

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Tuesday, January 8, 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

*Mayor J. H. Graham called the public hearing to order at 5:45 p.m.*

### Public Hearing

*A public hearing was held to receive comments from the public on the following :*

*1 - Completion of the Sewer System Improvements Project funded under the 2011 Community Development Block Grant Program - Evan Sanders reported that the improvements at the wastewater treatment plant are nearing completion on the UV Disinfection system. It must be finished by the end of the month for the City to be eligible to apply for additional funds.*

*2 - FY 2013 Community Development Block Grant Program - Mr. Sanders reported that the preliminary work and cost estimates are in the process of preparation for work on the collection system to address infiltration/inflow issues. The grant amount is a maximum of \$500,000 with a 26% match. Competition is stiff for the grant funds, so there are no guarantees that the project will be funded. As required by the grant, the City has solicited for engineering and administrative services and recommend the approval of GRW Engineers for engineering services and Community Development Partners for administrative services, including application preparation.*

*With no further comments, the public hearing was adjourned at 5:52 p.m.*

**This Public Hearing was received and filed**

## REGULAR MEETING

### Roll Call

**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

*Others present were City Manager Bruce Wyatt, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Fred Houston, Darlene Barnwell, Evan Sanders, Greg Miles, Robin Miles, Roger Potter, Andy Vaughn, Karli Threet, Joe Miller, Jim Young, John Davis, Khrista Wyatt, Tonya Hinch, Tim Begley, Dennis Gregg, Clark Annis, Danny Plumlee, Ashley Adams, Beth Alexander, Rob Harrison, Chris South, Mike Turner, Jerry Kerley, Chester Bush, Tom Isham, Peggy & Ray Harris, Lou Morrison, Jerry Garrison, Chris Bennett, Billy Martin, Marlene Potter, Debbie Kokes, Gordon Kokes, Judy Stover, Lewis Stover, Skip Freitag, Jeff Freitag, Darrell Sherrill, David Beaty, Sandy Gruber, Willard Dale, Nan Beesley, John Turner, Quinn Freitag, Tom Flynn, Billy Frazier, Deborah Frazier, Helen Camp, Robert Camp, Debra Metz, Harold Allred, John Tarr, Shanna Freitag, Bob Schwartz, Ray Hansen, Wayne Russell, Don Alexander, Barry Fields, Pam Harris, Billy Loggins, Jatin Patel, Nikenj Solarnia, and David Hassler.*

**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 Willard Dale of the Southwest Baptist Church. The Young Marines presented the colors and led the Pledge of Allegiance.*

**1. Proclamations/Presentations**

- a) Student of the Month
- b) Landscaping Award

*a) Student of the Month - Mayor Graham presented the award to Quinn Freitag for the character trait "honesty".*

*b) Landscaping Award - The Obed Watershed Association was presented a plaque by Chester Bush, representing the Tree Board.*

**The Presentations were made.**

**2. Appointments****Appointment to the Lake Commission**

*Charles Loveday, Chairman of the Lake Commission, recommended re-appointment of Doug Brady whose term expires this month.*

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member George Marlow, that Doug Brady be re-appointed. 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

**3. Consent Agenda**

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, 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 (12/11, 12/18)

**The Minutes were approved as recommended**

**Ordinances on Third Reading**

- b. Ordinance amending the FY12-13 budget for records management system

**This Ordinance was adopted on third reading**

- c. Ordinance adopting the International Mechanical Code  
**This Ordinance was adopted on third reading**
- d. Ordinance adopting the International Fuel Gas Code  
**This Ordinance was adopted on third reading**
- e. Ordinance amending the FY12-13 budget for retirement pay  
**This Ordinance was adopted on third reading**

#### **Ordinances on First Reading**

- f. Ordinance amending §1-102 of the Crossville Municipal Code  
**This Ordinance was approved on first reading**
- g. Ordinance annexing 6.85 acres on Myrtle Ave.  
**This Ordinance was approved on first reading**

