

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, August 13, 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

Interim City Manager Jack Miller
City Clerk Sally Oglesby

The City Council for the City of Crossville met in regular session on Tuesday, August 13, 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 Interim City Manager Jack Miller, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Heather Mullinix, David Beaty, Robert DeMars, Julie Tinkham, Philip Tinkham, Ray Harris, Ashley Pealer-Richards, Wendy Davis, McKenzie Davis, Carlie Davis, Larry Davis, James Barnawell, Steve Hill, Jerry Kerley, Clyde Webb, Sharron Eckert, Thomas Eckert, Andy Vaughn, Jim Morrow, Julia Dean, Earl Dean, Jerry Garrison, Joe Souza, John Turner, Judy Ann Stover, Lewis Stover, Joe Miller, Jacie Beaty, Logan Adams, Jenna Beaty, Sonya Rimmer, Mary Kelly, Mary Stark, Carolyn Landreth, Helen Armstrong, Jim Armstrong, Pat Murphy, Peggy Ballard, Glenn Ballard, Mike Nuss, Robert Walker, Beth Adams, Dr. Calley Elsea, Season Byrd, Diana Byrd, Tom Isham, Kenneth Ferguson, Clark Annis, Lynn Carson, Pam Harris, Chris South, Sandy Gruber, Tennessee Hampton, Debbie Beaty, Tesa Johnson, Kiara Wilson, Jessica Hedgecoth, Addison Wilson, Khrista Wyatt, Teresa Boston, Gracee Dishman, Alex Eldridge, Zoe Woody, Cassidy Cunningham, Tiffany Cunningham, Danielle Bowman, Rachel Bolin, Jake Hedgecoth, Jessica Hedgecoth, Ali Wilson, Kellee Wilson, Lynn Pilgrim, Bobbie Pilgrim, Stan Johnson, Amy Johnson, Jeff Freitag, Shanna Freitag, Billy England, Ali England, John Carr, James Kraus, Skyler Hawn, Ray Hansen, Bryan Dishman, Dylan Dishman, Roger Potter, Tim Begley, Janie Turner, Mike McConley, Roger Whittenburg, Michelle Whittenburg, Jon Kraus, Charles Daugherty, Frances Carson, Joe Salvato, Bob Schwartz, Frank Bottoms, Fred Houston, Darlene Barnwell, and Billy Loggins.

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 Clyde Webb of the Cumberland Worship Center. The Young Marines presented the colors and led the Pledge of Allegiance.

1. Proclamations/Presentations

- a) Freedom Day
- b) 4-H Livestock Show
- c) Crossville Comets
- d) Tennessee Shooting Stars

a) Freedom Day - Season Byrd, Coordinator for Crossville, announced plans for the celebration of Freedom Day to honor active duty and veterans of the military on September 12. A number of businesses will be participating on that day by offering free services and products to military personnel (active and veterans) and their families.

b) 4-H Livestock Show - Local members of the 4-H presented honorary auction paddles to raise awareness of their Livestock Show and auction at the upcoming Cumberland County Fair.

c) Crossville Comets - 2013 National Amateur Athletic Union 7th Grade Champions - girl's basketball

d) Tennessee Shooting Stars - 2013 National Champions (women basketball - ages 70-74)

2. Appointments - NONE

3. Consent Agenda

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that all items on the Consent Agenda be approved as presented. 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 (7/9, 7/25)

The minutes were approved as recommended.

Ordinances on Second Reading

b. Ordinance amending the FY13-14 budget in the amount of \$8,500 for dog park

This Ordinance was approved on second reading.

Additional Consent Items

c. Approval of temporary street closing of a portion of Shepherd's Way on Saturday, August 17

The temporary street closing was approved as recommended.

d. Approval of temporary street closings for Noon Rotary 5K on October 12

The temporary street closing was approved as recommended.

e. Approval of sponsorship payment for Tennessee PGA, State Team Championship

The sponsorship payment was approved as recommended.

f. Approval of Inter-Local Agreement with County on downtown project

The Agreement was approved as recommended.

- g. Approval of Change Order #3 (time extension) with W & O Construction on the sewer collection system improvement project

The change order was approved as recommended.

- h. Approval of Taxiway Extension Change Order 1 (no additional cost or time)

The change order was approved as recommended.

