

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, December 10, 2019

6:00 PM

Council Chambers

City Council

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

PUBLIC HEARING - 5:45 p.m.

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

Others present were Jinesh Patel, Bharut Patel, Mitesh Patel, Willard Dale, Michelle Billups, Darian Dykes, Michael Patterson, Lori Patterson, Kenuka Patel, Steve Collier, City Attorney Will Ridley, City Clerk Valerie Hale, Assistant City Clerk Malena Fisher, Lee Lawson, Steve Collier, and Drew Collier.

Mayor Mayberry was present and presiding. He called the public hearing to order at 5:46 p.m.

1. CDBG Application

Assuming that the current Community Development Block Grant (CDBG) project is completed by the end of January, City staff is considering the submittal of an application for CDBG funds of up to \$500,000 to continue improvements in the wastewater system. A public hearing is required to describe potential use for these funds and receive comments from the public.

Mayor Mayberry explained that the City of Crossville is exploring options for a CDBG grant and that applications are due February 28, 2020. The maximum grant amounts for water/sewer/housing are \$600,000 plus \$30,000 Three Star Bonus and \$400,000 for Community/Livability with a \$20,000 Three Star Bonus. The required minimum match is 14% and reduced to 10% for being a Three Star community. Awards will be in in Fall of 2020. Mayor Mayberry explained that the City is considering evaluating the competitiveness of a sewer system improvement project to address I/I.

There were not any comments received from the public.

The public hearing adjourned at 5:49 p.m.

The Public Hearing was held.

BEER BOARD - 5:50 p.m.

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

Mayor James Mayberry was present and presiding. He called the Beer Board to order at 5:50 p.m.

1. Route 70 Market

An application has been received for an off premises beer permit from Bharatkumar J. Patel for Route 70 Market located at 822 Sparta Hwy in Crossville. This is a new

application due to change in ownership.

Chief Jessie Brooks reported a clear-records report and recommended approval.

A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem Art Gernt to approve off-premises permit. The motion carried by the following vote:

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

With no further business to discuss, the Beer Board adjourned at 5:51 p.m.

REGULAR MEETING - 6:00 p.m.

Call to Order

The City Council for the City of Crossville met in regular session on Tuesday, December 10, 2019 at Crossville City Hall. Mayor James Mayberry was present and presiding. He called the meeting to order at 6:00 p.m.

Willard Dale of Southwest Baptist Church provided the invocation. The Young Marines presented the colors and led the Pledge of Allegiance.

Roll Call

Present: 5 - Council Member J. H. Graham, Council Member Rob Harrison, Mayor Pro-tem Art Gernt, Council Member Scot Shanks 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, Jessie Brooks, Mitesh Patel, Jinesh Patel, Bharatkumar Patel, Heather Mullinix, Jim Young, Willard Dale, Ashley Richards, Darian Dykes, Michael Patterson, Lori Patterson, Steve Collier, Drew Collier, Steve Rowan, Kevin Music, Josh Stone, Jesse Slagle, Tim Begley, and Fred Houston.

1. Proclamations/Presentations

a. Presentations - December 2019

*a) Student of the Month – Rosie Patterson was chosen for her “Caring” character trait
b) Flag Design Contest winners – The City of Crossville Flag Design contest winners have been chosen.*

First place: Zander Randolph, 15-year-old student at CCHS

Second place: Jesse Slagle, 19-year-old student at Roane State Community College

Third place: Dalton Stafford, student at TCAT

2. Public Comment

There were no comments received from the public.

3. Appointments**a. Cumberland County Solid Waste Board**

Mike Stubbs' term as the City's representative on the County's solid waste board has expired. He has agreed to continue to serve an additional six-year term.

A motion was made by Mayor James Mayberry, seconded by Council Member Rob Harrison to re-appoint Mike Stubbs to the Cumberland County Solid Waste Board. The motion carried by the following vote:

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

b. Crossville-Cumberland County Sports and Events Council (CCCSEC)

CCCSEC is recommending the appointment of the following:

*Dr. Zach Boyd Term Expiration 12/31/20
Rusty Mellette Term Expiration 12/31/22
Pepe Perron Term Expiration 12/31/22
Angie Spittler Term Expiration 12/31/22
Tony Dolinich Term Expiration 12/31/21
Marlo Wright Term Expiration 12/31/21
Valorie Cox Term Expiration 12/31/21*

A motion was made by Mayor James Mayberry, seconded by Council Member Rob Harrison, to accept recommendation from CCCSEC. The motion carried by the following vote:

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

4. Consent Agenda

A motion was made by Council Member J. H. Graham, seconded by Council Member Rob Harrison, to approve Items A-N of the Consent Agenda. The motion carried by the following vote:

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

a. Approval of minutes (11/12)

The Minutes were approved as recommended.

