

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, August 12, 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 at Crossville City Hall to receive comments from the public on several annexations. Mayor J. H. Graham, III was present and presiding. He called the public hearing to order at 5:45 p.m.

Proposed annexations and progress report for previous annexation

Mayor Graham requested comments from the public on the following:

- 1. Proposed annexation and plan of service for 7.35 acres in The Gardens Subdivision off Hwy. 70W*
- 2. Proposed annexation and plan of service for 1.12 acres on Hwy. 127S (S & J Properties) - Jim Long has requested that the City not require him to pay for the cost of the materials for extending the sewer line. The payment of these costs has been a long term policy of the City.*
- 3. Proposed annexation and plan of service for 35.7 acres on Sparta Highway (Memorial Baptist Church)*
- 4. Progress report on the annexation of 4.52 acres at the intersection of Lantana Road and Dunbar Road*

Plan of Services adopted December 10, 2013. All services of the city have been provided as outlined and/or requested by the property owner/developer.

With no comments, the public hearing was adjourned at 5:48 p.m.

This Public Hearing was received and filed

REGULAR MEETING

The City Council met in regular session on Tuesday, August 12, 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

Also present was City Manager David Rutherford, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Fred Houston, Tim Begley, Jerry Garrison, Scott Humphrey, Jim Young, Kevin Music, Mike Turner, Tim Wilson, Larry Henson, Lee Lawson, Levonn Hubbard, Ashley Pealer-Richards, Clark Annis, Jim Long, Kyle Davis, John Turner, Jack Davis, Pam Harris, Steve Harris, Joe Miller, Tom Isham, Richard Adair, David Simcox, David Beaty, Jerry Kerley, Bill Ward, Vince King, Darlene Barnwell, Chris South, Bruce Wyatt, Tina Burgess, Brad Allamong, Nancy Hyder, Jim Morrow, Ken Ferguson, Chuck Anderson, Mark Rosser, Billy Loggins, Dick Demars, Sandy Demars, Bob Wyrick, Grant Moss, Tom Smith, Savannah Turner, Harold Allred, Jon Atchison, Renae Atchison, Jeff Smith, Donnie Williams, Cathe Raymer, Karen D'Agostino, Sharon Wilson, Katey Dailey, Samantha Crisp, Mark Fox, Kay Whiteaker, Ray Hansen, Khrista Wyatt, Barry Field, and Fran Sorles.

Call to Order

Mayor Graham was present and presiding and called the meeting to order at 6:00 p.m. The invocation was given by Richard Adair of the First Congregational Church. The Young Marines presented the colors and led the Pledge of Allegiance.

1. Proclamations/Presentations

- a) TCAT/TLD Logistics
- b) Veteran's Service Office
 - a) *Report from TCAT on truck driving school program - Deferred*
 - b) *Report from Veteran's Service Office - Bill Ward*
 - c) *Joe Miller was recognized as he resigned from the City to take on the position of Highway Superintendent for Morgan County to which he was recently elected.*

This Presentation was received and filed

2. Appointments - NONE

(At 6:25 p.m. the regular meeting was recessed and the Solicitation Board convened.)

SOLICITATION BOARD

Fairfield Glade Lions Club

The Fairfield Glade Lions Club requested a Solicitation Permit for their annual cheese sale to provide funding for the hearing screening in Cumberland County Schools and their scholarship program. The sale will take place from September 20 - November 30.

A motion was made by Council Member Pete Souza, seconded by Council Member George Marlow, that this Permit 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

(At 6:30 p.m. the Solicitation Board was adjourned and the Beer Board convened.)

BEER BOARD

Weigel's

Weigel Stores, Inc. has submitted an off-premises beer permit application for a Weigel's store to be located at 1023 West Ave. This location is adjacent to the current 5 Points BP store. They are purchasing that property and an additional piece and will be tearing down the current store and rebuilding. Police Chief Beaty gave a

clear records report and recommended approval.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that this Permit 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

(At 6:32 p.m. the Beer Board was adjourned and the regular meeting reconvened.)

