

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Thursday, October 8, 2015

6:00 PM

Council Chambers

## City Council

*Mayor James S. Mayberry*  
*Mayor Pro-Tem Pamala Harris*  
*Council Member Jesse Kerley*  
*Council Member Pedro (Pete) Souza*  
*Council Member Danny Wyatt*  
*City Manager David Rutherford*  
*City Clerk Sally Oglesby*

**PUBLIC HEARING**

*Mayor James Mayberry was present and presiding. He called the public hearing to order at 5:50 p.m.*

Annexation of 1.8 acres on Lantana Rd. (Lantana Market)

*NAND has requested annexation of their property at 2374 Lantana Road so that they can connect to City sewer. The sewer is located on the corner of the property.*

*Mayor Mayberry open the floor for comments regarding the proposed annexation. With no comments, the public hearing was adjourned at 5:52 p.m.*

**This Public Hearing was received and filed**

**REGULAR MEETING**

*The City Council for the City of Crossville met in regular session on Thursday, October 8, 2015, at Crossville City Hall. Mayor James Mayberry was present and presiding.*

**Roll Call**

**Present:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

*Others present were City Manager David Rutherford, City Attorney Will Ridley, City Clerk Sally Oglesby, Tim Begley, Lee Lawson, Andy Vaughn, Kevin Music, Tammie French, Fred Houston, Rod Shoap, Sandy Shoap, Jerry Kerley, Chris Bennett, Margie Buxbaum, Butch Smith, Levonn Hubbard, Charles Tollett, Jim Young, Randall Kidwell, David Simcox, Jim Morrow, Linda Caldwell, Linda Bottoms, Mark Rosser, Kay Whiteaker, Chris South, Mike Turner, Steve Frank, R. J. Crawford, John Turner, Chuck Clapper, George Paulisin, Tishaba Lawson, Rachel Bruning, Virginia Houston, Teresa Payne, Bruce Wyatt, David Brockway, Linda Bennett, Ed Camera, Karen Shanks, Ashley Pealer-Richards, Brad Allamong, Laney Colvard, Teresa Boston, Randy Graham, Tony Perry, Rob Harrison, and Charley Tollett.*

**Call to Order**

*Mayor Mayberry called the meeting to order at 6:00 p.m. Walter Canter of the Calgary Presbyterian Church-Big Lick gave the invocation following by the Pledge of Allegiance.*

**1. Proclamations/Presentations**

- a) Student of the Month
- b) Chiropractic Awareness Month
- c) Domestic Violence Awareness Month

## d) Officer of the Month

a) *Student of the Month - James Lawson for "responsibility"*b) *Chiropractic Awareness Month*c) *Domestic Violence Awareness Month*d) *Officer of the Month - Detective Jason Wilson, Sgt. Dustin Lester and his K-9 partner, Mojo, were recognized.***This Proclamation was presented****2. Appointments - NONE****3. Consent Agenda****Approval of the Consent Agenda****A motion was made by Council Member Jesse Kerley , seconded by Mayor Pro-tem Pamala Harris, to approve the Consent Agenda, items "a-n" except "f".****The motion carried by the following vote:****Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

## a. Approval of minutes (9/10, 9/24)

**The Minutes were approved.****Ordinances on Third Reading**

## b. Ordinance amending the FY2014-15 budget for storage hangar project

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

## c. Ordinance amending §18-114 regarding water billing

**This Ordinance was adopted on third reading.****Ordinances on First Reading**

## d. Ordinance amending the 2015-16 budget regarding Sanitation Fund

*The Department of Audit with the Comptroller's Office did a limited review of the June 30, 2014 financial statements. In the report, the auditor said that the Sanitation Fund did not meet the criteria for a special revenue fund. This fund should be discontinued and the expenses reported in the general fund.***Approval was given for the Finance Director to move the sanitation accounts to the General Fund through a budget amendment that was approved on first reading.**

## e. Ordinance amending Crossville Municipal Code regarding purchase

order limits

*For many years, department heads have had the authority to request a purchase order for purchases up to \$500. This amount has been the same since 1999. The Finance Department has realized that it would help them if the amount was raised to \$1,000. Purchases exceeding \$1,000 would require a requisition, as it has been in the past.*