Ordinances on Third Reading

b. Ordinance amending FY19-20 budget Meadow Park Lake Project

Greg Davenport, J.R. Wauford & Company, recently gave a presentation on the Raw Water Capacity Master Plan. The presentation gave an overview of the work the firm has been doing to discuss a path forward including raising the Meadow Park Lake Dam. With a moderate growth forecast, the total raw water demand for 2037 will be 8.06 MGD and 10.98 MGD in 2067. With a high growth forecast, the total raw water demand for 2037 will be 9.19 MGD and 12.05 MGD in 2067. The firm has suggested the following improvements:

*Phase 1 Raise Meadow Park Lake Dam
Relocate Meadow Park Lake Raw Water Intake*

Phase 2 Expand Meadow Park Lake WTP to 7.0 MGD

*Phase 3 Alt 1 Expand Meadow Park Lake WTP to 12.25 MGD
Holiday Hill Lake Raw Water Intake Improvements
New Treated Water Distribution Line
Demolition of Holiday Hills WTP*

Phase 3 Alt 2 Construct New 5.5 MGD Holiday Hills WTP

Regardless of the path chosen, the dam permitting process is necessary. The estimated cost is \$75,000 and J.R. Wauford & Company has presented an amendment (#3) to the current contract to complete this work. This will require a budget amendment.

A budget amendment is also required for amendment #2 approved March 12, 2019, which was to examine alternatives in order to recommend a road map to the Council for project implementation. The amendment requested is in the amount of \$45,000.

This Ordinance was adopted on third reading.

Ordinances on Second Reading

c. Ordinance amending FY19-20 Budget Runway paving

A change order has been approved for the final quantities with a final overrun cost of \$9,873.75. The big-ticket item that overran was the Minor Crack Repair. All quantities were verified and measured on site by a City Inspector.

A budget amendment is required for closeout.

This Ordinance was approved on second reading.

Ordinances on First Reading

- d. Ordinance amending street name from Mariners Pointe Drive to Pointe Landing

The two current owners of the properties that front on Mariners Pointe Drive have requested the name of the road be changed to Pointe Landing. Planning Commission met November 21 and voted to recommend the name change. An ordinance is required to change a street name.

This Ordinance was approved on first reading.

- e. Ordinance enacting and adopting a 2019-S7 supplement to the Code of Ordinances

The 2019-S7 supplement codifies ordinances passed by City Council since the 2018-S6 supplement was added.

This Ordinance was approved on first reading.

Additional Consent Items

- f. Consideration of the adoption of a resolution authorizing the issuance of tax-exempt Series 2019A General Obligation Bonds, Taxable Series 2019B General Obligation Refunding Bonds, and Tax-Exempt Series 2019C Water and Sewer Revenue and Tax Refunding Bonds not to exceed \$28,100,000.

The City Council authorized Larry Kidwell to begin the process to evaluate the City's credit rating at the September 10 meeting. In order to do this, preliminary work had to be completed, which included approval by the Tennessee Local Development Authority for the SRF loans to be refunded, which was granted contingent upon the Comptroller's approval of the associated balloon indebtedness as required by Tenn Code Ann. § 9-21-134.

The next step is to approve a resolution authorizing the issuance of the 2019 Bonds for refinancing the City's debt. Following adoption of the Bond Resolution, a Draft Preliminary Official Statement can be distributed to the Standard & Poor's for evaluation of the City's underlying credit rating.

This Resolution was approved.

- g. Approval of temporary street closings for Friday at the Crossroads

Friday at the Crossroads is being planned for 2020. The committee requests the following dates and streets to be closed:

April 3, 2020 Event (3:45 p.m.-8:15 p.m.)

June 5, 2020 Event (3:45 p.m.-8:15 p.m.)

- *Main Street from Hwy 70 to Neecham St.*
- *Fourth St. from Thurman Ave. to West Ave.*
- *Second St. from Main St. to Thurman Ave.*

- *First St. from West Ave. to Thurman Ave.*
- *Stanley St. from Main St. to Thurman Ave.*
- *Fifth St. from West Ave. to Main St.*

*August 7, 2020 Event (3:45 p.m.-end of Dash in the Dark 5K-joint with Young Professional Alliance 5K run) *This is also the date of the annual 127 Yard Sale*

- *Main Street from Highway 70 to Neecham Street*
- *Stanley Street from West Ave. to Webb Ave.*
- *First Street from West Ave. to Webb Ave.*
- *Second Street from East St. to West Ave.*
- *Fourth Street from Thurman Ave. to West Ave.*
- *Fifth Street from Main St. to West Ave.*
- *Rector Ave. from Fifth St. to Stanley St.*
- *Thurman Ave at Fourth St.*
- *Division Drive*
- *East Street*

October 2, 2020 Event (3:45 p.m.-8:15 p.m.)