3. Consent Agenda

Approval of the Consent Agenda

A motion was made by Council Member Jesse Kerley , seconded by Council Member Pete Souza, that all items on the Consent Agenda, except "b" and "g" be approved. 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 (7/8)

The Minutes were approved as presented.

Ordinances on Second Reading

b. Ordinance annexing 7.35 acres of The Gardens

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, 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

Ordinances on First Reading

c. Ordinance amending the FY14-15 budget for Veterans' Service Office

This Ordinance was approved on first reading.

d. Ordinance amending Title 8 of the Crossville Municipal Code regarding alcoholic beverages

This Ordinance was approved on first reading.

Additional Consent Items

- e. Resolution endorsing a request for signage for the Cumberland Homesteads Tower
- The Cumberland Homesteads Tower Association requested the City's support in their efforts to have an informational/directional sign erected on I-40 for the Cumberland Homestead Tower and Museum.*
- This Resolution was approved as recommended.**
- f. Preliminary approval of plans for Good Times Wine Spirits & Brew
- Bruce and Carmen Wyatt are the owners of D & D Liquor. They have purchased property on which to build a new store and rename it Good Times Wine Spirits & Brew. Because of the investment they will be making, they requested preliminary approval of the new location and the new name for their store. Due to the timing and legal requirements of the Alcoholic Beverage Commission, the official application and request for a Certificate of Compliance will be made in March 2015.*
- The preliminary approval was approved as recommended.**
- g. Resolution authorizing a loan in the principal amount not to exceed \$6,385,500 for refunding Rural Development bonds
- This Resolution was deferred**
- h. Approval to pay 2014 Tennessee PGA State Team Sponsorship
- This payment was approved as recommended.**
- i. Approval to pay 2014 Tennessee Women's Open sponsorship
- This payment was approved as recommended.**
- j. Approval of payment of TAUD Membership Dues
- This payment was approved as recommended.**
- k. Approval of contract with Community Development Partners for administrative services on the SRF downtown waterline replacement project
- This Contract was approved as recommended.**
- l. Approval of contract with Stigall Engineering & Associates on the Hwy 127N Water Tank Repair & Painting project
- This Contract was approved as recommended.**
- m. Acknowledgement of Form CT-0253 on Catoosa refunding bonds

This Report was presented.

4. Bids/Purchases

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

a. Staff Leadership Training

Mr. Rutherford proposed leadership training for key staff members. The training will be conducted by Eric Benson and will help the leadership team further develop their skills in support of our organizational development efforts:

- 1) *Dealing with change*
- 2) *Process improvement*
- 3) *Time management, delegation, & project management*
- 4) *Communication, listening, & feedback*

The training was approved in the budget and staff is ready to move forward with contracting with Mr. Benson at a cost of \$10,400.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that the training 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. Tennis Courts Resurfacing

Bids were received on July 31 for the resurfacing of the tennis courts at Centennial Park. The low bid was Baseline Sports Construction \$22,400.00.

A motion was made by Council Member Jesse Kerley, seconded by Mayor J.H. Graham III, that the bid of Baseline Sports Construction 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

c. Cox Ave. utility relocations

Bids were received on July 31 for the relocation of water and sewer on Cox Ave. in preparation for the road project to be constructed by TDOT. The low bid was Danson Construction in the amount of \$108,390.40. The Engineer recommended the project be awarded to Danson Construction, Inc.

The sewer line has been bid to include the full length of the road, inside and outside the city limits. The cost for the sewer line installation outside the City boundary is \$7,500 and is part of \$108,390.40. It was recommended by the Director of Engineering that this portion of the line be installed as part of this project and that sewer service only be made available to properties inside the City's boundary.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the bid of Danson Construction 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. Network Security Audit

The audit is intended to highlight potential areas of concern in the City's information infrastructure. Three proposals were received, with estimates ranging from \$7,400 to just over \$40,000. The IT Department recommended the selection of White Mile Consulting at \$7,400.

