

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Thursday, September 8, 2016

6:00 PM

Council Chambers

## City Council

*Mayor James S. Mayberry*  
*Mayor Pro-Tem Pamala Harris*  
*Council Member Jesse Kerley*  
*Council Member Pedro (Pete) Souza*  
*Council Member Danny Wyatt*  
*Interim City Manager Steve Hill*  
*City Clerk Sally Oglesby*

## SOLICITATION BOARD

*The Solicitation Board for the City of Crossville met on Thursday, September 8, 2016, at Crossville City Hall. Mayor Mayberry was present and presiding. He called the Solicitation Board to order at 5:55 p.m.*

### **Rollcall**

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

*Others present were Interim City Manager Steve Hill, City Attorney Will Ridley, City Clerk Sally Oglesby, Ray Harris, Peggy Harris, Steve Frank, Tom Isham, Terri Manning, Andy Vaughn, Jeff Johnson, Billy Martin, Kevin Music, Lewis Stover, Judy Stover, J.D. Barnes, Mary Jane Barnes, Gary Nelson, Tammie French, Steve Pickard, Levonn Hubbard, Carolyn Jozwiak, Michael Durham, Rob Harrison, Tim Begley, Frank Horvath, Kim Lyles, Lori Freitag, Skip Freitag, John Turner, Jerry Kerley, Charles Cooper, Jr., Tony DeBord, Jim Dunn, Gloria S. Lewis, Jerry Lewis, Bruce Wyatt, David Brockway, Steve Powell, Ashley DeRossett, David Jackson, Janice P. Jackson, Ann Looney, J.T. Brownstead, Doug Smith, Bob Schwartz, Ed Camera, David Simcox, Ray Hansen, Linda Hansen, Ashley Richards, Jim Morrow, Natalie B., Tessa Oren, Brookelyn Cox, John Wisemuller, Nick Tabor, Austin Welch, Chris South, Brad Allamong, Sue York, Rolf Weeks, Khrista Wyatt, Billy Loggins, Rod Shoap, Reese Meadows, Chloe Pillow, Margie Buxbaum, and Woody Geisler.*

**a.** Fairfield Glade Lions Club

*An application was received from the Fairfield Glade Lions Club for a Solicitation Permit to raise funds for the Club's vision, hearing and scholarship projects. They will be selling cheese.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Jesse Kerley, that a Solicitation Permit for the Fairfield Glade Lions Club be approved as recommended. The motion carried by the following vote:**

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

**b.** United Fund of Cumberland County, Inc.

**A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that a Solicitation Permit be approved for the United Fund of Cumberland County, Inc. as recommended. The motion carried by the following vote:**

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

*At 5:56 p.m. the Solicitation Board was adjourned.*

## **REGULAR MEETING**

*The City Council for the City of Crossville, Tennessee met in regular session on Thursday, September 8, 2016, at Crossville City Hall.*

### **Call to Order**

*Mayor James Mayberry was present and presiding. He called the meeting to order at 6:00 p.m. Steve Pickard of Faith Assembly of God gave the invocation. Mayor Mayberry led the Pledge of Allegiance.*

### **1. Proclamations/Presentations**

- a) Student of the Month
- b) Chiropractic Awareness Month

*a) Student of the Month - Victoria McCloud for "cooperation"  
b) Chiropractic Awareness Month - October 2016*

**The presentations were made.**

### **2. Appointments**

#### **Convention and Visitors Bureau**

*The terms of Tammie French and Rob Harrison on the Convention and Visitors Bureau have expired. It was recommended that they be re-appointed to a new 3-year term.*

**A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Pamala Harris, that Tammie French and Rob Harrison be re-appointed to the Convention and Visitors Bureau. The motion carried by the following vote:**

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

### **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 all items on 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, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

- a. Approval of minutes (8/11)

The Minutes were approved as recommended.

### Ordinances on Second Reading

- b. Ordinance amending the FY2016-17 budget for fire truck repairs  
**This Ordinance was approved on second reading.**
- c. Ordinance amending the FY2016-17 budget for Concrete Crew and traffic signal  
**This Ordinance was approved on second reading.**

### Ordinances on First Reading

- d. Ordinance amending the FY2016-17 budget for final costs of downtown waterline  
*A budget amendment is required to cover the final costs of the downtown waterline. There is \$69,035.69 left in the SRF grant/loan, which is being used in its entirety. Not enough money was carried over in the new budget to cover the remaining contract costs with Ironwood and CT Consultants, plus the change order.*  
**This Ordinance was approved on first reading.**

