

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Monday, January 14, 2013

4:00 PM

Council Chambers

The City Council for the City of Crossville met in special session on Monday, January 14, 2013, at Crossville City Hall.

Roll Call:

Present: 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza, and Council Member Jesse Kerley. Others present were City Manager Bruce Wyatt, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Earl Dean, Julia Dean, Steve Franks, John Turner, Norm Westerbuhr, John Isham, Tom Isham, John Davis, Roger Potter, Art Meharg, Dorothy Meharg, Carol Ann Chadwell, Greg Miles, Tony Perry, Fred Houston, Ashley Allen, Darlene Barnwell, Jim Young, Steve Hill, Billy Loggins, Laney Colvard, Tom Flynn, Wayne Smith, Don Napier, Karli Threet, Jerry Kerley, Harold Allred, Bart Riden, PJ Smith, Lisa Robinson, Melk Dickenson, Chuck Clapper, Thomas MacDonald, Joe Looney, Lou Morrison, James Wilhite, Jr., Teresa Boston, and Diane Demars.

Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 4:00 p.m.

ITEM #1 – CONSENT AGENDA

A motion was made by Council Member Jesse Kerley, seconded by Mayor J.H. Graham III, that all items on the consent agenda be approved as recommended.

ORDINANCES ON SECOND READING

- a. Ordinance amending §1-102 of the Crossville Municipal Code
- b. Ordinance annexing 6.85 acres on Myrtle Ave.

ADDITIONAL CONSENT ITEMS

- c. Approval to submit Pre-Proposal for Energy Grant with 50% match

The motion carried by the following vote: Aye: 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza and Council Member Jesse Kerley.

ITEM #2 – MATTERS RELATIVE TO CONDUCT OF CITY ATTORNEY FOLLOWING TUESDAY'S CITY COUNCIL MEETING

Councilman Kerley asked for an apology from the City Attorney for the comments made to Councilman Souza following the meeting. City Attorney Chadwell thanked the Council for the opportunity to address the Council. (A copy of his remarks are attached and made a part of these minutes.) Following his remarks, Councilman Souza asked to move on to the next agenda item.

ITEM #3 – MATTERS RELATIVE TO AIRPORT PROPERTY PURCHASE

Councilman Kerley led a discussion on the additional property purchased at the airport. He asked about the two appraisals and why they were different. Mayor Graham explained that the first appraisal seemed low and didn't seem to use the best comparables and the City Manager requested the appraiser to review the comps. After a re-review by the appraiser, he agreed and revised the appraisals. Councilman Kerley read several memos from the files by the Tennessee Real Estate Appraisal Commission, the City Manager, and the City Clerk. He was particularly concerned because it appeared that the Council was not apprised of the first set of appraisals. Councilman Marlow stated that he stood by his vote to purchase the property and that he considered it an asset to the City that is now being partially used by a new corporate hangar. Mayor Pro-Tem Wyatt acknowledged that he didn't support it when it happened, but now believes the second appraisal was correct. Mayor Graham pointed out this property is the only 20 acres between the runway and Hwy 70. City Attorney Chadwell stated that the decision on how much to pay is a Council decision, regardless of the appraisal. He pointed out that there is no fault of the Donnelly family as they determined what they were willing to sell the property for. Further, he reported that all documents had to be submitted to the Comptroller's Office for their approval of the purchase and that he told their office about both appraisals. Councilman Souza stated that he had nothing against the Donnellys at all; however, Dr. Miller stated that it was rejected several years earlier because it was mostly unusable property due to wetlands. Mayor acknowledged that the appraiser, Mr. Randy Buttons, is an acquaintance of his. Mayor Graham stated that Mr. Donnelly came to him with the offer to sell the property. Mr. Adams hired the appraiser. Councilman Souza stated that Aeronautics requires one of their certified appraisers in order to get grants. Mayor Pro-Tem Wyatt stated that he did not have a problem with an investigation, but he was not going to act on such a matter presented to him that quickly. He suggested that the City Manager write a letter to the District Attorney regarding the issue to see if it warrants an investigation. Councilman Marlow commented that he didn't care if it's investigated; however, he does have a problem with the personal attacks and insinuations of wrongdoings. Councilman Kerley stated his concern was over the money wasted. City Attorney Chadwell stated that he was not aware of anything to hide, but if someone had knowledge or evidence of something illegal, they should take it to the Attorney General. Mayor Graham asked that a letter be written to the DA on the matter.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, for a Resolution requesting an investigation into the parties involved in the acquisition of property for Crossville Memorial Airport;

Whereas, members of the Crossville City Council, based on information and belief, hereby resolve to request a thorough investigation into personal involvement of individuals relative to the negotiations of said purchase;

Whereas, documents were provided that misled the City Council in their decision to purchase said property; whereas, the Real Estate Appraisal Commission found error in said appraisal provided by the Council; whereas, a personal acquaintance was used as an appraiser in lieu of a certified airport appraiser required by the Aeronautics Division – Tennessee Department of Transportation;

Whereas, the initial appraisal was \$228,500 and the purchase price was \$680,000;

Therefore, it is resolved by the City Council of Crossville, duly assembled, and by authority of same, that the City Manager is hereby directly to formally request the Governor to direct an investigation by the Attorney General's Office, the Office of the State Comptroller General, and the State Ethics Officer and such actions as may be appropriate. The motion failed by the following vote: Aye: 2 - Council Member Pete Souza and Council Member Jesse Kerley; Nay: 3 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt and Mayor J.H. Graham III.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the City Manager turn in the file and write a

letter to the District Attorney General asking his opinion to see if it warrants an investigation. The motion carried by the following vote: Aye: 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza and Council Member Jesse Kerley.

Councilman Souza asked that he be allowed to meet with the City Manager to make sure that he had all the information before he sent it to the District attorney General.

ITEM #4 – 2ND READING OF ORDINANCE AMENDING THE FY12-13 BUDGET FOR NEW CITY HALL RENOVATIONS

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that this Ordinance be passed on second reading. The motion carried by the following vote: Aye: 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza and Council Member Jesse Kerley.

ITEM #5 – MATTERS RELATIVE TO TAXIWAY EXTENSION

Since the question was asked at the regular meeting, Mayor Pro-Tem Wyatt presented information showing that the local match on the taxiway extension was provided by Grindstaff Aviation.

ITEM #6 – MATTERS RELATIVE TO CHARTER REVIEW COMMITTEE

Mayor Pro-Tem Wyatt led a discussion on the membership of the charter review committee.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the City Manager be authorized to appoint three citizens to a Charter Review Committee, along with the City Attorney and City Clerk to review the charter and make a recommendation back to the City Council. The motion carried by the following vote: Aye: 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza and Council Member Jesse Kerley.

With no further business, the meeting was adjourned at 4:44 p.m.