

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, February 12, 2013

6:00 PM

Council Chambers

City Council

Mayor J.H. Graham, III
Mayor Pro-tem Danny Wyatt
Council Member Jesse Kerley
Council Member George Marlow
Council Member Pete Souza

City Manager Bruce Wyatt
City Clerk Sally Oglesby

PUBLIC HEARING

A public hearing was held to receive comments from the public regarding the proposed annexation on Myrtle Ave. Mayor Graham called the public hearing to order at 5:45 p.m.

Public Hearing - Myrtle Ave. Annexation

Mayor Graham requested comments from the public on the proposed annexation of 6.85 acres on Myrtle Ave. With no comments, the public hearing was adjourned at 5:55 p.m.

This Public Hearing was received and filed

Present: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

REGULAR MEETING

The City Council for the City of Crossville met in regular session on Tuesday, February 12, 2013, at Crossville City Hall.

Roll Call

Others present were City Manager Bruce Wyatt, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Joe Miller, Ed Camera, Kevin Dean, Art Meharg, Dorothy Meharg, Mark Rosser, Jim Oakes, Sharion Mercer, Carmen Wyatt, Sandy Gruber, Jerry Garrison, Chris Bennett, Kyle Eldridge, Lee Lawson, John Isham, Judy Stover, Lewis Stover, Mike Turner, Ralph Reagan, Glenn McDonald, Steve Franks, Steve Hill, Bob Schwartz, David Beaty, Roger Potter, Lee Justice, Helen Camp, Robert Camp, Billy Frazier, John Isham, Harold Allred, Tom Isham, Edward Damezawski, Kenneth Damezawski, John Turner, Coy Watson, Mike Izurn, Connie Izurn, David Brockway, Lynn Isham, Tammy Hatt, John T. Griffin, Tony Zimmerman, Sarah Hazelton, Sheri Nichols, Becky Evans, Douglas Smith, Alan Baker, Marty Lester, Sr., Genesis Lester, Caleb Lester, Cole Lester, Conner Lester, Cade Lester, Eric Brady, John Turner, Patsy Turner, Terry Hassler, Holly Hassler, John Tarr, Jim Young, Clark Annis, Fred Houston, Darlene Barnwell, Tim Begley, Pepe Perron, Ray Hansen, Jeanne Swafford, Tony Perry, Jim Morrow, Teresa Boston, Ted Meadows, Steve Stone, Ronnie Garrett, Sonja Rimmer, Leslie Sadowski, Khrista Wyatt, Mike Dalton, T. C. Miller, Chris South, Skip Freitag, Billy Loggins, Becky Magura, and Tonya Hinch.

Call to Order

Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 6:00 p.m. The invocation was given by John Turner of the Hannah Brooke Health and Care Center. The Young Marines presented the colors and led the Pledge of Allegiance.

1. Proclamations/Presentations

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

Fire Chief Mike Turner introduced Steven Garrett who is leaving for active duty in the U.S. Navy.

a) Student of the Month - Mayor Graham presented the award to Caleb Lester for the character trait "respect".

*b) Spay Day - February 26, 2013
Mayor Graham read a letter from Randall Boston thanking Det. Bill Padgett and the Crossville Police Dept. for their work in resolving a burglary at his office.*

This Presentation was announced

2. Appointments - NONE

3. Consent Agenda

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member George Marlow, that all items on the Consent Agenda be approved as presented. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

a. Approval of minutes (1/8, 1/14)

These Minutes were approved as recommended

Ordinances on Third Reading

b. Ordinance amending §1-102 of the Crossville Municipal Code

This Ordinance was adopted on third reading

c. Ordinance amending the FY12-13 budget for new City Hall renovations

This Ordinance was adopted on third reading

Ordinances on First Reading

d. Ordinance updating §4-300 regarding Occupational Safety and Health Program

This Ordinance was approved on first reading

Additional Consent Items

e. Acknowledgement of Form CT-0253 on Police Software notes

This report was received and filed

- f. Approval of amendment to Joint Economic Development Board Interlocal Agreement on Executive Committee meetings
This amendment was approved as recommended
- g. Acceptance of two vehicles from Walter P. Sauvan for use in the Police Department for drug enforcement
This donation was approved as recommended
- h. Approval of changes to Subdivision Regulations
The changes to the Subdivision Regulations were approved as recommended
- i. Approval of Retirement Plan specifications
The Retirement Plan specifications were approved as recommended

