

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Tuesday, December 18, 2012

5:00 PM

Council Chambers

The City Council for the City of Crossville met in special session on Tuesday, December 18, 2012, at 5:00 p.m.

### 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, Fred Houston, David Beaty, Lee Lawson, Darrell Sherrill, Darlene Barnwell, Judy Wotja, Margie Buxbaum, Ken Dedmond, Tommy Bean, Frank Thierry, Jody Brown, Terri Curran, Steve Franks, Carmen Wyatt, James Perry, Gil Buffkin, John Lyon, Sandy Gruber, Billy Martin, Tim Begley, Jim Isham, Danny Plumlee, John Davis, Heather Mullinix, Steve Hill, Jerry Kerley, Sarah Cole, Wendy Davis, Robin Miles, Greg Miles, Kevin Edwards, Joe Miller, Jerry Kerley, Mike Dalton, Jonathan Tollett, Clark Annis, Ray Harris, Peggy Harris, Billy Martin, Chris Porter, Jeanne Boettcher, Harold Allred, Roger Potter, Sandy Cahill, R. D. Cahill, John Turner, Frank Kierce, Tom Isham, Gary Dillon, Ron Brown, Robert Curran, Debbie Hansen, Steve Hansen, Patsy Cohee, Larry Cohee, Charles Barfield, Dan Kington, Josh Haney, Elli Kolel, Ed Estes, Charlene Estes, Logan Crabtree, Carole Thierry, Sydney Maddox, Nelson Delk, Lorraine Farthing, Richard Farthing, Austeen Stenstrom, Bob Stenstrom, Tyler Pelfrey, Steve Powell, Tina Burgess, Kevin Edwards, Greg Miles, Richard Montooth, Perry Turner, Cindy Turner, Chris Hall, Janie Kirkland, Joyce Williams, Mitchell Jenkins, Joe Stocarozt, James Faulls, Tonya Hinch, Harold Thompson, Rick Myer, Jim Morrow, Jan Fisher, Dana Pointer, Doug Hoskins, Peter Koletar, Tony Perry, Chris South, Ray Hansen, Joanne Cory, James Coon, Joe Koester, Jim Sevier, Faith Sevier, and David Hassler.

Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 5:00 p.m.

### ITEM #1 – CONSENT AGENDA

A motion was made by Council Member Jesse Kerley, seconded by Council Member George Marlow, that all items on the Consent Agenda be approved as presented.

#### ORDINANCES ON THIRD READING

- a. Ordinance amending the FY12-13 budget for the dog park
- b. Ordinance amending the FY12-13 budget for sewer line replacements

#### ORDINANCES ON SECOND READING

- c. Ordinance amending the FY12-13 budget for records management system

- d. Ordinance amending the FY12-13 budget for retirement pay
- e. Ordinance adopting the International Mechanical Code
- f. Ordinance adopting the International Fuel Gas Code

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

#### **ITEM #1 – MATTERS RELATIVE TO EMPLOYEE BENEFITS**

Councilman Marlow requested consideration for the City to pay the entire 6% premium increase for dependent coverage. The additional cost would be \$37,286.28, which is available in the budget. Councilman Souza asked that, because of the confusion at the earlier meeting, Council re-look at the benefit package and give back some of the things that were taken away. He felt like the motion was a reasonable compromise.

A motion was made by Council Member George Marlow, seconded by Council Member Pete Souza, that the City pay for the increase in the health insurance for the employees and their family. 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 BI-WEEKLY PAYROLL**

Councilman Kerley asked for an explanation on the change to a bi-weekly payroll. He reported that many employees have indicated to him that they consider it a hardship and request that they be reverted back to weekly payrolls. Councilman Souza stated that the Finance Director indicated that the savings were minimal. City Manager Bruce Wyatt pointed out that it was brought to the Council to make the payroll process more efficient. At the time, he requested a 2% bonus be paid to the employees to bridge the gap during the change, which was approved by Council. This amount totaled about \$125,000. Finance Director Houston that the actual savings was about \$500; however, there was also a savings in labor time for the payroll clerk and supervisors. Councilman Souza stated that he would be bothered with the back and forth, since the Council had done this previously and then reverted back, plus the bonus that was paid to the employees.

A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that employee payrolls return to weekly. The motion failed by the following vote: Aye: 1 - Council Member Jesse Kerley; Nay: 4 - Council Member George Marlow, Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III and Council Member Pete Souza.

#### **ITEM #3 – MATTERS RELATIVE TO BIG SOUTH FORK VISITOR'S CENTER**

Bids were received earlier in the day by the County. The low bid was W & O Construction at \$604,000. No action was taken.

