

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Thursday, December 8, 2016

6:00 PM

Council Chambers

## City Council

*Mayor James Mayberry*  
*Mayor Pro-tem Pamala Harris*  
*Council Member J. H. Graham, III*  
*Council Member Scot Shanks*  
*Council Member Danny Wyatt*

**BEER BOARD - 5:45 p.m.**

*The Beer Board for the City of Crossville met on Thursday, December 8, 2016, at Crossville City Hall. Mayor James Mayberry was present and presiding. He called the Beer Board to order at 5:50 p.m.*

**Roll Call**

**Present:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**1. West Ave. Bar & Grill**

*Angelia Garrison filed an application for an on- and off-premises beer permit for West Ave. Bar & Grill to be located at 80 West Ave.*

*Interim Police Chief Mark Rosser gave a clear records report on the applicant and recommended approval.*

**A motion was made by Council Member J. H. Graham, seconded by Council Member Danny Wyatt, that an on- and off-premises beer permit be approved for West Ave. Bar & Grill, as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**2. Hibachi Super Buffet**

*An application was filed by Yunyu Zheng for an on-premises beer permit for Hibachi Super Buffet located at 1352 N. Main St.*

*Interim Police Chief Mark Rosser gave a clear records report on the applicant and recommended approval.*

**A motion was made by Council Member J. H. Graham, seconded by Council Member Danny Wyatt, that an on-premises beer permit be approved for Hibachi Super Buffet, as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**3. Bull Frog's**

*An application was submitted by James E. Lee dba Bull Frog's located at 1133 Genesis Rd. for an on- and off-premises beer permit.*

**A motion was made by Council Member J. H. Graham, seconded by Council Member Danny Wyatt, that an on- and off-premises beer permit be approved for Bull Frog's, as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

*With no further business, the Beer Board was adjourned at 5:53 p.m.*

### **PUBLIC HEARING**

*A public hearing was held to receive comments from the public regarding a progress report on the annexation of 103 Meadowview Lane. Mayor James Mayberry was present and presiding. He called the public hearing to order at 5:53 p.m.*

#### **Annexation Progress Report for 103 Meadowview Lane**

*The City annexed 0.4 acres at 103 Meadowview Lane on June 9, 2016. All services of the city have been provided as outlined and/or requested by the property owner/developer. Mayor Mayberry opened the floor for comments from the public.*

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

### **REGULAR MEETING**

*The City Council for the City of Crossville, Tennessee held its regular meeting on Thursday, December 8, 2016, at Crossville City Hall.*

#### **Roll Call**

**Present:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

*Others present were Interim City Manager Steve Hill, City Attorney Will Ridley, City Clerk Sally Oglesby, Captain Tony Davis, Interim Police Chief Mark Rosser, Andy Vaughn, Lane Tollett, Kim Wyatt, Butch Gardner, Ivy Gardner, Joan Gardner, Jake Gardner, Lewis Stover, Judy Stover, J.D. Barnes, Billy Martin, Jeff Johnson, Kevin Music, Billy Phipps, Jim Morrow, Skyler Martin, Madi Reed, Levonn Hubbard, Lori Freitag, Skip Freitag, Fontaine family, Carolyn Josziak, Tammie French, Kyle Sherrill, Katherine French, Misty Williams, Michael Fann, Bruce Wyatt, Sue York, Rob Harrison, Sara Sentf, Janice Jackson, David Jackson, John Conrad, Ashley Pealer-Richards, Ed Camera, Jerry Kerley, Steve Powell, Chris South, Barbara Moss, Chase Rainey, Emilee Rainey, Brandon Jones, Jeffrey Ginsburg, Karen Gibson, Taylor Gibson, Brad Allamong, Curtis Tollett, Reese Meadows, Mason Houston, Mark Fox, Margie Buxbaum, Liz Denton, Tom Isham, Jim Young, Salena Sandoval, Carys Mullinax, Katherin Torrance, Shaunna Bradshaw, and Brayden Patterson, Fred Houston, Leah Crockett, Bob Karstens, and Randy Evans.*