December 4, 2020 Event (3:45 p.m.-8:15 p.m.) If possible, close Second St. last.

- *Main St. from Hwy 70 to Neecham St.*
- *Fourth Street from Thurman Ave. to West Ave.*
- *Second St. from Main St. to Thurman Ave.*
- *First St. from West Ave. to Thurman Ave.*
- *Stanley St. from Main St. to Thurman Ave.*
- *Fifth St. from West Ave. to Main St.*

This Permit was approved.

h. Approval of contract for Palace Theater Repairs-Upland Design Group, Inc.

The Palace Theater is leaking in several locations. It's been determined that the majority, if not all of the leaks are from the mortar joints in the masonry walls.

A contract is proposed with Uplands Design Group, Inc that includes the preparation of bidding and construction documents and contract administration of the restoration of masonry (brick and stone) to replace defective mortar and provide a water repellent coating to the brick and stone. The water repellent coating must be reapplied every five years. The architect has had similar successful projects including the Justice Center/Old High School and North Cumberland Elementary School. The compensation included in the contract is \$5,000 lump sum fee. The estimated cost of the construction is \$50,000.

This Contract was approved.

i. Approval of work authorization for Airport Layout Plan update

A work authorization for engineering services per the Atkins master contract is requested for the Airport Layout Plan. This project is funded by a 95% TDOT grant.

This Contract was approved.

j. Approval of grant application for airport obstruction clearing grant

The City is in the process of determining the airspace easements off of City property. The easements in general only allow for tree topping. City staff will contact property owners to discuss the trees that have grown up into the approach path and will discuss complete tree removal with a replacement of a shorter species.

In order to speed up the approval process, the Director of Engineering requests the City Council's approval for an obstruction clearing grant application to TDOT Aeronautics in the amount of \$100,000 with the City responsible for a 5% match.

The amount is estimated utilizing the obstruction areas and easement descriptions. If owners agree to new shorter tree plantings, the cost of this project will be reduced along with the grant amount. A contract with TDOT will be brought before the City Council at a later date with a more accurate budget.

This Application was approved.

k. 2018 CDBG Sewer Rehab Change Order 1

The change order is attached and gives all unit changes. The total amount for the change order is an additional \$33,940.00. To summarize the larger items: The Contractor has encountered several lines that required more point repairs than originally bid, City staff has added 8 manhole frame replacements in possible flooding areas or overflow areas and 180 feet of ductile iron line must be excavated instead of pipe bursting. It is anticipated that a final deduct change order will be presented to the City Council at the end of the project but it will not be at this magnitude.

City Staff recommends the approval of Change Order #1.

This Contract was approved as recommended.

l. Approval of contract amendment with CT Consultants for the Main Street and Lantana Traffic Signal Replacement Project.

The original Downtown Project included the improvements and the signal at this intersection. Those plans were approved by TDOT during the time period of the project. The plans were only modified to make this intersection a standalone project. TDOT personnel and TDOT standards have changed and we have not received full approval of the plans. This was not anticipated by the Engineer or City Staff. The amendment is attached with additional justification. The amendment includes an additional lump sum fee of \$10,000.

The Director of Engineering recommends the approval of the amendment contingent on TDOT Local Programs department approval.

This Contract was approved.

Bids/Purchases

m. Approval to purchase Police Pistols

The current department issued pistols have reached the end of their service life. Captain Brian Eckelson has received a quote from Craig's Firearms, a State Bid Dealer, to trade in the current firearms for \$298.50 each, in trade for new Glock 22 pistols at \$449.50 each (with an additional magazine). The total purchase price for 50

of the new Glock Pistols, after trade in, will be \$9,042.50. Chief Jessie Brooks has reviewed the quotes and recommends the trade/purchase. The purchase of new duty pistols was budgeted and approved in the 2019/2020 budget, with ammunition, at \$30,000.00.

This Purchase was approved as recommended.

n. Approval to purchase 2019 F150 for use at Meadow Park Lake

The Leisure Services Department has received a quote to purchase a 2019 Ford F150 from Ford of Murfreesboro on State Bid at a cost of \$29,344. This purchase is approved in the 2019/2020 Meadow Park Lake budget.

This Purchase was approved.

5. **Other Business**

a. Approval to Release Pledged Securities

The City has its primary banking accounts with the Bank of Putnam County. The bank has pledged securities to the City for securing the City's funds in case of bank failure.

The bank has recently joined the Tennessee Collateral Pool for securitizing funds. The bank requests that the City of Crossville release all securities currently pledged to the bank.

