

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Tuesday, March 11, 2014

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 David Rutherford*  
*City Clerk Sally Oglesby*

## PUBLIC HEARING

*The City Council held a public hearing to explain the proposed application for construction of a greenway and to receive comments from the public. Mayor J. H. Graham, III was present and presiding. He called the public hearing to order at 5:30 p.m. Mayor Pro-Tem Danny Wyatt, Councilman George Marlow, Councilman Jesse Kerley, and Councilman Pete Souza were present. Also present was City Manager David Rutherford, City Clerk Sally Oglesby, Lee Davidson, Mary Vavra, Stace Whitmire, Steve Franks, Judy Stover, Lewis Stover, Tony Perry, Scott Humphrey, Andy Vaughn, and David Beaty.*

### Proposed Greenway Grant Application

*Mary Vavra of Lose & Associates presented a review of the planning process for recreation facilities and the proposed greenway to be funded by a grant through the TN Department of Environment and Conservation. The application is being prepared at no charge by Lose & Associates. Announcements on the grants would be expected in late summer.*

*She also provided an update on the comprehensive master plan on recreation for the next 10-20 years that is currently under development.*

**This Public Hearing was received and filed**

*With no further comments, the public hearing was adjourned at 5:53 p.m.*

## REGULAR MEETING

*The City Council for the City of Crossville held its regular meeting in the Council Chambers at Crossville City Hall on Tuesday, March 11, 2014.*

### 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 David Rutherford, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, David Beaty, Mike Phillips, Tom Pelfrey, Steve Frank, Lewis Stover, Judy Stover, Scott Humphrey, Skyler Hawn, Fred Houston, Heather Mullinix, Betty Hendrickson, Tom Isham, Harold Allred, Jerry Garrison, Andy Vaughn, John Turner, Billy Frazier, Skip Freitag, Lori Freitag, Jim Morrow, Joe Miller, Margie Buxbaum, Khrista Wyatt, Jerry Lewis, Gloria Sue Lewis, Mark Fox, Teresa Payne, Sue York, Glen McDonald, Tracy Graham, Ken DeMars, Tim Bolin, Peggy Davis, Miranda Britt, Charles Britt, Kristen Weise, Kirk Kirkemunde, Nicole Brown, Darlene Barnwell, Brad Allamong, Chris Smith, Camdin Myers, Lee Ann Smith, Charles Tollett, Tony Myers, Vanessa Myers, Steve Hill, Clark Annis, Amanda Miller, James Miller, Rolf Weeks, Linda Tabor, Edith Farmer, Ronald Farmer, Spencer Gonzales, P. J. Gonzales, Mason Miller, Krystle Evien, Josh Miller, Robert Ross,*

*Nancy Hyder, Chris South, Christy Dolinich, Valorie R. Douglas Cox, Ray Hansen, Ray Harris, Peggy Harris, Bob Schwartz, Louis Morrison, Barry Field, Frances Carson, Billy Loggins, Tina Burgess, Tony Perry, Mike Turner, John Conrad, John Donnelly, Mildred Donnelly, 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. Kirk Kirkemide of the Bread of Life Ministries gave the invocation. The Young Marines presented the colors and led the Pledge of Allegiance.*

## 1. Proclamations/Presentations

- a) Student of the Month
- b) American Red Cross
- c) Tim Bolin
- d) Citizen's Participation Suite

*a) Student of the Month - James Miller for the character trait "fairness"*

*b) American Red Cross - March 2014*

*c) Tim Bolin, an employee of the Street Department, who will be deployed to Afghanistan in March, was at the meeting and recognized for his service on behalf of the entire community.*

*d) Citizen's Participation Suite - The City Manager, City Clerk, and IT Director unveiled the latest modules of the Granicus project to provide additional avenues for the public to provide feedback to the Council regarding projects and other issues facing the City.*

