

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, July 9, 2013

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

Interim City Manager Jack Miller
City Clerk Sally Oglesby

PUBLIC HEARING

A public hearing was held to receive comments from the public regarding the Plan of Services Progress Report for the annexation of 10.07 acres on Lantana Road.

Mayor J. H. Graham, III was present and presiding. He called the public hearing to order at 5:48 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

Progress Report - Lantana Road (10.07 ac)

Mayor Graham reviewed the progress report and requested comments from the public.

With no comments, the public hearing was adjourned at 5:50 p.m.

REGULAR MEETING

The City Council for the City of Crossville, Tennessee met in regular session on Tuesday, July 9, 2013, 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 Interim City Manager Jack Miller, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Police Chief David Beaty, Major Terry White, Sandy Gruber, Ray Harris, Peggy Harris, Jessica Capps, Emma Capps, Beth Selby, John White, John Walker, Renee Allred, Andrea Allred, David Allred, Gary Dillon, Jim Morrow, Gordon Kokes, Debby Kokes, Scot Hale, Tom Isham, Harold Allred, Kenneth Ferguson, Mark Fox, John Turner, Misty Stover, John Tarr, Stace Kargen, Roger Potter, Sue York, Jeremiah Baird, Janice Jackson, David Jackson, Sue Baird, Danny Plumlee, Jim Young, Jeff Skidmore, Fred Houston, Darlene Barnwell, Gloria S. Lewis, Jerry Lewis, Jerry Kerley, Mike Nuss, Amanda Elmore, Aaron Elmore, Virgil Ferguson, Chris Bennett, Ashley Pealer-Richards, Clark Annis, Khrista Wyatt, Pam Harris, Brianna Moore, Cara Fish, Shawn Fish, Pam Coudriet, Phil Coudriet, John Purdue, Bill Oglesby, Chris South, Joe Miller, Skyler Hawn, David Brockway, Toni McCarty, Rolf Weeks, Bill Schmidt, Jan Fisher, Frances Carson, John Kinnunen, Joe Koester, and Nancy Hyder.

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 Dr. John Purdue of the First United Methodist Church. The Young Marines presented the colors and led the Pledge of Allegiance.

1. Proclamations/Presentations

Mayor Graham recognized members of the Crossville Thunder and Crossville Flight basketball teams that placed 1st and 4th, respectively, in the American Youth Basketball Association National Chambership held in Charlotte, NC last week.

a) Chamber of Commerce President Brad Allamong

Brad Allamong was introduced to the Council as the new President of the Chamber of Commerce.

2. Appointments - NONE**3. Consent Agenda**

A motion was made by Council Member Pete Souza, seconded by Council Member George Marlow, that items "a-h" on the Consent Agenda be approved as presented. The motion carried by the following vote:

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

a. Approval of minutes (6/11, 6/25, 7/2)

These Minutes were approved as recommended

Ordinances on Third Reading**b. Ordinance amending FY2012-13 budget for year-end adjustments**

This Ordinance was adopted on third reading

c. Ordinance amending the FY2012-13 budget for Co-Linx Project

This Ordinance was adopted on third reading

Additional Consent Items**d. Approval of temporary street closing of Braun Street on August 24 for Bubbafest**

The street closing was approved as recommended

e. Approval of grant application for TML Safety Grant

The grant application was approved as recommended

f. Approval of annual maintenance grant with TDOT-Aeronautics

This Contract was approved as recommended

- g. Approval of revised agreement with USGS on gaging station at Basses Creek

This Contract was approved as recommended

- h. Approval for the sale of confiscated weapons

The sale of the confiscated weapons was approved as recommended

- i. Resolution in support of the Marketplace Fairness Act

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the Resolution supporting the Marketplace Fairness Act 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

- j. Resolution opposing a reduction or elimination of the tax exemption on municipal bond interest

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the Resolution opposing a reduction or elimination of the tax exemption on municipal bond interest 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

4. Bids/Purchases - NONE

5. Marketing Report

July Marketing report

Marketing Director Billy Loggins provided an update on the following:

- *4th of July Events at Centennial Park*
- *Water Fest*
- *Tennessee Women's Open - 111 players*
- *Economic Development - August 15th meeting planned with community stakeholders*
- *Conceptual Site Plans for industrial park*
- *Spec Building / TVA*
- *Upper Cumberland Senior Olympics*
- *Calendar of Events on the City's website is very well received by the Arts Council and others*
- *Dog Park Billboard - Council previously discussed a billboard to call attention to the new dog park; however, funds were not included in the budget.*
- *Fundraiser is being held for a local softball team going to national tournament*
- *Caboose dedication will be on August 1.*

• *Cumberland County Playhouse has requested that their allocation be given in advance to help with some unexpected bills.*

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the 2nd installment of contributions to the Cumberland County Playhouse be forwarded now. 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

