

City of Crossville

392 North Main Street
Crossville, Tennessee 38555



Minutes

Tuesday, March 4, 2025

5:00 PM

Conference Room 317

Work Session

Mayor R.J. Crawford
Council Member Art Gernt
Council Member Mike Turner
Council Member Mark A. Fox
Council Member James Mayberry
City Manager Valerie Hale
City Clerk Baylee Rhea

Call to Order

The Crossville City Council met for its monthly Work Session on Tuesday, March 4, 2025 at Crossville City Hall. Mayor Crawford was present and presiding. He called the meeting to order at 5 p.m.

Roll Call

Present 5 - Mayor R.J. Crawford, Council Member Art Gernt, Council Member Mike Turner, Council Member James Mayberry, and Council Member Mark A. Fox

Others present were City Manager Valerie Hale, City Clerk Baylee Rhea, City Attorney Randy York, Nathan Clouse, Kevin Music, Tim Begley, John Conrad, Steve Powell, Larry Kidwell, Bob Ross, Victor Torasso, Terry Potter, Ethan Medley, Joe Kerley, Jeff Dyer, Rob Harrison, Kay Whittaker, Chris South, Jessie Brooks, Chris Kendrick, Shea James, Leah Crockett, Serena Vasudeva, Ethan Hadley, Jade Callister, Kevin Young, Greg Davenport, John Werner, and Firefighters from Fire Station One B Shift.

Public Comment

Kay Whittaker spoke to Council regarding the Habitat trail by her home. She asked what was currently being done in regards to the trail and people using the trail. After she spoke at the last meeting, a barricade was put up to close the trail, but now it is gone and the trail is back open. by her home on walking trail. Chief Brooks stated he has extra patrol in the area, and he has also been patrolling in the area. Ms. Whittaker asks what the point of extra patrol is for? Chief Brooks stated all they can do is check out the situation and ask people what their purpose of being there is.

1. Presentation and update by Friends of the Trails

John Conrad with Friends of the Trails provided a presentation and update on the trails.

This presentation was received.

2. Presentation from Wauford

Kevin Young and Greg Davenport with Wauford provided an update on the Meadow Park Lake water supply project. There are several permits required. This project will involve raising the dam. This can be accomplished by raising the current dam or building a new dam. Mr. Young stated they will be discussing the project budget, schedule to complete the project, and the purpose of the project.

Cumberland County is at significant risk to ration water. Raw water demand has been projected for the next 50 years. Cumberland County does not have enough supply to meet the demand for the projection. There are three lakes, Meadow Park Lake, Lake Holiday, and Otter Creek Lake, that supply water to Cumberland County. The City already has a water harvesting arrangement with Lake Tansi. However, the volume of Meadow Park Lake is not adequate to optimize water from Lake Tansi. The plan only allows for from the Fall to Spring for the top four inches and whatever to spill over the

dam at Tansi up to five million gallons per day. This is only from the Fall to Spring, and usually, Meadow Park Lake is full in the Winter, so there is no place for the water to go. That only increases the Safe Yield Capacity at a minimal amount. By raising normal water level sixteen feet at Meadow Park Lake, it will double the Safe Yield Capacity. This extra yield will help meet projections for next 50 years for all of Cumberland County. To raise the water level up, the City will have to inundate existing wetlands and streams. To do this, a permit is needed. The Corp of Engineers at the Federal level and TDEC issue the permits required. To get the permits, you agree to mitigation. To mitigate a wetland, you restore previously drained wetland. To mitigate a stream, you must restore a stream damaged by humans and livestock. He explained the City would then receive credits for repairing damaged streams and wetlands. A project of this size would require over a mile of streams and 50 acres of wetlands. State and Federal rules require a minimum of impacted wetlands to be replaced at a 2:1 ratio. A project this size will require a full delivery mitigation contractor. This contractor would locate properties that have drained wetlands and streams that can be restored. The contractor would purchase these properties on behalf of the City of Crossville, develop a detailed plan, implement the plan, and monitor the site for the required amount of time. The plan must work as intended to be able to receive credits for mitigation.