**The presentations and proclamations were made.**

## 2. Appointments

### Stormwater Board of Appeals

*The term of Darrell Hall expires March 10 on the Stormwater Board of Appeals. It was recommended that he be re-appointed.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that Darryl Hall be re-appointed to the Stormwater Board of Appeals. 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 except "l, n, p, q, and r" be approved as presented on the Consent Agenda. 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 (2/11)  
**The Minutes were approved as recommended**

**Ordinances on Third Reading**

- b. Amendment to Personnel Board  
**This Ordinance was adopted on third reading**
- c. 2013 S-2 Municipal Code Supplement  
**This Ordinance was adopted on third reading**
- d. Ordinance amending the FY2013-14 budget for Ladder #1 repairs  
**This Ordinance was adopted on third reading**
- e. Ordinance amending the FY13-14 budget for a special city census  
**This Ordinance was adopted on third reading**
- f. Ordinance amending the FY13-14 budget for recreation master plan  
**This Ordinance was adopted on third reading**
- g. Ordinance amending the FY13-14 budget for City Manager pay  
**This Ordinance was adopted on third reading**

**Ordinances on Second Reading**

- h. Ordinance amending the FY13-14 budget for selling lot on Holiday Drive  
**This Ordinance was approved on second reading**
- i. Ordinance amending the FY2013-14 budget for payment to Board of Education for mixed drink tax  
**This Ordinance was approved on second reading**

**Additional Consent Items**

- j. Acknowledgement of TCRS Employer Contribution rate for the period beginning July 1, 2014 through June 30, 2015 of 13.65% (reduced from 14.30%)  
*The TCRS Biennial Valuation for Crossville has been received and the City's employer contribution rates will be 13.65% for the period of July 1, 2014 through June*

30, 2015. This is a reduction of 0.65%. The City has 157 active employees, 65 inactive members, and 69 retired employees in the system.

**The Acknowledgement was approved as recommended**

**k.** Approval of loan renewal on CCHS Air Force Jet

*Miss Nettie, the USAF aircraft located at CCHS is on loan to the City of Crossville. Annually, we provide pictures to verify her condition, and must renew the lease agreement. When repairs or re-painting has to occur, CCHS takes that responsibility.*

**The loan renewal was approved as recommended**

**l.** Approval of contract extension with Mauldin & Jenkins for financial audits through June 20, 2016

*Current auditor, Mauldin & Jenkins (formally called Hazlett, Lewis, & Beiter), has proposed to extend their contract to 2016 for a fee of \$40,200 per year. This is the same fee as the City paid for the June 30, 2013 audit.*

*The Comptrollers' Office does not have specific recommendations on the rotation of auditors, but they do recommend rotating from time-to-time. It appears most cities hire their auditors for multi-years because of the complexity of the financials and the amount of time required to acquaint them with the City's financial system and documents required to be pulled for on-going projects and contracts to bring a new auditor up to speed.. The City last requested RFQ's in 2011.*

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Pete Souza, that audit proposals be received for a three-year period. 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

**m.** Approval of Amendment #1 to TDOT contract for improvements to Cox Ave.

*The City applied for State Industrial Access Road funds to improve Cox Ave. to serve the CoLinx expansion. This project was approved and the engineering is now complete. As part of the original application and agreement, the City agreed to provide the necessary right-of-way in exchange for TDOT constructing the road and providing the engineering. An amendment has been received to clarify the responsible parties for each of the aspects of the project.*

*As is noted in the amendment, the City ("Agency") is only responsible for right-of-way and no costs are assessed to the City for the engineering, environmental studies, and construction. Those costs are estimated at \$592,377.*

**The Contract Amendment was approved as recommended**

**n.** Discussion and action on approval of Amendment #3 with HCP Grant Contract

*In 2010, the City entered into a contract with The Nature Conservancy to provide a liaison for the development of the Cumberland Habitat Conservation Plan. They agreed to reimburse the City up to \$9,102 per year for salaries and expenses related to this project. This contract was extended in 2012 and 2013 to cover the period through 3/31/14. Since 2010, we have received \$4,956.32 to reimburse salary and expense costs. A request has been made to extend the contract through March 31,*

2015.

