

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Tuesday, February 10, 2015

6:05 PM

Council Chambers

## City Council

*Mayor James S. Mayberry*  
*Mayor Pro-Tem Pamala Harris*  
*Council Member Jesse Kerley*  
*Council Member Pedro (Pete) Souza*  
*Council Member Danny Wyatt*  
*City Manager David Rutherford*  
*City Clerk Sally Oglesby*

**PUBLIC HEARING**

*A public hearing was held on Tuesday, February 10, 2015 to receive comments from the public regarding a loan from the State Revolving Fund. Mayor James Mayberry was present and presiding. He called the public hearing to order at 6:00 p.m.*

**Drinking Water State Revolving Fund - \$341,010**

*Mayor Mayberry introduced Evan Sanders to explain the loan program. Mr. Sanders pointed out the amount is \$341,010 from the 2011 SRF Drinking Water Loan fund. The cost of the two waterlines is estimated to cost more than the loan; however, it is anticipated that there may funds left over from the downtown waterline project that can be used for these projects. The downtown waterline project bids on March 12 at which time the funding for the two lines will be more evident. If there is not enough funding, then the Brookhaven project will be done and the Highland Lane project delayed. The designs are now complete and bidding of the project will take place once the public hearing is held and the loan is closed. The plan is to be under construction this summer with the project completed by the end of the year. There will be short-term impacts from the inconveniences during construction that will be mitigated as much as possible. The long-term impact is the upgrading of systems that are in excess of 50 years old and are under-sized and in poor condition. The project will provide new and current systems with fire protection. The State Revolving Loan Program did an extensive review of the rates and concluded that no rate increase is needed to move forward on the project.*

*With no comments, the public hearing was adjourned at 6:08 P.M.*

**This Public Hearing was received and filed**

**REGULAR MEETING**

*The City Council for the City of Crossville met in regular session on Tuesday, February 10, 2015, at Crossville City Hall.*

**Roll Call**

**Present:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

*Others present were City Manager David Rutherford, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Tim Begley, Fred Houston, Lee Lawson, Andy Vaughn, Jim Young, Levonn Hubbard, Tom Isham, Ralph Reagan, David Brockway, Jim Morrow, Elaine Morrow, Jack Atkins, Kathy Noah, Evan Sanders, Kevin Bryant, Jackie Baker, Alan Baker, Steve Franks, Ashley Richards, Dick Demars, Pauline Sherrer, William T. Ridley, Tiffany Ridley, Susie Murphy, Brenda Cox, Aaron Rymer, Carol Ann Chadwell, Kyle Turner, Tom Flynn, Clark Annis, Tiffany Lyon, Tammie French, Chris South, Brad Allamong, Carol Hofford, Dennis and Beth Baize, Chris Bennett, Sam Hodge, Mark Hoffard, Betty Hendricks, Margaret Noland, Shane Flowers, Jeff Johnson, Carol Williamson, Donnie Williamson, Scott Christian, Joe Miller, Mark Fox, Cathe Rayme, Savannah Turner, Destiny Hitterwork, Bob Young,*

*Melinda Young, Nancy Hyder, Chuck Burgess, Jerry Kerley, Larry Qualls, Homer and Carol Ransdell, James Perry, Jonathan Hamby, Holly Lee, and Kevin Poore.*

## Call to Order

*Mayor James Mayberry was present and presiding. He called the meeting to order at 6:05 P.M. The invocation was given by Ralph Reagan of the Bread of Life. The Young Marines presented the colors and led the Pledge of Allegiance.*

## 1. Proclamations/Presentations

- a) Student of the Month
- b) World Spay Day

- a) Student of the Month - Megh Patel for the character trait "respect"*
- b) World Spay Day - February 24*

**These Presentation were announced.**

## 2. Appointments

Discussion and possible action on City Attorney appointment

*Current City Attorney Kenneth Chadwell resigned from his position effective February 27, 2015. Applications for the position have been received from Jack Atkins, Kevin Bryant, Margaret Noland, Kevin Poore, and Will Ridley. Following the resignation of the current City Attorney, additional resumes were received from Jonathan Hamby, Tiffany Lyons, and Holly Lee.*

*All applicants were present for a one-on-one interview held on February 9.*

**A motion was made by Mayor James Mayberry, seconded by Council Member Jesse Kerley, that the voting proceed through paper ballots with each Councilmember voting for their top 3 choices and that the next ballot be a vote for any candidate with at least 3 votes. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

