

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Thursday, April 14, 2016

6:00 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
Interim City Manager Steve Hill
City Clerk Sally Oglesby

PUBLIC HEARING

The City Council for the City of Crossville held a Public Hearing on Thursday, April 14, 2016, to receive comments from the public regarding the annexation progress report for 2374 Lantana Road.

Mayor Mayberry called the public hearing to order at 5:50 p.m.

Annexation Progress Report (2374 Lantana Road)

Mayor Mayberry reported that all services have been provided as outlined and/or requested by the owner/developer. He opened the floor for comments from the public.

With no comments, the public hearing was adjourned at 5:54 p.m.

This Public Hearing was received and filed

REGULAR MEETING

The City Council for the City of Crossville, Tennessee met in regular session on Thursday, April 14, 2016, 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 Interim City Manager Steve Hill, City Attorney Will Ridley, City Clerk Sally Oglesby, Andy Vaughn, Judy Ann Stover, Lewis Stover, R. J. Peterson, Jim Young, David Brockway, Tammie French, Jeff Johnson, Sue York, J. R. Blankenship, Howard Burnette, Kathy Burnette, Ellen O'Brien, Bob Mohar, Joe Phabeetz, Bob Schwartz, Liz Denton, Tim Chesson, David Jackson, Dean Phelan, Wiley Potter, Rolf Weeks, Bruce Anderson, Kevin Music, Katrina DeRossett, Jeremy DeRossett, Jeff Kerley, Levonn Hubbard, Tim Begley, Butch Smith, Ray Evans, John Turner, Chris South, Gary Nelson, Ashley DeRossett, Ed Camera, Kyle Sherrill Ray Hansen, Linda Hansen, Tina Burgess, Brenda Cox, Susie Murphy, Joe Kerley, Jerry Kerley, Wendell Kerley, Mike Turner, Cassandra Norrod, Denise Melton, Leah Crockett, Khrista Wyatt, Randy Graham, Gloria Lewis, Jerry Lewis, Jim Morrow, Brian Eckelson, Laney Colvard, Brad Allamong, Sherley Wyatt, Pauline Sherrer, Billy Loggins, Casey Scarlett, and Jeff Dahlgren.

Call to Order

Mayor Mayberry called the meeting to order at 6:00 p.m. He briefly reviewed the Standing Rules of the Council regarding public comment and conduct. Tim Chesson from the Faith Worship Center gave the invocation. Mayor Mayberry led the Pledge of Allegiance.

1. Proclamations/Presentations

- a) Student of the Month
- b) Officer of the Month

a) Student of the Month - Jade Morales for the character trait "Citizenship"
b) Officer of the Month - Master Patrol Officer Matthew Green, Sgt. Dustin Lester, Master Patrol Officer E.J. Williams, Senior Patrol Officer Daniel Coleman, Sgt. Tim Vandever and Public Works employee Jeremy DeRossett were honored.

The Presentations were announced.

2. Appointments - NONE

3. Consent Agenda

Approval of the Consent Agenda

A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Pamala Harris, to approve all items on the Consent Agenda, except "s". 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 (3/10, 4/4)

The Minutes were approved as recommended.

Ordinances on Third Reading

- b. Ordinance amending § 12-810 regarding permits for moving buildings

This Ordinance was adopted on third reading.

- c. Ordinance amending § 8-308 of the Crossville Municipal Code pertaining to intoxicating liquors advertising

This Ordinance was adopted on third reading.

- d. Ordinance amending portions of Title 8, Chapter 3 of the Crossville Municipal Code pertaining to intoxicating liquors

This Ordinance was adopted on third reading.

Ordinances on Second Reading

- e. Ordinance amending the budget for FY2015-16 for CoLinux project

This Ordinance was approved on second reading.

- f. Discussion and action on Cumberland County Regional Water Supply Plan
This Ordinance was approved on second reading.

Ordinances on First Reading

- g. Ordinance amending § 8-104 of the Crossville Municipal Code pertaining to alcoholic beverages
It was discovered that the language in § 8-104 pertaining to the payment of the annual privilege fee for liquor by the drink licenses was worded incorrectly. The intent and the practice have been for the fee to be paid within 30 days of expiration. This ordinance corrects the wording.
This Ordinance was approved on first reading.