**This Contract Amendment was deferred to a work session.**

**o.**

Approval to submit grant application for GHSO funds for Alcohol Saturation and Checkpoints

**The grant application was approved as recommended**

**p.**

Approval to submit grant application for GHSO funds for Young Driver Crash Reduction

*Souza expressed concern about deciding to do the programs because grants are available. Chief indicated that all the grants pay for overtime costs for the programs and that they would not be done without the grants.*

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the grant application 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

**q.**

Approval to submit grant application for GHSO funds for High Visibility Enforcement Grant

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the grant application 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

**r.**

Approval to submit grant application for GHSO funds for a Network Coordinator Grant

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the grant application 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

#### **4. Bids/Purchases**

**a.**

Fire Department Structural Collapse Training

*The Crossville Fire Department sought approval to fund a Structural Collapse 40 hour training course instructed by the University of Tennessee- MTAS. This course is designed to certify firefighters to respond to catastrophic events involving the collapse of buildings from tornados and other events. This course will prepare our department to be self-supportive until additional resources can arrive to support these major disasters. This course will complete the technical rescue team training regimen*

for Urban Search and Rescue. The cost for the entire department will be \$7,000 and the course will certify all firefighters to operations level and the technical rescue team to the technician level. These funds are budgeted for the current fiscal year. Additional costs for materials are projected to cost an estimated \$1,500; however donations of supplies are being solicited from local vendors to reduce costs. As well, the Fire Department is coordinating with the Codes Department to identify and procure a structure to demolish for the training.

**A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the training 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

**b. Tree Removal - Airport**

*Bids were received on March 5 for the removal of trees at Crossville Memorial Airport. The City has a 95/5% grant of \$125,875 (local share - \$6,625) to cover the costs. The low bid of Norris Bros. Excavating in the amount of \$81,204 was recommended for approval.*

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Jesse Kerley, that the bid of Norris Brothers 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

**5. Marketing Report**

**March 2014 Marketing Report**

*Marketing Director Billy Loggins updated the Council on the following:*

- *Visitor Center material*
- *Crossville Info. Requests*
- *Retirement Letters*
- *Dog Park*
- *Senior Men's Open / Women's Open*
- *2014 Sustainability Fair - May 15*
- *Sustainable Communities*
- *Volunteer Opportunities*
- *Meadow Park Lake Events*

**This Report was received and filed**

**6. Other Business**

**a. Matters relative to grant application for proposed greenway**

*As discussed in the public hearing, Lose & Associates is preparing a grant application to TDEC-Recreation Division for LPRF funds for a grant to construct a portion of a proposed greenway that would connect Centennial Park with Obed River Park. The proposed budget is \$500,000, which would be funded by \$250,000 in*

grant funds and \$250,000 in local funds. If passed, it will be placed in the draft budget. Councilman Marlow offered his support because he felt the money would be well spent for local citizens. Mayor Pro-Tem Wyatt stated his interest in looking to volunteers to do the work like is being done at Meadow Park Lake. Mr. John Conrad was present and indicated that his group will be working on the Meadow Park Lake trail but would be glad to help; however, he indicated that a greenway can't be built with volunteers. Councilman Kerley reiterated his position that he prefers using the money toward an indoor facility.

