

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, March 10, 2015

6:00 PM

Council Chambers

City Council

Mayor James S. Mayberry
Mayor Pro-Tem Pamala Harris
Council Member Jesse Kerley
Council Member Pedro (Pete) Souza
Council Member Danny Wyatt
City Manager David Rutherford
City Clerk Sally Oglesby

PUBLIC HEARING

A public hearing was held on Tuesday, March 10, 2015, at Crossville City Hall. The purpose of the public hearing was to receive comments from the public on progress reports for recent annexations. Mayor James Mayberry was present and presiding. He called the public hearing to order at 5:45 p.m.

Plan of Services Progress Reports

A public hearing is required to review the progress on three annexations that were finalized 6 months ago.

1858 Sparta Hwy (Memorial Baptist) - 35.7 acres

Off Hwy. 70W (The Gardens) - 7.35 acres

2278 Hwy. 127S (S & J Properties-Lot 1) - 1.12 acres

Mayor Mayberry stated that all services have been provided as outlined and/or requested by the property owner/developer.

This Progress Reports were received and filed.

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

REGULAR MEETING

The City Council for the City of Crossville met in regular session on Tuesday, March 10, 2015, at Crossville City Hall.

Roll Call

Present: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Others present were City Attorney Will Ridley, City Clerk Sally Oglesby, Mike Moser, Andy Vaughn, Tim Begley, Kevin Music, Kyle Sherrill, Fred Houston, Steve Powell, Tim Johnson, Todd Hinch, Stanton Brewer, Bruce Wyatt, Carmen Wyatt, Brad Allamong, Ashley Richards, Bob Kastens, Clark Annis, Vancienetta Wisdom, Jeff Kerley, David Brockway, Ron Miller, Steve Franks, John Turner, Ivy Gardner, Gregg Ridley, Rodney Shoap, Mark Fox, Levonn Hubbard, Tony Davis, Jr., Mark Rosser, Larry Qualls, Woody Geisler, Shirley Garrett, Tina Japps, Becky Ridley, Melissa Roberts, R. J. Smith, Ronald Miller, Shane Williams, Babella Williams, Julie Williams, Tabetha Selby, Angie Houston, Gennie Miller, Sue Bice, Lyndon Ramos, Cal Cowden, Vera Cowden, Carol Williamson, Donnie Williamson, Jeannie Williamson, Fred Erhardt, Kimberly Crutchfield, Donnie Schrum, Angie Duncan, Gwen Erhardt, Tiffany Ridley, Mike Turner, Terry Bowen, Bart Riden, Tanya Howard, Shelby Howard, Ray Hansen, Olivia Adams, Cathe Raymer, Sharon Daniel, Madeline Daniel, Owen Ray, Sheila Ray, Gwendolyn Jones, Francisco Fuentes, Paul I. Davis, Joan Garner, and Nancy Boser.

Call to Order

Mayor James Mayberry called the meeting to order at 6:00 p.m. The invocation was given by Bob Kastens of the First Christian Church. Mayor Mayberry led the Pledge of Allegiance.

1. Proclamations/Presentations

- a) Student of the Month
- b) Recognition of Community Spirit

a) *Student of the Month - Shelby Howard for the character trait "fairness"*
b) *On behalf of the entire City Council, Mayor Mayberry recognized the community spirit shown during the recent ice storm. He specifically recognized the city employees who worked many long hours during the storm.*

The Presentation were announced.

2. Appointments

a. Stormwater Board of Appeals

The term of Scott Christian on the Stormwater Board of Appeals expires on 3/10/15. He represents civil engineering. He has agreed to continue to serve and it was recommended that he be re-appointed.

A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that Scott Christian be re-appointed. The motion carried by the following vote:

Aye: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

b. City Attorney

Mayor Mayberry administered the Oath of Office to William T. Ridley as City Attorney.

3. Consent Agenda

a. Approval of minutes (2/10, 2/19)

A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Pamala Harris, that the minutes for February 10, 2015 and February 19, 2015 be approved as recommended. The motion carried by the following vote:

Aye: 4 - Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Abstain: 1 - Council Member Pete Souza

Approval of the Consent Agenda

A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Pamala Harris, to approve items "b-j" on the Consent Agenda. The

motion carried by the following vote:

Aye: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Ordinances on Third Reading

- b. Ordinance amending §14-306(A)(1) and (2) regarding the Board of Floodplain Review

This Ordinance was adopted on third reading.

- c. Ordinance amending the FY14-15 budget for interchange lighting refund

This Ordinance was adopted on third reading.