#### **Call to Order**

*Mayor Mayberry called the meeting to order at 6:00 p.m. He welcomed the audience and discussed proper conduct during the meeting. The invocation was given by Bob Kastens of First Christian Church. The Young Marines presented the colors and led the Pledge of Allegiance.*

## 1. Proclamations/Presentations

- a) Student of the Month
- b) Christmas Card Winners
- c) Police Department Accreditation

*a) Student of the Month - Emilee Rainey for "caring"*

*b) Christmas Card Winners-7 schools participated in the annual holiday card contest, which has been sponsored by the City of Crossville since 2001. One winner from each school was chosen:*

*Pine View Elementary-Salena Sandoval*

*Crab Orchard Elementary-Gabriel Fontaine*

*North Cumberland Elementary-Carys Mullinax*

*Glenn Martin Elementary-Buttons Cole*

*Cumberland County High School-Katherine Torrance*

*Pleasant Hill Elementary-Shaunna Bradshaw*

*Homestead Elementary-Brayden Patterson*

*c) Police Department Accreditation - Interim Police Chief Mark Rosser introduced Cookeville Police Chief Randy Evans, representing the Commission on Accreditation for Law Enforcement Agencies, Inc. who presented the certificate of accreditation for the Crossville Police Department.*

**The Presentations were announced**

## 2. Appointments

### a. Mayor Pro-Tem

*The City Charter (Article V, Section 11) states "at the first meeting of a new council, it shall choose from its membership a member to act in the absence, inability, or failure to act of the mayor, who shall act as mayor pro tem, and who shall have all the power herein granted to the mayor while so acting".*

*The floor was opened for nominations for Mayor Pro-Tem for the coming two years.*

*Mayor Pro-Tem Harris nominated J. H. Graham, III.*

*Mayor Mayberry nominated Scot Shanks since he received the highest number of votes. Councilmember Shanks gave his support to J. H. Graham for the position.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that J. H. Graham, III be appointed Mayor Pro-Tem. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

### b. Crossville Regional Planning Commission

*The City Council appoints a member of the City Council to serve, along with the Mayor, on the Crossville Regional Planning Commission. Mayor Pro-Tem Pamala Harris is currently serving in this position.*

**A motion was made by Council Member J. H. Graham, seconded by Mayor James Mayberry, that Pamala Harris be the Council's appointment to the Planning Commission by acclamation. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**c. City Judge**

*The Charter (Article IX, Section 1) states "The City Council shall elect or appoint a city judge by a majority vote of its entire membership, for a period of two (2) years, or until a successor has been elected and qualified."*

*At the September City Council meeting, City Council approved raising the salary from \$15,000 to \$20,000 to be effective with this appointment.*

**A motion was made by Council Member Danny Wyatt, seconded by Council Member J. H. Graham, that Ivy Gardner be re-appointed as City Judge for a two-year term by acclamation. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**d. Joint Economic Development Board**

*The Joint Economic Development Board is made up of members from the County and all municipalities, as well as representatives from utilities, Chamber, and other entities. Jesse Kerley was one of the representatives of the City of Crossville.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that Scot Shanks be appointed to the Joint Economic Community Development Board. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**e. ADA Coordinator**

*The Federal Highway Administration is requiring that all communities with 50 employees or more have an ADA Transition Plan. An ADA Coordinator must be named by December 2016. It is recommended that the Human Resources Administrator fill this position. The ADA Coordinator will be responsible for developing and publishing an ADA grievance procedure. By December 2017, the Mayor must provide TDOT with a written letter outlining the development of the Transition Plan, which must be adopted by the City Council. The Transition Plan must be completed by December 2019.*

**A motion was made by Council Member J. H. Graham, seconded by Mayor Pro-tem Pamala Harris, that the Human Resources Administrator be appointed as the ADA Coordinator. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**3. Consent Agenda**

**Approval of the Consent Agenda**

**A motion was made by Council Member J. H. Graham, seconded by Council Member Danny Wyatt, to approve the Consent Agenda as presented. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