All environmental impacts have been recorded and presented to the Corp of Engineers and State of Tennessee. The Corp of Engineers requires the area impacted be between elevation of the current and new dam. The State of Tennessee would require the additional 8 foot of vertical elevation which would lead to an additional \$32 million in mitigation. Wauford has been negotiating with the State to be more in line with what the Corp of Engineers requires. The State did not consider impacts when creating a reservoir, only developments. The Corps of Engineers has developed a standard operating procedure which does address reservoirs. This standard operating procedure was rejected by the State. Wauford has spent the majority of their time since their last presentation trying to reduce mitigation. While trying to come up with solutions to reduce mitigation, they realized they are not dealing with agencies, but people within agencies. He went on to say that persistence is required to get permit. During this time, all senior management had been replaced with TDEC except for the Deputy Commissioner. They realized they may be able to convince the new management to use the Standard Operating Procedure used by the Corp of Engineers, and after meeting with the new leadership, they were able to do so. Approximately \$32,000,000 was saved by using this Standard Operating Procedure.

Originally, they thought raising dam would be best route. This turned out to not be the best option. An alternative is to build a new dam using roller compacted technology.

The City cannot submit an application for permits until a detailed plan has been established. To do so, a full delivery mitigation firm must be hired. Wauford requested for authorization to advertise for proposals for a firm. Prior to submitting for the permit, the City of Crossville would need a Memorandum of Understanding with other water utility departments. This project needs to be regional project.

Greg Davenport stated a lot of time and money will go in to this project. He went on to say everyone is probably thinking 'how are we going to pay for it?' This is a historic project for Cumberland County. Financial options include the municipal bond market, SRF, grant funds, and there may be other funding programs, but they are probably not applicable. The SRF path requires 3 years of financials and is a lengthy review process. The City could possibly receive a grant and cheaper loan service rate. They will work with whoever finances this project. Their firm will work with Community

Development Partners to get funding sources.

A budget and schedule provided by Wauford for this project has been attached to the minutes.

This presentation was received.

3. Approval of temporary street closings for Taste of Crossville

DCI is planning the annual Taste of Crossville for Thursday, September 11. They request street closings as follows from 3:00 p.m. to 9:00 p.m.:

Main Street from Neecham to 4th

Taylor Avenue from Thurman Street to Main Street

This item was recommended for approval.

4. Discussion and action regarding assault against a First Responder

Council member Fox led a discussion involving T.C.A. 39-13-116 regarding assault against a First Responder and support to update the state statute. He explained that a Firefighter had been assaulted while on a medical call. Council member Fox would like assaults on First Responders to be upgraded from a misdemeanor to a felony like it is for Police Officers. He has spoken with City Attorney Randy York, and Mr. York is willing to draft an amendment to the current statute to present to Speaker Sexton and Senator Bailey. Council member Fox invited the Firefighter who was assaulted, Jade Callister, to speak to Council.

Callister expressed her thanks to the Mayor and Council for allowing her the opportunity to speak. Callister recounted the call they were responding to. She stated that the individual she was treating intentionally struck her across the face. She said she was lucky that she was not significantly hurt. Callister went on to inform Council that her partner at the scene restrained the individual enough that they were able to safely leave the structure. Callister provided information on the Back the Blue Act versus assault on a First Responder. Callister stated there were several issues; one being that the charges can be pled down. The individual that assaulted her received 3 days in jail and probation. The next issue she faces is the highest penalty, the class E felony, does not apply to First Responders. Their only means of protection is either to exit the structure or self defense. Firefighters do not carry any weapons. Callister went on to say her purpose for being at the meeting was to petition Senator Bailey and Speaker Sexton to amend the Back the Blue Act to include First Responders. Her goal is to ensure accountability, retention and support of First Responders, and prevention of future incidents. She goes on to say that if there is one thing they should not have to bear the weight of, it is wondering if those who assault them will be held accountable. She thanked Council member Fox, Chief South, Deputy Chief Potter, and others in the Fire Department for their support.