### Additional Consent Items

- e. Resolution approving a PILOT for expansion at StonePeak Ceramics, Inc.  
*StonePeak Ceramics, Inc. is planning an additional expansion with an investment of \$17,000,000 in real property and \$48,000,000 in personal property. They have requested that a Payment-in-Lieu-of-Tax schedule be approved. The schedule is for 15 years with payment in full at year 16. Their previous PILOT was 15 years due to the fact that they had not requested any assistance through grants or PILOTs for other expansions. In order to qualify for the tax incentives, the property will be deeded to the Industrial Development Board and leased back.*  
**This Resolution was approved as recommended.**
- f. Acceptance of Grove Loop  
*Crossville Housing Authority has submitted a final plat for phase I of their development located off Miller Ave and Dunbar Lane and it has been approved by the Crossville Regional Planning Commission. Planning Commission requested City Council accept the road, Grove Loop, as an official City street.*  
**Grove Loop was accepted as a city street as recommended.**
- g. Approval of temporary street closings for Post 9/11 Memorial Dedication  
*The Veterans' Service Office is planning a dedication ceremony for the new Post 9/11*

*Memorial at Memorial Park on Sunday, September 11. They request that 4th Street be blocked from Thurman to Rector and Main Street from 5th Street to 2nd Street from 1:30 p.m. to 3:30 p.m.*

**This Permit was approved as recommended.**

**h. Approval of temporary street closings for CCHS Homecoming Parade**

*CCHS will be having their annual homecoming parade on Thursday, October 6, starting at 5:30 p.m. They request the streets be closed for the parade. They will start from CCHS and follow Stanley Street to Main Street, turn off Main Street at 4th Street and return to CCHS.*

**This Permit was approved as recommended.**

**i. Approval of temporary street closings for Friday at the Crossroads**

*The Friday at the Crossroads steering committee requested the following temporary street closings for Friday, October 7 from 3:30 p.m. - 8:30 p.m.*

- *Main Street from Braun Street to Lantana Road*
- *4th Street from Thurman Ave. to West Ave.*
- *2nd Street from Main St. to West Ave.*

**This Permit was approved as recommended.**

**j. Approval of Renewal Loan Agreement on Navy jet located at CCHS**

*A renewal loan agreement has been received on the Navy jet located in front of CCHS. This agreement will be for 5 years, ending 8/1/2021. CCHS has assumed responsibility for any maintenance issues on the jet. A copy of the agreement has been delivered to the Principal.*

**The renewal loan agreement was approved as recommended.**

**k. Approval of Amendment of Contract in Lieu of Performance Bond for Crossville Sanitary Landfill**

*The City closed the landfill in 1995 and was required to provide 30 years of post closure care. At that time, the cumulative inflation adjusted total of this care was \$1,222,912. As each year passes, the amount of financial assurance is reduced. In 2015, the amount was \$596,977.61. For 2016, this is allowed to reduce to \$543,727.20. This contract is in lieu of providing a performance bond in this amount to guarantee the financial responsibility.*

**This Contract Amendment was approved as recommended.**

**l. Approval of 2016-17 lease for Catoosa office building**

*The proposed lease from Leo Garrison, Jerry Garrison, and Thresea Garrison has been submitted for approval. The proposed one-year lease increases the rent from \$1,000 per month to \$1,150 per month. This increase was budgeted.*

**This lease was approved as recommended.**

**m. Approve of final change Order with Gulf Coast Underground for <\$66,011.72>**

*The contract with Gulf Coast Underground, LLC was terminated at the end of the contract time period, as was contemplated in the original contract. This project was funded through SRF funds and their funding did not extend past the deadline. Gulf Coast was able to finish the area they were working in. The remaining work will be included in future projects. The final change order is for a deduct amount of \$66,011.72.*

**The change order was approved as recommended.**

**n. Approval of Downtown Waterline Project Final Change Order with Ironwood Construction**

*The final change order includes 27 hours for the time and materials for several unknowns encountered, such as old service lines, repaired leaks on old infrastructure and unmarked sewer services. The change order also contains the final quantities for all unit priced items. The total amount is \$98,609.25.*

**The change order was approved as recommended.**

**o. Presentation of CT-0253 for \$1,200,000 Capital Outlay Note, Series 2016**

**This Report was presented.**

**4. Bids/Purchases**

*(Bid tabulations are attached and made a part of these minutes.)*

**Approval of the Consent Agenda**

**A motion was made by Mayor James Mayberry , seconded by Council Member Danny Wyatt, to approve all bids/purchases as a Consent Agenda. The motion carried by the following vote:**

