

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, June 11, 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

Interim City Manager Jack Miller
City Clerk Sally Oglesby

PUBLIC HEARING

A public hearing was held to receive public comment on the proposed FY2013-14 budget. Mayor J. H. Graham, III was present and presiding. He called the public hearing to order at 5:30 p.m.

Present: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

Absent: 1 - Council Member Jesse Kerley

FY2013-14 Budget and Tax Rate

Dr. Miller reviewed the latest proposed changes in the budget. Mayor Graham invited comments from the public on the proposed budget.

This Public Hearing was received and filed

With no further comments, the public hearing on the budget was adjourned at 5:45 p.m.

PUBLIC HEARING

A public hearing was held to receive comments from the public regarding proposed annexations on Meadowview Lane, Grandview Drive, and Hwy. 127N. Mayor J. H. Graham, III was present and presiding. He called the public hearing to order at 5:45 p.m.

Proposed Annexations

The following annexations are proposed for finalization:

- 1. 1.11 acres on Meadowview Lane*
 - 2. 0.39 acres on Grandview Drive*
 - 3. 1.33 acres on Hwy. 127N (Dollar General)*
- Comments from the public were requested.*

This Public Hearing was received and filed

With no comments, the public hearing was adjourned at 5:48 p.m.

REGULAR MEETING**Roll Call**

Present: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

Absent: 1 - Council Member Jesse Kerley

Others present were Interim City Manager Jack Miller, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Jim Young, David Beaty, Steve Hill, Joe Koester, Jeffrey Skidmore, Julie Shanks, Vince King, Jerry Garrison, Rob Harrison, Harry Sabine, Ray Harris, Peggy Harris, Sarah Hazleton, Bob Schwartz, Doug Scarlett, Joe Miller, Barbara Thornhill, Rusty Thornhill, Tim Begley, Khrista Wyatt, Ralph Reagan, Sue Lewis, Jerry Lewis, Bill Schmich, Tonya Hinch, Frances Carson, Shirley Hughes, Lainie Luse, Carolyn Joswiak, Darrell Sherrill, John Tarr, Fred Houston, Darlene Barnwell, Jim Morrow, Mark Fox, Ray Hansen, Penelope Vins, Kimberly Heuler, Holly Hanson, Jan McNeil, Nita M. Boring, Jody Brown, John Kinnunen, Elizabeth Morgan, Harold Allred, Tom Isham, Kenneth Ferguson, John Turner, Sara Senft, Jan Fisher, James Mayberry, Bob Curran, Terri Curran, Clark Annis, Vicki Upchurch, Chris Bennett, Ann Isham, Lynn Carson, Steve Weisburg, David Hemline, Meghan Bento, Danny Findley, Vickie Stone, Pam Harris, Corey Legare, Barry Field, Lynn Isham, Tammy Holt, Margie Buxbaum, Sharron Eckert, Jeff Vires, Michele Simcox, Chris South, Rolf Weeks, Rhonda Jay, Frad Fox, Tracey Barnes, Richard Woodard, Julia Griffin, Nick Reed, Ashley Richard, Karli Threet, Pam Ragsdale, Shirley Rinks, Bob Mitchell, Mary Lou Mitchell, Kathy Koester, Lisa Harrison, Bill Oglesby, Billy Loggins, and David Simcox.

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 Ralph Reagan of the Bread of Life Mission. The Young Marines presented the colors and led the Pledge of Allegiance.

1. Proclamations/Presentations

Mayor Graham proclaimed June 22-23, 2013 as Amateur Radio Week. Presentations were made to the Mayor and Council by Lynn Isham and Tammy Holt from the St. Jude's Fundraiser and by Tonya Hinch, representing D.C.I. for Taste of Crossville. Mayor Graham presented the Key to the City to City Clerk Sally Oglesby.

2. Appointments

a. Floodplain Board of Appeals

The 3-year term of J. H. Graham, III expired on June 10.