4. **Bids/Purchases - NONE**

5. **Marketing Report**

August 2013 Marketing Report

Marketing Director Billy Loggins provided updates on the following:

- *Golf Capital Tennessee Women's Open*
- *Water Fest -held at Meadow Park Lake on July 27*
- *State Team Championship - held at Lake Tansi*
- *Caboose Grand Opening*
- *Gun and Knife Show was a big success with almost \$9,000 raised from the sale of the seized weapons*
- *Christmas Parade - theme contest is underway*
- *Airport Fly In - September 28*
- *Senior Olympics - deadline is August 22 for 2014 state games*
- *Economic Development*
- *Dog Park - two billboards were priced at \$480/month on Exits 320 and 322*
- *Downtown Revitalization Project - Groundbreaking on September 22 at 10:00 a.m.*

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that a lease agreement for billboards to advertise the dog park for 10 months be approved and a budget amendment passed on first reading. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Jesse Kerley

Nay: 1 - Council Member Pete Souza

6. **Other Business**

- a. Matters relative to lots on Waterview Drive

Councilman Souza led a discussion on placing two city lots on Waterview Drive up for sale since neither of the lots are needed by the city. He suggested that the revenue from the sale of the lots be used toward the purchase of the Snodgrass building and property. At the request of Councilman Marlow, the City Clerk checked for any existing covenants and restrictions on the lots to avoid any issues with the neighboring property owners. A quick check did not find that there were any restrictions on either lot. However, further study would be made prior to the sale. Bob Walker, a resident in the area, asked that they be kept residential to preserve the neighborhood. He also voiced concerns of stormwater directed toward their

properties and into Holiday Lake. Mayor Graham asked the City Attorney if covenants could be attached to the property. He responded to the affirmative. The City Manager and City Engineer were asked to draft covenants for review by the Council.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-Tem Danny Wyatt, that both lots be placed up for public bid independently and subject the sales to Council approval with all funds derived from the sale to be utilized for the Snodgrass project. This matter was tabled

b. Matters relative to records of all Council workshops

Councilman Souza pointed out that some workshops have been recorded and others have not. He felt that it is paramount that all meetings be public and recorded in their entirety. City Attorney Chadwell pointed out that executive sessions regarding legal matters would remain closed.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that all City Council meetings and workshops be public and recorded. 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 conduct of city business

Councilman Souza expressed his concerns about the Mayor and City Council involving themselves with negotiations that have not been in the interest of the city and bypassing the City Manager.

Dr. Miller stated that a policy of involving him in all negotiations and matters has been adhered to since he has been in the interim position and that he has had no problems. Further, he stated that he did not believe the motion was necessary and didn't recommend action.

At the request of the Mayor, Chadwell stated that the Charter gives elected officials the powers to negotiate and bring matters to the council because action is required by the entire City Council. He recommended that the Council not take action that would encroach on the power that elected officials already have through the Charter and such a resolution could lock up the business of the City. He emphasized that no one can bind the city until the entire Council votes on the issue. Councilman Souza stated that all matters should be brought to the council in a worksession before starting a negotiation. Mayor Pro-Tem Wyatt asked that all negotiations be run through the City Manager. Councilman Marlow responded that for the Mayor to start putting together a deal is good for the city with his skills and contacts. Mayor Graham stated that he feels it is the duty and responsibility of all members of the City Council to work and negotiate with the citizens and their issues. Councilman Souza pointed out that the Mayor had requested a letter from ECE regarding a Tansi sewer line without approval. Mayor Graham responded that he considered the letter to be part of work he had been previously authorized by Council to work on.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that effective September, all city business and negotiations be conducted by the City Manager and that, effective September 1, all city elected officials' authority to conduct city business be rescinded. 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

- d. Consideration, and action, on a recommendation by Mayor Graham, to establish the salary and benefits package for Jeffrey Skidmore, City Manager

As discussed at the work session, Mayor Graham proposed the following: Jeffrey Skidmore be hired as City Manager, starting August 14, 2013, under the following conditions:

- 1. Beginning salary of \$95,000, with a minimum 5% increase after six months;*
- 2. Auto allowance of \$600 per month for required use of personal vehicle to cover insurance, maintenance, and fuel; required out-of-county travel will be paid at the standard mileage rate;*
- 3. Vacation leave will begin accruing on August 14, 2013; however, approval is authorized for a short, previously scheduled, vacation in October to be paid utilizing vacation leave to be accrued in the following months; and*
- 4. Sick leave, health insurance, life insurance, and other benefits to be paid according to established personnel policies. A motion was made by Mayor J. H. Graham to approve the salary and benefit package for Jeffrey Skidmore. The motion died for lack of a second.*

Councilman Souza stated that everybody was displeased with the proposal and the appointment of Mr. Skidmore.