6. Other Business

a. Matters relative to Dollar General road bore

The Engineering Department acquired three phone quotes for a 45 foot road bore under Hwy. 127 for the new Dollar General Store. The lowest phone quote was with Bush Construction for \$4,990. On May 30th the Utility Maintenance Superintendent was called to the site to meet with the boring crew. The location of the water line and the terms of the bore permit prompted him to move the start location of the bore approximately 25 feet because the permit required 36 inches of cover in the ditch and the close proximity of the water line to the ditch. This made the total length of the bore 70 feet and changed the cost of the bore to \$8,050. The Interim City Manager considered this to be an emergency situation and asked the City Council to give their post-facto approval of the payment to Bush Construction for \$8,050 for the 70 foot road bore.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that post-facto approval of the payment to Bush Construction for \$8,050 for the 70 foot road bore be approved as recommended. The motion carried by the following vote:

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

b. Matters relative to city manager interviews

A motion was made by Councilman Marlow to interview the top three in the last voting. The motion died for lack of a second. Councilman Souza stated that the voting process was called into question and may not be valid. Councilman Marlow responded that the process was the same as the last time. Mayor Pro-Tem Wyatt pointed out that the problem was that the ballots were shredded before the process was complete, which caused the problem. City Attorney Chadwell opined that to cure the problem, the Council did not have to go all the way back to requesting new resumes to cure a potential breach, but needed to have open deliberation. He suggested that the Council state who they wanted to interview in an open meeting, start fresh in discussion of who is on the list, and name them publicly. Council can protect the names until they get to the interview process. Mayor Pro-Tem Wyatt stated that he was ready to recommend two names. Councilmen Souza and Marlow also indicated they were also ready to provide their names. The Human Resources Administrator was asked to provide a list of the candidates for each Councilmember to record their two nominees.

This matter was discussed.

7. City Attorney's Report

City Attorney's Report

City Attorney Kenneth Chadwell updated the Council on legal matters. There are no new lawsuits from the previous month.

CoLinx is trying to close the financing for the expansion tomorrow. He received their final request just before the meeting. They originally requested the City to assign the contract and environmental project to the property owner in case of default. That request, in principle, was not a problem, but they wanted the City to backstop the grant funds of \$707,000 and he could not recommend that. They have now agreed to an assignment with no backstop. He requested approval for the Mayor to sign the assignment and a comfort letter, neither of which contains any guarantee for the grant money. (Documents attached and made a part of these minutes)

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that approval be given for the Mayor to sign the assignment and a comfort letter, 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

Mr. Chadwell reported that the City Council had been invited by General York to attend mediation meetings on July 15-16 at Brown Elementary on the sewer issues in the Tansi area. General York has been able to consolidate the four lawsuits and arranged for mediation. The City Council will not be bound to anything that might come out of the mediation sessions. It will be called as a work session to actively participate and listen to the other parties. Councilman Souza commented that the City doesn't have a role in the process and that it was a presumption that the City would take over the utility district. He also stated that he is not comfortable with the Mayor and City Attorney representing the City as he believes that they have a conflict with Millard Oakley who is the major shareholder of First National Bank of TN, who holds a lot of the loan that is in doubt. He added that his concern was not a character slam, but that they had acknowledged associations with Millard Oakley. Councilman Kerley stated that he didn't believe the City needed to be involved in the issue. City Attorney Chadwell responded that he, as City Attorney, takes no position on the issue and pointed out again that the entire Council was invited by General York to the non-binding mediation efforts because the City is the only entity that has any knowledge or experience in the sewer business in the entire county. Further, he personally has no conflict, direct or indirect, with participating as City Attorney in mediation efforts of the District Attorney General in the Tansi lawsuits, whether it is related to the First National Bank, Mr. Oakley, or to anything else. Mayor Graham stated that he had no direct or indirect interest in Lake Tansi, in the bank, or in any partnership with Mr. Oakley, but that he is a good friend. The sessions are to provide the City the opportunity to listen to possible solutions to the issues. It was pointed out by Mayor Pro-Tem Wyatt that the Mayor was only given authority by the Council to make a proposal, which has been made, but has not been approved by the Council or anyone else.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that Mayor Graham's authority to negotiate on matters relative to TSUD and SCUD be rescinded, that no money is authorized to be spent on legal affairs related to TSUD and SCUD without Council approval, and that the Mayor of Cumberland County present any proposals to any merger. The motion failed by the following vote:

Aye: 2 - Council Member Pete Souza and Council Member Jesse Kerley

Nay: 3 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt and Council Member George Marlow

Other Business (cont.)

Matters relative to city manager interviews

Council announced their two nominees as follows: Mayor Graham - Jeffrey Skidmore, Scott Collins; Mayor Pro-Tem Wyatt - David Rutherford, Scott Collins; Councilman Souza - Carlos Pilgrim, Steve Goodwin; Councilman Marlow - Jack Miller and Aaron Elmore (stated that this is his son-in-law); Councilman Kerley - Aaron Elmore, David Rutherford. The City Manager was directed to have his staff schedule the interviews after July 16

This matter was discussed

c. Matters relative to order of business for Council meetings

Councilman Souza pointed out the issue of surprise motions that have left members unprepared. He asked that, at the conclusion of this meeting, no motion can be made that is not germane to the agenda item unless the meeting agenda is amended. Mayor Graham asked that anyone putting items on the agenda be more specific about the agenda items and what they are going to discuss. Councilman Souza agreed that the Mayor would make the decision if any proposed action, not proposed in advance, was appropriate and germane to the agenda item. Mayor Graham stated that henceforth, as a matter of policy, specific action should be supplied to the City Clerk, in advance for all agenda items. There were no objections voiced.