Additional Consent Items

- h. Acceptance of Commercial Dr. as a City Street

Several complaints about the current condition of Commercial Drive were filed with the city. Commercial Drive is located near the 127N access to Interstate 40. It runs between Crossroads Drive to the employee entrance of StonePeak at the intersection with My Yamaha Drive. The road is currently not a City street. The road was built as an access frontage road to Interstate 40 during the construction of I-40. At the time, the area was not inside the City Limits of Crossville. An agreement was drawn and accepted by the County to maintain any frontage roads. City staff believes that the area was annexed into the City of Crossville in the early 1980s for the construction of a hotel that was associated with the preparations for the 1982 World's Fair, which was held in Knoxville, TN. It would appear the road has been in a state of limbo ever since in regard to who should be maintaining it.

City staff has calculated an estimated cost to resurface the road or do a "rough patch" with cold mix. The estimated costs are as follows:

*Resurface the full ~1590 feet of Commercial Drive:
22ft wide / 2 in. deep-85 tons: \$37,400.00
Rough Patch with Cold Mix to just maintain:
20 tons: \$1,500.00*

At their March 17th meeting, the Planning Commission recommended acceptance of Commercial Drive as a city street.

The acceptance of Commercial Drive as a City street was approved as recommended.

- i. Approval of grant application to the Department of Justice for grant money to purchase police vests
The Department of Justice provides a grant program to pay 50% of the costs for the purchase of vests for the police Officers. Applications are due by May 16, 2016.
The grant application was approved as recommended.

- j. Approval of temporary street closings for Crossville Cruisers monthly

cruise-ins

The Crossville Cruisers have requested that Main Street be closed off during the cruise-ins from April through October on the 4th Saturday of each month. This approval would be rescinded once the sidewalk/street lighting project begins construction. The cost for City employees to close the streets and provide for safety is approximately \$600-750 per event.

The temporary road closures were approved as recommended.

k. Approval of temporary street closings for Taste of Crossville on Thursday, May 26

DCI is planning their annual Taste of Crossville on Thursday, May 26 and request streets closings beginning at 3:00 p.m. and ending at 9:00 p.m.

The temporary road closures were approved as recommended.

l. Approval of temporary street closings for block party on May 28

The owners of Sweet Effects have requested to temporarily close streets for their grand opening on Saturday, May 28, from 10:00 a.m. to 2:00 p.m. The business is located on the corner of W. Adams, Elmo, and Gridiron.

The temporary road closures were approved as recommended.

m. Approval of temporary street closings for Cumberland Fellowship

Cumberland Fellowship is planning outdoor services each Wednesday beginning June 1 and ending July 27. They will be using the amphitheater and the courthouse grounds. They have requested that Thurman Ave. between 4th and 2nd be closed from 5:00 p.m. to 8:00 p.m.

The temporary road closures were approved as recommended.

n. Approval of road closures for Memorial Day ceremonies

The Veterans organizations are planning the ceremonies to commemorate Memorial Day on Monday, May 30, and are requesting assistance with temporary road closures at 4th and Rector, 5th and Main, 4th and Thurman, and 2nd and Main. The roads will need to be closed from 9:30 a.m. - 12:00 noon.

The temporary road closures were approved as recommended.

o. Approval of Certificate of Compliance for Eco Travel Plaza

Michael Renfro, General Manager of Eco Travel Plaza located at 1897 Genesis Road requested a Certificate of Compliance to allow them to sell wine in their store beginning July 1, 2016. A background check has been presented, which showed no issues.

The Certificate of Compliance was approved as recommended.

p. Approval of Certificate of Compliance for Weigel's Store 87

William B. Weigel, Laurie Keville, Ann Rector Weigel, Kenneth McMullen, William Kurt Weigel, and Margaret Weigel requested a Certificate of Compliance to allow

them to sell wine at Weigel's Store 87 located at 1023 West Avenue beginning July 1, 2016. A background check has been presented, which showed no issues.

The Certificate of Compliance was approved as recommended.

q. Approval of application for Pole Banner permits for TCAT

TCAT has requested the City to install 6 pole banners in front of their campus celebrating their 50th anniversary. They have purchased the banners and brackets.

This Permit was approved as recommended.

r. Approval of Contract Urban & Community Forestry Program Grant

In September 2015, Crossville City Council voted to accept grant funds from the State of Tennessee Department of Forestry. The Crossville Tree Board is requesting approval of the contract from the State of Tennessee for the Tennessee Urban and Community Forestry Grant. The grant funds will be used to fund an Urban Forester position part time. The grant will start July 1, 2016.