A motion was made by Council Member J. H. Graham, seconded by Council Member Rob Harrison, to approve releasing securities currently pledged to the Bank of Putnam County. The motion carried by the following vote:

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

b. Approval to request access to sewer from South Cumberland Utility District

The Council has been approached about allowing portions of Lake Tansi to connect to the Brown Elementary sewer line.

The first step is requesting access from South Cumberland Utility District. Staff requests authority for the City Manager to send a letter requesting the access.

A motion was made by Council Member J. H. Graham, seconded by Mayor James Mayberry, to grant the request of Golf Court Townhomes of Lake Tansi subject to City of Crossville requesting and receiving all necessary approvals from all local, state, and federal agencies where necessary and said written request be made as soon as possible, especially to the County Mayor and South Cumberland Utility District. The motion carried by the following vote:

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

c. Discussion and action on amendment to commercial hangar lease

Johnny Presley requests to amend commercial hangar lease approved on November 12, 2019 to \$2,500 per month instead of a lump sum amount of \$30,000 per year.

A motion was made by Council Member Scot Shanks, seconded by Council Member Rob Harrison to approve amendment and revise start date to January 2, 2020. The motion carried by the following vote:

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

d. Discussion on action on funding for Meadow Park Lake Low Pressure Sewer Line and Meadow Park Lake Water Line

City Council approved submitting funding requests to the State Revolving Loan Fund and Rural Development at the last meeting for the project. It has been brought to the attention of staff that if RUD is pursued, that a NEPA environmental document and a full engineering preliminary report would be necessary.

A motion was made by Mayor James Mayberry, seconded by Council Member Rob Harrison to proceed with request using SRF, not RUD/USDA. The motion carried by the following vote:

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

e. Discussion and action on leak protection program

A proposal has been received from Water Leak Relief, Inc. for a leak protection program that would pay the difference between the customer's average monthly water bill and the qualifying water leak bill amount up to the customer's service limit amount.

Council member Graham stated that he doesn't want the current policy of forgiving one half of the customer's loss to change, which has been in place for many years.

Council member Harrison stated that the program was basically a self insurance program and could possibly protect utility customers from a rate increase as well as reduce the burden of the tax payer. He stated hopefully the program will reduce losses and lead to a rate reduction in the future.

The program would cover the cost of all water losses up to \$2,500 per customer two times per year with certain restrictions applicable. The fee proposed is \$1.35 per month per residential customer, \$4.70 for single occupancy commercial customers, and \$9.45 per month for multiple-occupancy customers. The fee will be added to the customer's water bill; however, the customer has the right to opt out of the program.

Mayor Mayberry suggested an industry standard 30 cent administrative charge to be added to the fees proposed.

Prior to the meeting, MTAS had been consulted about the legality of the City self insuring a program similar to the one proposed by Water Leak Relief, Inc. MTAS gave the following opinion:

"Public Acts of 2019, chapter 228 amended Tennessee Code Annotated § 7-34-115 to

authorize municipal utility systems that provide water, sewer, or natural gas to enter into agreements with insurance companies to provide leak protection and to offer that coverage to the utility's customers.

Finally, the bill authorizes a municipal utility to include the cost of the coverage, insurance, or service agreements on the customer's monthly utility bill. Tennessee Code Annotated § 7-34-115(l) states:

Notwithstanding any other law to the contrary, a municipal utility system providing water, sewer, or natural gas service has the power to enter into agreements with companies to provide water, sewer, or natural gas leak protection bill coverage, insurance, or service agreements for customers and to offer their customers water line, sewer line, or natural gas line damage protection coverage, insurance, or service agreements for customer-owned water, sewer, or natural gas lines. The municipal utility system may include the costs for the coverage, insurance, or service agreements on the monthly utility bills of their customers.

No portion of the statute allows the city to operate as the insurer. The statutory permissible uses of the user rates do not include protection from leaks on the customer's portion of the utility lines. Therefore, the city lacks authority to increase rates for this purpose and has no authority to operate as an insurance provider for leak protection."

A motion was made by Mayor James Mayberry, seconded by Council Member Rob Harrison to accept proposal from Water Leak Relief, Inc. as presented and include administrative charge of 30 cents. The motion carried by the following vote:

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

6. City Attorney's Report

a. City Attorney's Report-December

City Attorney Ridley reported that there haven't been any new lawsuits filed within the last month and that all of the money has been recovered from the accident involving City Manager Wood.

This Report was received and filed.

7. City Manager's Report

a. City Manager's Report - December

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

He noted that the Police Department recently received regional awards:

Tyrel Lorenz DUI Officer of the Year-issued 308 traffic citations and made 29 DUI arrests between Jan. 1, 2019 and October 1, 2019

Josh Mangus and Koby Wilson Beyond the Stop Award-Performance during a possible armed home invasion in progress

This Report was received and filed.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 6:25 p.m.