A motion was made by Mayor Pro-tem Danny Wyatt that J. H. Graham, III be re-appointed to the Floodplain Board of Appeals. The motion carried by the following vote:

Aye: 3 - Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

Abstain: 1 - Mayor J.H. Graham III

3. Consent Agenda

A motion was made by Mayor Pro-Tem Danny Wyatt, seconded by Council Member Pete Souza, that items "a - l" be approved on the Consent Agenda. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

- a. Approval of minutes (5/14, 5/17, 6/4)

The Minutes were approved.

Ordinances on Third Reading

- b. Ordinance annexing 6.85 acres on Myrtle Ave.

This Ordinance was adopted on third reading

- c. Ordinance annexing 1.11 acres on Meadowview Lane

This Ordinance was adopted on third reading

- d. Authorizing payment for contracts with Atkins

This Ordinance was adopted on third reading

- e. Authorizing payment for contracts with Fields Engineering Services

This Ordinance was adopted on third reading

- f. Authorizing payment for contracts with GRW Engineers, Inc.

This Ordinance was adopted on third reading

- g. Authorizing payment for contracts with Hopper Excavating

This Ordinance was adopted on third reading

- h. Authorizing payment for contracts with Lori Neal & Associates

This Ordinance was adopted on third reading

- i. Authorizing payment for contracts with Stigall Engineering

This Ordinance was adopted on third reading

- j. Authorizing payment for contracts with W & O Construction

This Ordinance was adopted on third reading

- k. Authorizing payment for contracts with W. Rogers Company

This Ordinance was adopted on third reading

- I. Authorizing payment for contracts with Freitag Construction

This Ordinance was adopted on third reading

Ordinances on Second Reading

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that items "m - q" be approved on the Consent Agenda. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

- m. Adoption of a Tax Rate for FY2013-14 (in title only)

This Ordinance was approved on second reading

- n. Adoption of FY2013-14 budget (in title only)

This Ordinance was approved on second reading

- o. Ordinance annexing 0.39 acres on Grandview Drive

This Ordinance was approved on second reading

- p. Ordinance annexing 1.33 acres on Hwy. 127N

This Ordinance was approved on second reading

- q. Ordinance amending the FY2012-13 budget for fireworks

This Ordinance was approved on second reading

Ordinances on First Reading

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that items "r-s" be approved on the Consent Agenda. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

- r. Ordinance amending the FY2012-13 budget for taxiway

This Ordinance was approved on first reading

- s. Ordinance amending the FY2012-13 budget for cemetery road

This Ordinance was approved on first reading

Additional Consent Items

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that items "t - dd" be approved on the Consent Agenda. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

- t.** Resolution approving Plan of Service for Myrtle Ave. annexation
This Resolution was approved as recommended
- u.** Resolution approving Plan of Services for Meadowview Lane annexation
This Resolution was approved as recommended
- v.** Approval of emergency pump station repairs by WASCON in the amount of \$22,653.50
This Resolution was approved as recommended
- w.** Resolution approving PILOT for CoLinux, LLC
This Resolution was approved as recommended
- x.** Approval for submittal of a 100% grant application for fire equipment
This Resolution was approved as recommended
- y.** Review and approval of Debt Policy
This Policy was approved as recommended
- z.** Approval of temporary street closings for DAR Children's Parade on July 4
This Permit was approved as recommended
- aa.** Approval of temporary street closing of Fourth St. from Evelyn Ave. to School Street for Bread of Life
This Permit was approved as recommended
- bb.** Approval of Interlocal Agreement on the Visitor's Center
This Contract was approved as recommended
- cc.** Approval of Joint Funding Agreement with USGS on gauging station on Basses Creek
This Contract was approved as recommended
- dd.** Approval of grant amendment #1 for airport taxiway extension

This Contract was approved as recommended

4. Bids/Purchases

A motion was made by Councilman Souza, seconded by Councilman Marlow, that all bids/purchases be approved as recommended. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

Annual Price Contracts:

a. Paper & Plastic Items

The bid of Lebanon Chemicals was recommended for acceptance.

