

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Thursday, November 10, 2016

6:00 PM

Council Chambers

City Council

PUBLIC HEARING

A public hearing was held on Thursday, November 10, 2016, at Crossville City Hall. Mayor James Mayberry was present and presiding. He called the public hearing to order at 5:50 p.m.

Progress Report on annexation of 1.45 acres at 4355 Hwy. 127S

A public hearing is required regarding the Plan of Services for the annexation of 1.45 acres on 4355 Hwy. 127S. This property was annexed on May 12, 2016. All services have been provided as requested by the owner/developer. Mayor Mayberry requested comments from the public regarding the progress report. There were none.

The public hearing was adjourned at 5:51 p.m.

REGULAR MEETING.

The City Council for the City of Crossville met in regular session on Thursday, November 10, 2016, at Crossville City Hall.

Roll Call

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

Others present were Interim City Manager Steve Hill, City Attorney Will Ridley, City Clerk Sally Oglesby, Mark Rosser, Brian Eckelson, J. J. Brownstead, Steve Frank, Andy Vaughn, Bill Berger, Willard Dale, Doug Parkey, J. D. Barnes, Jim Young, Frances Carson, Nancy Burns, Khrista Wyatt, Gloria Lewis, Jerry Lewis, Jeff Johnson, Billy Martin, Marlene Potter, Steffan Dennis, Lindsey Dennis, Kevin Music, Jerry Kerley, Thomas Eckert, Joe Miller, Brookelyn Cox, Nick Tabor, Bradon Jones, John Weismuller, Vicky Scarlett, Rolf Weeks, Skip Freitag, Lori Freitag, Bruce Wyatt, Howard Burnette, Jim Morrow, Joe Kerley, Darwin Scarlett, Greg Barnwell, Scot Shanks, Trevor Tuttle, Chris Bennett, Tessa O'Dell, Levonn Hubbard, John Turner, Ed Camera, Randall Kidwell, Gary Nelson, Ashley Richards, Art Gernt, Sue York, Brad Allamong, Rob Harrison, Tammie French, Judy Stover, Lewis Stover, Mike Turner, Liz Denton, Chris South, Margie Buxbaum, and C Scarlett.

Call to Order

Mayor James Mayberry was present and presiding. He outlined the rules of the Council meetings. He called the meeting to order at 6:00 p.m. Willard Dale of the Southwest Baptist Church gave the invocation. The Young Marines presented the colors and led the Pledge of Allegiance.

1. Proclamations/Presentations

a) Student of the Month

Andrew Dennis was recognized for the character trait "manners".

2. Appointments - NONE

3. Consent Agenda

Approval of the Consent Agenda

A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Pamala Harris, to approve the Consent Agenda as presented. The motion carried by the following vote:

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

a. Approval of minutes (10/13)

The Minutes were approved as recommended.

Ordinances on Third Reading

b. Ordinance amending 5-602 of the Crossville Municipal Code regarding group health insurance

This Ordinance was adopted on third reading.

c. Ordinance amending the FY2016-17 budget for City Judge

This Ordinance was adopted on third reading.

d. Ordinance closing unimproved right-of-way for Good Samaritans

This Ordinance was adopted on third reading.

Ordinances on Second Reading

e. Safe Route To Schools Sidewalk project

This Ordinance was approved on second reading.

f. Cemetery Software

This Ordinance was approved on second reading.

Additional Consent Items

g. Resolution approving application for TML Risk Management Pool

Property Conservation Matching Grant Program

The City's insurance carrier, TML Risk Management Pool, is offering a Property Conservation Matching Grant for up to \$5,000 to cover costs for items directed toward loss prevention and reduction. The grant requires matching local funds. Items that have been identified are a new DVR for the Police Department security cameras, 3 additional LED lights at City Hall to cover some dark areas in the parking lots, security fencing at Centennial Park, and Public Works cameras. Funds will be awarded based on the date of the application.

This Resolution was approved as recommended.

h. Resolution for Support of Cumberland Mountain State Park

Cumberland Mountain State Park requested approval of a resolution formalizing collaborative efforts between Cumberland Mountain State Park and the City of Crossville, Cumberland County, and Crossville-Cumberland County Chamber of Commerce.

