

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Tuesday, July 8, 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*

*The City Council for the City of Crossville, Tennessee met in regular session on Tuesday, July 8, 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

*Others present were City Manager David Rutherford, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Fred Houston, Tim Begley, Jim Hilborn, Rolf Weeks, Clark Annis, Bill Harless, Chris South, Jack Davis, Kyle Davis, Sandy Gruber, Randall Kidwell, John Turner, Bruce Wyatt, Rob Harrison, Ray Hansen, Kay Whiteaker, Kenneth Ferguson, Nancy Hyder, David Beaty, Levonn Hubbard, Andy Vaughn, Dee Bohl, Dave Burgess, Tom Bailey, Jim Young, Darlene Barnwell, Darian Dykes, Pamala Harris, Jerry Garrison, Cathe Raymer, Jim Morrow, Kevin Dean, JOe Miller, Jim Long, Teresa Payne, Amanda Richardson, Brad Allamong, Carol Williamson, Archie Higgens, and Donnie Williamson.*

## Call to Order

*Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 6:00 p.m. The Young Marines presented the colors and led the Pledge of Allegiance. The invocation was given by Kenneth Chadwell.*

### 1. Proclamations/Presentations - NONE

### 2. Appointments

#### a. Lake Commission

*Earl Dean has resigned from the Lake Commission. The Lake Commission has recommended that George Marlow be appointed to fill the term, which expires in January 2015. At the work session, the names of Lou Morrison and Levonn Hubbard were suggested for consideration.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that George Marlow be appointed to the Lake Commission. The motion failed by the following vote:**

**Aye:** 2 - Mayor J.H. Graham III and Council Member George Marlow

**Nay:** 3 - Mayor Pro-tem Danny Wyatt, Council Member Pete Souza and Council Member Jesse Kerley

**A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that Levonn Hubbard be appointed to the Lake Commission. The motion carried by the following vote:**

**Aye:** 3 - Mayor Pro-tem Danny Wyatt, Council Member Pete Souza and Council Member Jesse Kerley

**Nay:** 2 - Mayor J.H. Graham III and Council Member George Marlow

**b.** Convention and Visitors Bureau

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that Jerry Harris and Steve Hill be re-appointed. 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

**3. Consent Agenda**

**a.** Approval of minutes (6/10, 6/19, 6/20, 6/25)

**A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that the minutes be approved.**

**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**

**Approval of the Consent Agenda**

**A motion was made by Mayor Pro-tem Danny Wyatt , seconded by Mayor J.H. Graham III, to approve items "b and c" on the Consent Agenda. 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 7.35 acres of The Gardens

**This Ordinance was approved on first reading**

**c.** Ordinance annexing 1.12 acres on Hwy. 127S (a portion of S & J Properties)

**This Ordinance was approved on first reading**

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

*Councilman Souza expressed concerns about installing lines prior to final reading of annexations. He also expressed concern about the city providing the cost of materials, but not labor.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that this Ordinance be approved on first reading. The motion carried by the following vote:**

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

**Nay:** 2 - Council Member Pete Souza and Council Member Jesse Kerley

#### **Additional Consent Items**

- e.** Approval to name Northwest Connector Sections I and II as Northside Drive and remaining connecting road as Northside Lane

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the Northwest Connector Sections I and II be named "Northside Drive" and the existing road from Hwy. 70N to the new road be re-named "Northside Lane". 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 Pete Souza

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

#### **Approval of the Consent Agenda**

**A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, to approve items "f - j" on the Consent Agenda. 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.** Approval of bond resolution and loan agreement to refund an estimated \$3,747,350 in Water System Refunding Bonds, Series 2005

**This Resolution was approved as recommended**

- g.** Resolution authorizing an application for a Safety Partners Loss Control Matching Grant through the TML Risk Management Pool