A motion was made by Council Member Pete Souza, seconded by Council Member George Marlow, that the bid of White Mile Consulting 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

August Marketing Report

Marketing Director Billy Loggins provided an update on the following:

- *Economic Development*
- *Alvin York Palace Event*
- *Water Fest*
- *Golf Capital Tennessee Women's Open*
- *Airport Fly In*
- *Senior Olympics*
- *Pioneer Day*
- *Apple Festival*
- *Christmas Parade*
- *TVA Sustainable Communities*
- *Meadow Park Lake Work Session*
- *Gun and Knife Show*
- *127 Yard Sale*
- *Summer Concert series at amphitheater*

6. Other Business

a. 3rd Reading of Ordinance annexing 35.7 acres on Sparta Highway (Memorial Baptist Church)

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that this Ordinance be adopted on third reading and the resolution adopting a Plan of Services be approved. 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. Ordinance annexing 1.12 acres on Hwy. 127S (a portion of S & J Properties)

Jim Long of S & J Properties requested that a portion of his property on S. Main Street be annexed so that it can be connected to city sewer. Material cost, to be paid by the property owner, has been estimated to be approximately \$300. The Plan of Services was approved by the Planning Commission on June 19, 2014.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, 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

c. Ordinance amending §18-107 and §18-108 of the Crossville Municipal Code regarding water and sewer main line extensions

Councilman Souza expressed his concerns for water and sewer lines being installed prior to annexation.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that this Ordinance be approved on second reading. 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

d. Discussion and action on land lease with Rifkin Acquisition Partners (Charter Communications)

City Attorney Kenneth Chadwell requested approval of the agreement upon their acceptance of changes to Section 4 limiting any damages to the Tennessee Tort Liability Act.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member George Marlow, that the Contract be approved, subject to the sections regarding liability, 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. Discussion and action on paving and sewer for Westheria, Narcissus, and Iris

As discussed in work session, a preliminary method for making the road and sewer improvements to the area was presented through an abutment process. State law allows the City to proceed through an abutment project at either the City's initiative or through the initiative of at least 51% of the property owners. State law requires that no more than 75% of the costs be assessed to the property owners. (In 1996, because the bids came in higher than estimated, there was a small abutment project that the Council only charged 49% of the costs to the property owners.) Estimates are provided for 25%, 50%, and 75% with a 10-year payback; however, Council will make the final determination on the percentage and the payback term. It was noted that one property that abuts these roads is owned by Habitat for Humanity and is part of a very large tract that has not been subdivided. This causes their abutment to be extremely high. It was suggested by the City Manager that the City absorb those costs since the City works with them already on their projects.

If Council is ready to proceed through an abutment project, the following steps will be followed:

1. *Vote by Council to proceed through the abutment process and authorize the City Manager to engage an engineer to prepare a preliminary cost estimate (in the past, there has been no charge for these).*
2. *Once the preliminary cost estimate has been received, a public hearing will be held with all property owners notified by certified mail.*
3. *Following the public hearing, Council will determine whether or not to proceed with the project.*
4. *If proceeding, a contract with an engineer will be approved to develop plans and specifications and bid the project.*
5. *When bids are received, Council will vote to approve or not approve the bid. If the City determines it could perform the work for less cost, the City Council can reject the bid and have the work performed by city crews. If the bids come in more than 10% of the original estimate, an additional public hearing (with all property owners notified) will be held to determine whether or not to proceed.*
6. *If Council votes to proceed with the project, Council will make final determination as to the percentage to be charged to the property owners and the payback period.*
7. *Tax assessments and Notice of Lien will be made once the project is complete and all costs are known. Current estimate would be that the first installment of the abutment would likely not be until August 2016. (NOTE: The lien goes on the property, regardless of the property owner. If a property is sold, the lien can be paid off by the current owner or continue on with the new owner.)*