- a. Approval of minutes (10/13-Beer Board, 11/10)

**The Minutes were approved as recommended.**

#### **Ordinances on Third Reading**

- b. Ordinance amending 2016-17 budget for Safe Routes to Schools project

**This Ordinance was adopted on third reading.**

- c. Ordinance amending the FY2016-17 budget for Cemetery Software

**This Ordinance was adopted on third reading.**

#### **Ordinances on Second Reading**

- d. Ordinance amending the FY2016-17 budget for purchase of a police vehicle and accessories

**This Ordinance was approved on second reading.**

- e. Ordinance amending the FY2016-17 budget for 2014 Ford Explorer police vehicle

**This Ordinance was approved on second reading.**

- f. Ordinance adding the amphitheatre as a smoke-free workplace

**This Ordinance was approved on second reading.**

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

- g. Ordinance amending §12-1102(c) of the Crossville Municipal Code regarding administrative hearings

**This Ordinance was approved on first reading.**

- h. Ordinance deleting § 11-703 and 11-705 from the Crossville Municipal Code

This Ordinance was approved on first reading.

### Additional Consent Items

- i. Approval of temporary road closures for “Run to Read 5K and 1 Mile Walk”

The temporary street closing was approved as recommended.

- j. Agreement with Kidwell & Company, Inc. for Municipal Advisor Services

The Contract with Kidwell & Company was approved as recommended.

- k. Approval of contract with South Cumberland Utility District for the transfer of water lines

The Contract with South Cumberland Utility District was approved as recommended.

#### 4. Bids/Purchases

- a. Message Board for Street Department

*The Street Department Supervisor obtained a quotation from K & K System for two (2) portable message boards. K & K has the State bid for the signs, and the cost per sign is \$11,950.33. Total cost for both signs is \$23,900.66. Purchase for a signs was budgeted for and approved in the 2016/2017 budget. The second sign can be bought at a savings of approximately \$3,000 and will be used primarily with the concrete crew.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Scot Shanks, that the purchase of two message boards from K & K System be approved and a budget amendment be approved on first reading. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

- b. Batwing Finish Mower

*The City of Crossville accepted bids for a Batwing Finish Mower for the Maintenance Department. The Maintenance Supervisor reviewed all submitted bids, and recommended purchasing the Woods 12' Finish mower from Mountain Farm International for \$8,000. The original purchase price of the mower was \$11,500 minus a trade-in value of \$3,500 for a Land Pride 16' Finish mower. Purchase of the mower was not allocated in the 2016/2017 budget. However, funds remain in these accounts (41900-940-003 and 41900-940-004) even after the budgeted items have been purchased.*

**A motion was made by Mayor James Mayberry, seconded by Council Member Scot Shanks, that the purchase of the Batwing Finish Mower from Mountain Farm International be approved as recommended. The motion carried by the**

following vote:

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**c. Equipment Trailer for Water/Sewer Maintenance**

*The City of Crossville accepted bids for an equipment trailer for the Utility Maintenance Department. The Utility Maintenance Supervisor reviewed all bids received and recommended purchasing the trailer from Stowers Machinery, a local vendor, for the purchase price of \$10,450. The lowest bids received did not meet the required specifications.*

**A motion was made by Council Member J. H. Graham, seconded by Mayor Pro-tem Pamala Harris, that the purchase of an equipment trailer from Stowers Machinery be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**5. Marketing Report**

**December Marketing Report**

*Marketing and Public Relations Director Billy Loggins provided updates on the following:*

- Christmas Parade
- Breakfast Rotary Annual Chili Cook-off
- Reindeer 5k sponsored annually by the TAD Center
- Christmas Open House
- New PBS Series.....Palace Theatre, a kick-off of "Victoria" will be held at the Palace Theatre
- 2017 Event
- Healthier TN

*He also announced the following:*

- In 2017, the Big Idaho potato truck will be coming;
- Crossville will be a center point location of the total solar eclipse in August
- Todd Jarrell, the producer of "Bright Lights, Little City" documentary on the Playhouse has enough material to be extended to an hour, but probably will not because of the saleability of documentaries longer than 30 minutes.