**The submittal of an application was approved as recommended**

- h.** Approval of Policy for Water and Sewer Line Extensions

**This Policy was approved as recommended**

- i.** Approval of temporary street closings for No One FIGHTS Alone Running for Anna 5K

**This Permit was approved as recommended**

- j.** Approval of 2014-15 Airport Maintenance Contract in the amount of \$25,740

This Contract was approved as recommended

#### 4. Bids/Purchases

##### Patrol/Narcotics Detection Canine Purchase

*Chief Beaty recommended the purchase of a new drug dog from Southern Canine to replace one that recently died. The cost of \$14,000 will be paid through the Drug Fund.*

**A motion was made by Council Member Jesse Kerley, seconded by Mayor J.H. Graham III, that the purchase 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 6:17 p.m., the regular meeting was recessed and the Beer Board convened.)*

#### **BEER BOARD**

##### Mexico Lindo

*An application for an on-premises beer permit was submitted by Melchor P. Garcia dba Mexico Lindo located at 1259 Miller Ave., Suite 103. Police Chief Beaty reported a clear record check on the applicant and recommended approval.*

**A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that an on-premises beer permit be issued to Melchor P. Garcia dba Mexico Lindo.**

**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 6:18 p.m., the Beer Board was adjourned and the regular meeting reconvened.)*

#### 5. Marketing Report

##### July Marketing Report

*Marketing Director Billy Loggins provided an update on the following:*

- 4th of July Festivities
- Water Fest - July 26
- Community PSA's
- Today in America
- TVA Sustainable Communities

- Tennessee Women's Open
- Recent Publications
- Christmas Parade - Dec 13
- Friday Night Air Summer Concert Series
- Meadow Park Lake Trail
- Alvin C York Palace Event - July 25

**This Report was received and filed**

## 6. Other Business

### a. Discussion and action on sale of Holiday Dr. lot

*On June 28, an auction was held on Lot 232 on Holiday Drive. The high bid was \$28,100. If accepted, the proposed sale must be advertised for 30 days before the sale can be closed. If sold, the city will move the sewer line at an approximate cost of \$10,000. If rejected, the auctioneer will be due \$1,500.*

*If sold, the city will move the sewer line at an approximate cost of \$10,000.*

*Councilman Kerley disclosed that he bid on the property on behalf of the successful bidder, Stephen Teeple.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the property be sold to the high bidder, subject to the charter requirements. 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 Pete Souza

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

### b. Discussion and action on paving and lighting for Westheria Drive

*Councilman Souza asked that the matter be deferred to the August work session.*

*City Manager Rutherford commented that he is looking at several proposed funding methods to be presented at the August work session.*

*Councilman Souza commented on an article in the newspaper regarding the matter and his desire to solve the problems in this area and similar areas that have been neglected for so long. Mayor Graham asked that sewer be addressed in the area and water, if required, and information regarding an abutment project.*

*Mr. Rutherford indicated that water is available to all three streets and that sewer is available to some. There are fire hydrants available. Kay Whiteaker, a resident of the area, stated she thinks there is only one residence on sewer. Mayor Pro-Tem Wyatt inquired as to which streets would be eliminated from the paving list if this project is done through the paving budget. If that was the case, the City Manager would decide.*

**This matter was deferred to the August work session.**

### c. Discussion and action on negotiations for wastewater operations.

*As discussed at the work session, the majority choice of the Council was Veolia for contract negotiations. Mayor Pro-Tem Wyatt asked Bill Harless, VP of Operations for Veolia, to discuss comments that have been made about the bidding in Bristol. Mr. Harless stated that a competitor submitted an alternative proposal to the compost operation. Since the city realized that they were not comparing apples to apples, they had Veolia present a proposal without the compost operation, which they did.*

They were still high because they wanted to save two jobs.