**The Ordinance amending Sections 5-604 and 5-605 of the Crossville Municipal Code was approved on first reading.**

- f. Ordinance amending the 2015-16 budget for Jet A Fuel System Cabinet

*Councilmember Souza questioned Chris Bennett on the status of the Jet A fuel system cabinet. Mr. Bennett reported that the system was installed around 1970 and has a leak that has been contained, but can no longer be repaired. Bids will be sought for the cabinet. Councilmember Souza requested that the item be tabled for more investigation by the Engineering Department.*

**A motion was made by Council Member Jesse Kerley, seconded by Council Member Danny Wyatt, that the ordinance amending the 2015-16 budget be passed on first reading. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

#### **Additional Consent Items**

- g. Approval of temporary street closings for SMHS Panther Dash

*Stone Memorial High School requested temporary street closings on Cook Road for their annual Panther Dash to be held on Saturday, November 14 beginning at 8:30 a.m. The race should conclude about 9:30 a.m.*

**The temporary street closings were approved as recommended.**

- h. Approval of temporary street closure for SpiritFest

*First United Methodist is hosting their annual SpiritFest on Saturday, October 31, and requested that Braun Street be closed from 3:00 p.m. to 8:00 p.m. for the safety of the participants.*

**The temporary street closings were approved as recommended.**

- i. Approval of temporary street closings for Stone Elementary 5K run

*Stone Elementary is hosting a 5K run on New Year's Day 2016 and requested temporary street closures beginning at 9:00 a.m. until the conclusion of the run.*

**The temporary street closings were approved as recommended.**

- j. Approval of temporary street closing for Social Brew grand opening

*Social Brew is having their grand opening on Saturday, October 31. They requested that Taylor Avenue from N. Main St. to Thurman be closed from 11:00 a.m. to 7:00*

*p.m. Ironwood Construction has been contacted and does not anticipate any problems and, in fact, may already have it repaved by that date.*

**The temporary street closings were approved as recommended.**

- k. Approval of temporary street closings for Obed Watershed Community Assoc. 5K

*The OWCA is sponsoring a 5-K run and Fun Walk on Saturday, October 10th, at Cumberland Mountain State Park beginning at 9:00 am. They requested the City to provide a Police Officer to assist the State Park, Ranger staff, and an EMT. Cumberland Medical Center is working on filling the EMT request.*

**The temporary street closings were approved as recommended.**

- l. Resolution annexing and approving a plan of services for 1.8 acres on Lantana Road

*NAND Inc. (Lantana Market) requested the annexation of their property into the City so that they can connect to city sewer, which is located adjacent to the property. The Planning Commission met and recommended approval.*

**This annexation was approved as recommended.**

- m. Approval to explore the potential for a CDBG application for housing

*Discussions have started on a potential application for CDBG funding in 2016. Staff is looking at a potential housing grant, which would provide 100% funding for the renovation of owner-occupied homes for low to moderate income citizens. If the Council is interested in exploring this potential, it is time to identify some areas and do some inspections that would be required for the application. There will no cost to the City for this initial work. Should the grant be funded, those doing the work would be hired to provide the administrative and inspection work during the project.*

**Approval was granted for exploring a potential CDBG housing grant.**

- n. Approval of GHSO grant contract

*The Governor's Highway Safety Office has awarded the City a grant for \$20,000 to defray overtime costs and supplies for alcohol saturation/roadside checkpoints. There is no match requirement.*

**This Contract was approved as recommended.**

#### 4. Bids/Purchases

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

- a. Grass Seed

*The low bid for grass seed purchase to John Deere Landscapes was recommended.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Jesse Kerley, that the bid of John Deere Landscapes be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**b. GPS Equipment Upgrade**

*The approval of the purchase of a new survey grade GPS antenna and data collector from Precision Products for a total purchase price of \$13,999 with trade-in was requested. This purchase is being treated as a sole source vendor due to the fact that no other companies can give pricing inside Tennessee. The older equipment that the city currently has will be traded in on the new equipment. The older equipment is almost ten years old and needs the internal battery replaced and requires a firmware update that will cost more than new equipment.*