#### **ITEM #3 – MATTERS RELATIVE TO SCUD/TSUD MERGER**

Councilman Souza addressed the issue and recognized the fact that there are people for and against the issues. He made a number of points regarding any proposed merger with the City of Crossville with his conclusion being that it is (1) a bad business model, (2) bad for the constituents of Crossville, and (3) the Tansi sewer issue is not inherent to the business of the City of Crossville. In addition, he does not believe that the City should not get involved in the current lawsuits and the potential of a lawsuit against the City for its involvement. He further discussed the operation and discharge of the

Tansi sewer plant and the costs of extending lines in the area. He also expressed concern about the division within the Tansi community on the matter. In response to concerns about using the City's capacity for outside sewer, Clark Annis stated that we are at about 55-60% of design capacity of the City's wastewater plant. Councilman Souza also pointed out that, in the event of a merger, the citizens would not have any vote in the Board that manages their utilities. Councilman Danny Wyatt pointed out that the City already sells utilities in 3 counties and has for many years.

Councilman Souza commented that money would have to be borrowed. Mayor Graham stated that he has looked into borrowing the money in order for him to judge the feasibility of the project. As he has worked on it, he mentioned that he had some of the same concerns that Councilman Souza has raised. Speaking in opposition of any proposed project were Faith Sevier and Sydney Maddox. Speaking in favor of any proposed project were Frank Thierry and Mike Dalton.

Councilman Souza concluded his remarks that Tansi is a private community and the City should not consider the resolution of the sewer problem as the responsibility of the City of Crossville. He will put together a position paper on possible solutions, but that they should go through the County government.

Mayor Graham related that the proposal was prepared by him and was his attempt to address the problems. He was not even ready to present to the City Council. He discussed his proposal as it is now and explained the positives and negatives of the issues. It is in its infant stages and he would like to continue talking with the parties involved. The lawsuits would have to be settled. Mayor Graham stated that the City is the economic engine of the county and must continue providing infrastructure for smart growth, more services, and to be a good neighbor. Any agreement must be at the proper time. He is working on a \$6,300,000 plan for bonds/grants through Rural Development with amortization over 40 years.

Councilman Marlow related that Tansi is a special place and valuable to the community. A lot of concerns have been brought up that will need to be reviewed; however, Crossville needs to be a good neighbor. He did not believe that the City would want to tell Tansi what to do, but try to help, if we can. Any agreement must be a good deal for Tansi, the utility districts, and Crossville.

Steve Franks told the Council that there was never a motion by TSUD on the transfer of ownership and that the ECE bill was not in any records that he could find of TSUD and TWMI.

Councilman Wyatt stated that his first priority would be City taxpayers. He will not support anything that forces property owners to hook on to the sewer line and pay a fee. He asked for confirmation from the City Attorney that the terms of a merger document could be enforced. City Attorney Kenneth Chadwell affirmed that it would be enforced and that the terms would hold regardless of changes in the Council.

Councilman Kerley expressed his concern that the Mayor's plan would only drop the rates 7-10% in SCUD, but they dropped 45% during the merger with Catoosa. He suggested that there might be a higher rate in Tansi than in the remainder of SCUD. He also questioned if the City should require annexation into the City in exchange for sewer as it does now. He would also want to know who would operate the sewer plant at Tansi. Mayor Graham responded that he would look at keeping the operation of the plant as it is now, but that there should be an emergency plan for sewer to be treated at the City's wastewater plant. Councilman Kerley stated that Tansi needs to take care of its problems like Fairfield Glade, if they don't want to be annexed.

Councilman Souza read a letter explaining the history of the extension of water through the County and that these proposals indicate that the City is starting down the same path and needs to stop trying to sewer the County like it does with water.

Mayor Graham read a letter of support from County Commissioner Joe Koester who represents the area.

Mayor Pro-Tem Wyatt asked that more work sessions be scheduled to learn more, as the issues continue to surface. In response to Councilman Kerley's concerns about annexation, City Attorney Chadwell stated that the City has an informal policy on sewer and annexation. Further, any request to be de-annexed can be denied and would not set a precedence because the City would be taking over a service district.

Bob Foster informed the Council that he helped start installation of the sewer system at Tansi. He pointed out that the issues are separating the City Council and in Tansi. He asked that the groups get together and find a compromise.

Archie Higgins, a City resident, told the Council that the City and County can't go broke trying to satisfy everyone and that Tansi should worry about itself. Mayor Graham pointed out that, in his mind, any bonds would be paid by Tansi property owners.

Debbie Houser who lives in Tansi told those present that there is a need for sewer. She expressed appreciation for the Mayor providing a potential option and that, with sewer expansion, more lots would be able to be developed.

A motion was made by Councilman Souza, seconded by Councilman Kerley, that the City shall not solicit by any elected official any further negotiations for a merger; that the City Manager be prohibited to pay from any fund any invoice related to a merger without City Council approval, that the City stand open to offers to be brought forth by the County Mayor at either a City work session or City Council meeting. This Resolution was tabled indefinitely to next year.

With no further business, the meeting was adjourned at 6:20 p.m.