This Contract was approved as recommended.

s. Approval of Contract for Interstate 40 Landscape

The Crossville Tree Board planted trees to beautify the on and off ramps at the following locations:

Cumberland County at: Eastbound Off-Ramp Exit 320, Eastbound On-Ramp Exit 320, Eastbound Off-Ramp Exit 322, Eastbound On-Ramp Exit 322, Westbound Off-Ramp Exit 322, Westbound On-Ramp Exit 322, Westbound Off-Ramp Exit 320, Westbound On-Ramp Exit 320, Westbound Off-Ramp Exit 317, and Westbound On-Ramp Exit 317

The Crossville Tree Board received verbal approval from TDOT in 2015 to plant the trees and planted the trees in January 2016. New TDOT regulations now require a permit/contract.

The City Attorney has reviewed the contract and does not have any suggested revisions. By approving the contract, the City understands that if damage is caused or the roadway is blocked, the City will be held responsible.

The trees were staked with metal posts and TDOT has requested that those be replaced with wooden posts, which will be done by May 15, 2016.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Pamala Harris, that this Contract 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

4. Bids/Purchases

a. City Property Mowing Contract

The City of Crossville accepted bids in 2015 to mow the following locations: Police Station, Amphitheater, Southern Welcome Sign, City Hall, Airport Terminal Building and Tansi Pump Station. The Maintenance Supervisor recommended approving the low bid of \$156.00 submitted by Total Outdoor Services. The amount bid is to mow

said properties on a weekly basis. The bid provided the option to extend for one additional year.

A motion was made by Council Member Danny Wyatt, seconded by Council Member Pete Souza, that the contract be extended 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. Rock Purchase from Rogers Group

With the announcement that Rogers Group Rock Yard will be closing the plant off Maryetta Street, the City of Crossville has been given the opportunity to purchase the remaining 33C gravel at the plant for \$10.00 per ton. It is estimated approximately 2700 tons are available. The Street Supervisor recommends purchasing the gravel for an estimated cost of \$27,000. The purchase offers a cost savings to the City of Crossville of about \$5,000, and the gravel will be put in stockpile and used as needed.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that this purchase 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

Horizon Initiative Expenditure

At the request of Mayor Pro-Tem Harris that any expenses related to the Horizon Initiative be presented to the City Council since the expenses are not in the budget, MMA Creative has issued an invoice for \$1,635 and Mr. Rutherford placed this on the agenda prior to his termination as City Manager.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Pamala Harris, that the invoice in the amount of \$1,635 to MMA be paid. The motion carried by the following vote:

Aye: 3 - Council Member Pete Souza, Mayor James Mayberry and Mayor Pro-tem Pamala Harris

Nay: 2 - Council Member Jesse Kerley and Council Member Danny Wyatt

A motion was made by Council Member Danny Wyatt, seconded by Council Member Jesse Kerley, that action be postponed indefinitely. Motion failed by the following vote:

Aye: 2 - Council Member Jesse Kerley and Council Member Danny Wyatt

Nay: 3 - Council Member Pete Souza, Mayor James Mayberry and Mayor Pro-tem Pamala Harris

City Attorney Ridley opined that to postpone indefinitely would be to the next Council meeting. A point of order was raised on the discussion of the original motion and the subsidiary motion to postpone. Mr. Ridley stated that both motions could be

discussed at the same time. The vote on the subsidiary motion was taken prior to the vote on the main motion.

Those in favor of the motion stated that MMA did the work, were asked to do the work, the City is obligated for the services they rendered, that the City Manager has \$5,000 authority, and this bill is due and payable.

Those in opposition of the motion stated that they wanted MMA to meet with City Council and supply documentation on the orders.

Following passage of the motion, Mayor Pro-Tem Harris pointed out that collectively over \$8,000 has been spent on the project with the full Council not being made aware of the expenditures and that everything in the future should go through the Chamber since they are the point of contact in the cooperative agreement.

d. Records Management Software

In 2012 the Police Department purchased a Records Management System from Tri-Tech. The system is incomplete with components missing and has never worked properly. Service has been poor and/or non-existent. A RFP went out for a new software system and Alen, Inc software is recommended to take its place at a cost of \$21,061 annually. Alen is a lease program and a cloud based system using the same security protocols as CJIS (Criminal Justice Information System). Chief Shoap recommended approval.

