

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Friday, May 17, 2013

1:00 PM

### Council Chambers

The City Council met in special session on Friday, May 17, 2013, at Crossville City Hall. Mayor Pro-tem Danny Wyatt was present and presiding. He called the meeting to order at 1:00 p.m.

**Roll Call: Present** – 5 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III (arrived at 1:10 p.m.), Council Member Pete Souza, and Council Member Jesse Kerley. Others present were Interim City Manager Jack Miller, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Andy Vaughn, Linda Simmons, Mark Fox, Joe Kerley, Aaron Elmore, Darrell Sherrill, John Turner, Jim Young, Jerry Kerley, Tony Perry, Ray Hansen, Karen Cole, Marcus Matthews, Jeff Dyer, Mark Norrod, Norma Solloway, Lou Morrison, Steve Hill, Chris South, Pauline Sherrer, Sarah Hazelton, Dennis Wilbanks, and Jeff Skidmore.

#### ITEM #1 - Matters relative to City Manager

Councilman Kerley commented that, at the May 14 meeting, a motion was made to take authority away from the Interim City Manager, which appeared to him to be a change in the Charter that can only be done through the Tennessee General Assembly. He requested the City Attorney to give his opinion about the legality of the motion. Mr. Chadwell opined that it was a lawful and legal motion and did not require an amendment of the City Charter, which defines the duties of the City Manager. Councilman Souza reported that he had spoken to legal consultants with MTAS who advised that a charter amendment would be required to take authority away. Mr. Chadwell responded that there is no definition in the city charter for an interim city manager and it is not the same as an acting city manager, which is defined in the Charter. He pointed out that Dr. Miller was appointed to an interim city manager position and it was contemplated as a temporary manager by Council for only about 6 weeks. The difference between an interim city manager and an acting city manager has been spelled out by MTAS in a legal opinion posted on their website. The law specifically permits the constrictions in authority. It was reported that Mayor Pro-Tem Danny Wyatt asked Mr. Chadwell to review the motion in advance and he did, which he would do for any member of Council upon their request. Discussion ensued about the rumors that were floating around. In response to a question by Mayor Pro-Tem Wyatt, Dr. Miller stated that he had agreed to the motion at the meeting; however, after more thought, he was offended by the motion and thought that his professional integrity was under attack. He further stated that he had never fired anyone without due cause.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the action taken at the May 14th meeting regarding the Interim City Manager be rescinded. The motion carried by the following vote: Aye:3 - Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley. Nay: 2 - Mayor Pro-tem Danny Wyatt and Mayor J.H. Graham III.

Councilman Kerley read sections from Tennessee Code Annotated entitled "Council-Manager Relationship" that he felt had been violated. City Attorney Chadwell pointed out that this section is from a model charter and is not applicable because Crossville was formed under a private act charter.

**ITEM #2 – Matters relative to compliance to Roberts Rules of Order and decorum of Council Meetings**

Councilman Souza commented that the conduct of the Council had regressed and is less than admirable. Further, he stated that the City Council is not earning the title of "honorable". He addressed rules of conduct from Robert's Rules of Order and asked that the City Council follow a code of conduct. He asked that the Mayor control the meeting better and that he become neutral. Mayor Graham responded that he was passionate about many of the issues and would be stating his opinion, as allowed under the Charter. He asked members to entertain the concept of respecting each other during a meeting. Concerns were expressed about ethics and ensuring that the Sunshine Law not be violated. He remarked that debate in a meeting is a healthy sign of democracy. Councilman Souza requested that a motion be made to close a meeting.

Tony Perry, representing WIHG radio station, 105.7, cleared up some confusion over comments made by Councilman Souza in an interview. The remarks attributed to Mr. Souza were made in an interview following a meeting, not in a Council meeting. Further, Councilman Souza never indicated that he felt the current fire and police departments were unqualified to carry a weapon. Councilman Souza related personal experiences with accidental discharges of weapons and that he wanted to make sure that everything is being done to keep anyone from getting hurt.

A motion was made by Council Member Jesse Kerley, seconded by Council Member George Marlow, that the meeting be adjourned. 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 matters, the meeting was adjourned at 1:57 p.m.