

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Tuesday, November 12, 2013

6:00 PM

Council Chambers

### City Council

*Mayor J.H. Graham, III*  
*Mayor Pro-tem Danny Wyatt*  
*Council Member Jesse Kerley*  
*Council Member George Marlow*  
*Council Member Pete Souza*

*City Manager David Rutherford*  
*City Clerk Sally Oglesby*

*The City Council for the City of Crossville, Tennessee met in regular session on Tuesday, November 12, 2013 at Crossville City Hall.*

## Roll Call

**Present:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

*Others present were City Manager David Rutherford, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Tim Begley, Andy Vaughn, Chris Bennett, Jerry Garrison, Ray Harris, Peggy Harris, Ralph Reagan, Tonya Hinch, Jim Morrow, Clark Annis, Brad Allamong, David Beaty, Randy Graham, Laney Colvard, Ashley Pealer-Richards, Barry Field, John Turner, Chris South, Tammie French, Dennis Hinch, Ted Meadows, Don Alexander, Mike Turner, Darlene Barnwell, Elaine Meadows, Fred Houston, Steve Powell, Jim Young, Margie Buxbaum, Sarah Hazelton, Joe Miller, Sara Cole, Darryl Cole, Dixie Cole, Darryl Cole, Jr., Mark Fox, Skyler Hawn, Josh Sherrill, Miranda Sherrill, Jim Young, Billy Loggins, and Bob Schwartz.*

## Call to Order

*Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 6:00 p.m. The invocation was given by Ralph Reagan of the Bread of Life. The Young Marines presented the colors and led the Pledge of Allegiance.*

## 1. Proclamations/Presentations

- a) Student of the Month
  - b) Charter Review Committee
  - c) Wastewater Award
  - d) National Hunger and Homelessness Awareness Week
- a) Student of the Month - Jordan Thompson for the character trait "manners"*  
*b) Charter Review Committee - Laney Colvard, Ted Meadows, and Randy Graham were recognized for their time and work on reviewing the charter.*  
*c) KY TN Water Environment Association Industrial Pretreatment Award - StonePeak Ceramics*  
*d) National Hunger and Homelessness Awareness Week - November 16-24*

**This Presentation was announced**

## 2. Appointments - NONE

## 3. Consent Agenda

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that items "a-g" be approved on the Consent Agenda. The**

**motion carried by the following vote:**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

- a. Approval of minutes (10/8, 10/10 (3:00 p.m.), 10/10 (3:30 p.m.))

**The Minutes were approved as recommended**

**Ordinances on Third Reading**

- b. Ordinance amending the FY12/13 budget for depreciation and bond expenses

**This Ordinance was adopted on third reading**

**Ordinances on Second Reading**

- c. Ordinance closing a portion of Lillian Ct.

**This Ordinance was approved on second reading**

- d. Ordinance annexing approximately 4.52 acres on Lantana Rd/Dunbar Rd

**This Ordinance was approved on second reading**

**Ordinances on First Reading**

- e. Ordinance amending the FY13-14 budget for the Northwest Connector

**This Ordinance was approved on first reading**

- f. Ordinance amending the FY13-14 budget for improvements to Snodgrass Building

**This Ordinance was approved on first reading**

- g. Ordinance adding Title 1, Chapter 8 to the Crossville Municipal Code regarding public records

**This Ordinance was approved on first reading**

**Additional Consent Items**

**A motion was made by Mayor J. H. Graham, seconded by Council Member George Marlow, that items "h - p", except "j" be approved on the consent agenda.**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

**h.** Approval of payment for Tennessee Women's Open Sponsorship

**This payment was approved as recommended**

**i.** Approval of application for grant funds for tree removal at airport

**This application was approved as recommended**

**j.** Approval of application for grant funds for Airport Layout Plan Update

**A motion was made by Mayor J. H. Graham, III, seconded by Council Member Jesse Kerley, that approval be given for an application for grant funds for an update of the Airport Layout Plan.**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

**k.** Acceptance of \$500,000 CDBG grant for sewer collection system improvements and contracts with Community Development Partners for administration and GRW Engineers for engineering

**This Contract was approved as recommended**

**l.** Approval of Runway Lighting Project Change Order 1 in the deduct amount of \$20,267

**This change order was approved as recommended**

**m.** Approval for improvements to Taylor Lane, an unimproved public right-of-way

**The improvements were approved as recommended.**

**n.** Approval of temporary street closings for Imagination Library 5K run on April 5, 2014

**The temporary street closings were approved as recommended**

**o.** Approval of a master contract with Atkins North America

**This Contract was approved as recommended**

**p.** Approval of contract with Stigall Engineering & Assoc. for relocation of water & sewer lines on (SR-28) Hwy. 127 North.