#### **Additional Consent Items**

- h. Approval of Resolution selecting Community Development Partners for 2013 CDBG grant application  
**This Resolution was adopted**
- i. Approval of Resolution selecting GRW Engineers for 2013 CDBG grant application  
**This Resolution was adopted**
- j. Approval of Resolution designating the Mayor as Financial Officer for 2013 CDBG grant application  
*The City is considering applying for grant funds up to \$500,000 to help cover the costs for additional improvements to the wastewater system. The attached resolution authorizes the filing of the grant application and designates the Mayor as Financial Officer for the project. The Mayor will handle no funds or be authorized to take any action without Council approval.*  
**This Resolution was adopted**
- k. Approval to submit Pre-Proposal for Energy Grant  
*When the renovation of the City Hall was bid, an alternate bid was requested for the installation of a photovoltaic system to collect solar energy that could be sold back to VEC/TVA. The alternate bid prices ranged from \$105,884 to \$113,974. The alternate bid was not approved with the plan to submit an application for grant funding in 2013*

for this installation. However, the conduit was installed during the renovation to be better prepared. The grant applications are now available and a pre-proposal must be submitted by January 31. There is no required grant match; however, the higher match will result in more points being awarded in the review process. If invited, a full proposal must be submitted by February 28 with awards announced in late Spring. The application reflects a planned start date of July 1, if approved. Mayor Pro-Tem Danny Wyatt proposed requesting 75% grant funds.

**This Resolution was approved as amended**

**I. Resolution of cooperation with TDOT on the Hwy. 127N road project**

*A proposed contract from TDOT was submitted to the City pledging the City's cooperation with TDOT on the Hwy. 127N road project. This contract only affects the area located within the current City limits and does not apply to any utilities, which would be covered under a separate document, as required.*

**This Resolution was approved as recommended**

**4. Bids/Purchases**

**Long and Short Term Disability Insurance**

*Effective January 1, 2013 the City discontinued paying for Short and Long Term Disability Insurance for employees. It was proposed that the City offer a voluntary product to employees; therefore, it was bid out. Twenty-six bids were received. Of these twenty-six, several declined to bid because of the number of employees and because several do not cover police officers and fire fighters. The bid of Lincoln National Life Company was recommended and meets all bid specifications. Employees will be able to insure any amount, up to their W-2 amount, but not more than that. These rates will be paid by employees via payroll deductions and will not be included in their pre-tax selection. The rates are not based on gender and will be effective 1/1/13, so there will be no lapse in coverage or pre-existing conditions.*

**A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the bid of Lincoln National be accepted. 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**

**Marketing Report for January 2013**

*Marketing Director Billy Loggins gave an update on the following:*

*·Discover the Upper Cumberland - airing on WCTE*

*·Meadow Park Lake dam - The original plaque has been refurbished and the new one received and will be installed very soon*

*·Christmas Parade DVD - Ben Lomand was of great assistance and aired the video on their cable network*

·Close Up Publication

·Upper Cumberland Business Journal

·Tennessee Golf Quarterly has just been released with 3 pages dedicated to Crossville/Cumberland County

·Schedule of events being finalized and will be distributed soon

**This Report was received and filed**

## 6. Other Business

### a. Matters relative to airport

*Councilman Souza thanked Chris Bennett for his report on the helicopter crash. Financial questions - After the City Manager has time to review the FBO contract and the expenses, Councilman Souza requested that a work session be called to further discuss the matter.*

*Donnelly property - Chris Bennett reported that an additional corporate hangar was built on part of the property purchased. Councilman Souza requested information on the costs for the taxiway for the hangar.*