These Bid/Purchases were approved as recommended

b. Waterline Supplies

The following recommendations were made:

Primary Suppliers:

*Southern Pipe - saddles (3" x 2"; 6" x 3/4"; 6" x 1"; 8" x 3/4"; 8" x 1"; 12" x 3/4"; 12" x 1"; 14" x 2"; 16" x 2"); 3/4" service tubing; 1" service tubing; 2" Ford Setter w/ball valve
G & C Supply - saddles (2" x 3/4"; 2" x 1"; 3" x 3/4"; 3" x 1"; 4" x 3/4"; 4" x 1"; 4" x 2"; 6" x 2"; 8" x 2"; 10" x 3/4"; 10" x 1"; 10" x 2"; 12" x 2"; 14" x 3/4"; 14" x 1"; 16" x 3/4"; 16" x 1"); 1" service tubing; 3/4" x 3" full circle clamp; 18" plastic meter box; 15" concrete meter box
HD Supply - meters (all sizes); 3/4" corp stops; 3/4" coupling; 3/4" meter yokes; brass saddles (all sizes); 17" x 30" plastic meter box 18"; 1" Ford meter yoke*

Alternate Suppliers: (when not available from primary supplier)

*Southern Pipe - saddles (2" x 3/4"; 2" x 1"; 3" x 3/4"; 3" x 1"; 4" x 3/4"; 4" x 1"; 4" x 2"; 6" x 2"; 8" x 2"; 10" x 3/4"; 10" x 1"; 10" x 2"; 12" x 2"; 14" x 3/4"; 14" x 1"; 16" x 3/4"; 16" x 1"); 3/4" corp stops; 3/4" coupling; saddles (4" x 3/4"; 4" x 1"; 6" x 2"; 8" x 3/4"; 8" x 1"; 10" x 3/4"; 10" x 1"); 1" Ford meter yoke
G & C Supply - saddles (3" x 2"; 6" x 3/4"; 6" x 1"; 8" x 3/4"; 8" x 1"; 12" x 3/4"; 12" x 1"; 14" x 2"; 16" x 2"); 3/4" service tubing; 3/4" meter yokes; saddles (2" x 3/4"; 2" x 1"; 4" x 2"; 6" x 3/4"; 6" x 1"; 2" Ford Setter w/ball valve; 17" x 30" plastic meter box
HD Supply - 3/4" x 3" full circle clamp; 18" plastic meter box*

These Bids/Purchases were approved as recommended

c. Grinder pumps

It was recommended that Water & Waste be the primary supplier and Field's Engineering be the alternate

These Bids/Purchases were approved as recommended

d. Chemicals

*Water Resources recommended the following awards:
Brenntag Mid-South - caustic, sodium bisulfite solution*

Carus Corp - zinc-ortho phosphate
Speciality Chemicals - fluosilicic acid
Dycho Company - sodium bicarbonate, granular salt bulk (pound), sodium permanganate, sodium thiosulfate
Standard Purification - carbon lignite
F2 Industries - carbon bituminous
Thermo-Dyne - polymer

These Bids/Purchases were approved as recommended

e. Light Bars

The bid of Trucker's Lighthouse was recommended.

These Bids/Purchases were approved as recommended

f. Roll out carts

The bid of Toter was recommended.

These Bids/Purchases were approved as recommended

g. Bulk Coarse Salt

The bid of North American Salt was recommended.

These Bids/Purchases were approved as recommended

h. Corrugated Metal Pipe

The bid of Tays Septic Tank was recommended.

These Bids/Purchases were approved as recommended

i. Crushed Stone

The bid of Livingston Limestone was recommended.

These Bids/Purchases were approved as recommended

j. Ready Mix Concrete

The bid of IMI Concrete was recommended.

These Bids/Purchases were approved as recommended

k. Cold Mix

The bid of Hudson Materials was recommended.

These Bids/Purchases were approved as recommended

l. Asphalt (delivered)

The bid of Rogers Group was recommended.

These Bids/Purchases were approved as recommended

m. Asphalt (picked up)

The bid of Rogers Group was recommended.

These Bids/Purchases were approved as recommended

n. Street Striping

The bid of Volunteer Highway Supply (formerly England Striping) was recommended.