**This Contract was approved as recommended**

#### **4. Bids/Purchases**

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

**a. Truck - Maintenance Dept.**

*Maintenance Department Superintendent, Steve Powell, recommended the bid for a 2014 Ford truck from Ford of Murfreesboro at a cost of \$30,569.00 be accepted. Beaman Automotive was the low bid at \$30,532.00, but failed to meet required specifications.*

**A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the bid of Ford of Murfreesboro be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

**b. Truck - Utility Maintenance**

*Utility Maintenance Superintendent, Billy Martin, recommended the purchase of a 2014 Super Duty, 550 Chassis, 4x4, Crew Cab truck from Ford of Murfreesboro at a cost of \$51,910.00. The low bid for this vehicle was received from Mountain View Ford of Chattanooga at \$49,747, but did not meet the required specifications.*

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Jesse Kerley, that the bid of Ford of Murfreesboro be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

**c. Tow Motors (Water Resources)**

*Two bids were received for the purchase of 2 tow motors for the water plants. The bid from The Lilly Company did not meet specs. The bid from Allied Toyotalift for \$24,547 each was recommended.*

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that the bid from Allied Toyotalift be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

**d. Tactical Ballistic Armor Response Vests & Accessories**

*Approval of the purchase of 12 Tactical Ballistic Armor Response Vests & Accessories from Blackfox Tactical, LLC at \$1,771 each for a total of \$21,252 was recommended.*

**A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the bid of Blackfox Tactical, LLC be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

*(At 6:30 p.m. the regular meeting was recessed and the Solicitation Board convened.)*

### **SOLICITATION BOARD**

#### Christian Counseling Center of Cumberland County

*An application was received from the Christian Counseling Center of Cumberland County for a Solicitation Permit. They will be raising funds to help make up the difference between the cost to provide counseling and the fees clients can afford to pay. Fundraising will be primarily through letters and events.*

**A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that a Solicitation Permit for Christian Counseling Center of Cumberland County be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

*(At 6:31 p.m. the Solicitation Board was adjourned and the regular meeting was reconvened.)*

**e.** Telephone/Data/Video

*Bids were received on October 29 for a three (3) year period, with the option by the City to renew for one additional two (2) year term. Following review of the bids, the IT Dept. recommended that Frontier be awarded the contract on telephones and VolFirst be awarded the contract on data and video. The cost will be approximately the same as the current contract with VolFirst. Because of the switch from VolFirst to Frontier for telephone, the current contract with VolFirst will need to be extended from November 9 until approximately December 2 to allow Frontier to install the necessary devices so that there will a seamless transition.*

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the telephone contract with Frontier and the data and video contracts with VolFirst for three years be approved and an extension of the VolFirst contract on telephones until Frontier has installation complete be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

**f.** Waterview lots

*Bids were received from:*

*Rebecca O. Kouchecki \$21,550 (99K-C-47.00)*

*Rebecca O. Koucheck \$21,550 (99K-C-48.00)*

*Brad Donathan \$16,200 (99K-C-47.00)*

*Brad Donathan \$16,200 (99K-C-48.00)*

*Councilman Souza recommended approval so the lots can be put back on the tax rolls and the proceeds be used on the renovations of the Snodgrass building.*

*Councilman Marlow abstained from the vote due to a close personal relationship with the high bidders.*

**A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the high bid of Rebecca Kouchecki on both lots on Waterview Drive be approved and the proceeds be used for the renovations and repairs to the Snodgrass building. The motion carried by the following vote:**

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

**Nay:** 1 - Mayor J.H. Graham III

**Abstain:** 1 - Council Member George Marlow

**g.**

#### Health Insurance

*Health insurance bids for 2014 were received on October 29. The bid of Blue Cross/Blue Shield was recommended as they were the only bid received that met the City's specifications. There will be a 9.5% increase over the cost from 2013. The Blue Cross plan remains the same as 2013 without any changes to benefits. It was recommended that the City continue to pay 100% of the employees' cost and to share 50% of the difference in the cost of the increase of the dependent premiums.*

*Mayor Graham discussed the savings to the City of \$120,000 by raising the deductible to \$5,000, but it would cost the employees about \$75,000. City Manager Rutherford recommended continuing with BC/BS with no change to the employees' plan.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the recommendation of the City Manager be accepted, keeping the deductible at \$2,500, and that the City pay the \$120,000 increase. The motion carried by the following vote:**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

