

To: Crossville City Mayor and City Council Members
From: Lake Holiday lakefront property owners
Subject: Damages and loss of property caused by city's negligence in maintaining Holiday Lake water level

We the undersigned request that the city replace, repair, or otherwise compensate us for damages our properties have sustained as a result of the City's ongoing failure to maintain the water level in Holiday Lake at or below 9 inches below the height of its dam, which has automated, remotely operated relief valves designed specifically to control water height.

This issue was brought to the City's attention several times in the past. On April 4, 2010, according to the minutes from the City Council's meeting, "a motion was made by Councilman Duer, seconded by Councilman Dean, that **Holiday Lake be left at the long-term level of 1760.5' above sea level** and the City Manager be given the authority to negotiate with the property owners in the amount shown on the spreadsheet for the lower level [of compensation, which would require lake levels to be maintained at the aforementioned height in the future to avoid further damages to these property owners]." This motion passed unanimously.

After this meeting, the City painted a line on the lake side of the dam, marking the intended maximum height, yet water levels in Holiday Lake are typically higher than this maximum level determined by the City

Since 2010, the City has frequently failed to use the relief valves in the dam—which are automatic and remotely operable—to maintain the lake at 1760.5' above sea level, as established in this meeting. Often, water spills over the dam which is 9" higher than agreed to. As a result of the City's neglect to comply with their motion from April 8, 2010, further damages have occurred to the property owners on Holiday Lake.

We, the undersigned, are petitioning the City for restitutions for property damages incurred—and continuing to occur—from the City's failure to maintain its agreed upon water levels for Holiday Lake. We are also petitioning the City to maintain the 1760.5' above sea level for the lake so as to prevent further damages and unnecessary expenditures of local taxpayer monies.

Elaine Garavaglia
Richard James Peterson M.D.
Cecil Muller
Ronald Bodary
Mr & Mrs C Emory
Jing Lee (2 lots)

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Jay Bailey
176 Shoreline - OK

Ruth Walker

	Name	Address	Dock Repair		Wall or Eroding Bank		Total Estimated Repair Costs	Estimate if Water is Lowered
			Materials	Equipment + Labor	Materials	Equipment + Labor		
			Total + 10%		Total + 10%			
1	Robert Parsons	414 Holiday Drive			\$ 2,550.00	\$5,290.00	\$8,624.00	\$587.68
			\$0.00		\$8,624.00			
2	Mitchell Carson	196 Holiday Court	\$457.50	\$1,302.00	\$1,453.50	\$2,688.00	\$6,491.10	\$2,787.68
			\$1,935.45		\$4,555.65			
3	Ronald Bodary	53 Waterview Drive	\$1,110.00	\$1,680.00	\$812.50	\$1,610.00	\$5,733.75	\$1,027.40
			\$3,069.00		\$2,664.75			
4	Ronald Bodary <i>Steve</i>	80 Shoreline Drive	\$1,242.00	\$3,360.00	\$925.00	\$2,450.00	\$8,774.70	\$0.00
			\$5,062.20		\$3,712.50			
5	Era W. Young	760 Holiday Drive			\$5,590.00	\$8,120.00	\$15,081.00	\$3,269.75
			\$0.00		\$15,081.00			
6	Peter Flick	728 Holiday Drive					Best Guess \$30,000.00	\$3,000.00
7	William Selecman	583 Waterview Drive	\$750.00	\$2,450.00	\$1,550.00	\$3,220.00	\$8,767.00	\$2,059.75
			\$3,520.00		\$5,247.00			
8	Robert Walker	267 Waterview Drive	\$1,780.00	\$7,510.00	\$725.00	\$3,220.00	\$14,558.50	\$4,050.75
			\$10,219.00		\$4,339.50			
9	Elaine Garavaglia	85 Volunteer Court			\$630.00	\$4,050.00	\$5,148.00	\$4,050.75
			\$0.00		\$5,148.00			
10	Tom Miller	210 Holiday Court			\$1,475.00	\$2,840.00	\$4,746.50	\$3,795.00
			\$0.00		\$4,746.50			
11	Marion Harvey	90 Holiday Court			\$1,100.00	\$2,450.00	\$3,905.00	\$2,059.75
			\$0.00		\$3,905.00			
12	Edmond Frechette	83 St. James Point	\$200.00	\$1,680.00			\$2,068.00	\$0.00
			\$2,068.00		\$0.00			
13	Charles Tollett	82 Volunteer Court			\$2,550.00	\$8,710.00	\$12,386.00	\$6,154.50
			\$0.00		\$12,386.00			
14	Mary Lou Wibel	62 St. James Point	\$350.00	\$840.00			\$1,309.00	\$0.00
			\$1,309.00		\$0.00			
15	James Kartunis	573 Waterview Drive			\$375.00	\$1,225.00	\$1,760.00	\$1,650.00
			\$0.00		\$1,760.00			
16	John Lecher	505 Waterview Drive	\$3,245.00	\$7,100.00			\$11,379.50	\$0.00
			\$11,379.50		\$0.00			
17	Charles Loveday <i>Not Constructed</i>	194 Flamingo Drive	\$700.00	\$2,520.00	\$100.00	\$420.00	\$4,114.00	\$0.00
			\$3,542.00		\$572.00			
18	Tim Walker	785 Tennessee Ave.			\$3,475.00	\$5,610.00	\$9,993.50	\$270.60
			\$0.00		\$9,993.50			
19	Scott Shanks	479 Waterview Drive					Best Guess \$20,000.00	\$0.00