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

**a. Recreation grass seed 2016**

*The Recreation Department recommended approval of low bid for purchase of fall grass seed to Pennington Seed Inc. of Madison, GA in the amount of \$5,070.*

**The purchase from Pennington Seed was approved as recommended.**

**b. Warner Complex Concessions Roof**

*The Recreation Department requested approval of sole bidder, Turner Roofing, to replace the concession stand roof and guttering at Warner Complex at a cost of \$11,350.00 plus \$1.50 per square foot to replace bad decking as needed.*

**The bid of Turner Roofing was approved as recommended.**

**c. 1/2 Ton 4x4 Truck**

*The City of Crossville accepted bids for a 1/2 Ton 4x4 Truck for the Maintenance*

department. The Maintenance Department supervisor reviewed all submitted bids. He recommended purchasing the truck from Dave Kirk Automotive, a local vendor, for the purchase price of \$30,500. The bid received from CDJR of Columbia did not meet specifications.

**The purchase from Dave Kirk Automotive was approved as recommended.**

**d. Zero Turn, Rear Discharge Mower**

*The City of Crossville accepted bids for a Zero Turn, Rear Discharge Mower for the Maintenance department. The Maintenance Department supervisor reviewed all bids and recommended purchasing the mower from Mountain Farm International. The purchase of the mower will be \$11,000, which includes a trade-in of \$2,250 for a B2150 Kubota.*

**The purchase from Mountain Farm International was approved as recommended.**

**e. Flex Wing Bush Hog/Rotary Cutter**

*The City of Crossville accepted bids for a Flex Wing Bush Hog/Rotary Cutter for the Maintenance department. The Maintenance Supervisor reviewed all bids and recommended the purchase from Mountain Farm International. The purchase of the mower will be \$9,000, which includes a trade-in \$3,300 for a SE15-4 Rhino Batwing Bush Hog.*

**The purchase from Mountain Farm International was approved as recommended.**

**f. 2016 Ford F-350 XL Crew Cab 4x4, XLT**

*The Street Department has obtained a quotation from Ford of Murfreesboro for a 2016 Ford F-350 4x4, White. State bid price for the truck is \$52,753. The original truck reviewed and submitted on the August 11, 2016 agenda has been sold, and the price difference is \$2,047. The Street Department Supervisor reviewed the quote and recommended purchasing the truck.*

**The purchase from Ford of Murfreesboro was approved as recommended.**

**g. Sign Plotter**

*The City of Crossville has accepted bids for a Sign Plotter for the Street Department. The Street Department supervisor reviewed all bids and recommendeds purchasing the sign from the lowest bidder, TAPCO, for \$7,995.15.*

**The purchase from TAPCO was approved as recommended.**

**h. Galvanized Pipe**

*The City of Crossville accepted bids for galvanized pipe. The Street Department Supervisor reviewed all bids and recommended purchasing pipe from a local vendor, The Feed Store.*

**The purchase from the Feed Store was approved as recommended.**

**i. Crossville Fire Department Vehicle**

*The Crossville Fire Department requested approval to purchase a 2016 Ford Police Interceptor Sedan from Ford of Murfreesboro to be used as a support vehicle for fire department operations. The vehicle will be purchased off of the Rutherford County Bid package as used by CPD. The vehicle totals \$25,428.00 and is budgeted. This vehicle is replacing three (3) fire department vehicles that were recently retired and sent into surplus.*

**The purchase from Ford of Murfreesboro was approved as recommended.**

**j. Turbidimeters**

*These are replacements for outdated meters that are 15 years. We cannot get parts for these meters. One is needed now and the other 4 are to replace the others that are 15 years old at Meadow Park Lake. The cost is \$2,892 each or a total of \$14,460. The vendor is Labtronix and a sole source provider.*

**The purchase from Labtronix was approved as recommended.**

**5. Marketing Report**

**September Marketing Report**

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

- Friday Night Summer Air Concert Series*
- Waterfest 2016*
- Downtown Crossroads Event - October 7*
- Airport Open House Fly In - September 10*
- Christmas Parade - theme contest is underway*
- Upper Cumberland Senior Olympics - most events are being held in Cumberland County*
- Crossville Depot - the roof has been replaced*
- Scarecrow Festival - October 1*
- Hispanic Festival - September 17*
- Cumberland Homesteads Apple Festival - Sept. 24-25*
- Autumn Acres opens Sept. 17*

*He also announced the Plateau Alzheimer's walk will be September 10 at the Duer soccer complex.*