## 5. Marketing Report

### November Marketing Report

*Marketing Director Billy Loggins provided updates on the following:*

- *Annual Report - 3rd week in January for distribution*
- *TVA Web Site - Maryetta property has been added*
- *Christmas Parade / Downtown Events - December 14*
- *April - October Cruise In's*
- *Dog Park - November 20 grand opening*
- *2014 Events - TGA August High School event would be played over 2 days at*

*Heatherhurst at a \$7500 co-sponsorship cost. It is expected to attract 100 golfers and their families.*

- *Economic Development – The City is working with the Chamber on all requests for industries looking for a location*
- *City of Crossville Web Site*
- *Crossville Pink Out Day.....Breast Cancer Awareness - Oct 18*
- *Meadow Park Lake Dam Rededication - Oct 9*
- *City of Crossville Christmas Open House - Dec 19*
- *Recreational Task Force - Planning Session/Public Meeting was held on Nov 7*
- *Tennessee Senior Olympics Annual Meeting*
- *Tennessee Recycling Coalition Awards*

**This Report was received and filed**

## 6. Other Business

### a. Matters relative to Hwy. 127N improvement project

*A request was received from the Tennessee Department of Transportation to allow sewer service to three properties whose septic systems will be impacted by the construction project. If approved, TDOT will pay all costs for the connection to the City and to the property owner. Staff reviewed the three properties and made the following recommendation:*

*Tract 26 - Christian Redemption Center located at 4502 Hwy. 127N. This property is located to the south of the new Dollar Store and can be connected very easily. This connection was recommended, if the property is annexed.*

*Tract 128 - Joshua & Miranda Sherrill at 7487 Hwy. 127N. This property lies outside the City's Urban Growth Boundary (UGB) and would be connected on the line that serves North Cumberland Elementary School. The property owners do not wish to be connected and prefer that they be relocated by TDOT. Because this property is outside the UGB, not contiguous with current City limits, not available for annexation, and the property owner not in favor, this connection was not recommended.*

*Tract 130 - Cheryl Brown at 7511 Hwy. 127N. This property lies outside the City's Urban Growth Boundary (UGB) and would be connected on the line that serves North Cumberland Elementary School. The property owners are deceased and the house is vacant. Because this property is outside the UGB, not contiguous with current City limits and not available for annexation, this connection was not recommended.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that TDOT be advised that the City is willing to connect Tract 26 to sewer service, but not willing to connect Tracts 128 and 130. The motion carried by the following vote:**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

### b. Matters relative to Satsuma abutment project

*The Satsuma abutment project is complete and the costs tabulated. Past abutment projects were paid over 5 years, but there were earlier discussions about allowing these charges to be spread over a longer period due to the circumstances that required this project.*

**A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the payback by the property owners on the Satsuma abutment project be spread over 10 years. The motion carried by the following**



**vote:**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

**c.****Matters relative to Northwest Connector Sections II and III**

*Section II (Northside Drive) originally was considered from Hwy. 70N to Hwy. 127N. However, Section I was extended to cover approximately 1/3 of the Section II. Section III is from Hwy. 127N to Genesis Road (Interstate Drive)*

*The State and City signed an agreement (Contract #050205) that has been amended regarding the engineering and construction of all three phases. This contract provides the following:*

- TDOT responsible for utility relocation, construction, construction engineering, construction inspection, contract administration*
- City responsible for acquisition, engineering (STP monies used for Section III), maintenance of electrical devices*

*The environmental is complete and approved for all three sections.*

*The engineering and design are complete on Section III and is ready for acquisition by the City to proceed. TDOT is awaiting word from the City to proceed and know how the utilities are going to be relocated.*

*Parcels involved:*

*Section II - 11*

*Section III - 25*

*An engineering proposal (attached and made a part of these minutes) from Gresham Smith & Partners, who designed Section I and the preliminary design of Section II, was presented with estimated construction costs. As originally conceived, it is a 5 lane paved road, with sidewalks and bike paths. It also includes a significant bridge that is estimated at \$2.5M. The project could be reduced by about \$2M if it was reduced to 3 lane and mirrored Section I in construction details. It would still be recommended to acquire the right-of-way for the 5 lane road, as was done for Section I. The proposal from Gresham Smith & Partners for design of Section II was \$353,000. Councilman Souza commented that he would like to spend money on an indoor recreation facility and a downtown convention center and suggested the matter be tabled for a further workshop. It was estimated that it might take 1 1/2 yrs on acquisition for Section III and 1 1/2 - 2 years on engineering and acquisition for Section II. Mayor Graham pointed out that the City has an approximate 80% grant under the current contract, but current contracts with TDOT generally share the costs 50/50. Councilman Souza stated that he did not feel the road was as important as other things and that if the Council commits to the engineering, it is also committing to constructing the road. Councilman Kerley questioned if the route of the project on Section II could be settled before final design. City Engineer Begley responded that the decision on the route would be jointly made by both the City and TDOT. City Manager Rutherford commented that he would expect TDOT to choose the route with the least cost for construction. Mayor Graham stated that the Northwest Connector is #2 on the priority list of the Regional Planning Organization for TDOT projects in the Upper Cumberland. He recommended using the Surface Transportation Program funds of approximately \$133,000/year for 2014 and 2015 to help pay for the engineering. Councilman Marlow pointed out that the City should continue with the project to finish what has already been started. Mayor Graham noted that he had a potential conflict of interest with the ownership of property by his cousin, but that he had no property ownership interest in any of the property. He has been the Trustee on some of the property for his cousin. City Attorney Kenneth Chadwell opined that since he had no direct economic interest, he did not have a conflict. Councilman Souza stated that in 1997-1999, Mayor Graham acquired land where the road was*