**This Report was discussed**

### b. Matters relative to Tenth Street Improvements

*An agreement between the Cumberland County Rescue Squad, the Obed Watershed Community Association, and the City of Crossville was presented for approval. The agreement consists of removing soil in the area adjacent to the Rescue Squad building to a level just above the invert elevation of the storm sewer crossing Tenth Street. The project permitting and excavation work will be performed by the City of Crossville as in kind contributions utilizing City personnel and City equipment. The Obed Watershed Community Association will ensure proper vegetative cover and stabilization. This excavation and stabilization will increase the floodplain area on the Cumberland County Rescue Squad property. This increase in storage area will help reduce the flooding on Tenth Street and areas downstream. Additional benefits will be reduction of infiltration into the sanitary sewer system and deposition of sediment and gravel from the City to Town Branch. This project will reduce the frequency of flooding in the area but will not eliminate all flooding. The Rescue Squad has approved and signed the agreement.*

**A motion was made by Council Member Jesse Kerley, seconded by Council Member George Marlow, that this agreement 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

### c. Matters relative to Plumbing-Mechanical Fees

*As discussed at the December meeting, the fee schedule has been revised so as to offer a joint plumbing-mechanical permit or as separate permits.*

**A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the revised Plumbing and Mechanical Fee Schedule be approved. 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

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

## **BEER BOARD**

### **a. Last Call Sports Bar**

*An application for an on-premises beer permit was submitted by Shawn M. Voelker dba Last Call Sports Bar to be located at 467 Old Lantana Road. This permit was not recommended for approval at the December meeting by the Police Department due to the applicant's record; however, since that meeting his record has been expunged. The Police Chief recommended approval.*

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that this Permit be approved. 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. Minit Check**

*An application for an off-premises beer permit was received from Jatin Jumar B. Patel dba Minit Check located at 638 S. Main. The Police Chief recommended approval.*

**A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, that this Permit be approved. 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. Tobacco Road**

*An application was received for an off-premises beer permit for Savitaben V. Patel dba Tobacco Road to be located at 1082 West Ave. The Police Chief recommended approval.*

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that this Permit be approved. 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

*(At 6:32 p.m. the Beer Board was adjourned and the regular meeting reconvened.)*

**d. Matters relative to old City business**

*Councilman Jesse Kerley asked that the matter be deferred to a special called meeting in the future.*

**This Resolution was tabled**

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

*The City Manager, Finance Director, City Clerk, and Director of Engineering proposed closing the renovation project on the new building. Any further costs would either come out of existing departmental maintenance accounts or be brought back to Council for authorization. The recommended budget amendment is in the amount of \$115,000, bringing the renovation cost to \$2,139,199 (including furnishings of approximately \$180,000). This is approximately \$63 per square foot. With the cost of the building included, the cost per square foot is approximately \$119. Staff was congratulated on the successful completion of the project, especially the low cost per square foot.*

**A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that this Ordinance 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

**Nay:** 1 - Council Member Jesse Kerley

**7. City Attorney's Report**

**City Attorney's Report**

*City Attorney Kenneth Chadwell reported that no new lawsuits had been received during the previous month. He further noted that the City had received notice from the Tennessee Department of Environment and Conservation that will require action within a 30 day period, which will be brought up at a special call after the review is completed.*

*Industrial Property - Councilman Souza questioned the City Attorney on who represented Mr. Oakley in the transaction. Mr. Chadwell responded that would be privileged information and would have to come from Mr. Oakley. Mr. Chadwell did prepare the contract. Councilman Souza requested a copy of the sales contract.*

**This Report was received and filed**

**8. City Manager's Report**

**City Manager's Report**

*City Manager Bruce Wyatt reported that the water is 10" below normal pool on Holiday Lake and 44" below at Meadow Park Lake. He presented the monthly revenue charts showing local option sales tax, wholesale beer tax revenues, and retail liquor inspection fees. He also presented updates on building permits, current grants/projects, special projects, and debt schedules. At the request of the City*



Manager, Tim Begley gave updates on several projects. The Corps of Engineer project with GKY on the EIS is completed and they have requested to make a report at an upcoming Council meeting. The fencing for the dog park will be going out for bid very soon. The Northwest Connector is expected to be bid in February. The renovation of the old City Hall for the Police Headquarters is moving along with a plan to allow them to move in by the end of February. The Lantana Rd. street light proposals are being prepared by TVA. City Clerk Sally Oglesby reported that the 127S widening project is being held up by TVA who is approving the required permits. Because of the delays, the Assistant Commissioner of TDOT is intervening to get the project moving again.