*Approximately 700 have signed up to walk in the hiking marathon or half marathon during September.*

**This Report was received and filed**

**6. Cumberland County/Chamber Report**

*Brad Allamong, on behalf of the Chamber Board, commended the Council on the contract with R360 for retail recruitment assistance. He announced that on October 4, the TDOT Commissioner will be in town from 12-2 at the Library to talk with elected and business leaders on transportation network needs in the region. The Chamber will be hosting a candidates forum at Cumberland County Playhouse on October 4 from 6:00-8:00 p.m. The first bowling tournament had 259 women bowlers with a very positive response to the community. The next tournament will be the first weekend in October. The big tournaments will be each weekend throughout month of March.*

*Their first major contributors meeting for the Horizon Initiative funds has been held. He expects to have another meeting within a month.*



**7. Other Business**

- a. Discussion and action on three-year agreements for sponsorships of the Tennessee Senior Men's Open and the Tennessee Women's Open

*The Tennessee Golf Association and the Tennessee Section of the PGA have requested a three-year agreement with the City of Crossville for sponsorship of the Tennessee Women's Open and the Tennessee Senior Men's Open beginning in 2017 and running thru 2019. The funding will remain the same as this year for the three-year agreement, which is \$25,000 per year for each tournament. The Senior Men's sponsorship for 2017 is already included in the current budget. There are no committed sponsors yet, except for in-kind sponsorships, although there are some potential sponsors.*

*Concerns were expressed about committing for 3 years since it can't be rescinded by the new Council. It was suggested that a decision be held off until after the new Council is in place. However, the TGPA, TGA, and Fairfield Glade need to know very soon to plan the events.*

**A motion was made by Council Member Danny Wyatt, seconded by Council Member Jesse Kerley, that a three agreement with the Tennessee Golf Assoc. and the Tennessee Section of the PGA for sponsorship of the Tennessee Senior Men's Open and the Tennessee Women's Open be approved. The motion carried by the following vote:**

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

**Nay:** 2 - Council Member Pete Souza and Mayor James Mayberry

- b. Discussion and action on engineering services for Water Resources

*Council approved J R Wauford & Co. for other projects within the city. Water Resources would like to have the approval to negotiate with J. R. Wauford & Co. for its upcoming projects. If approved, contracts will be brought back to Council for approval. Concerns were expressed about not getting RFQ's before making a decision.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that negotiations with J R Wauford & Co. for engineering services for upcoming projects for the water resources department be approved. The motion carried by the following vote:**

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

- c. Discussion and action on agreement with r360 to assist in retail development

*As directed by City Council, an agreement has been negotiated with r360 to assist in research, marketing, and consulting services for retail development. The agreement is for three (3) years from August 15, 2016 to August 14, 2019. The cost is \$35,000 for the first year and \$28,000 for the second and third year. The agreement allows for renewal on a yearly basis for \$28,000.*

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

**Pro-tem Pamala Harris, that a Contract with r360 be approved as recommended. The motion carried by the following vote:**

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

**d.** Discussion and action on RFQ's for splash pad design

*Requests for Qualifications were received September 2 for a splash pad at Centennial Park. It was suggested a work session be set up to discuss further the proposed location and to hear from staff. Scoresheets were prepared and distributed with the RFQ's.*

**A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Pamala Harris, that a special called meeting be held on Monday, September 19, at 12:00 noon and the Council make a selection on the engineering firm. The motion carried by the following vote:**

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

**e.** Discussion and action on policy for press releases

**This Policy was deferred**

**f.** Discussion on the standards for selection of the City Manager, and possible legislative actions

*A motion was made by Councilmember Souza, seconded by Mayor James Mayberry that he be allowed to speak. A point of order was raised that the motion was suspending the standing rules. The City Attorney stated that a motion has to be made to suspend the standing rules so that you can speak openly, which takes 4 votes.*

*A motion was made by Councilmember Souza, seconded by Mayor James Mayberry, that the City Council does not act on the selection of a City Manager until after the upcoming elections of the City Council. A point of order was made by Councilmember Kerley that action was already taken by the Council to proceed and would have to be rescinded. Another point of order was made by Councilmember Souza that the point of order was dilatory. Mayor Mayberry commented that the majority on the Council took away work sessions because they were not needed and because it would be more transparent to do everything at a Council meeting. However, the Council is now in a meeting but can't do anything because it can't be discussed. Councilmember Souza amended his motion to rescind the previous action to take applications for City Managers through September 30. This motion was seconded by Mayor Mayberry.*

