grievances from citizens in the order of business as required in the Code. Mayor Graham requested any comments or grievances from the public. There were none. He asked that anyone with questions or grievances to contact the City Council or the City Manager at any time.

Councilman Souza requested consideration for moving the swearing-in date to the first Monday in December to make it easier for the Election Commission to certify the election. Mayor Graham recommended changes be made for the property owners who can't vote because they are partners in a corporation or an LLC. He suggested forming a Charter Review Committee with Councilmen Souza, Wyatt, and Kerley reviewing the charter. Councilman Souza also questioned the time and date of the meeting. He was informed that it had been changed to the 2nd Tuesday at 6:00 p.m. by ordinance a number of years ago.

Councilman Souza brought up his concern about abuse of authority by the Mayor. He asked the Mayor to step down and turn the meeting over to the Mayor Pro-Tem, which Mayor Graham did. Councilman Souza stated that he saw the Mayor's apology and saw no point in hashing it out further, but pointed out that it was his understanding that there have been similar complaints previously. He stated that city employees should not be subjected to abuse by any officer of the City of Crossville nor should any officer ask for any special favors. Councilman Marlow asked if any complaints had been filed. City Manager Wyatt stated there were none. Councilman Marlow pointed out the positive contributions that the Mayor has made and that he is proud to serve with him. Councilman Souza stated that improvements to the work environment would be another place to move forward. Councilman Kerley asked if the Mayor had apologized to the employees and if he is truly sorry. Mayor Pro-Tem Wyatt stated that he had disagreed with the Mayor numerous times, but they have always come back together and continued to work hard for the City. Further, he has also made mistakes and did not feel he was in a position to condemn.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the Mayor be warned not to do this again. The motion failed by the following vote: Aye: 2 - Council Member Pete Souza and Council Member Jesse Kerley. Nay: 2 - Mayor Pro-tem Danny Wyatt and Council Member George Marlow. Abstain: 1 - Mayor J.H. Graham III.

Following the vote, Mayor Pro-Tem Wyatt turned the gavel back over to the Mayor.

**h. Matters relative to airport**

Councilman Souza asked Chris Bennett if he was now the FBO and Airport Manager. He responded in the affirmative. Councilman Souza asked if he briefed the Council on the recent airplane crash. Mr. Bennett responded that the cause has not been determined and is still under investigation by the FAA. Councilman Souza stated that not flying the American flag on Veteran's Day was unacceptable and should not happen again. He further expressed concern that it was his understanding that the costs for the airport have gone from being in the black to being in the red. He requested a full accounting of the airport revenues and expenditures. Upon questioning, Mr. Bennett stated that he operated 3 rental cars. A discussion was held on the courtesy car and how it was used. Mayor Graham read a letter that he had received last month thanking the City and the FBO for the hospitality and service extended on their visit to the airport. They reported that the facilities were clean and well kept. Councilman Souza asked that a goal be set for the airport to be back in the black by the end of the year.

Councilman Marlow reported on the courtesy car being a surplus vehicle with little value and that the City had recently been named the highest rated business community in the Upper Cumberland and the car costs very little, but results in good will for the business community and other visitors. Hank Kemmer stated that he uses them everywhere and chooses airport that offer them to do his business. He also stated that he was proud of the FBO and the services provided. Councilman Souza also stated that he would like to look at re-forming an Airport Committee.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that the courtesy car be given to Crossville Aero and that Crossville Aero be asked to make a contribution to the charity of their choice. The motion failed by the following vote: Aye: 1 - Council Member Pete Souza. Nay: 4 - Mayor J.H. Graham III, Mayor Pro-tem

Danny Wyatt, Council Member George Marlow and Council Member Jesse Kerley.

**i. Matters relative to Big South Fork Visitor's Center**

Councilman Souza informed the Council that the bids are coming in on December 18 and that he is not in favor of the visitor's center and the City's support. Mayor Graham stated that the City had committed to a \$120,000 local match and 50% of the operating costs for the next 20 years. This matter was referred to the Call for Special Meeting scheduled for December 18.

**j. Matters relative to City employees' benefits**

Councilman Souza stated that he felt there was a lot of confusion at the November member on the health insurance bids. He requested that the previous action be rescinded and that a motion be passed that the employee's benefits remain the same as they were and the deductible be changed from \$2,500 to \$2,000. Councilman Kerley asked that the matter be deferred to the special call meeting so the Council will have time to review the options. City Manager Wyatt stated that the motion was to revert back to what is known as the Duer plan where the employees would pay half of the premium increase for dependent coverage, which is about \$36,000 for six months. It was agreed that it would be deferred to the special call and the information will be provided on Wednesday to give them time to review the options. This matter was referred to the Call for Special Meeting on December 18.

**k. Matters relative to auxiliary/volunteer wages**

Councilman Souza asked to increase the hourly pay for auxiliary firefighters and police officers from \$8.40 to \$10.50/hour. By his calculations, the yearly cost should be about \$1,000. Mayor Pro-tem Wyatt commented that he would have liked the City Manager to have reviewed it prior to coming to Council. Councilman Marlow asked for more information to be provided on the agenda items so that he could be prepared for the discussion.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the hourly pay be increased to \$10.50 for auxiliary and volunteer firefighters and police officers. 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 #7 – City Attorney's Report**

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

**ITEM #8 – City Manager's Report**

City Manager Bruce Wyatt presented the monthly revenue charts for local option sales tax, wholesale beer tax, and retail liquor inspection fees. He also presented a chart showing building permits and updates on current grants/projects and special projects. In addition, a debt report was presented by the City Manager as requested by Councilman Souza. The total debt as of today is \$8,065,000 in the General Fund, \$24,100,565 in the Water/Sewer Fund, \$6,303,099 in the Catoosa Fund for a total of \$39,368,664. As a final report, he noted that Meadow Park Lake is currently 96" below normal pool and Holiday Lake is 21" below normal pool.

He also reported that Fire Department-Keith Dunbar will be retiring January 31 and requested retirement pay, as covered in the Personnel Manual consisting of \$1,500.50 (vacation); \$3,500.00 (retirement bonus); \$433.00 (gift of \$1.00 for each month worked) for a total of \$5,433.50. A budget amendment is necessary.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that the retirement pay for Keith Dunbar be approved

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.

With no further business, the meeting was adjourned at 7:50 p.m.