

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Monday, May 23, 2016

12:00 PM

Council Chambers

## Call for Special Meeting

*Mayor James Mayberry*  
*Mayor Pro-Tem Pamala Harris*  
*Council Member Jesse Kerley*  
*Council Member Pedro (Pete) Souza*  
*Council Member Danny Wyatt*  
*Interim City Manager Steve Hill*  
*City Clerk Sally Oglesby*

*The City Council for the City of Crossville, Tennessee met in special session on Monday, May 23, 2016, at 12:00 noon at Crossville City Hall.*

### **Call to Order**

*Mayor James Mayberry was present and presiding. He called the meeting to order at 12:00 noon.*

### **Rollcall**

**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 Interim City Manager Steve Hill, City Attorney Will Ridley, Assistant City Clerk Valerie Hale, Police Chief Rodney Shoap, Andy Vaughn, Jim Young, Darrell Hall, Nick Bresaw, Tommy Fitzgerald, Sr., Lance York, Jerry Kerley, Kevin Dean, Randy Graham, David Simcox, Gary Nelson, R.J. Peterson, and Fred Houston.*

#### **1. Discussion and action on settlement of City v John E. Turner and wife Wynell Turner**

*City Attorney Will Ridley explained the settlement, which equates to \$36,150 plus interest totalling \$45,000, in addition to the mediation costs. By settling the case, it would keep the case from going to trial and keep from incurring any additional legal fees. Mr. Turner initially asked for a settlement of \$109,000.*

*Mayor Pro Tem Harris questioned the City Attorney about the projected costs, if the case goes to trial. He responded it would be an additional \$25,000-\$32,000. The City Attorney recommended entering into an agreement with Mr. Turner in an amount of \$45,000. No budget amendment will be required.*

*Councilmember Kerley asked if there had been any emails accusing the Council of wrongdoing by having the meeting in the middle of the day. He also raised the issue of signs being painted on the property. A point of order was raised by Councilmember Souza because that question had nothing to do with the agenda item in place. Mayor Mayberry ruled that the point was well taken and advised Council to refrain from personal attacks.*

*Those opposed to the settlement commented that they believed the appraisal was inflated and the case handled inappropriately, and that Mr. Turner took advantage of the previous purchase of airport property by the City. Those in favor of the settlement indicated that they might not agree with the settlement, but it would be the best long term decision and their concern that the cost to go to trial would be close to the proposed settlement amount. Councilmember Kerley requested the City Manager to give a copy of the appraisal to the Assessor of Property so that the property can be taxed accordingly.*

**A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem**

**Pamala Harris, that Council will allow the City to enter into a settlement agreement with Mr. Turner in the amount of \$45,000. The motion carried by the following vote:**

**Aye:** 3 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**Nay:** 1 - Council Member Jesse Kerley

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

## 2. Discussion and action on request for connection to city sewer

*Kevin Dean presented the request and gave the staff recommendation to approve the sewer connection at "outside city rates". Annexation was not recommended due to the location of property (police & fire response times). In response to a question from Mayor Pro Tem Harris, Mr. Dean advised that part of the property is outside of the urban growth boundary, but it can be annexed with an amendment of the urban growth boundary. He also stated that the property is served by Catoosa Utility District and, if the sewer bill isn't paid, services can be terminated. The owner has expressed concern about the current noise ordinance that would be of concern if annexed. There would be no expenses to the City if connection is approved. The customer will pay all costs for the line extension, which is approximately 250-260 ft. Mayor Pro-Tem Harris asked if there is a policy allowing outside city sewer rates. Mr. Dean stated it is allowed but there is no formal written policy. Councilmember Wyatt asked the City Attorney about what would happen if Catoosa was no longer operated by the City of Crossville. Mr. Ridley replied that the City could ask the owner to continue paying sewer as long as there was an agreement in place. Councilmember Souza stated there are currently commercial hookups outside the City's water service area and that this is not a unique situation. Councilmember Kerley asked if a noise ordinance could be drafted to make an exception for drag strips specifically, but to avoid allowing drag racing down Main Street. Mr. Ridley advised that it could be amended, but the next City Council could change it. The County could also adopt noise ordinances, if they so chose. It was pointed out that no variances have been issued for tractor pulls and they don't seem to cause any problems for residents.*

**A motion was made by Mayor James Mayberry, seconded by Council Member Danny Wyatt, that the request of Crossville Dragway for out-of-City sewer rates be approved, upon payment of all costs. 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

## ADJOURNMENT

**With no further business to discuss, the special call meeting was adjourned at 12:18 p.m.**