These Bids/Purchases were approved as recommended

o. Street Signs

The bid of Vulcan Signs was recommended.

These Bids/Purchases were approved as recommended

p. Plastic Pipe

The bid of Tay's Septic was recommended.

These Bids/Purchases were approved as recommended

q. Tire Installation

The low bid of Shadden Tire was recommended.

These Bids/Purchases were approved as recommended

r. Janitorial Services

Annual bids were received on janitorial services at the Police Department, Public Works Office, Recreation Offices, and the Catoosa Department. It was recommended that the City continue using Jani-King of Knoxville for Janitorial Services.

These Bids/Purchases were approved as recommended

s. Milling of asphalt

The bid of Highways, Inc. was recommended.

These Bids/Purchases were approved as recommended

t. Drug Screens/Post Employment Offer Physicals

Annual bids were received on drug screens required by Human Resources from the following companies, Cumberland Medical Center Occupational Medicine, Advanced

Drug Screening, and ExacCare, LLC, all of Crossville and E & A Solutions of Lebanon TN. It was the recommendation to use Cumberland Medical Center, Occupational Medicine, for all of the City's drug screens and Post Employment Offer physicals for fiscal year 2013 - 2014. Although CMC was not the low bidder on all services, the recommendation comes because all records will be kept in the same place. CMC will keep those records up to date and the City will not have to get the reports together in case of an audit by DOT. Cumberland Medical Center was the only company that submitted a complete bid for all services, thereby keeping all of our medical needs with one company

These Bids/Purchases were approved as recommended

u. Publications

It was recommended that the annual contract be awarded to the Crossville Chronicle for legal notices and advertising.

These Bids/Purchases were approved as recommended

Other Bids/Purchases:

v. Purchase of (2) Video Camera's

Approval was requested to purchase (2) L-3 Video Camera systems from Mobile Vision Inc. for the price of \$4,595.00 each with the total being \$9,190.00. The purchase of this equipment will be used to equip the vehicles that are being moved from the Detective Division to the Patrol Division. This equipment will be purchased under state bid contract #35795. This equipment will be purchased from funds in vehicle maintenance .

These Bids/Purchases were approved as recommended

5. Marketing Report

June Marketing Report

Marketing Director Billy Loggins provided updates on the following:

- Taste of Crossville*
- 2013 Sustainability Fair*
- Tennessee Senior Men's Open*
- Beautification Committee Award*

Up Coming / Recent Events:

- Monthly Cruise-In's*
- Veteran's Tribute*
- Tennessee Senior Chess Tournament*
- Kid's Fishing Derby*
- Water Fest 2013*
- Tennessee Women's Open*
- 4th of July Fireworks / Events*
- Discover the Upper Cumberland....web site hits*
- " Red, White, and You " Contest*
- USA Weekend / Destination America Contest*
- Volunteer Opportunities*
- Father/Son golf event at Fairfield Glade*

- TVA study of Maryetta property
- Woofstock event – over 700 in attendance

This Report was received and filed

(At 6:30 p.m. the regular meeting was recessed and the Beer Board convened.)

BEER BOARD - 6:30 p.m.

a. La Costa Mexican Restaurant

Santana Rodriguez Galvan applied for an on-premises beer permit for La Costa Mexican Restaurant at 1259 Miller Ave., Suite 103. This is an additional location. Chief Beaty recommended approval.

A motion was made by Councilman Marlow, seconded by Councilman Souza, that an on-premises beer permit be approved for La Costa Mexican Restaurant. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

(At 6:35 p.m. the Beer Board was adjourned and the regular meeting reconvened.)