City Attorney York provided a timeline for proposed legislation changes. He stated that he could have this change ready to submit by May. He would like to meet with Council member Fox and the Fire Department prior to submitting the proposed changes. Due to the timeline, it would likely be the next session before these changes would be brought to the legislature for approval.

Chief South stated he would also be bringing this before the Tennessee Fire Chiefs Association as well to get a statewide push for the change.

5. Discussion and action regarding RFQs for Municipal Advisor

This item was on a February Council agenda, but it was pulled to be discussed further at the March Work Session. City Manager Valerie Hale informed Council that during an Audit Committee meeting, Staff was given the direction to send out RFQs for a Municipal Advisor for the financing of Fire Station #2. On Friday, February 7, 2024, Request for Qualifications for Municipal Advisors were received. Only one RFQ was submitted by Cumberland Securities.

Council member Mayberry asked which audit committee meeting this was discussed in. Mayor Crawford informed him that it was the December Audit Committee meeting. Council member Mayberry stated he did not remember that being discussed, and the first he heard about it was the 2x2 ad in the newspaper. He questioned how else this was advertised since Municipal Advisors likely do not subscribe to the Crossville Chronicle. City Manager Hale informed him that we advertise all bids by placing bids in the newspaper and on our website. The City also uses website called Vendor Registry that sends out bid information.

Council member Mayberry stated he had done a lot of research on this matter and handed out a packet of information. He believes the current Municipal Advisor has a standing contract. He went through the handout with the other Council members. He stated the contract has an executed of November 10, 2021. He believes if the contract had an effective date, it would overrule the signature date. He went on to read an article from the Internet supporting his claim. He believes if this discussion went before a court of law, this discussion would not last more than two minutes. He stated that being misled or misinformed by our attorney, he could be held liable for any damages. Council member Mayberry went on to state the next page is where City Manager Hale sent notice to Mr. Kidwell that his contract would not be renewed. He stated he could not find anywhere where the City Council approved cancelling or not renewing the contract. He stated the City Manager does not have the authority to cancel a contract City Council approved. Council member Mayberry stated the contract was effective September 2021, not November 2021, therefore Mr. Kidwell was not notified in a timely manner to cancel the contract. He believes Mr. Kidwell has an existing contract making him the City's Municipal Advisor until 2027 because the contract automatically renewed.

Mayor Crawford stated he respectfully disagrees with Council member Mayberry and asked for any other discussion. Mayor Crawford states his thought process moving forward is that we don't have a set contract with anyone for Municipal Advisor services outside of when we need the services. He would like to do something similar to what the County does and multiple other cities across the state. He feels like we can get a better rate than what we currently have. He said he believes Cumberland Securities is around one-half percent.

Council member Mayberry asked how Mayor Crawford knew what Cumberland Securities' rate was? Council member Mayberry stated he found an agreement with Spring Hill and their rates are set by Cumberland Security submitting a letter to them for each deal. Council member Mayberry stated their submission did not include a rate. Mayor Crawford stated that during their last presentation, their rate was around one-half percent for their service.

Mayor Crawford stated he does not want to be bound to one person or company. He wanted to get the best deal for the City and citizens of Crossville. Mayor Crawford

continued by saying if someone believes they are still under a contract with the City of Crossville, then a lawsuit can be filed. Mayor Crawford asked for the City Attorney's opinion. The City Attorney stated he has advised everyone of his opinion, and he is standing by his advice. He believes notice was given in a timely manner and the contract was terminated. He believes the City Manager had full authority to inform Mr. Kidwell. Mr. York stated he spoke with Mr. Kidwell at length regarding new contracts. Council member Mayberry stated he is only concerned about the date on the contract. City Attorney York stated he does not believe it renewed.