4. Bids/Purchases

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

a. Concession Stands

Requests for proposals were issued and received late last year for the operation of the concessions stands at the City's parks. Two proposals were received. A committee was formed to review the proposals, interview, and make a recommendation. The committee was comprised of Bruce Wyatt, Steve Hill, Tammie French, Terry Ashburn, Fred Houston, and Billy Loggins. Following several meetings and the interviews, the decision of the committee was to recommend the proposal of Jeanne Swafford dba Mommyof2concessions.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the proposal of Jeanne Swafford dba Mommyof2concessions be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

b. Mowing - Maintenance Dept.

It was recommended that Dallas Kilgore be awarded the bid for the City properties that are to be mowed on a weekly basis. Mr. Kilgore's bid was the lowest bid at \$205.00.

It was recommended that Smith's Lawn Service be awarded the bid for the City properties that are to be mowed on a bi-weekly basis. Smith's Lawn Service bid was the lowest bid at \$645.00.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the low bid for weekly mowing be awarded to Dallas Kilgore and the low bid for bi-weekly mowing be awarded to Smith's Lawn Service as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

c. Fertilizer - Parks & Recreation

The low bid of Dickens Turf and Landscape Supply was recommended for acceptance.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that the low bid of Dickens Turf be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

d. Ordinance amending the FY12-13 budget for City Hall contractual services

Bids were taken last Fall for janitorial services for the new City Hall. The low bid was awarded the bid; however, their services have not been satisfactory and the City Manager cancelled their contract on February 5, 2013. The next lowest bidder, Hughes Cleaning Services, was contacted and has agreed to honor their original quote. Because only a few months remain in the originally requested bid, it was recommended that a contract be approved with Hughes Cleaning Services to expire June 30, 2014. The City Manager approved a temporary contract with Hughes Cleaning to begin on February 6 to cover the time until Council could formally act on the matter.

A budget amendment is required to fund the additional cost through June 30. An amendment of \$7,500 was recommended to capture this cost and other costs being incurred in the operation of the building that were not sufficiently budgeted, such as security, pest control, and mowing.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that a contract with Hughes Cleaning Services through June 30, 2014 be approved as recommended and a budget amendment passed on first reading. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

5. Marketing Report

February Marketing Report

Marketing Director Billy Loggins presented an update on the following:

-4th of July Fireworks - A decision must be made by March 1 on whether or not to have the 4th of July fireworks. He asked the Council to match whatever is donated by businesses and the public. It was suggested that extra money be raised to cover costs for extra activities for the children, bands, and other festivities.

-Cincinnati Travel & Sport Show - held in January with participation by our community

·*Maryetta Street Property - TVA is looking at our extra acreage to make a recommendation regarding its viability. The property will also be included on their website for potential industrial properties.*

·*Detroit FOX Affiliate - Mayor Graham was interviewed by phone for their "Throw the Dart" show. Each week one of the news anchors throws a dart at the U.S. map and whatever city the dart lands on, the station features and interviews the Mayor.*

·*Upper Cumberland Senior Olympics - It was announced that there will be no qualifying for 2013 games, but qualifying for 2014 will take place in September*

·*TechRedi Conference*

·*Upper Cumberland Tourism Video - Becky Magura, representing WCTE, presented the tourism video on Cumberland County that is on both websites. She commented on the wonderful partnership with the City.*

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that a commitment be made to hold a fireworks show on July 4th with the size of the show being determined based on matching funds being raised from the community. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

6. Other Business

a. Matters relative to TLD Logistics Services

TLD Logistics Services, Inc. President/COO David Jones spoke to the Council on their planned expansion. A Letter of Intent was received to purchase 5.4 acres adjacent to their current property on Interchange Drive for the building of a 10,000 s.f. permanent shop maintenance facility and additional parking. They have offered to purchase the property for \$250,000 and commit to hire 25 new employees within one year. In exchange, the City will furnish a TDEC ARAP permit for a 100' culvert between the properties, general construction permit, and re-submit an application to TDOT for a traffic signal at the intersection with Hwy. 127N.