Following the motion, Council agreed to call a meeting on Thursday to discuss the City Manager position further.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that the action to extend an offer to Mr. Skidmore be rescinded. The motion carried by the following vote:

Aye: 4 - Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

Nay: 1 - Mayor J.H. Graham III

- e. Matters relative to depot clock

Councilman Marlow reported that, in conjunction with the downtown improvement project, the Rotary Foundation of Cumberland County and DCI have been working together on a clock to be installed on the Crossville Depot property. The Rotary Foundation will contribute \$3,500 toward the cost and installation. Members of The Rotary Foundation and DCI were present to discuss the project and answer questions. Frances Carson stated that the estimated cost is \$25,000, which would be added to the project. Rotary and DCI will work toward raising the additional money. Mayor Graham asked that the matter be put on hold until more funds are raised. A motion was made by Councilman George Marlow, to fund the clock and make it part of the downtown project. The motion died for lack of a second. Mayor Graham suggested putting the wiring in the project for the clock and then raise the money. Council verbally concurred with wiring being added to the project and the motion tabled.

Action was tabled on the matter.

- f. Consideration and possible action, of a request by Cumberland County Playhouse officials to withdraw total allocation of FY 14 funding

As discussed at the work session, Cumberland County Playhouse requested to be able to withdraw the remaining allocation for FY13-14 (\$15,000) to help with some financial issues. They are addressing their situation to alleviate future problems.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member George Marlow, that the request be approved. 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

g. Discussion of a request by Mayor Graham, to negotiate a temporary lease with TLD and/or TCAT, Interchange Industrial Park

As discussed in the work session, TLD Logistics Services has a need to provide training for drivers to assist them in getting their CDL licenses. They requested a Truck Driver Training Course from the Tennessee College of Applied Technology. They requested a short-term lease from the City of a 3 acre tract at the industrial park for the hands-on training and culvert and rock for access. The lease would be subject to the sale of the property or for the building of a spec building upon a 90 day Notice of Cancellation. Cliff Wightman, TCAT, said that the cost has been prohibitive to offer this training, but that with this proposal for driving space, it will be feasible. They requested that the City provide the culvert and the rock. TLD will provide two tractor trailers for the project. Councilman Souza asked for an estimate of the costs for the culvert and rock. Tim Begley stated that the need for a culvert had not yet been determined. The City Manager was asked to find a back-up location in case the property is needed. A motion was made by Mayor Graham to enter into a temporary lease, subject to a 90 day notice, subject to how much culvert and rock would be needed, and subject to the sale of property or construction of spec building.

This matter was deferred to the special called meeting.

h. Matters relative to annexation request on Dayton Spur Road

A request was received from Francisco Fuentes for the annexation of his property on Dayton Spur Rd.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Jesse Kerley, that the Ordinance annexing 5.43 acres on Dayton Spur Road be approved on first reading. 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

i. Matters relative to Visitor's Center re-naming

At the August 5th meeting of the Building and Grounds Committee for Cumberland County, they recommended that the name of the Visitor's Center be changed to "Crossville-Cumberland County Visitor's Center: The Gateway to the Big South Fork". This recommendation is contingent on there being no extra cost for the signage. Approval by the City Council, as well as the County Commission, is required. Building and Grounds Chair Sonya Rimmer was present at the Council meeting to answer any questions and stated that there would be no extra cost for the sign.