Mayor Crawford stated the reason this notice was given is because Mr. Kidwell was requesting two percent. Mr. Kidwell stated he asked for an additional percentage point for the first transaction completed. Mayor Crawford asked if that meant he was asking for an additional one percent on top of the one percent already in the contract meaning two percent. Mr. Kidwell stated he had requested that but did not receive permission for that. Mayor Crawford stated the City negotiated and to keep the City from being locked in to a contract, it was decided to provide Mr. Kidwell with notice to avoid an auto-renewal. Mayor Crawford stated he had not dug in to the minutes like Council member Mayberry had, but he was present and remembers trying to avoid an auto-renewal and other clauses within the contract being presented. The City wanted time to negotiate a contract.

Council member Fox asked Council member Mayberry if his question boils down to if there is presently a contract in place or not? Council member Mayberry stated it boils down to the signature date versus the executed date. Council member Fox followed up by clarifying that the September date was not provided 180-day notice but the November date would have provided 180-day notice. Council member Mayberry stated yes.

Mayor Crawford asked Mr. York what it's called when you get an opinion from the court without there being a lawsuit. Mr. York stated it's a declaratory action. Council member Mayberry asked how that works? Mr. York explained that the Council would vote to file a lawsuit, then the lawsuit would be prepared and filed. This lawsuit would have priority on the Court's docket. We would ask the Court for a ruling on this issue. Council member Mayberry asked if Mr. York would handle that or another attorney? Mr. York said he could unless the Council opted to have someone else do it. Council member Mayberry stated he thinks this is a great idea. Mr. York stated that Courts are reluctant to give an advisory opinion on something. There has to be a real issue. He cautioned that this may be deemed an advisory issue and they would decline.

Mayor Crawford stated to add this item to the agenda and stated Cumberland Securities is present if anyone had any questions for them. Council member Mayberry stated this is an RFQ and not an RFP. There is no doubt that Cumberland Securities is qualified, and they are the biggest in the state. He went on to say that the biggest doesn't always mean better. He stated he thinks one way or another this other deal, referring to the Kidwell contract, needs to be squared away. Council member Mayberry asked if there were any numbers regarding fees in their proposal. Mr. Werner stated their MA agreement provides a fee letter agreement.

Mayor Crawford stated that in the backdrop of this, City Staff is trying to determine the best route for financing Fire Station #2. He continued by stating we can pay for Fire Station #2 out of the General Fund and move on.

Council member Turner asked what was proposed to be on the agenda. Mayor Crawford stated it was to "select and approve Municipal Advisor, City Attorney to

negotiate a contract, and Mayor to sign contract upon City Attorney approval," which would then activate the letter Mr. Werner discussed. Mayor Crawford stated the City has several options on what can be done. Finance Director Nathan Clouse said he wanted to get the best option for the City.

6. Approval of donation request for the Military Museum

A donation request has been submitted by the Military Museum in the amount of \$22,000. They have requested this money to move furnaces, and an in-kind donation to paint the 1st floor.

They have raised \$804,150 for the restoration of the facility. This donation would help complete this portion of the project.

This item was recommended for approval.

The meeting went in to a 5 minute recess.

7. Ordinance amending Title 5 Chapter 6 Municipal Purchasing Procedures

City Council members have requested an amendment to the current purchasing ordinance. This amendment would allow for budgeted items over \$25,000 to be approved for purchase by the City Manager instead of going to Council. If the item is not budgeted or exceeds the budgeted amount, the City Council would vote for approval of the purchase. The City Clerk has also submitted a change to amend the section regarding bidding. This would allow for electronic bid submissions.

This item was recommended for approval.

8. Ordinance amending FY 24/25 Budget - Leasing and Military Museum

A budget amendment is necessary per the Comptroller's Office to move our leased vehicles in to a debt payment item. A budget amendment is also necessary for a donation to the Military Museum.

This item was recommended for approval.

9. Approval to write off outstanding balances

The City Clerk's Office recently reviewed cemetery records including the sale of plots and burials at City Cemetery. Upon this review, outstanding invoices were found. After consulting with the City Attorney and Finance Director, it was decided that some of these plots need to be written off. The City Clerk and Finance Director recommend writing off any balances on plots that were purchased more than 10 years ago, currently have someone buried in them, and a payment has not been made since the burial. There are currently 15 plots that meet these criteria, and the total amount owed is \$7,185.20. The auditors have recommended receiving Council approval prior to Staff taking any action.