This issue was discussed

d. Matters relative to robo calls

Councilman Souza that the robo calls have caused stress to members of the council. A motion was made by Councilman Pete Souza, that the City Manager be instructed to send a letter to the District Attorney General that the City of Crossville no longer has an interest in the matter as there were no damages. The motion died for lack of a second. Councilman Souza pointed out that he understood the motion would be just to express the Council's wishes, but that the District Attorney General will do whatever he wants to do on the matter. City Attorney Chadwell informed the Council that anyone who has been around an investigation knows they are confidential and that the District Attorney General has total discretion in the matter. He asked about the status a few months ago and was informed that the District Attorney General will tell us when he is ready. General York also stated that he doesn't investigate people because of who they are nor does he investigate people for who they are. He follows the evidence.

This Resolution was discussed

e. Matters relative to handling of city funds

Councilman Souza stated that he is uncomfortable with elected officials or the City

Manager delivering checks on behalf of the City. Finance Director Fred Houston stated that he only knew of two instances where that had happened. One was the earnest money on the bank that was delivered by a former City Manager and the other was the prepayment penalty for paying off the industrial property that was delivered by the Mayor. Mayor Graham pointed out that he was instructed by the Council to try to negotiate to eliminate the pre-payment penalty. He took the check to Mr. Oakley, who endorsed it back over to the City, and the check was turned back over to the Finance Director. Mayor Graham agreed with Councilman Souza that the policy should be for it to be the responsibility of the Finance Director, but there might be times that the Council wants to do something special because of unusual circumstances. He also pointed out that, for some reason, Charter Communications has his personal post office box for the delivery of their checks and he turns that over to the City immediately upon receipt.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the Finance Director be responsible for making all payments and they not be infringed upon by the City Manager or the City Council. 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

f. Matters relative to legal services

The item was removed from the agenda.

g. Matters relative to threats made by Councilmember Wyatt following June 25th meeting

The item was removed from the agenda.

h. Matters relative to attorney charges for June

The item was removed from the agenda.

8. City Manager's Report

City Manager's Report

Interim City Manger Jack Miller provided monthly revenue reports on local option sales tax, wholesale beer tax, and retail liquor fees. He also provided updated reports on special projects, debt service, and grants.

Water Filtration Department-Amanda Mendenhall will become a full time employee with benefits, including participation in the new pension plan, effective 7/01/13. Her salary, including the COLA, will be \$12.43 per hour. She will not be eligible for a 5% increase in six months. She will be credited with accrued vacation and sick time for time worked as a temporary, full time employee for the last nine months.

Utility Maintenance Department-Jimmy Edwards will become a full time employee with benefits, including participation in the new pension plan, effective 7/01/13. His salary will be \$10.72 per hour. He is eligible for COLA and six month 5% increase due to completion of satisfactory probationary period. This would increase his salary to \$11.91 per hour. He will be credited with accrued vacation and sick time for time worked as a temporary, full time employee for the last nine months.

Utility Maintenance Department-Ryan Bilbrey is eligible for a 5% increase due to

receiving a Water & Wastewater Operator Certificate. New salary will be \$13.89 per hour effective 7/14/13.

Catoosa-Cole Martin will become a full time employee with benefits, including participation in the new pension plan, effective 7/01/13. His salary will be \$11.37 per hour. He is eligible for COLA on 7/01/13 and six month 5% increase due on 9/25/13, due to completion of satisfactory probationary period. He will be credited with accrued vacation and sick time for time worked as a temporary, full-time employee at the end of his probationary period on 9/25/13.

Police-Det. Henshaw to be removed from probationary status to regular status with a change from pay grade 26 to pay grade 28 for an increase of \$3,412 per year. No budget amendment required.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the personnel recommendations for Mendenhall, Edwards, Bilbrey, Martin, and Henshaw be approved as recommended. The motion carried by the following vote:

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

9. Public Comment

Mayor Graham requested comments from the public.

David Brockway thanked the Council for efforts made on cleaning up the meth house in his neighborhood. He also discussed recycling and the costs for solid waste.

Mayor Graham reported that the Council was able to make a \$400,000 profit last year at the recycling center. They have a system for the recycling of glass and have asked the City to use some of the material for mulch, which will be tried. The County is going to use prisoners at their expanded recycling facility. He stated that tipping fees will double if we don't change our ways and recycle more.

ADJOURNMENT

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

With no further business, the meeting was adjourned at 7:35 p.m.