6. Other Business

a. Matters relative to Kinder Garden

At the March Council meeting, a request was made for funding of the Kinder Garden to be located at UT's Plateau AgResearch and Education Center. Council approved matching \$2,000 with a contribution from the County. A presentation was made to Cumberland County, but they declined the funding. The gardens have been recognized by the Governor and will be a part of the University of Tennessee garden system. The facility will be available to all the children.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that a \$1,000 donation be approved for Kinder Garden and a ordinance amending the budget be passed on first reading. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

b. Matters relative to Dooley Court drainage

Danny Findley and Vickie Myers were present at the meeting to discuss issues with maintenance of the stream adjacent to Dooley Court and running parallel to Dooley Street. It was reported that 4,900,000 gallons went through the stream during the recent rainfalls. Their properties were flooded and their driveways destroyed. Interim City Manager Miller informed them that the flooding issues were not the responsibility

of the City. Ms. Myers stated that there is a sewer line under the driveway and so she understood that she can't fix it herself. They requested assistance in getting the ditch cleaned out and larger culverts installed.

City Attorney Chadwell was questioned regarding the easement on the driveway. He reported they have right to ingress and egress their driveway. Tim Begley stated that he was not familiar with the sewer line issue. Ms. Myers stated that the driveway issues only started when the line was installed two years ago; however, the other problems have been an issue for many years. Council requested the City Manager to study the issue and report back at the next special called meeting.

Upon review by the city staff prior to the meeting, the following information was discovered:

- Dooley Court is not an Official City Street. City Planning staff researched back through past Official City Street maps (2012, 2005, 1997, 1986, and 1975) Dooley Court was not listed as an official City Street on any of the maps. The search also included a search of City Council Minutes via Laserfiche back to 1935 and discovered no mention of Dooley Court. There is a public right-of-way for Dooley Court as shown on the Tax Maps, but the right-of-way stops shy of the stream. Currently policy does not allow City crews to maintain public right-of-ways that do not contain an Official City Street. The right-of-way width of Dooley Court and the lack of right-of-way for a turnaround/cul-de-sac are substandard to current City street specifications.
- The City of Crossville does not have a drainage easement on any of the properties in question.
- The area that is experiencing flooding issues is in a FEMA identified floodplain. The area is classified as Zone A Flood Zone on the November 16, 2007 FEMA FIRM Map 47035C0308D. Staff also looked at the archive FloodMaps via the FEMA website and found the area to be listed as a floodplain in the 1974 FIRM maps as well, Tennessee, Cumberland, Crossville, Map 06.
- The "ditch" that travels through the Dooley Court section, is in fact "waters of the state" and is identified as a direct tributary (stream) to the 303D listed Little Obed River.
- Any work or alteration to structures in the floodplain, stream, or surrounding area that could adversely affect upstream or downstream conditions would be required to follow all State and Federal regulations, requirements, and procedures.

The matter was referred to the City Manager for further study.

c. Matters relative to Deer Creek speed limits

A petition was received from the Deer Creek Homeowners Association requesting that the speed limits in Deer Creek (the portions in the city limits) be reduced to 25 MPH. City Streets within Deer Creek are E. Deer Creek Drive, Goose Pointe Circle, Fox Hollow, Hounds Run, Rocky Lane, and portions of Deer Creek Drive and Golf Club Lane.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that the Ordinance lowering speed limits in Deer Creek be approved on first reading. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

d. Matters relative to sewer improvement project

Barry Field discussed the permitting process for the sewer line improvement project. A new TDOT representative has become involved in the project and is requiring changes from the original permit requirements. The required change order with W & O Construction is in the amount of \$36,592.39. The additional cost will be included in next year's budget since the work will not be completed prior to June 30.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that Change Order #2 with W & O Construction in the amount of \$36,592.39 be approved as recommended. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

e. Matters relative to flooding issues in the downtown area

David Simcox addressed flooding of his building located at 202 West Ave. He mentioned that the problems have existed for many years and need to be addressed.