This Resolution was approved as recommended.

i. Approval of temporary street closings for New Year's Resolution Run on December 31

Stone Elementary School PTO is sponsoring the second annual "New Year's Resolution Run 5K on Saturday, December 31. The race will start at 9:00 a.m. and will be in the downtown area.

This Permit was approved as recommended.

j. Approval of temporary street closings for TAD Activity Center Reindeer Run

The TAD Activity Center is planning their annual Reindeer Run on Saturday, December 10. The 5K will start and finish at the TAD Center on Yvonne Ave.

This Permit was approved as recommended.

k. Approval of temporary street closings for Friday at the Crossroads on December 2

The final Friday at the Crossroads for this year will be held on Friday, December 2. The steering committee has requested the following street closures from 3:45-8:00 p.m.:

- Main Street from Hwy 70 to Neecham St.
- 4th St. from Thurman St. to West Ave.
- 2nd St. from Main to Rector

This Permit was approved as recommended.

l. Approval of contract with J.R. Wauford & Company for engineering services for projects at the water plants

As selected by the City Council, a contract for engineering services has been presented by J.R. Wauford & Company. The projects included in this contract are: Meadow Park Lake Water Treatment Plant

1. Replacement of the filter building and high service pumping station generator sets

2. *New Chemical Storage and Feed Building*

Holiday Lake Water Treatment Plant

1. *Painting of Filter Pipe Gallery*
2. *Replacement of the sludge collectors*

*The costs are: \$95,000 Design
\$ 8,000 Bidding and Award
\$92,000 Inspection (not to exceed)*

(It is noted by Water Resources that their budgeted estimates did not include engineering costs and that some of the costs included by the engineers might not be necessary.)

This Contract was approved as recommended.

m. Renewal of contract with VolFirst for data/video services

The Information Technology Department recommended that the contract with VolFirst be renewed for an additional two-year term due to the complications of switching all the equipment. The original contract expires November 30 and allowed for one two-year renewal.

This Contract was approved as recommended.

4. **Bids/Purchases**

a.

Police SUV Purchase

Emergency purchase for a new police vehicle that was totaled from a "not at fault" traffic crash. Total cost of replacement \$31,000 for vehicle, and necessary accessories required to be a complete functioning police vehicle. Most, if not all, costs should be recouped from insurance. The purchase is on state bid from Ford of Murfreesboro.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Jesse Kerley, that the purchase from Ford of Murfreesboro be approved and a budget amendment 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, Council Member Pamala Harris and Council Member Danny Wyatt

b. Repair of 2014 Ford Explorer police vehicle

On October 19, 2016, two police vehicles were involved in an accident. Insurance will be responsible for the cost of repair over the City's \$5,000 collision deductible. The lowest estimate obtained for repairs to the vehicle more heavily damaged is from Baisley's Body Shop in the amount of \$6,727.30. The City will be responsible for \$5,000 with an insurance reimbursement of \$1,727.30.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Jesse Kerley, that the requested cost necessary to repair the 2014 Ford Explorer be approved and a budget amendment 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, Council Member Pamala Harris and Council Member Danny Wyatt

5. Marketing Report

November Marketing Report

Public Relations and Marketing Director Billy Loggins provided an update on the following:

- *Downtown Crossroads Event - December 2*
- *Christmas Parade & additional events - Dec 10 - Parade - Grand Marshalls will be Jeff Dodson, Pastor Hank Jones, Peggy Houston*
- *Upper Cumberland Senior Olympics*
- *Cumberland County Playhouse 2017 Schedule has been announced and the documentary is almost complete. They also have a new website with enhanced ticketing.*
- *2016 Fire Prevention Week - Chris South commented that they distributed 1632 smoke detectors in one day, which broke State records and may have broken national records*
- *Crossville / Cumberland County Law Enforcement Community Evening - Chief Rosser reported they had a good turnout, which highlighted various aspects of the department*
- *Christmas Open House - Money was raised to cover the costs. It will be held December 15 from 4-6 at the Palace*
- *TSSAA – The City is hoping to host all 3 of their events at Tansi for 4 years. Their Board is meeting next week to make the decision*

This Report was received and filed

6. Cumberland County/Chamber Report

Brad Allamong distributed materials on visitors at the Visitor's Center and the number of new water meters, which also shows where the new residents come from, and RFI's for industrial prospects, and Horizon Campaign Contributors meeting.