*City Attorney Kenneth Chadwell read the ballots for each member of Council. On the second ballot, William Ridley was selected by a 4-1 vote. (Copies of the ballots are attached and made a part of these minutes.*

**A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Pamala Harris, that William Ridley be selected as City Attorney and the City Manager authorized to negotiate a contract for approval by Council. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

## 3. Consent Agenda

**Approval of the Consent Agenda**

**A motion was made by Council Member Danny Wyatt, seconded by Mayor James Mayberry, to approve all items on the Consent Agenda, except "i" and "l". The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

- a. Approval of minutes (1/13)

**The Minutes were approved as recommended.**

**Ordinances on Third Reading**

- b. Ordinance adopting 2014-S3 supplement to the Code of Ordinances

**This Ordinance was adopted on third reading.**

**Ordinances on Second Reading**

- c. Ordinance adding §6-104 pertaining to sexual offender registration fees

**This Ordinance was approved on second reading.**

- d. Ordinance amending §1-102 Order of Business to add reports from Cumberland County and Chamber

**This Ordinance was approved on second reading.**

- e. Ordinance amending FY2014-15 budget for SRF waterline project

**This Ordinance was approved on second reading.**

- f. Ordinance amending FY2014-15 budget for the SCADA Equipment upgrade

**This Ordinance was approved on second reading.**

- g. Ordinance deleting Title 14, Chapter 6 from the Crossville Municipal Code pertaining to Historic Zoning District

**This Ordinance was approved on second reading.**

- h. Ordinance amending FY2014-15 budget for storage hangar

**This Ordinance was approved on second reading.**

**Ordinances on First Reading**

- i. Ordinance amending §14-306(A)(1) and (2) regarding the Board of Floodplain Review

*Councilmember Wyatt and Mayor Pro-Tem Harris commented that they saw no need to make a change in the make-up of the Floodplain Board of Appeals since it has never met and that changes could be made as terms expire. Mayor Pro-Tem Harris stated that she would not want to be on the Board and would want the opportunity to appoint someone in her place.*

**A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the existing Board members be left as is and when their terms expire, appoint whomever the Council chooses. The motion failed by the following vote:**

**Aye:** 2 - Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**Nay:** 3 - Council Member Pete Souza, Council Member Jesse Kerley and Mayor James Mayberry

**A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that the Ordinance be amended to allow a councilmember to appoint someone in their place and the ordinance passed on first reading. The motion carried by the following vote:**

**Aye:** 3 - Council Member Pete Souza, Council Member Jesse Kerley and Mayor James Mayberry

**Nay:** 2 - Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**Additional Consent Items**

- j. Approval of concessions plan for park facilities for 2015

*The City Manager and Interim Parks Director presented a proposal for concessions for the coming season.*

**This concept for the 2015 season to operate the concession stands was approved as recommended.**

- k. Approval of temporary street closings for the Crossville Cruisers

*The Crossville Cruisers requested temporary street closings downtown for their cruise-ins on the 4th Saturday of each month from April through October. The downtown water line project is currently out for bid. If that project proceeds, then it is expected that portions of Main Street will be unavailable or in an unsuitable condition from about April through September.*

**The temporary street closings were approved, contingent on availability with the waterline project.**

- l. Approval of option to purchase industrial property

*An option has been negotiated on the Swallows property for approximately 140 acres at \$11,000 per acre. The option would be good for 6 months with the option to renew*

for an additional 90 days. This option would be signed jointly by the City and the County with the expectation that the County would share in the funding if the property is purchased.

Councilmember Wyatt expressed his concern that the City has 3 other sites already that could be improved and that extra money is not available with all the other budget concerns being faced. Councilmember

Souza agreed to work with the County to see if it could be jointly purchased, pending an appraisal.

Mayor Mayberry commented that it would just be an option to see if agreements can be reached with the County, if the property is suitable. The property is close to water and sewer, Hwy. 70, and adjacent to City industrial property on Maryetta. City Manager Rutherford explained that the City has been looking at the property with the County and Chamber for a site for a potential 250,000 sf building on a 25-30 acre site. In his opinion, the City should have purchased it several years ago due to its location. Further, he stated that the property was better than any other property the City owns for industrial purposes. Councilmember Wyatt described the TVA site plan for Interchange Park and its potential. Councilmember Souza asked to have more information for the Council at the next work session.