As required by Charter, the sale of the property is contingent upon the results from advertising of the proposed sale. Councilman Souza welcomed TLD to the community.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the sale of property to TLD Logistics Services be approved under the recommended terms and pending advertising requirements. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

b. Matters relative to CoLinX

CoLinX is planning an expansion of their facility at their current location rather than at an alternate location on Wyatt Court, as previously discussed with Council. Ed

Camera made a presentation to Council to review their facility and their plans.

CoLinX proposes to expand the Crossville distribution facility by 210,000 s.f. with a proposed investment of \$6,500,000 in new building construction and \$2,500,000 in warehouse equipment on Genesis Road to accommodate current and future business opportunities. Without this expansion, the Crossville facility will not be competitive when the current lease expires in 2017. Studies indicate that the costs of a move outside of Tennessee, at the end of the facility lease in 2017, could be recouped in 2 years or less through lower employee costs, lower rents and economic incentives. When the expansion is completed, 65 full time employees will be hired within 30 days. Further, the entire Genesis facility will be leased through 2027, 10 years beyond the current lease. In short, the expansion assures that CoLinX and the associated \$60 million economic benefit stays in Crossville through 2027. CoLinX needs State of Tennessee commitment by February 15, 2013 to gain final approval for the expansion project.

Rationale for the Fast Track request and associated benefits:

It is intended to file a FastTrack Grant application with the State for assistance in funding the project. The costs to be covered are estimated at \$1,062,146. This requires a local match. If the City is the applicant, the local match is 36%. If the County is the applicant, the local match is 25%. The difference is \$116,836.06. The City Manager has proposed to the County Mayor that the County be the applicant, but the City would provide the local matching funds, prepare the grant application, and administer the grant. CoLinX has agreed to fund 2/3rds of the cost. The remaining 1/3 covers much of the cost for the management of stormwater that is coming to the site from Genesis Road and creating many of the problems. The County Mayor has indicated that he will take this proposal to the County Commission on February 19. A special called meeting is planned for February 20 at 4:00 p.m. to pass resolutions based on the County's action.

It is also the intention to file a grant application with TDOT for an Industrial Access Road to widen and improve Cox Ave., which will relieve truck traffic congestion on Genesis Road and serve the new addition. The project would be approximately on-half mile in length, 60' right-of-way, and a 3-lane mouth at Genesis Road. The City has two choices in how this can be handled. (1) The City funds the acquisition of the property and TDOT funds and builds the road, including engineering. (2) TDOT controls the project completely and the City pays 50% of the cost for acquisition. The potential downside is that the project will take longer and TDOT may not be as successful in getting property donated. We expect to be dealing with five property owners, in addition to the CoLinX/IDB property. Approximately half of the land expected to be acquired from the 5 property owners is owned by Cumberland County and is used for the school bus garage, fuel farm, and a small convenience center. We are hopeful that the County will participate by donating the property. The City Manager recommended that the City fund the acquisition.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the City of Crossville form whatever agreements that are necessary and incidental so that the CoLinX expansion will go forward up to, and including, any help necessary for the U.S. Army Corps of Engineers permitting, the city and county support for the infrastructure grant, as outlined in previous discussions, the City agreement on the one-third/two-thirds split on the remaining funding and, of course, the City's support for the improvements on Cox Ave, which include an application for a TDOT access grant. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

c. Matters relative to temporary street closings for Taste of Crossville

2013

A request was received from Downtown Crossville, Inc. for temporary street closings for the annual Taste of Crossville to be held on Thursday, May 23. They requested that Main Street from Neecham St. to North Street and Taylor Avenue from Main St. to the east side of Thurman be closed from 3:00 p.m. to 10:00 p.m. Thurman Avenue will stay open except between Neecham and Taylor Avenue. Cars would be able to make an east turn on Thurman at Thurman and Taylor Avenue. Cars would still be able to travel on North Street to facilitate French's Shoes' business. Lou and Dr. Kendall Morrison and The Depot have agreed to serve as the main venue for the event. Street Superintendent Joe Miller has been involved in the process and offered his support. It was pointed out that all events for street closings do require support from the Police Department and the Street Department.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the temporary street closings for Taste of Crossville be approved as requested. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