The concern was taken under advisement.

f. Matters relative to downtown project

Councilman Souza led a discussion on this project and his desire to make a final determination on whether to move forward on the project. An application has been submitted to Rural Development for loan funding of the remaining matching funds. He stated that there are a lot of issues with the current infrastructure and that this project should be the beginning of rebuilding the decaying areas of the city and correcting the problems so that the downtown represents who we are as a city and encourage property owners to invest in improvements to their properties. He expressed concern for proceeding with the project without approving a 5¢ tax increase in 2014 and 2015 that will be required to pay the loans. City Attorney Chadwell stated that the tax increase can't be set for future years. Mayor Graham commented that this is a \$10.4M project that started in 2003. The City has received \$4.2M in grants from 8 different organizations. The City has paid approximately \$1,000,000 towards the costs. The remainder would be paid through a 38 year Rural Development loan of approximately \$4,000,000 at an annual cost of \$172,000. One penny on the tax rate generates about \$40,000. Mayor Pro-Tem Wyatt asked DCI for a status on the \$500,000 pledged by DCI towards the project. Mayor Graham expressed concern on the water fountains at the county and who will maintain and control it. He would also like to see if local firms can provide inspection and construction maintenance services. He would like to see the benches and trash receptacles be removed from the construction project and funded by DCI. It was emphasized that this is expected to be an 18 month project and will be difficult for the merchants during construction. Frances Carson, representing DCI, reported that they have a plan to raise the \$500K and are putting together a package to consolidate the plan, but could not provide the specifics yet. DCI has made it possible for all the acquisition to be acquired, with the exception of one parcel, by donation and would consider the value of that effort to be part of their obligation. They will assist the merchants during the construction project. Councilman Marlow expressed his support, but is concerned about paying for it and for the merchants survival during the construction. Shirley Hughes, downtown property owner and business owner, stated that she wished that the temporary street closings would be lessened because of the negative impact to her business, but that she supports the project. Mayor Pro-Tem Wyatt expressed his wish to postpone the vote so that all members of Council could be present for the vote.

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

Graham III, that the City go forward with the downtown project in its entirety and place it in the FY13-14 budget and that any and all easements that are not donated that we have legal action prepared and condemnation filed. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

g. Matters relative to 10% reduction of wheeled vehicles 1 Ton and Under

Councilman Souza discussed his proposal to reduce the number of vehicles, especially those one ton and under. Councilman Marlow stated that the decisions should be made by the City Manager and the department heads and the City Council fund those vehicles necessary for operations.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the City Manager review the motor vehicle fleet and, at his discretion, reduce the fleet and sell the assets with the funds to go into an account for code enforcement . The motion failed by the following vote:

Aye: 1 - Council Member Pete Souza

Nay: 3 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt and Council Member George Marlow

h. Matters relative to full-time attorney

Councilman Souza requested the matter to be tabled.

This matter was tabled.

i. Matters relative to selection of new City Manager

The deadline for resumes for the City Manager position is Friday, June 14. A selection process should be determined in order to proceed. Councilman Souza made a motion that each Council member select a person for a 5 member panel to review the applicants and interview to reduce it to the top 3 candidates with the results brought back to the Council. Motion tied for lack of a second. Mayor Graham stated that he believed the review process is the responsibility of the Council. Mayor Pro-Tem Wyatt stated that the voters gave their confidence in the members of Council. Councilman Marlow stated that he felt it was very important to develop the working relationship with the candidates and should select the City Manager. Mayor Graham suggested that each member review all the applicants and select their top 5 for interview. Mayor Pro-Tem Wyatt asked that the process be expedited and a meeting set for next week. The City Clerk was asked to find a date sometime after June 21, preferably June 24.

The process was determined.

7. City Attorney's Report

City Attorney's Report

City Attorney Kenneth Chadwell reported receipt of a lawsuit regarding the upkeep and maintenance of roads. It has been tendered to TML for coverage. On the Tansi property owners' lawsuit, Co-counsel John Batson has requested approval to employ

Scott Christian of ECE Services as an expert witness. Mr. Christian initially did the engineering work for the water harvesting project which included significant input into certain portions of the Water Harvesting Agreement, which is the subject of the lawsuit. With his earlier involvement and special knowledge in this matter, it is recommended that he be employed as an expert in the trial preparations and trial of this case. The costs and expense of hiring someone else with no background knowledge of the water harvesting project would be significantly more than employing Scott Christian. Mr. Chadwell recognized Tim Begley for his help with the Tansi lawsuit depositions.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that the City hire ECE Services under the terms and conditions as recommended by the City Attorney in at an amount not to exceed \$14,000. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

8. City Manager's Report

City Manager's Report

Interim City Manager Jack Miller presented the monthly revenue reports on local option sales tax, beer tax, and liquor inspection fees. He also presented current reports on building permits and special projects.