going, had a feasibility study done by TDOT in 2002, and then quit-claimed the property to his cousin. Mayor Graham responded that Councilman Souza was inaccurate in that statement as he acquired the land only as a Trustee for his cousin Bill Graham. At the request of the Mayor, City Clerk Sally Oglesby reported that she had researched most of the properties in question and found no direct ownership of any of the properties by Mayor Graham.

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member George Marlow, to continue the Northwest Connector Sections II and III. The motion carried by the following vote:**

**Aye:** 3 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt and Council Member George Marlow

**Nay:** 2 - Council Member Pete Souza and Council Member Jesse Kerley

**d. Matters relative to Ethics Ordinance**

*In 2007, the Tennessee General Assembly passed a law requiring that all cities adopt an Ethics Ordinance to apply to all elected and appointed boards and employees. MTAS was charged with developing a model ordinance for municipalities. This model ordinance is the basis for the code section in the Crossville Municipal Code. Councilman Souza led a discussion of proposed changes to the Ethics Ordinance. As indicated in the city charter, all ethics complaints either coming to the attention of the ethics officer (city attorney) or in written form may be investigated. He argued that it is inconceivable that the ethics officer would investigate the member or members that put him/her in an appointed position wherein that appointment monetarily increases his or her wealth. Further, he felt that it was even more inconceivable that a ethics officer would investigate a member of council to whom he or she would have business relations. Finally, he concluded that it was also conceivable that in a small community that the city attorney would also represent vendors and real estate interest. To insure that these situations do not exist, he believed the ethics officer should be independent of the the city attorney. He also stated his opinion that citizens of Crossville should have the right to make an ethics complaint to the council for action.*

*He proposed the following changes:*

*(A) Allow citizens to file a written ethics complaint directly to the City Council for review and action. Currently any complaints from citizens are filed directly to the District Attorney General, Comptroller of the Treasury's Fraud Hotline, or the Tennessee Open Records Counsel.*

*(B) The City Council directs the City Manager to hire an ethics lawyer to investigate. Currently, the City Attorney serves in that position, but may request the City Council to hire another attorney, individual or entity if he has or will have a conflict of interest.*

*(C) The City Council will hold a public meeting and appoint an ethics lawyer within 30 days of receipt of a complaint. Currently, a similar process takes place, but there is no timeframe included.*

*Mayor Graham stated that any citizen can contact the City Manager at any time to file a complaint. City Manager Rutherford concurred and further commented that the ethics ordinance is for the benefit of elected officials and employees and that there are several other avenues for citizens to file complaints. He also warned that citizen complaints coming to the City Council could be costly and time consuming as they would have to be investigated. City Attorney Chadwell reiterated the City Manager's comments and stated that there are adequate avenues for citizens, including an "800" hotline number to the Comptroller. He further stated that the Council can change the ordinance and who it appoints, but that any changes must be certified by the State. The current ordinance has been approved by the state. Mayor Pro-Tem Wyatt reiterated the provisions in the current policy and stated his belief that the*

*matter is adequately addressed in the current ordinance.*

**A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the City ordinance on ethics deletes the City Attorney from being the ethics officer; that all citizens of Crossville of adult age have the privilege to file a ethics violation to the City Council at regular scheduled meetings; that the Council shall review any complaint filed by a citizen or Council member for merit with thirty days; that the City Council may direct the City Manager to hire a state certified ethics officer to review or investigate and render a judgement on any ethics complaint; and that the Council shall then hold a public hearing to review the complaint and take such action as it deems appropriate. The motion failed by the following vote:**