d. Matters relative to Crossville Cruiser's

The Crossville Cruiser's requested permission to have Main Street and adjoining streets downtown closed for monthly cruise-ins on the 4th Saturday of each month from April - October, 2013. The time would be from 12:00 noon to 5:00 p.m. If approved, it was recommended that it be contingent on availability due to the potential downtown project. A separate request for the 4th Saturday in May was on the agenda for a benefit for St. Jude's Children's Hospital that would create a conflict. A separate request from Plateau Pregnancy for August 10 was also on the agenda, which is two weeks earlier than the Cruisers' August requested date. Councilman Kerley expressed concern about interference with the businesses in the area. Lynn Isham, representing the St. Jude's benefit, stated that he will personally talk to the businesses about the event.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that the temporary street closings for the Crossville Cruisers be approved as requested, but that they team up with the fundraiser for St. Judes for the May event. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

e. Matters relative to Plateau Pregnancy Services Classic Car Show

For the third year, Plateau Pregnancy Services is planning a Classic Car Show to raise funds for their programs. They requested Main Street to be blocked off from Lantana Road to Neecham Street from 12:00 noon to 5:00 p.m. on Saturday, August 10, 2013. It was recommended that any approval be subject to availability because of the potential of the downtown project. This event would not be in conflict with the request from the Crossville Cruisers, which would be held on August 24, two weeks later.

A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that the temporary street closings for Plateau Pregnancy Services be approved as requested. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

f. Matters relative to benefit for St. Jude's Children's Hospital

Lynn Isham and Tammy Hatt requested the temporary street closing of Main Street from Taylor to E. First St. on May 25th from 10:00 a.m. to 8:00 p.m. for a festival to raise funds for St. Jude's Children's Hospital. This event is in conflict with a separate request on the agenda for a cruise-in by the Crossville Cruisers.

The temporary street closing was approved, contingent on the event being held in conjunction with the Crossville Cruisers.

g. Ordinance amending §11-603 regarding discharge of firearms

Terry Hassler, Dave's Pawn Shop, submitted a proposal for an indoor shooting range to be located next to his pawn shop on Hwy. 127N. To cover safety and noise concerns and to eliminate conflicts within the Crossville Municipal Code, an ordinance is being proposed. Following a meeting between the City Manager, City Clerk, Police Chief, and Councilman Kerley, staff is convinced that Mr. Hassler is planning a first class facility that will not result in any issues from neighboring businesses or residences. The ordinance provides for a permit fee. This fee would cover costs for compliance visits during construction and during operation. Council was asked to set that annual fee. Terry Hassler reported on their plans and that they had talked to all the neighbors about the plans and the care they are taking to abate any sound issues. City Manager Wyatt expressed his respect for the efforts being made by Mr. Hassler to cover all the potential issues. Councilman Souza found that Cookeville charges \$50/year and he recommended that amount.

A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that the ordinance regulating indoor shooting ranges be approved on first reading. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

h. Approval of utility easement for Volunteer Energy Cooperative

The City purchased an easement from Jim and Dorothy Oakes on Lantana Road for the purpose of relocation of water and sewer lines. Volunteer Energy installed electric utility poles within the City's easement without first contacting the City. Mr. Oakes questioned the right of VEC to use the City's easement. The matter was previously discussed at a Council meeting on August 30, 2011, at which time the City Attorney recused themselves from the matter due to a conflict of interest. An opinion on the situation was received from the Senior Legal Consultant, Sid Hemsley, from MTAS that the city is limited in its ability to refuse electric cooperatives permission. Mr. Oakes has requested that the matter be deferred for 30 days.