**The grant application was deferred to a work session.**

**b. Matters relative to 2014 Airport Open House/Fly In Funding**

*A vote to fund the 2014 Airport Open House/Fly In needs to take place. The year 2014 marks the 80th Anniversary of Crossville Memorial Airport. This event will be planned for September. Because of scheduling aircraft, vendors, etc., Council's approval was requested at this time. Councilman Souza asked that it be reduced to \$15,000.*

**A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that \$18,000 be approved as recommended for the 2014 Fly-In. 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. 3rd Reading of Ordinance amending §14-500 pertaining to sign code**

*Recently, the City annexed property located at the corner of Dunbar Road and Lantana Road. The stated purpose of the annexation request was for access to City sewer. However, an unintended consequence was the inclusion of billboards that have been located on the property for many years. This location is excluded for billboards by our sign ordinance.*

*The current sign ordinance does not contemplate or address the grandfathering of billboards that come into the City via annexations. However, the ordinance does allow a variance to be requested. The City Manager and City Clerk met with Tom Flynn who owns the current signs. He proposed to replace the two current signs with a modern monopole structure if the City would grant a waiver.*

**A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the sign ordinance be amended on first reading by amending the requirements for a variance and adding a code section to address signs already located on property being annexed and that the variance be granted, contingent on final reading of the ordinance. 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

**d. Matters relative to Downtown Revitalization Project**

*Mayor Graham introduced a motion to redeem or recall the request for bids on the downtown revitalization project and construct the water line using the current plans and to bring sidewalks to ADA standards over a period of time. He stated that the revised project could be financed through SRF and RD loans. Following his review of*



*the capital projects plan, he changed his priorities to the highest and best use of resources, which would be the Northwest Connector.*

*Councilman Marlow thanked everyone who has worked so hard on this project and stated his belief that the City owes it to the citizens to let the bids come in before making a decision and find out what the project will really cost. He also commented that sometimes it costs more to half do a project, especially with the potential loss of grants.*

*Councilman Kerley added that it was his opinion that the project never addressed all the needs in the downtown area, but that he was concerned about bailing on it right now, especially to do the Northwest Connector. He indicated that he would consider the Mayor's motion if it was amended to require a 2/3 vote on proceeding with the Northwest Connector. Further, Councilman Kerley said that he did not believe it was fair to keep backing out on downtown for Section II after the City has already spent \$1,000,000.*

*Councilman Souza found the Mayor's motion incredulous and that it was destroying the dreams and aspirations that have been built up on it by the property owners, businesses, and volunteers. He reiterated that the City would be throwing away the \$1,000,000 already invested in it and that it made no sense to hire new engineers to re-design the waterline and not address the stormwater issues. He further commented that he saw it as a trade off for the Northwest Connector, which should be a separate issue, for the Mayor's friends and relatives.*

*Mayor Pro-Tem Wyatt responded that the Council had not seen the operating budget for next year yet, but that they have a capital plan and can't do it all because the taxes will have to go up as well as fees for garbage and water/sewer. The Council is going to have to make hard choices and his belief that the Northwest Connector is 10-1 over the downtown project for the future. Further, he stated that he didn't want to do anything until the operating budget is received.*

*Mayor Graham continued his observation that growth is how the City has paid the bills and kept taxes low. He would use the current plans so that stormwater could be installed at a later date.*

*Councilman Marlow commented that citizens get a good deal on their property taxes because the businesses pay a higher portion of the costs and that local businesses generate the sales tax.*

*City Manager Rutherford explained to the Council that the City can afford the project if they want to and that he would like to have a bid that can be dissected for a potential change order to reduce some of the components. The bids are out right now and, by waiting, the City would have all the information before making a decision.*

*In response to a question about the proposed operating budget, Finance Director Fred Houston reported that he is currently projecting a \$550,000 deficit.*

**A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, to either redeem or recall the request for bids on the downtown revitalization project, in addition, a request that this Council only construct the water line which will enhance the much needed fire protection for Main St. and the hospital, in addition ask the City staff to prepare a method of bringing our sidewalks in the Main Street area to the ADA standards over a period of time.**

**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

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

**e. Matters relative to Grand Jury**

*Mayor J. H. Graham asked that the Grand Jury report on alleged illegal activities in the purchase of several properties be attached to the minutes. Councilman Souza stated that the citizens asked him to look into irregularities and he has done that. He agreed that there was insufficient evidence, but that his argument is that there is a conspiracy to defraud the taxpayers of Crossville. He presented his case to the Grand Jury for an hour and a half. His files were the probable cause not the evidence of fraud and that a thorough investigation was not done. He has asked the U.S. Attorney, FBI, and Governor to look into the cases further and that he would not be walking away from the issues. He believes he has found \$2,000,000 taken away from the City and that he had more evidence that he had yet to provide. In his opinion, the District Attorney failed to act. He asked the citizens to write letters requesting more investigation.*