**Aye:** 2 - Council Member Pete Souza and Council Member Jesse Kerley

**Nay:** 3 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt and Council Member George Marlow

**e. Matters relative to bids on Bio Waste**

*The City Manager was requested to discuss his research in preparing the bid package. He reported that he could find no other Tennessee cities selling their biosolids. Nashville is trying to sell it in a pellet form, but are subsidizing it right now in order to move it. There are a few around the country, especially in Milwaukee, but they have been doing it for a very long time and actually sell it in stores. Further, he expressed his concern over the bidding procedures that were outlined in the motion as they are in conflict with the ordinance regarding bidding, which is an open process. The dates in the motion appear to also be incorrect in regards to the scheduled meetings. The City Clerk read the ordinance requirements for bidding. The changes to the bids specs that were discussed in the work session have been made. Mayor Graham commented that he felt the bid specs were appropriate. Mr. Rutherford reviewed the bond requirements and asked for confirmation that the bid would be based on 2200 tons to be sold or picked up and that the price would be paid at the time of execution of the contract. Councilman Souza confirmed those specifications. He further said there were cities in Tennessee selling their bio-waste and again asserted that the City had been giving away a valuable resource. He would like to recoup the money, have a fair bidding process and eliminate any concerns of impropriety. Mr. Rutherford stated that a bond would be required in case the buyer did not fulfill the obligation. However, it wouldn't be required under the current bid specs since they pay for the entire amount up front. If they fail to pick it up, it would be offered to the next bidder. Mayor Graham stated the need for a bond on future liability if the buyer did not follow the EPA requirements. Mr. Rutherford responded that the insurance would cover compliance with statutory requirements. Councilman Marlow questioned the city's liability with it being sold. Mr. Rutherford responded that the City would have to have product liability since we are selling it because the city would be drawn into any legal action. Councilman Souza stated that he did not believe the City had ever followed up in the past with inspections on what was given away. Mayor Pro-Tem Wyatt expressed his concern about the increased liability to the city. City Attorney Chadwell agreed that the City had an enhanced liability with selling the product. Mayor Pro-Tem stated that he was not ready to begin selling the product because of concerns on what would happen if the buyers changed their mind and that there was no exit strategy if that was to occur. Councilman Marlow expressed concern about the unknown if the City will be money ahead at the end of the year. The City Manager stated that if the buyer changes their mind, the City will have to find someone to take it or we might have to pay or haul it off the mountain. Councilman Kerley said that if the motion fails, it should be made available for free to anybody that wants it, but he felt it was the City's*

*duty to get money out of it. He would like have a list established of all those wanting it. Councilman Souza says the product must be marketed to insure a number of bidders. Mayor Pro-Tem Wyatt reiterated that he doesn't care who gets it, but that he was not willing to take the risk of having to pay to dispose of the bio-solids.*

**A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the waste treatment facility effective immediately cease giving away bio-solids and that the City Manager shall cause the sale of city bio-solids for the calendar year 2014 in the form of sealed bids; that the bid final day shall be January 5, 2014, and that all sealed bids be opened at the regular Council meeting on January 14, 2014. The motion failed by the following vote:**

**Aye:** 2 - Council Member Pete Souza and Council Member Jesse Kerley

**Nay:** 3 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt and Council Member George Marlow

**f.** Matters relative to City participation in referendums

**This Resolution was withdrawn from the agenda.**

**7. City Attorney's Report**

City Attorney's Report

*City Attorney Kenneth Chadwell reported that no new lawsuits had been filed during the previous months.*

**This Report was received and filed**

**8. City Manager's Report**

City Manager's Report

*City Manager David Rutherford presented and reviewed the monthly revenue reports for local option sales tax, wholesale beer, and retail liquor fees. He also provided updated reports on building permits, grants, and special projects.*

*At the October meeting, a raise for Officer Jonathan O'Neal was approved for 2.5% from \$14.41 to \$14.77. However, that rate was incorrect. The correct hourly rate should be \$15.05, which would make the new hourly rate \$15.43, retroactive to September 1. A budget amendment is not required.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the raise for Officer Jonathan O'Neal be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

*Mayor Graham asked the Council to review the draft evaluation form of the City Manager, which will be used at the end of six months.*

**9. Public Comment**

*Mayor Graham opened the floor for comments from the public. Darrell Cole expressed his disapproval of the closing of Lillian Court because it provides an additional access to the back of his property. He also commented that he had not received notice of the proposed closing. City Engineer Begley reported that there will remain access from N. Main St. from the remaining right-of-way, but it is undeveloped. Councilman Souza noted that he had walked the property and that Mr. Cole's property is not in the city limits.*

**ADJOURNMENT**

**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 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

*With no further business, the meeting was adjourned at 7:56 p.m.*