

SPECIAL CALLED MEETING: AUGUST 30, 2011

The City Council for the City of Crossville, Tennessee met in special session on Tuesday, August 30, 2011, at Crossville City Hall.

Roll Call. Present: Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt. Others present were Interim City Manager Mike Turner, Attorney Joe Looney, City Clerk Sally Oglesby, Sharion Mercer, Fred Houston, Bobby Randolph, Mark Evans, Robin Hall, Kevin Dean, Jimmy Wayne Smith, Julia Dean, Jim Oakes, Charlie McMahon, David Beaty, Tim Begley, Jim Young, and Clark Annis.

Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 4:00 p.m.

ITEM #1 – CONSENT AGENDA

A motion was made by Councilman Boyd Wyatt, seconded by Councilman George Marlow, that all items on the consent agenda be approved as follows:

- a) 3rd Reading of ordinance adopting street names
- b) 2nd Reading of ordinance amending the FY11-12 budget in the amount of \$15,000 for tank maintenance
- c) 1st Reading of ordinance enacting a Code of Ordinances
- d) Approval of PGA Team Championship sponsor fee of \$7,500
- e) Ratification of easement acquisitions for Hwy. 127S utility relocation project
- f) Approval of purchase of materials for odor control at wastewater treatment plant (\$12,920 plus shipping from Kazmier & Associates)

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).
Yes: Councilman Boyd Wyatt, Sr., Councilman Earl Dean, Councilman George Marlow, Mayor J. H. Graham, III, Mayor Pro-Tem Danny R. Wyatt.

Clark Annis commented that the materials have been ordered from Kazmier & Associates and should be in next week. Kazmier & Associates is a sole source supplier. The Finance Director stated that a budget amendment would not be necessary.

ITEM #2 – MATTERS RELATIVE TO LANTANA ROAD EASEMENT

The City obtained a utility easement from Jim Oakes, Dorothy Oakes, and Sharion Mercer. Unlike most easement documents obtained by the City, this document allowed other utilities to also use the easement, if permission is granted by the City. Volunteer Energy has installed electrical poles across the Oakes property without permission of the City.

Attorney Joe Looney reported that his firm has a conflict in the matter as it is already representing Mr. Oakes in a condemnation case connected with this project. A legal opinion was received from Sid Hemsley, Senior Legal Consultant for MTAS, which is attached and made a part of these minutes. Mr. Looney recommended that the Oakes should have the opportunity to review the opinion with their counsel. He also stated that he was not sure that it had been confirmed by a surveyor that the electric poles are in the City's easement.

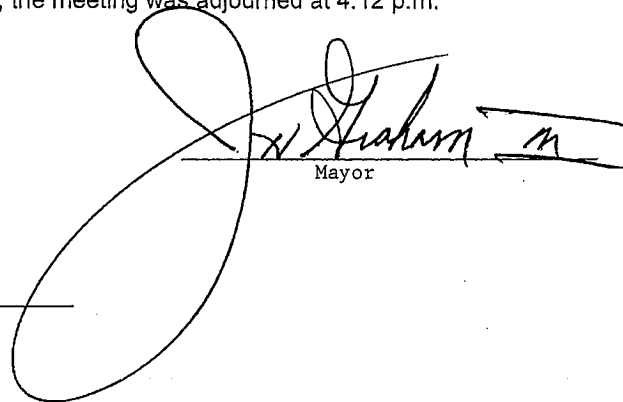
Mayor Graham questioned whether the City should be discussing the matter in open session since there is pending litigation in which the City may or may not be involved at some point. Mr. Looney reported that there is a lawsuit pending between the Oakes and Volunteer Energy on placing the poles on their property without an easement. Mr. Looney agreed with the Mayor that it should be dealt with in an executive session with an attorney other than their law firm.

SPECIAL CALLED MEETING: AUGUST 30, 2011

Councilman Boyd Wyatt stated that he did not believe the Council should get involved until both sides have an opportunity to see the MTAS letter. Councilman George Wyatt commented that he believed that Council should wait for any further discussion until the court hears the matter. Councilman Earl Dean voiced his opinion that the issue is between the Oakes and Volunteer Energy and is not the City's problem. Mayor Pro-Tem Danny Wyatt recommended that Council wait for both parties to have time to review the opinion. Mayor J.H. Graham asked that the matter be discussed, with representation, only in executive session, especially with the potential lawsuit.

By agreement of Council, the matter was deferred until further notice.

With no further business, the meeting was adjourned at 4:12 p.m.

A large, stylized handwritten signature in black ink, appearing to read "J.H. Graham", is written over a horizontal line. Below the line, the word "Mayor" is printed.

Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Sally Chesley", is written over a horizontal line. Below the line, the words "City Clerk" are printed.

City Clerk