A motion was made by Council Member Danny Wyatt, seconded by Council Member Pete Souza, that a lease with Alen, Inc. 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

e. Banking Services

Requests for Proposals were issued for banking services with Cumberland County Bank, Regions, and Progressive Bank responding. The Finance Department reviewed the proposals and recommended approving the proposal of Cumberland County Bank for banking services for July 1, 2016 through June 30, 2018.

A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Pamala Harris, that Cumberland County Bank 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

f. Benthic Assessment

RFQ's for Benthic Macroinvertebrate Monitoring and Assessment were sent out on March 14th 2016. Companies had until March 29th 2016 to turn in their qualifications for review. Six companies responded with qualifications. 1. (Aquaeter Inc. of Brentwood, TN) 2. (CEC of Franklin, TN) 3. (EA Engineering Science of Hunt Valley, MD) 4. (DEPA of Crossville, TN) 5. (Nutter & Associates of Athens, GA) and 6. (Pennington & Associates of Cookeville, TN). There were two reviewers during this process both within the City Engineering Dept. Score sheets used during this process were based on four things with a rating of 1 to 5, 1 being the lowest and 5 being the highest. The four things that were taken into consideration were Experience, Related Projects, Familiarity with Region and Qualifications.

Without discussion, both reviewers were handed score sheets and qualifications. After the review process was over, score sheets were tallied and the results are; Pennington and Associates scored the highest with 36 points, CEC came in second with a total of 30 points, Nutter & Associates came in third with 29 points, Aquaeter Inc. and EA Engineering tied for fourth with 25 points, and rounding out the qualifications was DEPA with 23 points. Copies of score sheets and notes are available at request. After scoring the RFQ's, a price quote was requested from Pennington and Associates which is attached with a price not to exceed \$8,112.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the contract with Pennington & Associates 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

g. Vertical Turbine Pumps

Bids were solicited for the purchase of two vertical turbine (sump) pumps for Water Resources. The low bid did not meet the specifications on one of the pumps. Water Resources recommended the purchase from John Bouchard & Sons for \$45,750.

A motion was made by Council Member Danny Wyatt, seconded by Council Member Pete Souza, that the purchase 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

April Marketing Report

Marketing Director Billy Loggins provided a report on the following:

- Friday Night Air Summer Concert Series - Crimestoppers will have movies after the concerts*
- FAM Tour*
- 2016 Sustainability Fair*
- ATRA - Active Traffic Rest Areas - may be grants available through TDOT/TDEC*
- Tesla - a charging station has been installed at Stonehaus Winery*
- Tennessee Summer Olympics - We are hosting the golf events on June 13-14*
- MS Tennessee Senior America Pageant - April 16 at Palace*
- Master Gardeners Plant and Flower Show - April 22-24*

Mr. Loggins explained the certification program he is completing for an economic developer course.

An announcement was just made by the Chamber that Crossville will be the site of the State and Women's Bowling Tournament this summer.

Mr. Loggins discussed requirements of marketing and economic development.

This Report was received and filed

6. Cumberland County/Chamber Report

Brad Allamong distributed information on the bowling tournament that was announced. They expect 2,000+ bowlers over 3 tournaments in March-April, 2017. A \$25,000 grant from the 3 Star Program has been applied for to address daycare services, supervisor training program, and training on work ethics. The Chamber Board has adopted new language in the cooperative agreement (now approved by Crab Orchard, County). Pleasant Hill is reviewing it. On the Horizon Initiative funding campaign for 1 year of \$120,000, the Chamber has raised all but \$27,000 so far. The City and County have agreed to matching those funds with \$40,000 each. He pointed out that workforce issues have to be fixed. The Chamber is still determining what companies we need to attract to fit our community.

7. Other Business

a. Discussion and action on Aviagen property transfer

City Attorney Will Ridley explained the purchase and sale agreement and escrow agreement.

A motion was made by Council Member Danny Wyatt, seconded by Council Member Pete Souza, that the agreements 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

Discussion and action on the proposed sale of property on Wyatt Court

A motion was made by Council Member Pete Souza that the matter be tabled until next month. The motion died for lack of a second.

Steve Hill presented a proposal from Butch Smith to purchase approximately 9.09 acres on Wyatt Court that is adjacent to his property. It has been priced at \$25,000 per acre. He wants to build a spec building on the property. He is offering to put the money in escrow with the City and the cost would be reduced \$5,000 per job for new employees in the new facility.