7. Other Business

a. Approval of application for Site Development Grant

City staff presented a proposed site map for a 200,000-square foot building pad with parking containing approximately 255 spaces and a truck area measuring 250 feet by 140 feet. This site would maximize the 20-acre parcel and the estimated site work cost would be \$914,000, which includes engineering, excavation, erosion control, and geotechnical work. Once the geotechnical phase is complete, a more accurate cost estimate will be developed.

A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem Pamala Harris, that a letter of intent be approved concerning an application for a TECD-Site Development Grant, including a local minimum match in funds of \$214,000 and a maximum match not to exceed \$500,000 and the Mayor requested to contact the County Mayor about their participation in the project. The motion carried by the following vote:

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

b. Approval of application for a Tourism Enhancement Grant for the Shooting Sports Park

The Tennessee Dept. of Economic and Community Development is making an additional grant available for the enhancement and improvement of tourism. Up to \$50,000 is available and requires a 30% match (\$15,000). One of the most important aspects in receiving these funds is that they are focused on attracting tourists, which are defined as people traveling a minimum of 50 miles from their location and a method for measuring this impact. The deadline for the applications is November 30. Announcements of the awarded grants are planned for January 2017.

Mayor Mayberry and Cumberland County Mayor Carey have discussed requesting funds to assist in the development of the Shooting Sports Park to be located on the former City landfill property off Albert Frye Road in the Chestnut Hill area. TWRA has budgeted \$2,300,000 for the development of this park.

Those opposed to the motion expressed concern about no business plan being available for the park and the need for a public hearing.

Those in favor of the motion stated that a business plan is being put together, but is not complete. It was also stated that contributions are expected to cover the local match and the park would be run by a non-profit organization.

A motion was made by Mayor James Mayberry, seconded by Council Member Jesse Kerley, that a grant application be approved as recommended. The motion carried by the following vote:

Aye: 3 - Council Member Jesse Kerley, Mayor James Mayberry and Council Member Pamala Harris

Nay: 1 - Council Member Danny Wyatt

Abstain: 1 - Council Member Pete Souza

c. Ordinance adding the amphitheatre as a smoke-free workplace

The Health Department has money left over from a tobacco settlement. If the City declares the amphitheater as a non-smoking venue, the City can get up to \$20,000 for things such as benches and other amenities. Action must be taken quickly or the money will be lost. An ordinance will be required to amend the current ordinance to add this location.

Mindy Doyle, Director of the Cumberland County Health Department, spoke to the Council regarding the effects from smoking and the need to reduce smoking in Tennessee. Their 3 targets are to eliminate smoking during pregnancy, reduce infants and children's exposure to secondhand smoke, and prevent child and adolescent tobacco use. She requested the walking trail at Centennial Park and the amphitheatre be made smoke-free and they would offer up to \$20,000 in tobacco settlement funds to provide amenities to make them more family friendly.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Pamala Harris, that the Ordinance adding the Centennial Park walking trail and the amphitheatre as non-smoking venues 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, Council Member Pamala Harris and Council Member Danny Wyatt

d. Discussion and action on request for sidewalks on Dunn Ave.

Property owners on Dunn Ave., which runs from Interstate Drive to Matherly Street, have requested that the City install sidewalks, curb and guttering on the north side of Dunn Ave. They propose to contribute 50% of the raw material costs and dedicate the right-of-way. There are three parcels with two of them currently developed and occupied.

It has also been determined that the sidewalk can be constructed without the dedication of any additional right-of-way.

At the September 2014 work session and meeting, Council accepted the City Manager's recommendation for the property owners to pay all the costs for the materials with the City providing the labor and the project to be ranked with other sidewalk projects. At the November 2015 work session and meeting and the June 2016 meeting, this item was reviewed and deferred.

City Attorney Ridley opined that there would be no need to rescind previous action since it was so long ago.

Those opposed to the motion stated that there are many other places that need sidewalks even more, need a list and ranking of the sidewalks with this one put on the list; and that the City should stick with the original plan for them to pay for all the materials and City pay for the labor.

