

City of Crossville

99 Municipal Avenue
Crossville, TN 38555



Minutes

Thursday, August 23, 2012

4:00 PM

City Hall

Call for Special Meeting

The City Council for the City of Crossville met in special session on Thursday, August 23, 2012, at Crossville City Hall.

Roll Call

Present: 5 - Council Member Earl Dean, Council Member George Marlow, Council Member Boyd Wyatt, Mayor Pro-tem Danny Wyatt, and Mayor J.H. Graham III. Others present were City Manager Bruce Wyatt, City Attorney Kenneth Chadwell, Assistant City Clerk Valerie Hale, Andy Vaughn, Mike Moser, Cameron Sexton, Pedro Souza, Teresa Boston, Fred Houston, Darlene Barnwell, Randy Boston, Jim Morrow, John Turner, Lou Morrison, Jesse Kerley, Lee Lawson, James Perry, and Karli Threet.

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

ITEM #1 – Matters Relative to “Robo Calls”

Mayor Graham presented the following resolution that he requested the City Attorney prepare for consideration by the City Council:

WHEREAS, on or about Thursday, August 16, in the evening of the same, numerous citizens and residents of the City of Crossville and Cumberland County, Tennessee, received digitally generated or automated telephone calls, commonly known as “robo-calls,” the content of the same constituting a type of push poll targeting; and

WHEREAS, the City of Crossville, as a municipal entity, does not participate in campaign elections, campaign politics and neither promotes nor campaigns against any particular individual, and generally attempts to remain aloof from the campaign and political process; and

WHEREAS, however, the identifier or caller identification information appearing on the telephones of the recipients across the City, parts of Cumberland County and elsewhere, denoted the “City of Crossville” as the initiator or originator of the call; and

WHEREAS, numerous complaints have been made to the agents of the City of Crossville regarding the telephone calls whereby the recipients believed, or were led to believe, that the City of Crossville, as a municipal entity, initiated or generated these calls, and intentionally injected itself into the campaign or political process, which is, of course, untrue; and

WHEREAS, upon information and belief, and upon informal inquiries with law enforcement officials, the misappropriation, misuse, and otherwise unauthorized use of the name of the “City of Crossville,” sometimes currently known as “spoofing,” is unlawful and illegal; and

WHEREAS, any attempt to mislead or deceive recipients into the notion that the City of Crossville was the author or initiator of the telephone calls for the push poll is unlawful and illegal; and

WHEREAS, certainly the unauthorized use or misappropriation, if any, of the City’s telephone number, as well as the unauthorized use, if any, of the City’s hardware, software, digital, and other communication equipment, if any, in this matter is unlawful and illegal; and,

WHEREAS, the City of Crossville, by its City Council, desires to remain out of the campaign and political process, but, must take action regarding any illegal or unlawful activity perpetrated as described above, or related directly or indirectly to the matters described above.

BE IT, THEREFORE, RESOLVED that the City Manager, in cooperation with the Office of the City Attorney, report the known facts pertaining to the incident referenced above to all appropriate law enforcement and election officials, and request that they formally investigate the same and take such action

as they deem necessary; and, further, that all officers, agents, and employees of the City of Crossville cooperate fully and completely with all lawful inquiries and investigations by any government agency holding the power to investigate this matter; and, that the City Manager be fully authorized to take such other and further action as may be deemed necessary to determine the nature and extent of any unlawful or illegal behavior and to prosecute and report the same.

BE IT FURTHER RESOLVED that this Resolution shall become effective upon its passage, the public welfare requiring it.

ADOPTED this ____ day of August, 2012.

Mayor Graham requested the City Attorney to discuss his method of determination of the legal resources available. He responded that he had discussed the matter with the State Attorney General's office and they would investigate the matter and, if they found proper evidence, they would prosecute under identity theft statutes or any other appropriate statutes.

Mayor Pro-Tem Danny Wyatt stated that he would like to defer the matter to have more time to review the resolution since he had just received it. He further commented that the Council has often stated they don't want to act on anything without getting the information in advance. Councilman Boyd Wyatt suggested a brief recess could be held to give more time to read the resolution, but that he didn't feel that the matter was that complicated.

City Attorney Chadwell stated that any member of Council or the office of the City Attorney could report it to the D.A.'s office and request an investigation. The City Manager reported that he had prepared and issued a press release on the matter.

A motion was made by Mayor Pro-Tem Danny Wyatt, seconded by Councilman Earl Dean, that acting be suspended on this until we have time to review or seek outside counsel if any individual wants to. Aye: 3 - Council Member Earl Dean, Council Member George Marlow and Mayor Pro-tem Danny Wyatt; Nay: 2 - Council Member Boyd Wyatt and Mayor J.H. Graham III. Motion passed.

A motion was made by Mayor Pro-Tem Danny Wyatt, seconded by Councilman George Marlow, that the City Manager of the City of Crossville, Mr. Bruce Wyatt, contact the District Attorney with any and all information regarding the robo calls of August 16th and direct him to report the known facts pertaining to the incident and referenced to all appropriate authorities and request that they formally investigate the same and take such action as they deem necessary. Aye: 5 - Council Member Earl Dean, Council Member George Marlow, Council Member Boyd Wyatt, Mayor Pro-tem Danny Wyatt and Mayor J.H. Graham III. Motion passed.

ITEM #2 – Matters Relative to Interchange Park

Mayor Pro-Tem Danny Wyatt requested an update on the payoff on the Interchange Park property. City Manager Bruce Wyatt reported that the funds had been transferred to the owner's bank account. In regard to the 1% pre-payment penalty of \$16,000, a separate check has been written and given to the Mayor for delivery to the owner. Mayor Pro-Tem Wyatt stated his concern with the Mayor having the check and negotiating with Mr. Oakley without Council approval. It was his opinion that the City Manager should negotiate with Mr. Oakley.

Councilman Boyd Wyatt commented that he had total faith in the Mayor negotiating with Mr. Oakley and did not share the Mayor Pro-Tem's concerns. Mayor Graham stated that, while the City Manager is an excellent negotiator, he didn't believe that he knew Mr. Oakley as well as he did. When Mr. Oakley returns from a trip, it was his intention to discuss several concerns and hoped that Mr. Oakley would forgive a part of the penalty.

A motion was made by Mayor Pro-Tem Danny Wyatt, seconded by Councilman Earl Dean, that our City Manager handle negotiating this early payoff penalty with the owner of the Interchange Park property. Aye: 2 - Council Member Earl Dean and Mayor Pro-Tem Danny Wyatt; Nay: 3 - Council Member George Marlow, Council Member Boyd Wyatt and Mayor J.H. Graham III. Motion failed.

With no further business, the meeting was adjourned at 4:19 p.m.