**A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Pamala Harris, that the Mayor be authorized to sign an option on the Swallows property. The motion carried by the following vote:**

**Aye:** 4 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry and Mayor Pro-tem Pamala Harris

**Nay:** 1 - Council Member Danny Wyatt

- m. Approval of temporary street closing for Run to Read 5K and 1 Mile Character Chase on Saturday, March 14

*The Cumberland County Imagination Library and the Coordinated School Health School Program are co-sponsoring the 2nd annual Run to Read 5K and 1 mile Character Chase on Saturday, March 14 beginning at 7:30 a.m. The races will begin at Stone Memorial High School and continue on Cook Road and should be concluded by 9:30 a.m.*

**The temporary street closings were approved as recommended.**

- n. Approval of loan renewal on CCHS Air Force Jet

*Miss Nettie, the USAF aircraft located at CCHS is on loan to the City of Crossville. Annually, we provide pictures to verify her condition, and must renew the lease agreement. When repairs or re-painting has to occur, CCHS takes that responsibility.*

**The loan agreement renewal was approved as recommended.**

- o. Approval of Airport Tree Removal Project Final Change Order

*The final quantities for this project have been tabulated in a change order as a \$5,538.70 reduction in the contract price.*

**The change order in the deduct amount of \$5,538.70 with Norris Brothers Construction was approved as recommended.**

#### 4. Bids/Purchases

*(Bid tabulations are attached and made a part of these minutes.)*

**a. Fertilizer**

*The low bid from Dickens Turf and Landscaping at \$16,228.75 was recommended for the 2015 calendar year.*

**A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that the low bid be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**b. HVAC (Palace Theatre)**

*An HVAC unit is in need of replacement at the Palace Theatre. The low bid of Action Heating and Cooling in the amount of \$9,256 was recommended for acceptance.*

**A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the low bid be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**5. Marketing Report****February Marketing Report**

*Marketing Director Billy Loggins provided updates on the following:*

- *Freedom in Flight - Bald Eagle event on February 16 at the Visitor's Center*
- *Tennessee Tourism Vacation Guides*
- *Healthier TN*
- *Select Travel Group*
- *Tennessee Environmental Council February 21st Event*
- *Event Calendar*
- *Sustainable Communities*

*He also reported that he has been working with a retailer who wanted to be operational in the Fall. They have found a new location and will be open in March.*

**This Report was received and filed**

**6. Other Business****a. Discussion and action on County building inspections**

*As discussed at the work session, the building inspection program for Cumberland County is at the end of the 6 month extension. No response has been received from the County on the continuance or discontinuance of the program. A decision needs to be made in order to budget for next year so that sufficient staff will be available to work on code issues within the City limits. Councilmember Kerley stated that he wanted to continue to help them out since it helps fund the department and he wants to hear from the county commission. Mayor Mayberry replied that he would be in*

*favor of extending it until next year's budget, but the city is neglecting what it needs to do and will have to add to our staff to take care of code infractions. Councilmember Souza expressed concerns about the City doing the duties that are the County's responsibility. He is also less than content with the problems in codes enforcement to clean the city up because we can't do both with the current manpower. He would not support continuing the County inspections past June 30. Mayor Pro-Tem Harris also expressed her concerns with the existing problems in the city that are not being addressed because of the lack of staff. Councilmember Wyatt questioned the City Manager about how far behind we are in code enforcement. Mr. Rutherford replied that he has been asking for manpower for 15 months because it will take 1 or 2 people to do it. Any permits sold through June 30 will have to be continued until the project is complete or transfer the money to the County. Mayor Pro-Tem Harris suggested 30-60 days to get an answer from the County.*

**A motion was made by Council Member Danny Wyatt, seconded by Council Member Jesse Kerley, that the County building inspection continue through June 30 and the City Manager be requested to provide an analysis of the cost required to add staff for a potential subsidy from the County, if we continue to provide the service to the County. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**b.** Discussion and action on City of Crossville Team Championship

*A vote was held at the December Council meeting regarding sponsorship of the 2015 Team Championship. This failed to pass. Some private sponsorship money in the amount of \$5,000.00 has since been secured. The total cost of the sponsorship is approximately \$10,000. Because of these donations, the Council was asked to re-consider continuing with this July event.*

**A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Pamala Harris, that action taken earlier on the 2015 Team Championship be reconsidered and the amount of \$5,000 be approved to match the private donations. The motion carried by the following vote:**