Councilman Souza asked for consideration for the long period of time that the area has been in the undeveloped state and recommended using the 25% rate. Mayor Pro-Tem Wyatt asked that street lights be installed now.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the City proceed through the abutment process and the City Manager be authorized to engage an engineer to provide a preliminary cost estimate. 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. Discussion and action on the Operation of the Crossville Depot

The Rotary Foundation's lease has expired. Proposals were received from Larry Doster and the Rotary Foundation and the Cumberland Artisans of Tennessee Studio (C.A.T.S.). If awarded the lease, C.A.T.S. would give the Rotary Foundation 60% of the proceeds from the rental of the meeting facility. Councilman Souza commended the City Attorney on the lease.

A motion was made by Council Member George Marlow, seconded by Mayor J.H. Graham III, that a lease agreement be approved with Cumberland Artisans of Tennessee Studio. 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. Discussion and action on water system improvements funding

Funding needs to be put together for the following projects:

- \$910,000 - Catoosa 127N - new water tank
- \$281,000 - Brookhaven waterline upgrade

- \$296,000 - Holiday Drive waterline replacement
 - \$178,000 - Highland Lane waterline replacement
 - \$491,500 - Lantana Estates & Fairyland Acres waterline replacement
 - \$617,500 - Old Lantana Road waterline replacement
- \$2,774,000 - Total
\$2,493,000 - Total (excluding Brookhaven)

As discussed in work session the City has \$341,010 remaining in SRF funds approved for the raw water line. These funds have a 30% forgiveness (grant). It is recommended that these funds be used on the Brookhaven waterline upgrade project as there is an immediate need in that area to provide fire hydrants for fire protection. Because ECE was the engineer of record with SRF on the original project, it is recommended that they be retained for this additional work for Brookhaven.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that a request to be made to the SRF to allow the remaining funds be approved for the Brookhaven waterline project and the City Manager authorized to negotiate a contract with ECE Services for Council approval. 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 no new lawsuits had been filed during the previous month.

Councilman Souza asked about state and federal laws regarding workplace environments. He responded that there are several state and federal laws that address many issues that may pertain to a recently filed grievance.

This Report was received and filed

8. City Manager's Report

City Manager's Report

City Manager Rutherford presented the monthly revenue reports on sales tax, wholesale beer, and retail liquor. He also gave updated reports on building permits, grants, special projects, and bonded debt.

With the recent election and major changes in the County Commission, an answer on building permits for the County will not be addressed until September.

The Army Corps of Engineers work may be completed soon and be ready for the environmental public hearings in the Spring.

Lantana street lights - There was a mixup on the bases on some of the poles and some adapters were required before being properly installed.

An option on property at the industrial park was presented for approval for Project Enterprise. If the property is sold, the truck driver training course will have to be relocated. A 90 day Notice of Cancellation will need to be issued to TCAT and TLD Logistics.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Jesse Kerley, that the Option for Project Enterprise be approved as recommended and a Notice of Cancellation be issued to TCAT and TLD

Logistics. 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. Rutherford announced that a Work Session has been scheduled for Wednesday, August 20, at 4:00 p.m.

A Special Called Meeting will be held on August 20 at 3:30 p.m. to act on several pending items.

Benchmarking training through MTAS is starting with a meeting of all the participating communities on August 13.

The community survey was sent to 400 random residents. So far, 107 have been returned and are being tabulated.

This Report was received and filed

9. Public Comment

Mayor Graham opened the floor for comments from the public.

Thomas Smith asked about rumors that he had heard that Ficoso was leaving the City. Mayor Graham responded that it would be premature to discuss something that happened in Cookeville or Putnam County. Mr. Smith also suggested that the questionnaire include age information. The City Manager responded that the survey does collect age information.

ADJOURNMENT

The meeting was adjourned at 7:16 p.m.