**This Report was presented**

**7. City Attorney's Report**

**City Attorney's Report**

*City Attorney Kenneth Chadwell updated the Council on current legal matters. He reported that no new lawsuits had been filed in the previous month.*

**This Report was received and filed**

**8. City Manager's Report**

**City Manager's Report**

*City Manager David Rutherford provided the monthly revenue reports on local option sales tax, wholesale beer tax, and wholesale liquor fees. He provided updated reports on building permits, debt schedules, grants, and special projects. Councilman Kerley asked about a proposal on the Northwest Connector that was submitted by Field Engineering. Mr. Rutherford stated that it was not being presented because state law requires engineering firms to be selected through a RFQ process. Following review of the RFQ's, an engineering firm is selected and a cost negotiated.*

**A motion was made by Council Member Pete Souza, seconded by Council Member Jesse Kerley, to amend agenda item to allow a vote regarding the Northwest Connector. The motion carried by the following vote:**

**Aye:** 3 - Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

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

**A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that RFQ's be solicited for engineering services on**

**Sections II and III on the Northwest Connector. The motion carried by the following vote:**

**Aye:** 3 - Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley

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

## 9. Public Comment

*Mayor Graham opened the floor for comments from the public.*

*Stace Karge, representing PEG Broadcasting, expressed her concern over comments made by Councilman Souza regarding the station's reporting of the grand jury findings after calling him for comments. Councilman Souza responded that all the journalists were professional and responsible.*

*Bruce Wyatt, local businessman, property owner, and voter, expressed dismay over statements and accusations made by Councilman Souza about him owning property on the Northwest Connector. He stated that he does not currently own property on the Northwest Connector but did 20 years ago as a partner in Cotton Patch Properties and as the former owner of the Genesis Travel Plaza, which he sold in 2005. He believes that it will be the next growth area in Crossville. He asked that attention and respect be made to the facts when making accusations against private citizens. Councilman Souza apologized for inaccurate comments and information.*

*Robert Ross, a resident on Tennessee Avenue, expressed his concern about the character of his neighborhood and the potential for commercial activity with the new road. He agreed that it will be a convenience, but that he doesn't want it to look like Peavine Road or West Ave.. He asked the Council to consider planning and zoning and keep Section I as residential.*

*Scott Humphrey, news reporter for 105.7, asked Councilman Souza a number of questions regarding statements made by the District Attorney General and the Grand Jury findings. In response, Councilman Souza stated that he told the D.A. he preferred that the Comptroller review the evidence he had presented, but that it was never sent to him. He further stated that he has filed a fraud charge with the Comptroller and that there were 1400 documents. He reported that he personally paid for the documents, received some from other people, and that no tax dollars were expended on them. Further, he commented that he handed over the package to the TBI, but withheld some at their request. He did not believe that the grand jury had time to read all the documents before they made their decision. He is taking the matter to the State level and that people are putting petitions together for the Governor to have the Comptroller look at the paperwork. In response to Mr. Humphrey, Councilman Souza stated that if all higher up authorities concur with the Grand Jury, he will resign.*

*David Simcox, Cumberland County Property Assessor, stated that everyone is concerned about taxes. He put a meeting together with Councilman Souza to listen to people whose families have been part of this community a long time. He asked that the City move past the issues so we can grow and move on. He commented that he would like to see growth on the front of the paper instead of accusations. Councilman Souza responded that he has never said the entire Council was corrupt.*

## **ADJOURNMENT**

**A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that the meeting be adjourned. 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

*With no further business, the meeting was adjourned at 7:52 p.m.*