Ray Evans explained the proposal that would construct a 50,000 sf spec building with the ability to connect to the existing building and 30-40' ceilings. The IDB would be requested to offer a 10 year PILOT. The City is asked to provide field material from an adjacent area for borrow material in site prep. As required by Charter, there is a 30 day waiting period before a sale can be completed which gives the time to prepare the contract documents. Those in favor of the motion pointed out that it is a win/win for community since buildings are needed to attract new industries.

Butch Smith stated that it must be a unanimous decision by the Council for him to proceed. Councilmember Souza asked that environmental responsibility be included in contract. Brad Allamong spoke in favor of the proposal.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the sale of the property as proposed be approved, subject to the thirty day advertisement requirement. 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

c. Discussion and action on employee for Codes Department

As discussed last year, with the continuing of permits for the County, an additional employee is needed to concentrate on property maintenance issues and more office support while inspections are going on. The projected salary range will be \$28,000-30,000 plus benefits (approximately 40%). A vehicle has already been secured from the surplus vehicles in the Police Department.

A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem Pamala Harris, that approval be given for the hiring of a new employee and the 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 LRPF grant application for renovation of Garrison Park

As approved at the January Council meeting, a grant application is being prepared for submittal by April 22. Since the January meeting, the grant agency has raised the maximum amount for grants from \$250,000 to \$500,000. The budget and scope has been reworked with this in mind and needs to be approved by Council.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Jesse Kerley, that the revised grant application scope and budget be approved and the resolution selecting Community Development Partners to provide assistance and administration on the project, if it is funded, be approved. 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 application for a tourism grant

The Tennessee Department of Economic and Community Development just announced on March 10 a grant opportunity for projects that enhance tourism. In looking at the suggestions furnished by the State, staff would like Council to consider an application to help fund the restrooms/concessions at the amphitheatre. The maximum grant is \$50,000 with a local match of 30%. A decision needs to be made quickly as the applications are due on April 18.

The proposed project is in the capital plan with an estimated cost of \$166,500, which includes construction, design, and sitework. Announcements will be made in June. If successful, the project can be included in the 2016-17 budget. The project will be required to be completed in one year.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that approval be given for an application for a tourism enhancement grant for the restroom/concessions building at the amphitheatre. 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

f. Discussion and Action on City Wide Spring Bulky Item Clean Up

Cumberland Waste Disposal (CWD) has proposed to partner with the City to remove bulky items during the week of May 23, 2016. This week would also be designated to clean the roadside and CWD has offered their trucks to pick up bagged items and bulky items off the sides of the road. The only charge for this would be \$33.00/ton for the landfill fees plus an extension to their existing contract under the same terms and conditions set to expire on August 31, 2017. If the contract extension is approved, there will be an amendment regarding spring bulky item cleanup and a brush collection schedule, as well as vague details in the existing contract reworded.

A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the proposal be deferred. 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

g. Ordinance amending § 1-102 of the Crossville Municipal Code regarding public comment

Mayor Mayberry asked Council to re-consider moving the Public Comment period to the front of the agenda now that there are no comments allowed throughout the meeting.

Those in favor of the motion stated it would bring decorum to the meeting and show that all comments are welcome prior to action being taken.

Those opposed to the motion commented that they still want the people to have the right to speak throughout the agenda items and that it fails to address work sessions.

A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem Pamala Harris, that this Ordinance be approved on first reading. The motion failed by the following vote:

Aye: 2 - Mayor James Mayberry and Mayor Pro-tem Pamala Harris

Nay: 3 - Council Member Pete Souza, Council Member Jesse Kerley and Council Member Danny Wyatt

h. Discussion and action on rescinding Standing Rules adopted on March 10, 2016

Councilmember Souza discussed the standing rules that were adopted at the last regular meeting. He stated that he felt it was an assault on the people's right to speak and the elimination of work sessions makes it hard to discuss prior to action being taken.

A motion was made by Council Member Pete Souza, seconded by Mayor James Mayberry, that we rescind the 3/10/16 motion that rescinded the previous reading of the standing rules and that we rescind the standing rules that exist today. The motion failed by the following vote:

Aye: 2 - Council Member Pete Souza and Mayor James Mayberry

Nay: 3 - Council Member Jesse Kerley, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

i. Discussion and action on final resolution of David Rutherford

City Attorney Ridley presented the final resolution (the same as the initial resolution, except final) as Mr. Rutherford has accepted the buy-out and not requested a public hearing. He has been paid in accordance with his contract. One of those opposed to the motion stated that they believed Mr. Rutherford's dismissal was a grievous act, he was wrongfully charged, and an audit not approved. Following a request from Councilmember Kerley, City Attorney Ridley replied that from the information he had received, Mr. Rutherford spent more than \$5,000 on the Horizon Initiative project. He also stated that the Interim City Manager had approved paying the money to Mr. Rutherford and, if the motion is not approved, there will be a problem and Mr. Rutherford would continue to receive a salary. Discussions were also held regarding previous City Managers and expenditures over \$5,000.