This item was recommended for approval.

10. Approval of a variance for sidewalks on Sparta Highway

The owners/developers of Tax Map 099 017.00, located on Sparta Highway across from the entrance of Holiday Drive, are proposing a new apartment housing development. There will be approximately 40 housing units.

Since this multifamily development is proposed along an Arterial Road, per the multifamily ordinance, sidewalk construction is required. However, since the City and State do not have sidewalks planned for Sparta Highway, the developers have requested a variance to the requirement of sidewalk construction, and the requirement of any additional right-of-way dedication for sidewalks. The existing right-of-way along Sparta Highway is approximately 120 feet in width. The existing right-of-way would allow for road widening and sidewalk construction in the future, should one ever be planned.

This variance has been recommended by the Planning Commission at their February 20th meeting.

This item was recommended for approval.

11. Approval of contract with Crab Orchard Utility District

Approval of a contract with Crab Orchard Utility District for the sale of water.

This item was recommended to be placed under Other Business for further discussion.

12. Approval of resolution for Parks and Recreation Grant Cycle

A resolution is required to be passed by Council for the 2025 Parks and Recreation Grant Cycle. This is for the LPRF grant that will be used to fund an inclusive playground at Centennial Park if the City of Crossville is selected for the grant.

This item was recommended for approval.

13. Approval to submit a Letter of Intent for Healthy Built Environment Grant

Approval to submit a letter of intent to the Tennessee Department of Health to apply for the Healthy Built Environments Grant. This is a grant up to \$80,000 for the "design and construction of structures to increase access to safe opportunities for physical activity, increase access to healthy foods, or build community resilience." This grant will be used for lighting at the pickleball courts.

This item was recommended for approval.

14. Approval of Concessions Bid at Centennial Park

The Leisure Services Department requests to accept the Bid from Cindi Joe's BBQ to lease and operate the concession stands at Centennial Park. Their submission did not include operating at Duer Complex or Garrison Park.

This item was recommended for approval.

15. Approval of purchase of New Fire Pumper Truck

Crossville Fire Rescue has requested approval to order a new fire engine to replace the 2005 KME Predator Rescue Engine. Engine 18 is experiencing multiple mechanical issues and has become a burden for maintenance to keep the apparatus in service.

The Maintenance Department states the apparatus will need a complete overhaul of the engine and components. The cost is projected to be approximately \$150,000. In addition, the consistent issues plague the fire apparatus taking it out of service regularly. The apparatus is in the 20th year of frontline service. Chief South recommends replacing the apparatus instead of repairing the truck. Chief South contacted Siddons-Martin and asked to be placed on the fast track for a replacement Fire Engine. Siddons-Martin has a "Spec" truck that will be built and delivered in 32-33 months. It can be fully customized during the building process to meet the needs of the Fire Department. The fire engine will be a new version of the 2018 Engine 10. By staying consistent in truck design, all of the fire apparatuses will pump and drive the same. This will make training and operations more efficient.

The cost of the fire engine is \$1,308,467.00. Payment will not have to be made until delivery. Finance Director Clouse feels the City can place money in to the sinking fund in the same manner as we are for the current two on order. Split over the 33 months, the total monthly amount equals \$39,650.52. This acquisition will completely allow for the frontline fleet to be 2018 or newer and should greatly reduce maintenance costs.

This item was recommended for approval.

16. Crossville Regional Planning Commission

Jerry Wood's term for the Crossville Regional Planning Commission will expire in March 2025. He is willing to continue to serve as a commissioner for another 5-year term. This term will end March 2030.

This item was recommended for approval.

17. Stormwater Board of Appeals

One re-appointment needs to be made to the Stormwater Board of Appeals. The term of Don Cole expires on 3/10/25. He represents the Professional Civil Engineer segment on the Board. He is willing to continue to serve.

This item was recommended for approval.

Adjournment

The meeting was adjourned at 7:05 p.m.