**A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Jesse Kerley, that the sole source purchase of the GPS equipment from Precision Products at the cost of \$13,999 with the trade-in of the old equipment be approved as recommended. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**5. Marketing Report**

**October Marketing Report**

*In the absence of the Marketing Director, City Manager Rutherford gave a brief review of the events. A full report will be made at the November meeting.*

- Scarecrow Festival
- Farmer's Market @ the Depot
- U.S. Marine Band National Tour Concert
- Airport Open House / Fly In
- Apple Festival
- Hit the Trails Festival
- 2015 Hispanic Fest
- Annual Knights of Columbus Oktoberfest
- OWCA 5K / Fun Walk
- Soldiers Beach Trail
- Tennessee PGA / Tennessee Golf Assoc. Cup Matches
- Cumberland County Playhouse
- Christmas Parade

**This Report was received and filed**

**6. Cumberland County/Chamber Report**

*Brad Allamong of the Chamber of Commerce distributed copies of their latest newsletter. He also discussed tourism efforts. He encouraged everyone to stop by the Visitors' Center and meet the new manager, Kathy Ingram. The Annual Meeting will be held on November 5 with Tennessee Speaker of the House Beth Harwell as the guest speaker. City Manager Rutherford pointed out that this meeting is at the same time as the Council monthly work session and the Council might want to re-schedule it.*

**7. Other Business****a. Discussion and action on Christmas Parade entry fees**

*At the work sessions on the 2015-16 budget, Council discussed re-instituting a fee for entries in the annual Christmas Parade. In January 2010, the City Council eliminated the \$15 fee for entries in the 2010 parade and that an equivalent amount be given to the Rescue Squad. This practice has continued; however, City Council never acted on the continuance of the fee elimination. The estimated cost of the parade is about \$3,000-3,500.*

**A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem Pamala Harris, that an entry fee of \$15 for the Christmas Parade be re-instituted with the proceeds donated to the Rescue Squad. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**b. Discussion and action on sewer tap request from Brad Donathan**

*In 1997, Brad Donathan signed easements for the City to construct a sewer line across his property in Greenbriar Subdivision as part of the city-wide sewer project. Mr. Donathan was paid for those easements. Following construction, it was determined that the contractor went out of the easement area. In the minutes of 3/14/2000, a request was taken to Council to pay Mr. Donathan \$1,700 as settlement for damages.*

*According to Billy Martin, Mr. Donathan requested and received a grinder pump several years ago (per policy), but is just now installing it. Mr. Donathan recalls that he was told that his tap would be free and is now requesting the free tap. However, there is no record of that and the policy at that time (and currently), is that any taps that are provided in lieu of compensation for an easement are done through a "sewer tap certificate" that has an expiration of 5 years. Other than that process, the City Council is the only body that can waive sewer taps since they are set by the City Council.*

**The Council took no action on the request.**

**c. Discussion and action on sewer access for Liberty Baptist Church**

*Liberty Baptist Church is located on the corner of Hwy. 127N and Tabor Loop. They have requested to connect to the City sewer system. The agreement with the Board of Education gives the City the right to make additional connections. If approved by City Council, they would pay the outside-City tap fee of \$2,000 plus any additional permit costs that might be charged by TDOT. Councilmember Souza commented that he had concerns about attaching to the sewer line because of the precedence it might lead, especially in regards to the possibility of requests in Lake Tansi. At the request of Councilmember Wyatt, Tim Begley reported that the City owns the line to North Cumberland Elementary School. The agreement is different than the one for Brown Elementary and an agreement was allowed for Lantana Baptist to connect to that line.*

**A motion was made by Council Member Jesse Kerley, seconded by Council Member Danny Wyatt, that the request from Liberty Baptist Church be**

approved as recommended. The motion carried by the following vote:

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**d.** Discussion on October 1, 2015 work session decorum