**This Report was received and filed**

**6. Cumberland County/Chamber Report**

*Brad Allamong updated the Council on the website hits, visitor center visitors, new water meters, and the site development grant.*

**7. Other Business**

**a. Approval of application for Site Development Grant**

*Mayor Mayberry announced that the County budget committee unanimously*



*approved to provide 50% of the local match, up to \$250,000. The request will go before the full County Commission for approval. Because the final approval has not been given, City Clerk Sally Oglesby explained to the Council that they would need to approve the resolution authorizing the full \$500,000 local match because the application must be submitted prior to the County meeting.*

**A motion was made by Mayor James Mayberry, seconded by Council Member J. H. Graham, that the Resolution authorizing the submittal of an application for funding an industrial site pad for a 200,000 sf building be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**b.** Discussion and action on scheduling Council meetings and work sessions

*Following the work session, the City Attorney and City Clerk prepared a resolution revising the Standing Rules to include a monthly work session and an ordinance to change the meeting dates to the 2nd Tuesday of each month and moving the Public Comment period to the first part of the agenda.*

**A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the Resolution revising the Standing Rules of the Council and the Ordinance regarding the date of the meeting and the Public Comment period be approved on first reading. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**c.** Discussion on City Manager selection process

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Mayor James Mayberry, that the application process for City Manager be re-opened and resumes accepted through January 15, 2017. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

*HR Administrator Leah Crockett will inform the current applicants that the search has been re-opened and give them an opportunity to update their resume.*

**d.** Discussion and action on special City Census

*Councilmember Graham proposed that the budget be amended to cover costs for a special City census. In 2014, a special census was performed that had a net gain of 227, bringing the City's census to 11,022. State-shared taxes are provided for \$123.30 annually per person. If a census is completed in the Spring of 2017, these additional revenues will be effective through 2021 when the federal census is certified. The cost of the special census in 2014 was approximately \$30,000.*

*It was reported that since April 2014, there have been building permits issued for 205 residential homes and 112 apartments.*

**A motion was made by Council Member J. H. Graham, seconded by Mayor James Mayberry, that a budget amendment for \$30,000 for a special city census be approved on first reading. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**e. Discussion and action on CCHS Football Field**

*Jon Hall, Principal of CCHS, reported that he has raised \$20,000 toward the project and all the fuel, if it is a local contractor. He has also found a grant from the NFL for up to \$100,000 with a match of 50%. In addition, he is pursuing some other large donations. Mr. Hall reported that the County Building and Grounds is not able to offer their assistance at this time because of greater needs at other schools. The cost for the project is estimated at \$120,000.*

*Council members expressed concerns about the potential needs of all the other schools, the precedence such a funding contribution would set, and that the school system and its funding is out of the city's jurisdiction.*

**There was no motion offered.**

**f. Discussion and action on property tax freeze**

*Councilmember J. H. Graham, III asked for consideration of a property tax freeze for senior citizens.*

*In 2006, the Tennessee General Assembly approved an amendment authorizing counties and cities to implement a property tax freeze for qualified taxpayers 65 years of age or older. The City Council has looked at such a freeze in the past, but has not adopted it.*

*Under this law, to be eligible a homeowner must be 65 years of age or older and have a maximum income from all sources (all owners and spouses) not exceeding \$38,250. They must file annually to receive the benefit. The first year that the homeowner becomes eligible and applies would be the baseline for the property tax. If they apply annually, the tax would be frozen at that same dollar amount regardless of property tax increases or reassessments unless improvements are made to the property that increase the value. If they skip a year for filing for the benefit, the base year resets.*