*Councilmember Souza stated that if this Council makes the selection, the new Council may decide they don't want the the new City Manager, which could cost the City up to six month of pay. He further stated that he didn't believe it was in the best interest of the City to proceed, especially with all but one candidate requesting that the Council wait. Following his statement, he withdrew his motion.*

*It was pointed out that the applications would be given to MTAS to review, rank, and make a recommendation of the top candidates back to the Council, which would be after the election. Comments were also made that it was not the intention of the majority of the Council to make the selection prior to the election.*

**A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the July motion be rescinded and the application deadline be extended to October 15 and MTAS to return their recommendations by November 15. The motion carried by the following vote:**

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

**g.** Discussion of rumors affecting morale of City employees

*Councilmember Souza pointed out that rumors were causing low morale among the City employees.*

**The Comments were received and filed**

**h.** Discussion and action on the performance of Interim City Manager Steve Hill

*Councilmember Souza presented concerns that he felt were relative to performance of City Manager. He will be filing 13 ethical charges on Monday for criminal and ethical behavior.*

**The comments were received and filed**

**i.** Discussion and action on the use of the City Manager's vehicle

*Councilmember Souza stated that the use of the vehicle utilized by the City Manager originally designated for the Parks Department is being inappropriately utilized. The City Manager stated that he preferred to drive the truck. He also stated that the Parks Department has other trucks that can be used. He also pointed out that the truck can be used by anyone that needed it.*

*Concern was expressed about the low morale and intimidation. It was also pointed out that City Council shouldn't interfere with operations of the City. The City Attorney was asked about any liability that might be brought against the City for Councilmember Souza's comments to the press. The City Attorney stated that he couldn't comment on the specifics of this case. Councilmembers acting in their position as a member of Council can pose liability concerns; however Councilmembers acting on their own would be liable individually. He was not prepared to respond if the motion on the floor was in violation of the Charter.*

**A motion was made by Council Member Pete Souza, seconded by Mayor James Mayberry, that the pick-up/utility vehicle being used by the City Manager be returned to the Parks Department, that the sedan previously designated be returned to the City Manager; that the City Manager's vehicle be kept at City Hall and used only to conduct City business, and that it be returned nightly to City Hall. The motion was withdrawn.**

**8. City Attorney's Report**

City Attorney's Report

*City Attorney Will Ridley reported that no new lawsuits were filed during the previous month.*

*The property on Genesis Road will be auctioned on October 5 at the Justice Center. The John Turner eminent domain lawsuit has been settled. The City may be*

*reimbursed for those funds by the State.*

**This Report was received and filed**

## **9. City Manager's Report**

### City Manager's Report

*Interim City Manager Steve Hill reviewed the monthly revenue reports for local option sales tax, wholesale beer, and retail liquor inspection fees. He also provided updates on building codes and special projects.*

*Councilmembers Harris and Wyatt suggested that he consider adding a Comptroller position who could provide internal audits, water/sewer rates, and implement internal controls and financial analysis. It could also simplify the budget process. A motion was made by Councilmember Wyatt, seconded by Mayor Pro-Tem Harris, that resumes be taken for a Comptroller position with a salary set comparable to other department heads. A point of order was raised by Councilmember Souza that the item was not properly advertised prior to the meeting. Mayor Mayberry ruled the point of order was well taken and the motion disallowed. The City Attorney recommended not taking actions without advertisement.*

*A motion was made by Councilmember Wyatt, seconded by Mayor Pro-Tem Harris that the matter be on a special called meeting to be held on Monday, September 12, at 12:00 noon. It was pointed out that a motion was not necessary since two Councilmembers could call a meeting. The motion was withdrawn and the matter would be moved to the meeting on September 19.*

*Chris South invited Council to join with the Crossville Fire Department and the Fairfield Glade Fire Department to celebrate Fire Prevention Week on October 8 when they will be doing a smoke detector distribution for 1,000, in conjunction with the State Fire Marshall's Office. The program will start at 8:00 a.m. at the Fire Department.*

*Mr. Hill commented that Mark Rosser as Interim Chief of Police received a 5% raise upon his appointment. He requested approval to give him additional money since his position as Major and Assistant Chief of Police has not been filled and he is having to do all the jobs. The request will be added to the special called meeting.*

**This Report was received and filed**

## **10. Public Comment**

*J.T. Brownstead commended the Council for addressing the candidates' concerns regarding the appointment of a City Manager.*

*Lori Freitag provided a definition of dilatory motions.*

### **ADJOURNMENT**

*With no further business, the meeting was adjourned at 7:17 p.m.*