*Councilmember Souza discussed open meetings and required notices to the public. He stated his intention at the work sessions is to go down the list of recommendations in the airport business plan and discuss each one individually. He then read a portion of the summary of the business plan. He stated that Mayor Pro-tem Harris was biased concerning his agenda items and attempted to cut him off from speaking on the agenda. He reminded her that, previously, she had wanted everything that was on the regular meeting to be discussed at the work session. He also discussed the authority of the chair and reviewed the Standing Rules. He asked that the Standing Rules be reviewed and be complied with.*

*Mayor Pro-tem Harris made the following statement "As Mayor Pro-Tem, my task in the October 1 meeting was to chair the Council work session. As chair it was my responsibility to run an orderly and effective meeting in accordance with parliamentary rules for informal meetings, which is what I did. The meeting was recorded and is available on the City's website for anyone to listen to. Frankly, I'm tired of this City being distracted unnecessarily. It is an embarrassment for our City and deters our economic development opportunities. I hope the Council will join with me in moving on to do more positive things for our City."*

**This Resolution was received and filed**

**e.** Discussion and action on appointment of City Manager to oversee the Crossville Airport

*Councilmember Wyatt commented that the City Manager already has the authority and has been doing so and that he did not feel it was necessary to take this action. Councilmember Souza read portions of Chris' contract regarding the need for the City Council to designate the City Manager. In response to a question regarding whether Chris is an employee or contract employee. City Attorney Will Ridley responded that the Airport Manager is an independent contractor when he weighs the factors listed by the IRS. Mr. Souza maintained that he is a contract employee in his interpretation of the IRS rules and the designation of the City Manager over him will make it even more so if we tell him what to do.*

**A motion was made by Council Member Pete Souza, seconded by Mayor James Mayberry, to appoint the City Manager as the City designee to delegate all matters pertaining to the operation of the airport, Crossville Aero, and Crossville Aero Airport Manager. The motion was withdrawn by Council Member Souza.**

**A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that the City Manager and City Attorney have authority to sit down with Chris Bennett and Laney Colvard to clarify responsibility of the City and the FBO that are in question concerning the airport. The motion carried by the following vote:**

**Aye:** 4 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry and Mayor Pro-tem Pamala Harris

**Nay:** 1 - Council Member Danny Wyatt



City Attorney Ridley stated that the motion was proper in accordance with the Standing Rules and Regulations.

**f.** Discussion and action on Security Plan for airport

*Councilmember Souza discussed a security plan and the need for it. He expressed concerns for night traffic. He stated there were airplanes in the hangars that were registered to deceased persons and to companies that don't exist. He expressed concern about drug traffic coming in and out of the airport.*

*Chris Bennett stated that the TSA checks every year and they are satisfied with the security. The Police also regularly check; however, he is not opposed to working on a plan. He also stated that if someone has seen something of concern, they need to report it immediately. An unnamed gentleman made comments and asked a number of questions to the Council. The City Attorney stated that the questions were off topic and the City Council was not required to respond. Councilmember Wyatt did respond that the City Attorney had ruled that the City Council has the power to have the FBO serve as the Airport Manager.*

**A motion was made by Council Member Pete Souza, seconded by Mayor James Mayberry, that the City Manager be directed to put together a comprehensive Airport Security Plan and bring to council the proposed plan in January 2016. The motion carried by the following vote:**

**Aye:** 3 - Council Member Pete Souza, Council Member Jesse Kerley and Mayor James Mayberry

**Nay:** 2 - Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**g.** Discussion and action on disposition of airport equipment

*Councilmember Souza reviewed sections of the contract, which state that the FBO is to supply his own ground vehicle and tug. He expressed concerned about the City's liability with the City's tractor being used as a tug for the movement of airplanes. He also pointed out that the courtesy car should have been provided by the FBO. It is properly insured, but no other vehicles of the city can be used by the public.*

*Comments were also received from Randall Kidwell and Butch Smith, which resulted in a spirited discussion and varying viewpoints. Councilmember Kerley asked that the City Manager address the issues with Mr. Bennett.*

**A motion was made by Council Member Pete Souza that the Kubota tractor be returned exclusively to maintenance to be used for airport mowing and the airport vehicle be returned to the City for disposition to comply with the contract one month from today. The motion died for lack of a second.**

**h.** Discussion and action on Airport audit

*Councilmember Souza asked the City Attorney to discuss public records for businesses that have a contract with the City. Mr. Ridley replied that the City has an implied right to see the records in regards to the flow fees. Recent court cases have ruled that an entity providing the functional equivalent of a government operation opens the records to review through the TN Open Records Act.*

*Councilmember Souza stated that he does not believe fraud has taken place, but there are irregularities, i.e. fuel used in flight training is not included in the fuel flow fee. Mr. Bennett stated that Hassell Ray York does his books and has during the*

entire duration of his business.