*In Summary:*

*Must be 65 by 12/31/16 (no subsidy by the State)*

*Must own home and use as primary residence*

*Maximum income for applicant, spouse and all owners of property \$38,250*

*Tax bill is frozen at the amount in the first year of eligibility*

*Must apply annually and bring proof of income*

*The City's tax rate has been fairly stable since 2006 when the law was enacted. However, in 2016, the Council increased the rate from 53¢ to 63¢. On a \$100,000 home, this increased the taxes by \$25. If this law had been enacted by the City Council, the homeowner would have saved the \$25, but it would not be subsidized by the State.*

*Currently, there are several other relief programs to benefit senior citizens and veterans that are already available and subsidized by the State:*

*Elderly Homeowners (State pays up to \$37.01 of the property tax bill)*

*Must be 65 by 12/31/16*

*Must own home and use as primary residence*

*Maximum income for applicant, spouse and all owners of property \$29,180*

*Maximum market value on which tax relief is calculated \$23,500*

*Disabled Homeowner (State pays up to \$37.01 of the property tax bill)*

*Must be totally & permanently disabled*

*Must own home & use as primary residence*

*Maximum income for applicant, spouse and all owners of property \$29,180*

*Maximum market value of which tax relief is calculated \$23,500*

*Disabled Veteran Homeowner (State pays up to \$157.50 of the property tax bill)*

*Must be totally & permanently disabled*

*Must own home & use as primary residence*

*Maximum market value of which tax relief is calculated \$100,000*

**A motion was made by Council Member J. H. Graham, seconded by Council Member Danny Wyatt, that the Ordinance adopting a property tax freeze be approved on first reading. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

**g.** Discussion and action on health insurance for City Judge and City Attorney

*Councilmember Wyatt discussed adding the City Judge and City Attorney to the City's health insurance plan under a special classification. The insurance company will determine whether to make an exclusion as a new classification to differentiate them from other committee members and be accepted into the group.*

*Those opposed to the motion stated that the attorney can afford his own insurance; the City Judge position had many applicants under a pay schedule that was recently increased by \$5,000 for the next term, and that the current compensation should be satisfactory with the hours spent.*

**A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the resolution creating a classification for the City Attorney and City Judge for health insurance be approved. The motion carried by the following vote:**

**Aye:** 3 - Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt and Council Member J. H. Graham

**Nay:** 2 - Mayor James Mayberry and Council Member Scot Shanks

**8. City Attorney's Report**

City Attorney's Report

*City Attorney Will Ridley reported on the Ronald Boggs vs City and Preferred Sandblasting lawsuit, which involved the re-painting of a water tank. The contract the City had with the contractor required them to indemnify the city. That provision is paying off and their insurance company has agreed to defend the City. The City*

*turned it over to the TML Risk Management Pool for coverage. TML has advised that their attorney should step out of the case and allow the sandblasting company attorney to represent both the company and the City.*

**A motion was made by Council Member J. H. Graham, seconded by Mayor James Mayberry, that approval be given to allow the TML Risk Management Pool attorney to step out of the lawsuit and the City be represented by the company attorney. The motion carried by the following vote:**

**Aye:** 5 - Mayor James Mayberry, Mayor Pro-tem Pamala Harris, Council Member Danny Wyatt, Council Member J. H. Graham and Council Member Scot Shanks

*He also reported that no new litigation has been filed since the last meeting.*

## **9. City Manager's Report**

### City Manager's Report

*Interim City Manager Hill gave the monthly revenue reports on local option sales tax, wholesale beer, and retail liquor franchise fees. He also provided updates on special projects and building permits. Council Member Graham asked the City Manager for a feasibility report on pulling water from Caryonah Lake. Council Member Wyatt asked for an update on the employee wellness program.*

**This Report was received and filed**

## **10. Public Comment**

*Ed Camera thanked the Council for showing leadership by taking a risk and approving the site development grant.  
Karen Gibson expressed concerns on the condition of roads in the city. It was noted that a paving schedule has been adopted to spend \$600,000 a year and that some of the side streets in the downtown area will be done once the State repaves Main St. and the sidewalk project is built.*

## **ADJOURNMENT**

*With no further business the meeting was adjourned at 7:26 p.m.*