Councilman Souza expressed concerns about a phone call he received from an outside company that said they thought the decision was already done and they would not be submitting a proposal. Councilman Kerley stated that he would really prefer that the City take it back over and run it like the water plant, which would be a savings to the taxpayers. He also reiterated his position that it should be a proposal rather than classified as professional services. He also received a call from an outside company and he discussed their comments. City Attorney Chadwell opined the matter is not his decision; however, T.C.A. law on professional services trumps the City's charter and he believes that case law and MTAS supports that there are many factors in determining what professional services are and this has been deemed to be a professional service and that the City can negotiate with the current vendor without going through the RFQ process. He had no concerns about the process that is underway. City Manager Rutherford stated that the negotiation process will include looking at all operations that would come under the new contract. In response to a comment from Councilman Kerley, Mayor Pro-Tem Wyatt clarified that the City has never looked at the cost of the operations of the water plants to know if it is cost efficient.

**A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the City Manager begin negotiations with Veolia for the wastewater operations, including price. The motion carried by the following vote:**

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

**Nay:** 2 - Council Member Pete Souza and Council Member Jesse Kerley

d.

#### Discussion on Wastewater Facilities Plan Update

City Manager Rutherford explained that in order to proceed with funding from the State Revolving Loan Fund for the I/I collection system projects and permit modifications for the wastewater treatment plant, the 2006 Wastewater Facility Plan must be updated. A proposal has been received from GRW to update the plan for \$30,000, which is significantly less than the \$50,000 budgeted. The planned permit modification or permit renewal will require an update of the facility plan in looking at land use applications. He recommended approval, which will take 10-12 weeks and be done in time to meet the deadline for the permit modification review. The update will also assist in master planning and the capital plan.

Councilman Souza requested that nutrient loading to be included in the plan and how they are handled or reduced at the plant, specifically phosphorus and nitrogen. Jim Hilborn from GRW Engineers indicated that it would be addressed. Councilman Kerley discussed information he received from the State on nutrient loading and that we can expand the pretreatment programs to reduce rather than update the plant. Further, he would like to see it addressed with the businesses that create the issue. Mr. Hilborn replied that the city's pretreatment ordinance addresses that and he would be glad to look at it. Clark Annis stated that the industrial pretreatment program is to protect the permit requirements. A survey is done every five years to see any that might potentially cause problems. They could issue permits to every business in town but it would be very cumbersome and require a major enforcement plan in order to follow EPA guidelines. In response to the concerns on phosphorus, he stated that 50-80% of phosphorus comes from urine. With the new limits that are coming in 2016, they will be looking at the most economical method to comply and are trying to be pro-active.

**A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the contract with GRW be approved as recommended.**

**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 Pete Souza

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

- e. Discussion and action on request from Memorial Baptist Church regarding a fence.

*Memorial Baptist has written a letter asking when the City plans to install a fence or other protective barrier. Contact is being made with TDOT regarding the request as directed at the work session, but no additional information is available yet. The City Manager will inform the church of the status.*

**This matter was deferred**

**Ordinances on Second Reading**

- f. 2nd Reading of Ordinance annexing 35.7 acres on Sparta Highway (Memorial Baptist Church)

*The Planning Commission recommended approval of the Plan of Services. Councilman Souza asked the City Clerk about the receipt of the request for annexation. She responded that she did not recall how she received it, but that she had typed the letter and given it to Councilman Marlow. Councilman Marlow stated that he recommended annexation to them because it was adjacent to the city limits and would save them some money, provide additional police/fire protection and that he would recommend annexation to any one. Councilman Souza asked if any member of Council had made an offer to purchase any of the land. The only response was from Councilman Marlow who reported that it was his understanding that the property could not be sold because it has deed restrictions for it to be only used for church purposes.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that this annexation ordinance be approved on second reading. The motion carried by the following vote:**