Steve Frank made comments based on his analysis of the fuel sales. Mr. Bennett pointed out some of the differences is from the fuel used during training and loss because of temperature changes. Mayor Mayberry expressed his concerns about the clause of the contract that addresses fuel sales. Mr. Bennett stated that he will do whatever the City wants. Councilmember Kerley estimated the amount in dispute that could be owed to the City is about \$2600, which is less than the costs for audits, legal work, and staff time.

**A motion was made by Councilmember Souza that the Council directs the City Manager to cause an audit of Crossville Aero Inc., LLC and Crossville Aero sole proprietorship from April 2008 to October 1, 2015 on fuel sales. This audit shall be broken down indicating the preparer of accounting records/bookkeeping records for Crossville Aero. The following information to be reviewed: (1) number of fuel gallons received for each calendar year to include authenticated invoices and year-end inventory. (2) The remittance to the City and whether that remittance corresponds to accounts receivable, fuel sales. (3) Whether fees paid to the City reflect proper account of fuel sales. (4) Whether a lost fuel account is kept. (5) Such remarks that may be applicable to the maintenance of proper accounting procedures. The motion died for lack of a second.**

## 8. City Attorney's Report

### City Attorney's Report

*City Attorney Ridley reported that James and Mary Gayhart have filed suit relative to an injury at Garrison Park. Dan Rader is handling the case for TML. He also reported that the lawsuit regarding the water harvesting at Lake Tansi has settled for \$317,500, plus attorney fees.*

**This Report was received and filed**

## 9. City Manager's Report

### City Manager's Report

*City Manager David Rutherford presented the monthly revenue reports for sales tax, wholesale beer tax, and liquor inspection fees. He also reported on building permits, grants, and special projects. There will be a special work session on October 22 when a report on raw water from the U.S. Army Corps of Engineers and GKY will be presented. The Myrtle Ave. sidewalk project has been approved, but has to wait for the federal books to be closed out before the funds are authorized and the bidding can be done.*

*He informed the Council that he will be seeking proposals for site preparation on several industrial sites to see what would be most cost-effective and will bring back those to council; hopefully by the first of the year.*

*Road improvements for StonePeak - The SIA application was rejected, but City crews have been moving forward on the queue lane and shoulder work, estimated at \$50,000, as discussed in work session. Official approval of this project were inadvertently left off the Council agenda. The work is about 75% complete. City Attorney Ridgley stated that the Council could make a motion to suspend the rules to vote on other items.*

**A motion was made by Mayor James Mayberry, seconded by Council Member Danny Wyatt, that the rules be suspended to take action on this matter. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

**A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem Pamala Harris, that the work on the road improvements for StonePeak by city crews be finished, as recommended. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

*A contract was received after the agenda went out for reimbursement for the City's cost from debris removal and damages from the ice storm. The reimbursement will be \$174,317.52.*

**A motion was made by Council Member Danny Wyatt, seconded by Mayor Pro-tem Pamala Harris, that the contract with TEMA/FEMA for reimbursements on the ice storm costs be approved as recommended, under the suspended rules. The motion carried by the following vote:**

**Aye:** 5 - Council Member Pete Souza, Council Member Jesse Kerley, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

## **10. Public Comment**

*Kay Whiteaker expressed thanks for the Wistheria road work, especially Kevin Music. Mayor Mayberry recognized Rob Kimbro for the waterline work downtown. An unnamed person continued his comments regarding the airport contract and training.*

## **ADJOURNMENT**

**With no further business, the meeting was adjourned at 8:02 p.m.**