Action on a utility easement with VEC was deferred

i. Ordinance amending §14-700 regarding trees and woody vegetation

Eric Brady, Tree Board Liaison, presented updates to the Urban Forestry Management Plan and interoffice policies regarding the Urban Forestry Management Plan. He also explained the need for an amendment to the current ordinance

regarding trees to update verbiage.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that the ordinance amending the code regarding trees and woody vegetation be approved on first reading. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

j. Ordinance amending the FY12013 budget for THWI grant

Clark Annis explained that the Tennessee Healthy Watershed Initiative is a partnership about TDEC, TVA, the Tennessee Chapter of The Nature Conservancy, and the West Tennessee River Basin Authority. As announced at an earlier meeting, a grant of \$145,000 was awarded on a joint project between Tennessee Technological University, Obed Watershed Community Association, United States Geological Service, and the City of Crossville to fund water resources planning tools and monitoring procedures for the Obed Watershed. TTU will administer the grant; however, it was determined that it will be easier for the money for OWCA to flow through the City of Crossville. Separate contracts need to be approved between the City of Crossville and the various partners. The project will consist of development of a planning tool to assess growth and development impact on land and water resources and establishment of databases for hydrology, meteorology, and ecology. The scope of the project will include:

·coverage of fees to maintain four USGS continuous stream flow gauging stations (NPS - \$30,000), base-line monitoring of 350 miles of the Obed, Daddy Creek, and Clear Creek watersheds (OWCA - \$38,540);

·extension of the current I & I study of the City of Crossville (sewer collection system - flow monitoring - \$30,000); and

·development of a user-friendly watershed planning tool index to access land use impacts on water quantity, quality, and habitat (TTU - \$46,460).

The \$145,000 grant is being matched by professional time and indirect cost in-kind leverage of \$59,091 by TTU, NPS, and OWCA. The current I & I study at a cost of \$45,000 is also considered in-kind match. The timeframe of the project will extend to May 31, 2014.

A motion was made by Council Member Jesse Kerley, seconded by Council Member George Marlow, that the contracts with the partners on the THWI grant project be approved as recommended and a budget amendment passed on first reading. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

k. Matters relative to Visitor's Center

Cumberland County recently received and accepted a bid on the visitor's center. Some minor changes were made to the specifications prior to the last bid letting. In previous action by the City Council, Council voted to provide the \$120,000 match, which is in the current budget. The County has elected to operate the center with the City contributing 50% of the operation cost. The City Manager requested

confirmation from the Council to proceed with the project, including negotiation of the operating agreement for final approval by the Council.

Mayor Graham commented that he didn't like the Big South Fork name nor the location on Genesis Rd. He stated his belief that the current location will add to the traffic problems on Genesis and Cook Roads. He further stated that he thought the contract with the County should be in the same matter as the contract with the animal shelter which is on a year to year basis.

Councilman Kerley stated that he didn't know why the matter was coming back to the Council for the 4th time and that he thought the visitor's center would be a great tourism project.

Mayor Pro-Tem Wyatt reported that 9,000-10,000 cars get off at the exit and that the city is facing more and more competition with other communities that are trying to get into the retirement and tourism industry. It was his opinion that the center will be important to continue our efforts.

Councilman Marlow remarked that if we weren't going to do it, we should have decided it many years before. He felt that we made a commitment to the County and that it was too late to back out of the deal. The building and the parking lot are smaller than originally approved; but that we need to honor our agreements. He recommended sticking with the decisions of prior Councils.

Council members asked that the County provide the contract for operating the center. Thomas Griffin told the Council that he thought the visitor's center was a fantastic idea and that it would be good marketing to have it.

Mayor Pro-Tem Wyatt reported that he understood that it was being contemplated that it be re-named to Crossville-Cumberland County "Gateway to the Big South Fork".

David Brockway told the Council that he was totally against the project because the Big South Fork is so far from Crossville and concerned about the yearly operating costs. He believes that the location will be a disaster for traffic. He also stated concerns about staffing plans.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the previous action taken on May 8, 2012 on the visitor's center be rescinded. The motion failed by the following vote:

Aye: 2 - Mayor J.H. Graham III and Council Member Pete Souza

Nay: 3 - Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Jesse Kerley

7. City Attorney's Report

City Attorney's Report

Soccer Complex - As discussed in work session, a notice of authorized activities was received from the U.S. Army Corps of Engineers on the original construction of the soccer complex. Because of the complexity of the issue and the time sensitive nature of a response, it was recommended by the City Attorney that the City Manager engage Michael Staggs as an environmental attorney to provide counsel. This has been done with the initial engagement for \$4,900. Approval of this engagement to continue as counsel on this legal matter was requested. Councilman Wyatt asked that Mr. Staggs address the Council prior to approval of the contract. City Clerk Sally Oglesby reported that a special called meeting was being called for February 20 and Mr. Staggs has been invited to the meeting. Mr. Chadwell stated that the meeting should be recessed into a closed executive session with Mr. Staggs and then reconvened for any action. He opined that any motion should be held in an open meeting.