cost cost
High water Lower water?

20	Doug Torrence	116 Holiday Court		\$1,200.00	\$2,840.00		
			\$0.00		\$4,444.00	\$4,444.00	\$462.00
21	Gerrit VanDalen	107 Holiday Court		\$350.00	\$1,420.00		
			\$0.00		\$1,947.00	\$1,947.00	\$870.38
22	Nelson Delong	87 Holiday Court		\$300.00	\$1,225.00		
			\$0.00		\$1,677.50	\$1,677.50	\$358.88
23	David Litchford	948 Holiday Drive					
24	Tina Lee	1230 Holiday Court		\$2,825.00	\$10,640.00		
			\$0.00		\$14,811.50	\$14,811.50	\$3,962.75

\$197,719.55 \$40,417.62

ITEM #2 – MATTERS RELATIVE TO HOLIDAY LAKE

City Manager Ted Meadows explained that a decision needs to be made on whether Holiday Lake should be left at the level of the old weir or raised back up to the new weir level. Because of the excessive amount of rainfall received this summer, the lake has never been below the old weir level. A report was submitted on the estimated cost for repairs to properties with damage claims, if the lake is left at the higher level. This cost, utilizing city crews, is now estimated at approximately \$2,000,000. He also cautioned that he would expect more claims once the City began the repairs. Mr. Meadows recommended that the lake be left at the original level, which would reduce the cost to about \$400,000. The repairs would be limited to those damages actually caused by the higher level. Once a decision is made, the City Manager will meet with each property owner individually to discuss their situation and the remedial work that is planned.

Councilman Wyatt stated his opinion that he didn't want to lose the additional 9" that is now available from Holiday Lake. Mayor Graham agreed, but stated that he was now less concerned with the availability of water from Lake Tansi during the construction period on Meadow Park Lake. He now believes the available water from Tansi will make the difference in a drought situation. Councilman Wyatt stated that the vast majority of property owners are pleased with the higher level.

Mayor Graham expressed his desire to get flowage easements at the higher level if the repairs for the higher level are made. City Attorney Chadwell stated that he felt it could be accomplished. Councilman Duer stated that he felt like the claims would substantially rise if we raised the lake back up. He also commented that a lot of the erosion and property claims are the result of water levels that have accumulated for 30-40 years and not just from the past few months of higher water. It was also pointed out that, with all the rain this year, the problems would have been much worse if the spillway giving the City better control.

City Attorney Chadwell stated that there is a one year limit for inverse condemnation claims. When that time started is believed to be about December 2008 or January 2009.

A motion was made by Councilman Duer, seconded by Councilman Dean, that Holiday Lake be left at the long term level of 1760.5' above sea level and the City Manager be given the authority to negotiate with the property owners in the amounts shown on the spreadsheet for the lower level. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5). **Yes:** Councilman Boyd Wyatt, Sr., Councilman Carl Duer, Councilman Jesse Kerley, Mayor J. H. Graham, III, Mayor Pro-Tem Earl Dean.

ITEM #3 – MATTERS RELATIVE TO CASH FLOW CONCERNS FOR THE WATER AND SEWER FUND

Mayor Graham expressed his concerns that the cash has been reduced to about \$2,500,000, which is enough to pay the bills, but doesn't leave the reserves he feels are appropriate. The repairs to Caryonah dam are an additional concern. Director of Engineering Tom Wolf stated that the cost for those repairs could easily reach \$500,000-\$750,000. In addition, there are some possibilities that there may be TDEC fines over damages caused by the breach of the dam. Mr. Wolf reviewed meetings and discussions regarding the issues with the Water Pollution Control and Safe Dams divisions of TDEC. Bids are being solicited for the repairs and will be received on November 12.