Ordinances on Second Reading

- d. Ordinance annexing 13.91 acres on Hwy 70E (James Miller)

This Ordinance was approved on second reading.

- e. Ordinance annexing 24.85 acres on Woodlawn Road (Oakley)

This Ordinance was approved on second reading.

Ordinances on First Reading

- f. Ordinance authorizing a Local Litigation Tax and Continuance Fee

At the recommendation of Judge Gardner, Council approval was requested to collect a Local Litigation Tax of \$13.75 on all city citations to help pay for court cost and police related expenses. This is an additional tax that will not be sent to the State and will stay with the City. A section is also being added for a \$5.00 Continuance Fee on the Court costs, which will be assessed per continuance.

This Ordinance was approved on first reading.

Additional Consent Items

- g. Resolution approving Adventure Tourism District

The State has established Adventure Tourism Districts as a plan that will allow qualified businesses that locate within the district to earn a jobs tax credit to offset a portion of the business franchise and excise tax liability. There are minimum requirements on investments and jobs to qualify. The City has met with the County and decided to create a joint district that will create opportunities for businesses that qualify. Once approved, the certification is good for 3 years. They can be amended to add additional areas. There is no cost to the City or County for the district.

TDEC is especially interested in the creation of the district so that Cumberland Mountain State Park can be included. They are actively seeking businesses to operate some of their facilities and the district would be an additional incentive. Business plans that are required with the application are being prepared by UCDD and the City Clerk.

This Resolution was approved as recommended.

h. Approval of Certificate of Compliance for Good Times Wine Spirits & Brew

Preliminary approval of the new location and the new name for their store was given by Council on August 12, 2014. The store is under construction and ready for final approval of their application and Certificate of Compliance.

The Certificate of Compliance was approved as recommended.

i. Approval of Certificate of Compliance for Jan's Wine & Liquor

An application was by Janet Oakes for the renewal of the Certificate of Compliance for Jan's Wine & Liquor located at 957 West Ave., Suites 107-110. Since the last renewal, she has expanded into an additional unit.

The Certificate of Compliance was approved as recommended.

j. Approval of Certificate of Compliance for Peavine Wine & Spirits

An application was received from Stanley Roger York for a Certificate of Compliance for Peavine Wine & Spirits located at 745 Peavine Road.

The Certificate of Compliance was approved as recommended.

4. Bids/Purchases

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

Approval of the Consent Agenda

A motion was made by Council Member Danny Wyatt , seconded by Council Member Pete Souza, to approve bids/purchases "a-c". The motion carried by the following vote:

Aye: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

a. City Property Mowing Contract

The City of Crossville accepted bids to mow the following locations: Police Station, Amphitheater, Southern Welcome Sign, City Hall, Airport Terminal Building, Tansi Pump Station. The Maintenance Supervisor recommended approving the low bid of \$156.00 submitted by Total Outdoor Services. The amount is to mow said properties on a weekly basis.

The mowing contract was approved as recommended.

b. Guardrails (Holiday Dr. dam)

Bids were received on the guardrails for both sides on Holiday Drive, adjacent to the dam. The low bid of R D Construction in the amount of \$ 18,692.50 was recommended for approval.

The low bid was approved as recommended.

c. Traffic Signal Replacement

During the recent ice storm, the signal pole and heads at the intersection of Hwy. 127N and Crossroads Blvd./Executive Dr. were taken out. Emergency replacement was required to get it back in service. A quote was received from Stansell Electric in the amount of \$7,300. However, this quote is based on using some existing equipment. If some of the parts do not work, the cost may be closer to \$8,000. The costs may be reimbursable if the County is declared a disaster area.

The emergency repairs were approved.

5. Marketing Report**March Marketing Report**

Marketing Director Billy Loggins provided updates on the following:

- TVA Forum*
- Soldier's Beach Trail*
- Crossville Depot*
- Events rescheduled*
- Water Fest*
- Taste of Crossville*
- Friday Night Air Summer Concert Series*

This Report was received and filed

6. Cumberland County/Chamber Report

Mayor Mayberry opened the floor to Cumberland County and the Chamber of Commerce for any reports. Chamber President Brad Allamong reported on the Visitors' Center, which opened in April 2014. The best month had 988 visitors in July 2014. The biggest issue is signage. The blue signs that have been approved on the interstate are not as big and not readily spotted.

The City, County, and Chamber working in partnership is very valuable, but others need to be part of the partnership, especially education. He reviewed some of the requirements of the Tennessee Promise program, but stated the community is challenged to find them work here when they graduate.