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

**Nay:** 2 - Council Member Pete Souza and Council Member Jesse Kerley

**Ordinances on First Reading**

- g. Ordinance annexing Northwest Connector Section I

*The City Manager reported that the annexation will create some islands and that we are waiting for information from the State regarding the annexation moratorium, which will have to be received prior to final reading. The City has already agreed to take care of safety issues, maintenance, patrols, etc. Lighting will not be required, but if City Council wants to install them, it would have to meet TDOT standards. In response to a question, Mayor Graham stated that he had requested the State to construct the road based on the Planning Commission's major road plan. Kay Whiteaker requested that her area (Westheria, Narcissus, Iris) be fixed before any more money is spent somewhere else. She would like it done before any lights*



on the Northwest Connector. Councilman Souza commented on the stress that annexations put on the city departments and his opinion that any agreement on utility extensions be done before it is annexed. He also reiterated his concerns about the islands that will be created.

Dave Burgess, Chairman of the Planning Commission, reported that no islands were being created by the Memorial Baptist Church annexation, but there will be some created with this annexation. It was also pointed out that the Plan of Services that will be created with this annexation will clarify the extension of utilities. Councilman Marlow stated his conflict on owning property adjacent to the Northwest Connector before he cast his vote, but that it did not influence his decision.

**A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the annexation ordinance be approved on first reading. The motion carried by the following vote:**

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

**Nay:** 2 - 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 since the June meeting.

Councilman Kerley asked what could be done about the Mayor abusing an employee. Mr. Chadwell responded that he would not issue a response to open-ended questions. He was aware of the incident that was being referred to, but had not received all the facts and would not issue an opinion until he had them. Councilman Souza cautioned against any comments being made until a complaint has been received and gone through due process. Mayor Graham stated that he disagreed with Councilman Kerley's opinion and asked that the person (who was identified as Councilman Kerley's father, Jerry Kerley) make the accusation before it is discussed. He disagreed that there was verbal abuse. Mayor Pro-Tem Wyatt stated his concern that Councilman Souza asked Jerry Kerley to review the RFQ's on the wastewater operations for him rather than doing it himself. Councilman Souza responded that he did ask for his opinion, but that he made his own decision in scoring them. Mr. Chadwell clarified that the Mayor and Council can speak to employees for fact-finding.

**This Report was received and filed**

## 8. City Manager's Report

### City Manager's Report

City Manager David Rutherford presented the monthly revenue reports on local option sales tax, wholesale beer, and retail liquor sales. He also presented reports on bonded indebtedness, building permits, grants, and special projects. He will be meeting again with the Cumberland County Environmental Committee regarding building inspections.

Comments on the draft Recreation Master Plan were requested by July 11.

DCI is planning to re-roof the Snodgrass Building at their expense. They have requested the City to cover any costs if they find problems in the decking once the current roof is removed. He did not have any objections to providing that funding.

*A revision of the community survey was presented.*

*Depot - The lease is expiring at the end of July. It appears that there will be two proposals (Rotary Foundation, Arts Council) for operation of the facility. He expects to have something for Council in August.*

*Mr. Rutherford reported that the two charter questions to be on the November referendum have been submitted to the Election Commission.*

*He presented a letter from MasterCorp regarding their interest in property at the airport to construct a global headquarters and for the City look at a runway extension to accomodate their larger planes. The engineering department has been working with them on potential siting of buildings. Mayor Graham asked for he and staff to be allowed to continue working with them and with State and Federal officials.*

*Councilman Souza stated that he had no problem with the headquarters, but he was concerned about the extension of the runway. He also would like to have an Airport Committee reinstated.*

**This Report was received and filed**

## **9. Public Comment**

*Mayor Graham opened the floor for comments from the public.*

*Mayor Pro-Tem Wyatt discussed the Standing Rules that have been adopted and, perhaps, misinterpreted or misunderstood. Councilman Souza countered that he did not want to put any restriction on the public's right to speak. Mayor Graham stated that he always remains following the meeting and is available for discussing matters.*

## **ADJOURNMENT**

**With no further business, the meeting was adjourned at 7:48 p.m.**