**Aye:** 4 - Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**Abstain:** 1 - Council Member Pete Souza

**c.** Discussion and action on interchange lighting refund

*In 2003, the City entered into an agreement with TDOT for the construction of interchange lighting on the northeast quadrant of I-40 and Hwy. 127. The City agreed to pay 50% of the costs. A deposit of \$50,000 was made to cover 50% of the estimated costs. In 2005, the project was bid and the City was requested to deposit an additional \$35,138, which was done. In April 2008, the State requested an additional \$110,272.52 to cover costs. This request was challenged by the City Clerk and the State requested to review the charges and send a detail of the costs charged for one light pole that was awarded at a cost of \$154,796.32. Following their review, they discovered that there were costs charged to the account that should not have been and, eventually, revised the final costs which resulted in a credit due to the City of \$19,157.47. The City Clerk requested that the money be refunded to the City. Because it was a wire transfer, the City Clerk was unaware that the State refunded \$87,933.69 in 2008 for this project instead of \$19,157.47. A letter was just received from the State requesting that the City pay the difference of \$68,610.74 back to the*



State.

**A motion was made by Council Member Danny Wyatt, seconded by Council Member Jesse Kerley, that the refund to the State be approved and a budget amendment passed on first reading. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**d.** Discussion and action on River Run Golf Club

*As discussed at work session, Councilmember Kerley would like to begin negotiations on the purchase of the River Run Golf Club as a potential location for the City's effluent from the wastewater treatment plant through an irrigation system. Information on land application was presented to the Council by Karina Byrum from TDEC at the May 29, 2014 work session. Since the purchase would be for the wastewater effluent, Councilmember Kerley believed that the funding could come out of the water/sewer fund. The City Manager was asked to determine how many acres are feasible for the effluent and also the potential use of the airport property for the effluent, without engaging engineers.*

**A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Pamala Harris, that the City Manager be authorized to explore the feasibility of purchasing the River Run Golf Course and its application for the wastewater effluent. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**e.** Discussion and action on extension of option for Project Enterprise

*The option that was granted by the City Council on an 18.59 acre tract on Interchange Drive for Project Enterprise expires on February 8. A request was received for an extension of an additional 120 days while the proposed tenant continues to evaluate their options.*

**A motion was made by Council Member Danny Wyatt, seconded by Council Member Jesse Kerley, that an extension of 120 days be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**7. City Attorney's Report**

City Attorney's Report

*City Attorney Kenneth Chadwell reported that no new lawsuits had been filed during the previous month. He thanked the Council, previous Councils, and staff for the opportunity to serve the City as City Attorney.*

**This Report was received and filed**

**8. City Manager's Report**

## City Manager's Report

*City Manager Rutherford presented the monthly revenue reports for local option sales tax, wholesale beer, and retail liquor inspection fees. Reports were also given on building permits, grants, special projects, and debt service. The new Police Chief, Rodney Shoap, was introduced.*

**This Report was received and filed**

## 9. Public Comment

*Mayor Mayberry opened the floor for public comments.*

*Kathy Noah from Prentice Street stated that the house next to her was condemned for meth. She asked for assistance in getting the matter resolved and cleaned up. The next house is also delapidated because the owner died and it has been abandoned. City Manager responded that the City needs to proceed with condemning the property.*

*David Brockway spoke regarding devalued property issues because of dilapidated houses in the area.*

*Councilmember Souza asked that building inspections and blights in the City be discussed at the March work session because the City has failed in code enforcement*

*Deer Creek Property Owners Association representatives spoke regarding the proposed move of a house onto Goose Pointe. Sammy Hodge stated that the house is projected to come through Tommy's Honda and behind Reed Trucking, taking out mature trees on East Deer Creek and Goose Pointe and crossing a wetland (small stream). He expressed that this will be environmentally detrimental and that the trees serve as a sound barrier from I-40. He also stated that they may be taking some trees, mailboxes, and street lights on private properties. The owner of the house came to the HOA architectural committee for a permit, but was turned down until they reviewed the plans; however, he went ahead and cleared the lot of the trees without the approvals, which is against the Covenants. He further reported that the permit that he got from codes was for house renovation not for moving the house. He asked that the application be reviewed very thoroughly. Dennis Baize pointed out that research has been done by the community on the City's ordinance regarding the moving of houses. He reviewed the section on denial of such a permit and asked that proper attention be given to that section. Councilmember Souza asked the City Manager to take personal responsibility for the permits to see that the Code is followed. Homer Ransdell expressed his concern about emergency needs if they were in the middle of moving the house. He asked that all members of the Council visit the entrance and neighborhood. Mayor Pro-Tem Harris stated that she appreciated the concerns and that the City would work to resolve the issues brought up.*

## **ADJOURNMENT**

**With no further business, the meeting was adjourned at 8:04 P.M.**