The visioning process will allow the community to have a say in the direction of the county. He encouraged the City and County to develop its own leads for industrial recruitment. In the first year, we need to have the visioning process, industrial recruitment, and fund-raising for the programs.

7. Other Business**a. Discussion and action on contract with J.R. Wauford & Company**

The City Council selected J.R. Wauford & Company from the recent request for qualifications for Engineers. The waterline replacement projects were divided by staff and the two selected for J.R. Wauford & Company are the Holiday Drive Water Line Replacement Project and Lantana Estates and Fairyland Acres Water Line Replacement Project. The City Attorney has reviewed the contract and approved it as to form.

Fees include:

\$25,000 - Surveying and Preliminary Layout

\$40,000 - Preparation of Plans and Specifications

\$ 5,000 - Bid Phase

\$96,000 - Engineering Services during Construction (hourly rate plus expenses) not to exceed based on a construction period of six months.

\$166,000 - Total contract amount

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Pamala Harris, that the contract with J. R. Wauford be approved and the Ordinance amending the budget be approved on first reading. The motion carried by the following vote:

Aye: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

b. Discussion and action on contract with ECE Services

The City Council selected ECE Services from the recent request for qualifications for Engineers. The waterline replacement projects were divided by staff and the two selected for ECE Services are the Old Lantana Road Waterline Replacement Project and County Seat/Southbend Waterline Replacement Project. The City Attorney has reviewed the contract and approved it as to form.

Fees Include:

\$ 98,850 - Surveying, Design, Bidding and Contract Administration

\$ 25,200 - Full Time Inspection based on a four month construction (lump sum price).

\$124,050 - Total Contract Amount

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Pete Souza, that the contract with ECE Services be approved and the Ordinance amending the budget be approved on first reading. The motion carried by the following vote:

Aye: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

c. Discussion and possible action on dental and vision insurance for employees taking the early retirement incentive

Councilmember Wyatt requested the cost to provide dental and vision insurance for those employees who took the early retirement incentive. The package only included health insurance, which was the only type included in the bridge insurance provided by Council in 1999. The cost for adding the insurance, based on current premium costs, was provided in the agenda packet.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that dental and vision insurance continue to be provided to those taking the early retirement incentive with coverage ending at

age 65. The motion carried by the following vote:

Aye: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

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

BEER BOARD

a. Notice of “dba” change for Honey’s Market

Honey’s Market has changed their “dba” to Route 70 Market. The ownership has not changed and they will continue to operate as Honey’s Market with all the regulatory authorities and tax accounts. City Attorney Kenneth Chadwell opined that a simple advertisement of this name change would suffice and that notice to the Beer Board for the purpose of recording in the minutes was the only action that should be taken. City Attorney Ridley established for the minutes that the ownership has not changed and he was notifying the Beer Board of that action.

This Report was received and filed

b. East Tokyo Japanese Steak House

An application for an on-premises beer permit has been received from Qiu Qin Chen for East Tokyo Japanese Steak House, Inc. located at 1246 N. Main Street. Lieut. Larry Qualls reported a clear records check.

A motion was made by Council Member Danny Wyatt, seconded by Council Member Jesse Kerley, that this Permit be approved as recommended. The motion carried by the following vote:

Aye: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

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

d. Discussion and action on priorities for the Codes Enforcement Department

Councilmember Souza suggested that priorities for the Codes Enforcement Department be: (1) Enforce Code Violations (2) City Building Codes (3) County Building Codes. Councilmember Wyatt expressed his concern about having not heard from the County yet and asked that the matter wait until the budget to see what action the County is going to take. Councilmember Souza responded that the County has had 8 months for a decision and he felt the City needed to make the City first priority.

Codes Enforcement Director Jeff Kerley said that the City has been doing the County work for almost 4 years, but it takes about 70% of their time. Without the County, they can take care of the city issues, but otherwise they would have to add an

employee. He explained the process and cost to remove a condemned property, but estimated it would probably cost \$6-8,000 per house. Mayor Pro-Tem Harris expressed concerns with budgeting the funds for codes enforcement and asked for more time to assess the costs. Mr. Kerley stated he has put \$100,000 in the budget for next year for codes enforcement. Mayor Mayberry agreed that he felt it was premature to act at this time.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that effective July 1, that the Council's policy for the accomplishment of their duty is as follows:

- (1) Enforce Code Violations**
- (2) City Building Permits**
- (3) County Building Permits. The motion failed by the following vote:**

Aye: 1 - Council Member Pete Souza

Nay: 4 - Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

e. Discussion and action on Tire Shredding Facility

Todd Hinch and Stanton Brewer applied for a permit to open a tire shredding facility on Maryetta Drive. Because of the nature of the business, a permit under the "Jackson law" must be approved by the City and the County. A joint public hearing was held at 5:00 p.m. on Monday, March 9, at City Hall.

