

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, December 8, 2020

6:00 PM

Council Chambers

City Council

Mayor James Mayberry
Mayor Pro-Tem Art Gernt, Jr.
Council Member Rob E. Harrison
Council Member Scot Shanks
Council Member R.J. Crawford
City Manager Greg Wood
City Clerk Valerie Hale

BEER BOARD - 5:30 p.m.

Present: 5 - Council Member Scot Shanks, Council Member Rob Harrison, Mayor Pro-tem Art Gernt, Council Member R.J. Crawford and Mayor James Mayberry

1. Priceless Foods #495
2. Pappy's Place Bar & Grill LLC

The Crossville Beer Board met on December 8, 2020 at Crossville City Hall. Mayor James Mayberry was present and presiding. He called the meeting to order at 5:30 p.m.

City Attorney Will Ridley and Detective Jon Tollett presented information to the Beer Board about recent violations. Priceless IGA was cited by the Crossville Police Department and Pappy's Place was cited by the Tennessee Alcohol and Beverage Commission on violations for selling beer to persons under the age of 21 on October 21, 2020.

If found guilty of the charge, the Beer Board may choose to revoke or suspend the beer permit, or provide an alternative of paying a civil penalty not to exceed \$2,500 for the offense. If the permit is revoked, no new beer permit can be issued to that location for one (1) year.

David Maxwell, Priceless IGA Store Manager, was present and explained that he recently took the store manager position and was not on staff when the violation occurred. He stated he has already put an action plan into place to prevent further violations.

Council members Harrison and Crawford expressed disappointment that a representative from Pappy's Place was not present.

The Council discussed various options for the civil penalty, including fining Priceless Foods \$250 and fining Pappy's Place \$750.

A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem Art Gernt, to suspend the licenses of both establishments for 90 days or, in lieu of suspension, pay a civil penalty of \$500 if paid within 7 days. The motion carried by the following vote:

Aye: 5 - Council Member Scot Shanks, Council Member Rob Harrison, Mayor Pro-tem Art Gernt, Council Member R.J. Crawford and Mayor James Mayberry

With no further business to discuss, the Beer Board was adjourned at 5:48 p.m.

This meeting was adjourned.

PUBLIC HEARING - 5:50 p.m.

1. Annexation and Plan of Service for Marlow properties on Sparta Hwy.

Wilma Marlow and Joan Marlow have requested annexation of their properties located on Sparta Hwy. as indicated on Tax Map 99, Parcels 14 and 22.

The Planning Commission has reviewed the proposed Plan of Services and recommends approval. A public hearing was held to receive comments regarding the annexations and there were not any comments received.

This Public Hearing was received and filed.

REGULAR MEETING - 6:00 p.m.

Call to Order

The City Council for the City of Crossville met for its monthly meeting on Tuesday, December 8, 2020 at Crossville City Hall. Mayor James Mayberry was present and presiding. He called the meeting to order at 6:00 p.m. The Young Marines presented the colors and led the Pledge of Allegiance. Willard Dale of Cumberland View Baptist provided the Invocation.

Roll Call

Present: 5 - Council Member Scot Shanks, Council Member Rob Harrison, Mayor Pro-tem Art Gernt, Council Member R.J. Crawford and Mayor James Mayberry

Others present were City Manager Greg Wood, City Attorney Will Ridley, City Clerk Valerie Hale, Assistant City Clerk Malena Fisher, Lee Lawson, David Maxwell, Heather Mullinix, Levonn Hubbard, Darian Dykes, Willard Dale, Detective Jon Tollett, Tim Begley, Fred Houston, family of Student of the Month Caroline Leach, and members and family of the Young Marines.

1. Proclamations/Presentations

a. Presentations/Proclamations - December 2020

Caroline Leach was presented the award for December Student of the Month for her "Caring" attributes. She was nominated by her 3rd grade teacher, Ms. Jennifer Gilbert.

This Presentation was announced.

2. Public Comment

There were not any comments received.

