

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Thursday, October 10, 2013

3:00 PM

Council Chambers

Call for Special Meeting

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

City Manager David Rutherford
City Clerk Sally Oglesby

The City Council for the City of Crossville met in special session on Thursday, October 10, 2013, at Crossville City Hall. Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 3:00 p.m.

Roll Call

Present 4 - Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III, Council Member Pete Souza, and Council Member Jesse Kerley

Absent 1 - Council Member George Marlow

Others present were City Manager David Rutherford, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Evan Sanders, Clark Annis, Evan Sanders, Andy Vaughn, Lee Lawson, Bob Schwartz, Heather Mullinix, Terry White, Fred Houston, Darlene Barnwell, Mike Nuss, Frances Carson, Sarah Hazleton, and Tim Begley.

1) Update on downtown revitalization project

City Manager David Rutherford reviewed the status of the project and provided the timelines for the various grant authorities. The first deadline is EDA, which is requiring that construction be started by December 14, 2013. The project must be completed by August 31, 2015 to meet the requirements of TDOT. The project has been approved to bid by all granting agencies except TDOT. Their permit has been delayed by utilities for the lighting permit, license for utility relocation which was held up by the Excess Land Committee, and contracts with all utilities for the relocation of their utilities. The license for utility relocation was received on October 9 and was presented for approval by the Council. There is no cost to the City. The City Attorney approved the agreement as to form. This agreement, as well as the utility facilities relocation contracts, is required to get approval from TDOT to bid the project.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the license agreement with the State of Tennessee be approved. The motion carried by the following vote:

Aye: 3 - Mayor Pro-tem Danny Wyatt, Mayor J.H. Graham III and Council Member Pete Souza

Nay: 1 - Council Member Jesse Kerley

2) Approval of Utility Facilities Relocation Contract with Citizens Telecommunications Company of Tennessee (Frontier)

A utilities facility relocation contract with Citizens Telecommunications Company (Frontier) was presented for approval. Their estimated cost of \$285,622 is included in the project budget. Following approval of the contract by the City, DCI will be contacting Frontier to discuss a donation for some of the costs as a show of support for the project.

City Attorney Kenneth Chadwell reviewed the agreement and the changes made to the contract that require City approval for any change order and also define the working relationship between the contractor and the utility. Mr. Rutherford cautioned

that the utilities must be monitored closely during the project to make sure the costs are reasonable. He stated that notice provisions in the contract are the best stop gap for the issues. The City Attorney and City Manager agreed to work together on further notice agreements for the contract. The expenses for the utility relocations are not reimbursable by the grants. Mayor Pro-Tem Wyatt expressed his concern about the terminology in the contracts and that he was not sure if there really is a waterline problem on Main Street based on a work session several months earlier. He stated his preference for a referendum on the project. Evan Sanders explained the deadlines from the funding agencies and that the Enhancement funding would be jeopardized as they only extended it because of delays they caused. He also stated that EDA is firm on their construction completion date. It was pointed out that a referendum could put over \$2,000,000 in grant funds in jeopardy. Councilman Souza countered that he wanted to quit leaving the project in jeopardy and proceed with the bidding process. A discussion was held regarding the timing and the potential cost of a referendum. (At 3:21 p.m. the meeting was recessed to allow the City Clerk to contact the Election Commission regarding the questions. The meeting was reconvened at 3:30 p.m.) City Clerk Sally Oglesby reported that she had spoken to Suzanne Smith and that the cost of a special referendum would be in excess of \$25,000 and would need a minimum of 60 days notice.

Councilman Kerley voiced his preference for a referendum since the project might cause taxes to go up. Councilman Souza stated he would be opposed to a special election because of the cost and his concern about losing some of the funding. However, he would like to hear from the public. Mayor Graham asked the Clerk to find out if a referendum could be placed on a primary. Mayor Pro-Tem Wyatt asked Mr. Sanders about the chances of losing grants if it was held until after a referendum and not bid until August. Mr. Sanders responded that he would have to have further conversations with them, but he has been told that the dates from TDOT and EDA were firm. Further, the funding agencies have worked with us so far, but there is only so much they can do.

This Contract was deferred.

Bob Schwartz discussed DCI's plan to negotiate with the utilities to get them to donate some or all of their costs. He also gave a general overview of their fundraising plans. Their fundraising team is in place and will be co-chaired by Scot & Julie Shanks, Paula Shanks Myers, and Lainie Shanks Luse.

3) Approval of Utility Facilities Relocation Contract with Volunteer First Services, LLC

A utilities facility relocation contract with VolFirst was presented for approval. Their estimated cost of \$8,445 is included in the project budget. Following approval of the contract by the City, DCI will be contacting Frontier to discuss a donation for some of the costs as a show of support for the project.

This Contract was deferred

4) Approval of Utility Facilities Relocation Contract with Spirit Broadband

A utilities facility relocation contract with Spirit Broadband was presented for approval. Their estimated cost of \$2,100.40 is included in the project budget. Following approval of the contract by the City, DCI will be contacting Frontier to discuss a donation for some of the costs as a show of support for the project.

This Contract was deferred

ADJOURNMENT

With no further business, the meeting was adjourned at 3:49 p.m.