A motion was made by Council Member Danny Wyatt, seconded by Council Member Jesse Kerley, that this Resolution be approved as recommended. The motion carried by the following vote:

Aye: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

f. Discussion and action on additional funding for the Crossville-Cumberland County Central Communications Committee (CCC)

Cumberland County Mayor Carey requested the City, County, and E-911 Board to increase funding \$5,000-\$6,000 for the CCC to enable the entity to hire a director. Mayor Pro-Tem Harris stated from her discussion with an E-911 board member that she felt the current funding was adequate. County Commissioner Woody Geisler stated the current salary is \$42,000. Councilmember Kerley stated that he needed more information before he would be prepared to take action

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the request be tabled to the April meeting. The motion carried by the following vote:

Aye: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

g. Discussion and possible action on City Judge compensation

At the Council work session on December 3, 2014, Council agreed to set the salary at \$12,000 per year. The ad for the position included the \$12,000 salary. At the

January meeting, the recommended legislative action was "to appoint _____ as City Judge at an annual salary of \$12,000". With no amendments offered by the Council, the entire motion was included in the minutes, which were approved at the February meeting.

Judge Gardner requested Council to re-consider her salary. City Attorney Ridley noted citations from the Tennessee Constitution and the City Charter that indicate that the term is established for two years and that since the salary of the previous judge was \$15,000, he opined that it cannot be changed to increase or decrease the pay for the current term. Any action on an increase or decrease would affect the next term. Council members stated that they felt Judge Gardner was doing a great job and would plan to revisit the question in the 2015-16 budget for the next term.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Pete Souza, that clarification be made in the minutes that the City Judge's salary will be \$15,000 for the two-year term. The motion carried by the following vote:

Aye: 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

8. City Attorney's Report

City Attorney's Report

City Attorney Will Ridley expressed his thanks for the confidence placed in him by the City Council. There was no new litigation filed during the previous month.

This Report was received and filed

9. City Manager's Report

City Manager's Report

In the absence of City Manager David Rutherford, Mayor Mayberry presented the monthly revenue reports for local option sales tax, wholesale beer, and retail liquor inspection fees. In addition, he provided reports on building permits, grants, long-term debt, and special projects.

This Report was received and filed

10. Public Comment

Mayor Mayberry opened the floor for public comments.

Shane Williams, Pastor of the Place of Refuge, and his congregation were present to oppose the beer permits that have been issued to Honey's Market and Bottoms Up. He had understood that the permit was going to be pulled, but that they (the church) were later told that they did not have an occupancy permit and, therefore, the distance requirement would not be in effect. He discussed the concerns for churches who can be impacted and also discussed the activities of the church in the community. He said that Codes did a site visit and never returned to tell them what to do. He also expressed concern that the codes inspector that did the site visit was the owner of the property where Bottoms Up is located. Councilmember Souza asked that the audio of the November 10th Beer Board be played. Mr. Williams stated that his opposition is to sit-down drinking establishments being side-by-side.

Mayor Mayberry stated his plan was to move forward and in a positive direction and not be bogged down by issues from the past. He indicated that there are a number of new laws that will affect the City and any decisions will be made in relation to that. Steve Franks expressed his shock over what he heard on the audio. He felt that the previous City Attorney tried to define what a church is and that the Beer Board has nullified the ordinance.

Terry Bowen gave his support for Honey's Market since there is 1460', by road, between Honey's Market and the church. The establishments are not door-to-door with the church and really can't be seen. Councilmember Souza reiterated that the City Council is required to follow ordinances and the requirement is main entrance to main entrance by straight line method. He further stated that by failing to follow the laws, there was misconduct. He also discussed the requirements for a church, which is that there is a building and they hold regular worship open to the public. He also has a problem with codes suddenly getting involved when they haven't on other issues. He asked that the issues be reviewed by the City Attorney to get some clarification and they not be swept under the table. Mr. Bowen pointed out that four months have passed since the permit was legally issued. Councilmember Souza responded that he wants to insure that it doesn't happen again and that he had no intention to revoke the permit.

David Brockway spoke to the Council regarding the 5 empty homes near his property with 3 in decrepit conditions. He is not happy that the Council is delaying action on codes enforcement.

ADJOURNMENT

With no further business, the regular meeting was adjourned at 7:30 p.m.