As an update on the project, the Notice to Proceed was issued on July 8 and the

footings and foundation are under construction. By contract, the substantially complete date is December 6, 2013.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the proposed new name for the Visitor's Center be approved. 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

j. Hear report from Interim City Manager and Director of Engineering on RFP's, Construction Administration/Inspections, the CBD Redevelopment and Restoration Project

Consideration was given toward issuing RFQ's for construction administration and inspection. However, the Crossville Downtown Economic Development / Streetscape Improvement Project is a very complex project. If the City decided to change engineers for the construction management of this project at this date, the complexity of the project would be compounded and grant funds could be jeopardized. It was the recommendation of the City Manager and the Director of Engineering that RFPs and/or RFQs not be solicited for the project and that an hourly contract be negotiated with EG&G for the "Construction Administration" which would utilize a local engineering firm for the "Full-Time Construction Representation" (inspection). The local engineering firm would work under the direct supervision of EG&G. The City Manager was requested to send a letter to EG&G expressing the Council's wishes that RFP's be issued by EG&G for construction inspection on an hourly basis from a local engineering firm.

This Report was discussed

7. City Attorney's Report

City Attorney's Report

City Attorney Kenneth Chadwell reported no new lawsuits during the previous month and that the loan to Plateau Insurance through the IDB has been completed and all documents signed. Regarding the acquisition of the Snodgrass building and amphitheatre, Randall Boston has prepared a deed for him to review and, if it is acceptable, the deal will be closed very soon. On the Lake Tansi property owners lawsuit, he reported that motions for summary judgement have been filed by each side, but no hearing date has been set. Council requested a meeting with the attorneys to get an update on the status.

8. City Manager's Report

City Manager's Report

Interim City Manager Jack Miller provided monthly revenue reports for sales tax, wholesale beer, and retail liquor. He also provided updated reports on building permits, grants, debt service, and special projects. Parks & Rec. Department, Palace Theatre-Dr. Miller requested to give 2/3 of his COLA to two part-time Palace Theatre employees, Ronnie Hill and Beth Ann Swafford, effective immediately. These employees were not eligible for the COLA that the full-time employees received. The amount is \$453.00 per employee per

year. (The other 1/3 was also to be given to an employee at the Palace, but has transferred to the Water Filtration Dept. and therefore, not eligible anymore). A budget amendment will not be necessary.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the COLA's for the part-time employees 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

Finance Department-Fred Houston recommended a pay raise for Melanie Garrett to \$13.65 per hour effective immediately. This is an equity adjustment to bring her salary in line with her fellow employees. A budget amendment will not be necessary.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the pay raise for Melanie Garrett 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

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-Tem Danny Wyatt, that the agenda be amended to act on an amendment regarding the downtown project. The motion passed 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

An amendment was received from TDOT extending the construction start time on the downtown project to December 31, 2013 to allow them time to approve the lease agreement for the installation of sidewalks.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the amendment to the TDOT grant 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

Council asked that street lights on Lantana Road and Satsuma Drive be added to the September work session and meeting.

9. Public Comment

Mayor Graham opened the floor for any comments from the public.

Phil and Julie Tinkham - 97 Rusty Blue Drive - Reported a drainage problem with a neighboring mobile home park draining onto their property. It was their understanding that the City approved for 2 lots to be used for 3 homes. Eric Brady assessed the issue and then they brought the problem to Dr. Miller who did not offer assistance from the City. They stated that they had done considerable work to rectify the problem, but asked for help or a reason why the City can't help. Mayor Graham asked that they provide their documentation to Dr. Miller so that the matter could be brought back to the Council at their next work session.

Archie Higgins stated that the City Manager should call all the shots and that the truck driver shortage problem was caused by deregulation.

Jeff Skidmore stated that he was in a state of shock over the earlier action, but that he is still interested in the position. He commented that he was not sure what changed in the last week.

John Kraus, owner of Silvera Stone Company, reported a sewer problem at his business. He said that an adjacent sewer pump was put in a floodplain and that his land smelled awful and was embarrassing to the business. He didn't know if it is isolated in his area, but that it goes into the creek on a regular basis and he wanted to make the council aware.

Jim Sinclair - 29 Towering Trail - reported a sewer problem at his location as well. He said that there is erosion into the creek and that raw sewage has been on his property for the past 3 months.

Councilman Souza stated that he has heard of several sewer issues and they need to be addressed as soon as possible. He asked that they be identified and discussed in a work session. Councilman Kerley asked that a copy of Veolia's contract be put in all Council boxes.

ADJOURNMENT

A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, 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 7:55 p.m.

Mayor

ATTEST:

City Clerk