A motion was made by Mayor James Mayberry, seconded by Council Member Danny Wyatt, that in accordance with the Crossville City Charter Article VIII, Section 2, the adoption of the final resolution removing David Rutherford as Crossville City Manager be approved effective immediately and a budget amendment passed on first reading. The motion carried by the following vote:

Aye: 3 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Nay: 2 - Council Member Pete Souza and Council Member Jesse Kerley

j. Discussion and action on recruitment of City Manager

Mayor Mayberry reported that MTAS can provide a service for the recruitment of the City Manager at no charge. They recommend not selecting one until after the election in November. City Manager Ridley stated that the Council can change the process or timeline at any time. Those in favor of the motion stated that with the toxic relationship between the members of the current Council, waiting until the November election would be the best course of action.

A motion was made by Mayor James Mayberry, seconded by Council Member Pete Souza, that approval be given for the Mayor to consult with MTAS to provide services in the recruitment of a City Manager to be selected after the November election. 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

k. Discussion and action on contract for Interim City Manager

City Attorney Will Ridley presented two contracts with Steve Hill as Interim City Manager for review by City Council. Option One includes all benefits. Option two does not include certain benefits. Fred Houston stated that Mr. Hill can continue drawing his retirement for 120 days. If he works longer, he can drop and re-start it after the time period ends. Those in favor stated they admire anyone willing to do the job under the circumstances. Those opposed to the motion stated that nothing was done to vet the selection of the Interim City Manager.

A motion was made by Council Member Jesse Kerley, seconded by Council Member Danny Wyatt, that Option One of the Contract with the Interim City Manager be approved. 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

Nay: 1 - Council Member Pete Souza

8. City Attorney's Report

City Attorney's Report

Mr. Ridley stated that no new litigation has been filed in the past month. There is a pending lawsuit on condemnation from Section 1 of the Northwest Connector. The City has been ordered by the Circuit Court Judge to attend non-binding mediation with the result having to be approved by Council. A decision needs to be made on whether to attend a private mediation at \$300/hour or a judicial settlement conference at minimal cost. If not settled, there would be a trial in a year to year and a half. The defendant has requested approximately \$75,000 more than was deposited.

Councilmember Souza declared a conflict of interest and abstained from the vote.

A motion was made by Mayor James Mayberry, seconded by Council Member Jesse Kerley, that approval be given to go for private mediation with Judge Turnbull. 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

9. City Manager's Report

City Manager's Report

Interim City Manager Steve Hill presented the monthly revenue reports on local option sales tax, wholesale beer tax, and retail liquor. He also presented reports on building permits, grants, special projects, and bonded debt. He noted that the sidewalk program on Fourth Ave. and Myrtle Ave has been delayed once again because TDOT did not approve the bids. TDOT will be giving the City another extension and the project will re-bid. On Thursday, May 26, a presentation will be made on retail development at 5:00 p.m. by 3 vendors. Mr. Hill also informed the Council that the Police Chief's work agreement goes through July and a determination will be made later after he has had time to observe his work.

This Report was received and filed

10. Public Comment

Liz Denton - Deeply concerned by the behaviors observed of the City Council during meetings, eliminating work sessions, emergency meetings, firing of the previous City Manager.

Howard Burnette - Need good government in Crossville

David Brockway - Codes enforcement is needed on 5 homes within 1,000 yards of his house that need attention

J. R. Blankenship delivered a petition to suspend Councilmember Kerley's powers.

Jaye L. Brownstead of 51 Hillcrest Dr. - Thanked the Council for trying; expressed his support for Police Chief Shoap, stated that a new day is coming, and he felt the Council had been acting like kindergartners.

ADJOURNMENT

A motion was made by Council Member Pete Souza, seconded by Mayor

Pro-tem Pamala Harris, that the meeting be adjourned. 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

With no further business, the meeting was adjourned at 8:21 p.m.