Jet Motel - Tennessee Air Pollution Control Board Order - The City of Crossville was assessed by the Division of Air Pollution Control of TDEC with a Civil Penalty in the amount of \$ 3,750, which the Division has agreed to reduce to \$2,800.00 if the City will agree to settle and waive its right of appeal. The penalty arises out of the alleged presence of asbestos at the site of the old Jet Motel which was demolished by the City under an abatement procedure to clean up abandoned and condemned property which had become a hazard to human health and welfare. The City has thirty (30) days from January 15, 2013, to accept the settlement if it wishes to do so. The Office of City Attorney recommended the settlement on the basis that it is reasonable under the circumstances and that the economics of filing and pursuing an appeal would weigh in favor of accepting the settlement. If the City accepted the settlement, it would not be prevented from challenging any future assessments should they arise with regard to other projects. In other words, if the City believes that it has grounds to fight future assessments, if any, and that the time and expense justifies the process, the City can do so without this settlement being used against it. He stated that legal costs can be added as a lien on the property.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the City waive its right of appeal on the Tennessee Air Pollution Control Board Order regarding the clean up of the Jet Motel property and agree to pay a fine of \$2,800. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

8. City Manager's Report

City Manager's Report

City Manager Bruce Wyatt presented the monthly revenue reports for local option sales tax, wholesale beer, and retail liquor. He also provided reports on building permits and special projects.

Charter Review Committee - Laney Colvard, Randy Graham, and Ted Meadows were appointed to the Charter Review Committee. Their goal is to complete the work by the end of August, if not before.

Bread of Life crosswalk - As requested by the Bread of Life, staff has looked at this matter and recommended that the crosswalk be installed on W. Fourth Street to accommodate the added pedestrian traffic. The City Manager is proceeding with the establishment of the crosswalk. No additional action was requested.

Police Department-Chief Beaty recommended a 2.5% pay increase for Canine Officer Donathan Johnson. His present salary is \$13.40 per hour. With a 2.5% increase, the proposed rate is \$13.74 per hour. This is per General Order J. Pay Supplement: "Any person selected and trained as a canine handler will receive a 2.5% pay supplement upon successful completion of a 1 year probationary period." A budget amendment was not be required.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the pay increase for Canine Officer Donathan Johnson be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

Police Department-Chief Beaty recommended a 5% increase for Henry Hunnicutt for completion of 6 months satisfactory probationary period and completion of the police academy. His present salary is \$13.22 per hour. 5% increase would be \$13.88 per hour. A budget amendment was not required.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that the pay increase for Henry Hunnicutt be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

Codes Enforcement Department-Kyle Eldridge passed the exam for Commercial Mechanical Inspector on November 20, 2012 and passed the International Code Council exam also. Since he has passed both of these exams, he became eligible to apply for State of Tennessee Certified Codes Inspector. He has applied and the certifications have been awarded. Jeff Kerley, supervisor, requested a 2.5% increase for each of these certifications. This 5% increase represents .97/hour and \$38.80 per week increase. A budget amendment was not required.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that the pay increase for Kyle Eldridge be approved as recommended. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

9. Public Comment

Mayor Graham opened the floor for comments from the public. Don Haston, Vice President of Operations for CoLinx, expressed his thanks for the vote on behalf of the CoLinx families.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that we extend a PILOT program, if requested by CoLinx, on the \$6.5M worth of real property and the \$2.5M worth of personal property at a PILOT program not to exceed 10 years on the basis of the percentages of 0% for the first four years, and 25%/50%/75% for the remaining six years, and the PILOT programs be reviewed by the Industrial Development Board and approved before final certification by the City Council and that these PILOT programs be initiated after the building and the equipment are purchased and installed and the building has employees in it. The motion carried by the following vote:

Aye: 5 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

ADJOURNMENT

With no further business, the meeting was adjourned at 7:55 p.m.