3. Appointments-None**4. Consent Agenda**

A motion was made by Council Member Scot Shanks, seconded by Council Member Rob Harrison, to approve all items on the Consent Agenda as they were discussed thoroughly at a recent work session. The motion carried by the following vote:

Aye: 5 - Mayor Pro-tem Art Gernt, Mayor James Mayberry, Council Member R.J. Crawford, Council Member Rob Harrison and Council Member Scot Shanks

a. Approval of minutes (11/10)

The Minutes were approved as recommended.

Ordinances on Second Reading**b. Ordinance amending FY20-21 budget and approval to purchase Schwarze A4 Storm Street Sweeper**

The Street Department manager received a quote from CMI Equipment Sales, Inc. for a Schwarze A4 Storm Street Sweeper. The Street Department manager has reviewed the quote and recommends purchasing the street sweeper. This is not a budgeted item.

This Ordinance was approved on second reading.

c. Ordinance amending FY 20-21 CARES Act Funding

The City has received a grant in the amount of \$173,310 from the State of Tennessee for expenses related to COVID-19. A budget amendment is necessary.

This Ordinance was approved on second reading.

Additional Consent Items**d. Approval of annexation and Plan of Services for 3.50 acres on Sparta Hwy.**

Wilma C. Marlow has requested that her residence at 1848 Sparta Hwy. be annexed into the City. Ms. Marlow is interested in City services, specifically police protection, fire protection, and trash removal. Planning Commission met 11/19/2020 and recommends approval of the annexation and plan of services.

This Resolution was approved as recommended.

e. Approval of annexation and Plan of Services for approximately 7.0 acres on Sparta Hwy.

Joan P. Marlow has requested that her residence and 7 acres at 1684 Sparta Hwy. be annexed into the City. Ms. Marlow is interested in City services, specifically police

protection, fire protection, and trash removal. Planning Commission met 11/19/2020 and recommended approval of the annexation and Plan of Services.

This Resolution was approved as recommended.

f. Approval of Hangar Lease amendment

Mr. Presley has requested an amendment to the hangar lease agreement to enable him to be able to sublet the space, as there is a high demand at the airport. The amendment allows him to sublet with written permission from the City Manager and the FBO.

This Contract was approved as recommended.

g. Acknowledgement of Form CT-0253

CT-0253 is required to be presented to the City Council in a public meeting. This is a report of the debt obligation for the recent bond issuance in the amount of \$39,680,000.

This Item was acknowledged as recommended.

h. Approval of CDBG grant contract in the amount of \$525,060 for Sewer System Improvements

The contract with the State of Tennessee for Community Development Block Grant funds in the amount of \$525,060 for Sewer System Improvements has been received. This project is funded in the current budget.

This Contract was approved as recommended.

Bids/Purchases

i. Approval to purchase Raw Water Flow Meters

Bids were received on November 17 for raw water flow meters for Holiday Hills Water Treatment Plant. Only one bid was received and Staff recommends accepting the bid from Southern Flow in the amount of \$12,324.

This Bid was approved as recommended.

j. Approval to purchase laptops for Police Department

Bids were received for 36 laptop computers for the Police Department. The IT Department recommends rejecting the low bid of a Getac branded unit due to issues of support in the past. Also, the demo unit that was sent was over-spec'd and not a true representation of the actual computer the City would be purchasing. IT recommends to accept a direct quote from Dell in the amount of \$69,922.80. The budgeted amount is \$70,000.

This Purchase was approved as recommended.

k. Approval of reimbursement to Veolia Water for maintenance expense overage

Veolia is requesting reimbursement for maintenance expense overage above annual maintenance and repair limit account (per Operations, Maintenance, and Management Services Agreement) in the amount of \$14,060.34 for the FY 19-20.

The maintenance limit account has been at \$35,000 annually since 1992. The agreement provides for a rebate in the event that the actual amount is less than \$35,000 or reimbursement of maintenance costs over \$35,000.

This Purchase was approved as recommended.