Mr. Wyatt reported on the bond payments. There are a couple of loans that may be paid off with money escrowed.

In personnel matters, the following recommendations were made (none of which require budget amendments):

- Fire Department-Firefighter-EMT Thomas Smith is currently substandard on his hourly rate of pay in relation to his peers. Mr. Smith is currently compensated at a rate of \$8.96. Four of his peers with equal certifications and less time with the City are compensated at a rate of \$9.68-\$9.70 per hour. Approval was requested to raise his hourly rate to \$9.70 to be equal to his peers.

- Police Department-A 5% increase was requested for Kevin Wood retroactive to December 28, 2012 for completing 6 months probationary period and the Police Academy. He will be added to TCRS and credited with vacation and sick time for his probationary period. His new hourly rate will be \$12.85.

- Police Department-Andrew King is being promoted to Senior Patrol Officer. A salary increase of \$154.60 per year was requested. (\$77.28 for remainder of fiscal year 2012-2013).

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the personnel changes be approved. 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 proposal from South Cumberland Utility District-A proposal establishing a new connection was provided for informational purposes only (attached and made a part of these minutes). The City Manager was asked to write a letter to SCUD acknowledging the planned improvements.

Waterview Drive properties-The City Manager received a purchase offer for 2 lots owned by the City, which were originally used for the middle mile markers for the airport. That equipment is no longer needed and has been removed. It is the opinion of the City Attorney that, if the City Council is interested in selling the lots, appraisals be obtained. At that point, they can be sold by private sale, auction, sealed bids, or similar manner. If auctioned, it would be recommended that a reserved price be established at a minimum of the appraised value. By Charter, once a buyer has been

established, an ad will be run for a 30 day period before a closing can occur. Councilman Souza expressed his desire to put the property back on the market, in a competitive manner. Mayor Graham asked for a listing of the properties that might be for sale and their fair market value. The City Attorney strongly recommended appraisals, regardless of the method of sale. Councilman Kerley commented that he believed it was a bad time with the real estate market in its current condition to sell the lots. A work session was suggested by Councilman Souza. Mayor Pro-Tem Wyatt asked for the City Manager to bring back the cost for appraisals to the Council. Councilman Kerley asked the City Manager for a report on the customers inside the City limits who are being charged for sewer, but not connected. He also asked for a report disclosing the Miller vs Wyatt lawsuit on when it was brought before the Council and the costs being incurred. The City Attorney responded that it did not require Council approval before sending to the TML Risk Management Pool because, by contract with the TML Risk Management Pool, they picked up the suit because he was a sitting Councilman at the time of the event, as they would with any other Councilman. Depending on what happens after that, depends on the outcome of the lawsuit. By contract, they decide whether to cover or not or under a reservation of rights. The City Manager stated he would provide whatever he can legally provide. It was explained that all lawsuits are submitted to TML, under contract, and do not require Council action.

Mayor Pro-Tem Wyatt asked for an update on the operation of concession stands at the park and other ways to cut costs. Mr. Wyatt responded that the City received proposals from two applicants who are being interviewed. He expects to recommend action at the February meeting. The Mayor Pro-Tem would like to see if there are any costs that can be trimmed at the park and remarked that the financial report on the airport showed that it is on the way to recovery from a financial standpoint. He would also like to see if there are expenses that could be cut in operations in the water department to avoid the final 5% water increase scheduled for this Spring.

## 9. Public Comment

Mayor Graham requested comments from the public. There were none.

## ADJOURNMENT

With no further business, the meeting was adjourned at 6:55 p.m.