A motion was made by Council Member Danny Wyatt, seconded by Council Member Jesse Kerley, that approve the property owners paying half of the materials costs and the sidewalk be put on the priority list. The motion failed by the following vote:

Aye: 2 - Council Member Jesse Kerley and Council Member Danny Wyatt

Nay: 3 - Council Member Pete Souza, Mayor James Mayberry and Council Member Pamala Harris

e. Discussion and action on CCHS Football Field

A request has been received for assistance with repairs to the football field at Cumberland County High School. A donation from Pilot Flying J of \$10,000 has been secured and the Board of Education has also indicated some funds would be available. The total cost for the project has been quoted at approximately \$100,000.

Jon Hall, Principal of CCHS, explained the issues with the football field and its drainage system. If the funds are raised, they would do it following graduation and have it ready for play in Fall 2017.

Mayor Mayberry mentioned the funds that go to the school system of around \$7M from local option sales tax.

A motion was made by Councilmember Jesse Kerley to approve the one-time reimbursement of funds for the costs up to, but not to exceed \$90,000, and a budget amendment be passed on first reading. The motion died for lack of a second.

A motion was made by Council Member Danny Wyatt, seconded by Council

Member Pete Souza, that the County be approached to share in the cost and the matter be put on the December agenda. The motion carried by the following vote:

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

f. Ethics Complaint - Event One involving Councilman Jesse Kerley

Councilmember Souza requested a 10 minute request to give the Council opportunity to review some documents. The meeting was recessed at 7:05 p.m. and reconvened at 7:17 p.m.

Mayor Mayberry explained that there is pending litigation that has been widely publicized. The Ethics Council, which is the City Council, must determine if the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant investigation. If it does require investigation, than an independent investigator must be chosen and hired. If merit is found, then Council must determine the penalty which would most likely be censure or something else.

A motion was made by Mayor Mayberry that all complaints be ruled as having merit, but not sufficient merit to warrant investigation, excluding those items concerning an employee, not an elected official, that they go to the Personnel Board for their decision. The motion was withdrawn.

Councilmember Souza raised a point of order that one of the complaints does not necessarily ask for a cause of action and that the motion would be lumping two different actions in the motion. City Attorney Ridley stated that it is a Council decision whether to act on all of them with one motion.

Councilmember Souza asked the City Attorney if the rules restrict the charter by not allowing enough time to present the evidence. Mr. Ridley responded that the Charter allows Standing Rules to be adopted and they would need to be suspended to allow more time to speak.

A motion was made by Councilmember Pete Souza that the Standing Rules be suspended for the discussion on the ethics. The motion died for lack of a second.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the complaints be tabled to a special called meeting.

Those in favor of the motion commented that the accused and accuser sit on the Council and it should wait for the new council.

Those opposed to the motion stated that the Council is charged with carrying out their duties.

Following heated comments, at 7:34 p.m. Mayor Pro-Tem Harris and Councilmember Wyatt left the meeting.

Councilmember Kerley expressed his appreciation to the citizens for allowing him to serve.

ADJOURNMENT

At 7:35 p.m., Mayor Mayberry adjourned the meeting.

- g.** Ethics Complaint - Event Two involving Interim City Manager Steve Hill
This Resolution was deferred
- h.** Ethics Complaint - Event Three involving City Manager Steve Hill
This Resolution was deferred
- i.** Ethics Complaint - Event Four involving City Manager Steve Hill
This Resolution was deferred
- j.** Ethics Complaint - Event Five involving Interim City Manager Steve Hill
This Resolution was deferred
- k.** Ethics Complaint - Event Six involving Interim City Manager Steve Hill and Councilman Jesse Kerley
This Resolution was deferred
- l.** Ethics Complaint - Event Seven involving Interim City Manager Steve Hill and Councilman Jesse Kerley
This Resolution was deferred
- m.** Ethics Complaint - Event Eight involving Councilman Jesse Kerley
This Resolution was deferred
- n.** Ethics Complaint - Event Nine involving Councilman Jesse Kerley
This Resolution was deferred
- o.** Ethics Complaint - Event Ten involving Councilman Jesse Kerley
This Resolution was deferred
- p.** Ethics Complaint - Event Eleven involving Councilman Jesse Kerley
This Resolution was deferred
- q.**
This Resolution was deferred

r. Ethics Complaint - Event Thirteen involving Councilman Jesse Kerley

This Resolution was deferred

8. City Attorney's Report

City Attorney's Report

This Report was deferred

9. City Manager's Report

City Manager's Report

This Report was deferred

10. Public Comment