5. Other Business

a. Ordinance Closing Lillian Court Right-of-Way and adjoining alleyway

Mr. Joe "Buddy" Page is requesting the City of Crossville close the unimproved right-of-way of Lillian Court and an adjacent 16-foot alleyway. Staff heard from all adjoining property owners prior to the meeting with the exception of Mr. Mike Dalton, who was present at the 11/19 Planning Commission meeting and said that he had no objection to the closing of Lillian Court and the abandoned 16-foot alleyway. The City closed a portion of Lillian Court several years ago at the request of Mr. Roy Janson McClanahan. The entire ROW was looked at for closure, but at the time, there was concern over creating a landlocked parcel which is owned by Mr. Tom Flynn, and a desire for the ROW to be left open by Mr. Darryl Cole. An agreement has been reached with Mr. Page, Mr. Cole, and Mr. Flynn, all agreeing to the closure of the ROW. Mr. Flynn has agreed to combine his two parcels into one to eliminate the land locked parcel.

One property owner has voiced opposition to the closure of the 16-foot alleyway, or "farm lane." Mr. Roy Jansen McClanahan is not opposed to closing the remaining portion of Lillian Court, but he desires the 16-foot alleyway to remain open. Staff did inform Mr. McClanahan that a TDOT driveway permit would be required to make use of the alleyway, which would be difficult. The alleyway falls short of the minimum 25 feet for residential and 50 feet for commercial for the parcel in question to be deemed a flag lot by the City, which would only be considered if TDOT granted the driveway permit. Mr. McClanahan said the alleyway had always been there and he sees no benefit to closing it. Council member Harrison stated he has had a conversation with Mr. McClanahan and asked if closure would cause economic harm and Mr. McClanahan told the council member that it would not.

A drawing of how the unimproved ROW and "farm lane" will be divided is attached and made a part of the minutes.

Council member Harrison expressed concern about Mr. Flynn's parcels being combined and proper legal descriptions for the division of the unimproved ROW and alleyway not available. City Manager Wood advised that those documents should be completed by the time of the ordinance's third reading.

The Crossville Regional Planning Commission voted to recommend to Council the closure of the remainder of Lillian Court and the alleyway, pending the Flynn property combining into one and the presentation of proper legal descriptions for the division of the closed ROW and alleyway.

A motion was made by Council Member Scot Shanks, seconded by Mayor Pro-tem Art Gernt, to close Lillian Court and the 16 foot alley way (farm lane) on first reading of the ordinance. The motion carried by the following vote:

Aye: 5 - Mayor Pro-tem Art Gernt, Mayor James Mayberry, Council Member R.J. Crawford, Council Member Rob Harrison and Council Member Scot Shanks

b. City Judge

The Charter (Article IX, Section 1) states "The City Council shall elect or appoint a city judge by a majority vote of its entire membership, for a period of two (2) years, or until a successor has been elected and qualified."

A motion was made by Mayor Pro-tem Art Gernt, seconded by Council Member R.J. Crawford, to reappoint City Judge Ivy Gardner Mayberry. The motion carried by the following vote:

Aye: 4 - Mayor Pro-tem Art Gernt, Council Member R.J. Crawford, Council Member Rob Harrison and Council Member Scot Shanks

Abstain: 1 - Mayor James Mayberry

c. Election of Mayor Pro-Tem

The City Charter (Article V, Section 11) states "at the first meeting of a new council, it shall choose from its membership a member to act in the absence, inability, or failure to act of the mayor, who shall act as mayor pro tem, and who shall have all the power herein granted to the mayor while so acting".

A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem Art Gernt, to appoint Council member Crawford as Mayor Pro Tem. The motion carried by the following vote:

Aye: 5 - Mayor Pro-tem Art Gernt, Mayor James Mayberry, Council Member R.J. Crawford, Council Member Rob Harrison and Council Member Scot Shanks

6. City Attorney's Report

a. City Attorney's Report-December 2020

City Attorney Will Ridley reported that there have not been any new lawsuits filed against the City within the last thirty days.

This Report was received and filed.

7. City Manager's Report

b. City Manager's Report - December 2020

City Manager Greg Wood gave the monthly revenue reports for sales tax, wholesale beer, retail liquor, and hotel occupancy tax. He also presented reports on monthly police and fire statistics, water loss, building permits, special projects, bonded debt, and grants.

Mr. Wood also reported that Detective Jason Wilson was laid to rest and flags will return to full staff on Wednesday, December 9.

This Report was received and filed.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 6:17 p.m.

This meeting was adjourned.