1 Police Department-Bill Padgett is retiring effective July 26, 2013. He requested \$2,500 retirement incentive, \$79 gift (\$1/month of service), and vacation pay \$2,574.23 (148.20 hours @ \$17.37/hour). A budget amendment will not be necessary.

2 Household rate for solid waste collection increasing 2.09% to \$8.22 per home effective September 1, 2013.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the retirement pay for Bill Padgett be approved as recommended. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

3 Council approved the extension of Billy Loggins' special assignment (as Economic Development Coordinator) on 08/14/2012. These extraordinary duties, and the provisions of same, will expire June 30, 2013. It was Interim City Manager Miller's understanding that the previous City Manager was well pleased with the performance of Mr. Loggins and was prepared to recommend another extension, or permanent status, to the assignment. He agreed and recommended that Council approve the process with no budget amendment necessary.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the assignment for Billy Loggins be approved as recommended. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

Mayor Graham reported that he came to City Hall on Friday, June 7, to get his mail and a staff meeting was underway. He heard voices from the meeting and he heard Dr. Miller's tone of voice and Sally Oglesby's. He expressed his disappointment and that the time and place for any criticism should be done in his office and not in a staff meeting. Dr. Miller agreed and said it had been taken care of. Mayor Pro-Tem Wyatt stated that it should not happen to any of the 165 employees and that Dr. Miller should be dismissed immediately. Councilman Souza called for a point of order because such action should be an amendment to the agenda. City Attorney Chadwell opined that it does not have to be an agenda item as Councils have taken similar actions over the years under the City Manager's report. Councilman Marlow stated that he supported Mrs. Oglesby 110%, but that the only information he had was second hand information. He asked for minutes of the meeting because it would be hearsay; he apologized to Sally if she had been offended.

Councilman Souza expressed his belief that it was obvious that the Mayor and Mayor Pro-Tem have been displeased with the hiring of the Interim City Manager from the beginning. Mayor Pro-Tem Wyatt agreed, but said that he had kept quiet until the changes with the Fire Department vehicles were proposed. Assistant Fire Chief Chris South reported his understanding of the proposed re-assignment of the vehicles, but that it had not been implemented.

Interim City Manager Miller stated that his honesty and integrity had been impugned by the Mayor Pro-Tem and that he had been able to work well with everyone except him who had refused to meet with him. He alleged that the rumors were spread by the Mayor Pro-tem or the City Clerk. He said that he issued an apology, in writing, to the City Clerk.

Following the vote on the motion, City Clerk Oglesby requested permission to make a statement regarding her concerns about the meeting and the current workplace environment. Councilman Souza asked for the matter to be investigated further at which time Mrs. Oglesby stated that she had a tape of the meeting that she could provide. Mayor Graham informed the Council that a special called meeting was being planned for the following week and the Mayor Pro-Tem could place the matter on the agenda if he so chose. At the request of Mayor Pro-Tem Wyatt, Police Chief Beaty made comments about the staff meeting.

A motion was made by Mayor Pro-tem Wyatt, seconded by Mayor Graham, that the Interim City Manager be dismissed effective tonight. The motion failed by the following vote:

Aye: 2 - Mayor J.H. Graham III and Mayor Pro-tem Danny Wyatt

Nay: 2 - Council Member George Marlow and Council Member Pete Souza

9. Public Comment

Mayor Graham opened the floor for comments from the public.

Ron Howard expressed his concern for personnel issues being aired in public. Mayor Pro-Tem Wyatt responded that the Sunshine law requires that they be in a public forum as Council cannot discuss matters outside of a meeting. City Attorney Chadwell also stated that the meeting was the proper forum. Interim City Manager Miller commented that Mrs. Oglesby has a grievance procedure available to her.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:12 p.m.

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

Member George Marlow, that the meeting be adjourned. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza