

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, March 12, 2013

6:00 PM

Council Chambers

PUBLIC HEARING - 4:30 p.m.

The City Council met in Room 424 at Crossville City Hall at 4:30 p.m. to discuss the proposed sidewalk project on Myrtle Ave. and W. Fourth Street.

Sidewalks on Myrtle Ave./Fourth St.

A presentation was made by Tim Begley on the Safe Routes to Schools project for the construction of sidewalks. City Clerk Sally Oglesby discussed acquisition of right-of-way. She explained that all property owners would be entitled to fair market value on their properties and have the right to an appraisal. However, the benefits of the new sidewalks to the properties, neighborhood, and the health and safety for the citizens were such that it was hoped that many of the property owners would consider donation of their property to make the project feasible for the City. Grant funds have been received to cover engineering and construction, but the acquisition costs are the responsibility of the City. Following the presentation, the plans were informally reviewed by property owners.

REGULAR MEETING - 6:00 p.m.

The City of Crossville met on Tuesday, March 12, 2013, at Crossville City Hall in regular session.

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, Barry Field, Jeff Allen, Tony Malanoa, Elizabeth Morgan, Tim Chesson, Douglas Smith, Gordon Van Hoy, Jennifer Fitting, Jonathan McCloud, Karli Threet, Bob Schwartz, Elliott Souza, John Turner, Kyle Dunn, Lynn Isham, Tammy Hatt, Margie Buxbaum, Jerry Garrison, John Tan, Terry Ashburn, Joe Miller, Ted Meadows, Chris South, Courtney Rees, Tyler Hembree, Mike Dalton, Clark Annis, Chris Bennett, Ashley Allen, Deborah Ward, Sharion Mercer, Jim Oakes, Ann Ebert, Nancy Christopherson, Jerry Kerley, Jose Avila Reza, Esmeralda Avila, Jesus Avila, Ray Hansen, Tony Perry, Steve Hill, Heather Mullinix, Vancieneta Wisdom, Fred Houston, Darlene Barnwell, Tim Begley, Helen Camp, Robert Camp, Randall Killman, Yvonne Selk, Chris Selk, Mark Rosser, and Tonya Hinch.

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 Tim Chesson of the Faith Worship Center. The Young Marines presented the colors and led the Pledge of Allegiance.

ITEM #1 – Proclamations/Presentations

- a. Student of the Month – Mayor Graham presented the Student of the Month award to Jesus Avila Marquez for the character trait “fairness”.
- b. Presentation by UCHRA – Mr. Randall Killman, Field Operations Program Specialist, of the Upper Cumberland Human Resources Agency (UCHRA) outlined UCHRA services provided in Cumberland County.

ITEM #2. – Appointments

- a. Stormwater Board of Appeals Appointment
A motion was made by Councilman Wyatt, seconded by Councilman Souza, that Dennis Gregg be re-appointed to the Stormwater Board of Appeals. 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. Crossville Regional Planning Commission
Mayor Graham announced his appointment of Gordon Atchley to the Crossville Regional Planning Commission.

ITEM #3. Consent Agenda

A motion was made by Council Member Jesse Kerley, seconded by Mayor Pro-tem Danny Wyatt, that items "a through f" on the Consent Agenda be approved as presented.

- a. Approval of minutes (2/12, 2/20)

Ordinances on Third Reading

- b. Ordinance amending §11-603 regarding discharge of firearms
- c. Ordinance updating §4-300 regarding Occupational Safety and Health Program
- d. Ordinance amending §14-700 regarding trees and woody vegetation
- e. Ordinance amending the FY12013 budget for THWI grant
- f. Ordinance amending the FY12-13 budget for City Hall contractual services

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.

- g. Approval of Loan Agreement with the U.S. Air Force
A motion was made by Councilman Kerley, seconded by Councilman Souza, that the contract on the loan of the Air Force jet be approved. 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.
- h. Approval of revised Amphitheatre Rates and St. Jude’s Fundraiser date
Councilman Kerley asked that the use of the amphitheater for the St. Jude's benefit be donated by the Council and that the change in date to May 18 be approved. Following an offer by Councilman Souza to pay for the amphitheater for St. Jude's to avoid problems in the future, the rest of the Council agreed to personally share the cost. Councilman Wyatt expressed his support of the new fee schedule.
A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that the revised fee schedule for the amphitheater be approved, that the change in date for the St. Jude's benefit be approved, and that all members of the Council share in the

rental cost. 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.

- i. Approval of temporary street closings for 1st Annual Race to the Plate sponsored by the CCHS Baseball Team on May 11, 2013.

The CCHS Baseball Team is sponsoring a 3.1 mile (5K) race to raise funds for the CCHS Baseball Team on May 11, 2013. The race will start and finish at Jet Field on Miller Ave utilizing Stanley Street, Storie Ave. and Old Lantana Road and begin at 8:30 a.m. Joe Miller stated that the proposed street closings for the race will be more difficult to control due to private driveways and side streets and will need assistance in traffic control. Councilman Marlow asked that it be deferred until the next meeting to allow more time for study.

Approval of this request was tabled.

- j. Approval of contract with Otis Elevator for City Hall Elevator Upgrade in the amount of \$21,527.05

The State Elevator Inspector informed the City that the elevator must be upgraded and have additional safety features added. These safety features are now required because the sprinkler system and the electronic fire detection system have been installed in the elevator mechanical room and elevator hoist way. The Inspector informed the City that we did not have time to bid the upgrades. Staff contacted four elevator companies and only received quotes from two companies: United Elevator Company - \$22,455.00; Otis Elevator Company - \$21,527.05.

A motion was made by Council Member Jesse Kerley, seconded by Council Member Pete Souza, that the quote of Otis Elevator Company 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.

- k. Approval of utility easement for Volunteer Energy Cooperative

Sharion Mercer spoke to the Council on the requested easement. She commended the Council on the way the City acquires property. However, she stated that VEC did not follow the laws of eminent domain with an offer of compensation to the land owners. They have asked the City to use the utility easement that the City purchased, although they have already placed six poles in the easement without compensation to the property owner nor to the City. She asked the City Council to not involve the City in the litigation between the Oakes family and VEC. If the easement is granted, the City will be part of the litigation. Jim Oakes reported his conversations with VEC and's lack of response.

It was acknowledged that City Attorney Kenneth Chadwell's firm represents the Oakes family and cannot advise the council on the matter.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the City Manager hire an attorney to advise the Council. The motion failed by the following vote: Aye: 1 - Mayor Pro-tem Danny Wyatt. Nay: 4 - Mayor J.H. Graham III, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the matter be tabled until the matter is settled between VEC and the Oakes family. The motion carried by the following vote: Aye: 4 - Mayor J.H. Graham III, Council Member George Marlow, Council Member Pete Souza and Council Member Jesse Kerley. Nay: 1 - Mayor Pro-tem Danny Wyatt.

ITEM #4 – Bids/Purchases

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

a. Fire Dept. Training

Written quotes were solicited and received from three providers for OSHA required Confined Space Rescue Operations/Technician training. Rescue Tech 1 training came in at \$8,460.00 and Texas A&M University came in at \$16,108.00. MTAS submitted a cost of \$7,000. The class will consist of 40 hours of lecture and hands-on skill training in confined space rescue operations. All full-time personnel (26) will be certified to the operations level and the special operation team members (20) will be certified to the technician level. The Fire Department recommended acceptance of the proposal from MTAS.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that the proposal from MTAS for 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. Athletic Field Conditioner

The bid of Southern Athletics was recommended because the low bid was not exactly as bid in color and product composition.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the bid of Southern Athletics 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. Fencing for Dog Park

Bids were received on fencing for the dog park from 6 bidders. The low bid of Ace Fence Co. was recommended.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the bid of Ace Fence 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.

d. Satsuma Abutment Project

Bids were received on the Satsuma Abutment project. The low recommended bid was from Hopper Excavating in the amount of \$152,915. Seventy-five (75%) percent of the total cost of the project (construction, engineering, legal, etc.) will be assessed to the property owners over a period to be determined by City Council. The original construction estimate was \$174,881.10 so the bid price is significantly less than the estimate. Consideration was given for City crews to perform the work; however, the City's cost estimate came in at \$147,817. Because of this and pending projects in the road and water/sewer maintenance departments, it was recommended that the bid of Hopper Excavating be accepted.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Jesse Kerley, that the bid of Hopper Excavating be accepted and the budget amendment approved on first reading. 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.

ITEM #5 – Marketing Report

A report on the following was furnished on behalf of Mr. Loggins who was unable to be present at the meeting.

- Meadow Park Lake Dam.....Pictures and Plaques
- Web-site Community Calendar
- Generation Z Youth Program
- WCTE Crossville night

- Arts Round Meetings
- Today in America video
- 4th of July..... Centennial Park events
- Information requests from prospective residents locating to this area

ITEM #6 – Other Business

a. Matters relative to Master Gardeners

A request was received from the Master Gardeners for \$5,000 to construct an area at the U.T. Research and Education Center on Hwy 70N to introduce children from ages one through seven to nature and the environment. Councilman Souza expressed concern about it being located so far out and asked that a site in the city be considered.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that a donation of \$2,000 be made to the project, contingent on the County providing matching funds. 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 7:10 p.m. the regular meeting was recessed and the Solicitation Board convened.)

SOLICITATION BOARD

Cumberland Shrine Club

An application for a Solicitation Permit was received from the Cumberland Shrine Club for their candy and onion sales in 2013 to raise money for the support of the Shrine Hospital van transportation.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Jesse Kerley, that a Solicitation Permit be approved for the Cumberland Shrine Club 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,

(At 7:11 p.m. the Solicitation Board was adjourned and the Beer Board convened.)

BEER BOARD

a. 5 Point Market

An application for an off-premises beer permit was submitted by Jagdish Patel dba 5-Point Market located at 1025 West Ave. Major Mark Rosser reported a clear records report and recommended approval.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that an off-premises beer permit be approved for 5 Point Market, 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. Price Less Foods #495

An application for an off-premises beer permit was received from Houchens Food Group, Inc. dba Price Less Foods #495 to be located at 75 Genesis Square (former Food Lion location). Major Mark Rosser reported a clear records report and recommended approval.

A motion was made by Council Member Pete Souza, seconded by Mayor Pro-tem Danny Wyatt, that an off-premises beer permit be approved for Price Less Foods #495, 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.

(At 7:13 p.m. the Beer Board was adjourned at the regular meeting reconvened.)

ITEM #6 – Other Business (continued)**b.** Matters relative to sidewalks on Myrtle Ave/Fourth St.

The City was awarded \$224,724 in grant funds for construction and engineering through a Safe Routes to Schools Program grant. Acquisition must be paid out of city funds. A budget amendment will be required to pay remaining balances on the engineer's contract as well as funds for acquisition and re-design.

Under current contract, construction must be completed by August 19, 2013. However, prior to bidding the project, all acquisition must be completed and certified by TDOT. To stay in compliance with Federal law, it was requested that a budget of \$100,000 be established by Council for the City Clerk to cover acquisition costs. This budget is based on a best estimate of the costs and potential legal, landscaping, and other costs incurred through the negotiating process; however every effort will be made to encourage donation and keep the costs as low as possible.

Councilmen Wyatt and Kerley expressed their desire to see how much the acquisition is going to cost before proceeding. Mayor Graham recommended proceeding with the approval of a contract addendum with Field's Engineering in the amount of \$12,680 to re-design the sidewalk on Fourth Street to the southern side. The City Clerk stated that the budget amendment could be adjusted between readings as more information is obtained on the acquisition costs.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the contract amendment with Field's Engineering be approved, the preliminary budget for acquisition be approved, and a budget amendment be passed on first reading. 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 De-annexation of lot located on Golf Club Lane

Mike & Judy Collins recently purchased a lot located on Golf Club Lane. They requested that the property be de-annexed as it is over 1,000 feet from the existing city sewer and they do not anticipate building on the lot for some time.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the de-annexation ordinance be approved on first reading. 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 Meadow Park Lake dam maintenance

Meadow Park Lake dam maintenance - \$13,449 is remaining in grant funds. Consideration was requested on whether or not to proceed with the bridge project to use these funds, in conjunction with funds reserved, to provide access to the other side of the lake. That project is estimated at \$150,000. If that project is not approved, then it was recommended that fencing and a new valve be installed out of the remaining grant funds for security and safety.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member Jesse Kerley, that approval be given to proceed with the purchase and installation of the fencing and valve and the bridge project tabled. 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.

ITEM #7 – City Attorney's Report

City Attorney Kenneth Chadwell reported that a federal lawsuit had been filed with one of the SRO officers named as a defendant. The lawsuit has been sent to TML for defense on behalf of the SRO officer.

He further reported that the County Attorney is drafting agreements on the visitor's center and CoLinx joint agreement, but they have not been received.

ITEM #8 – City Manager's Report

City Manager Bruce Wyatt gave the monthly revenue reports on local option sales tax, wholesale beer sales, and retail liquor sales. He presented updates on building permits, grants, and special projects.

Police Department-a 5% pay increase was approved in February for Henry Hunnicut for completion of the Police Academy and six months probationary period. When he was hired, it was agreed that he would get a 10% increase instead of 5% because of his experience and years of service to the City as an Auxiliary Police Officer. The additional 5% was requested retroactive to 03/03/13.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the pay increase for Henry Hunnicut 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.

Fire Department-Harold Thompson is being promoted to Fire Captain due to the retirement of Keith Dunbar. His new classification will be a 29 and a 10% increase was requested effective with current pay period.

A motion was made by Mayor J.H. Graham III, seconded by Council Member Pete Souza, that the promotion and pay increase for Harold Thompson 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.

Mr. Wyatt reported that an appraisal was received on the corner lot on Waterview Drive, owned by the City, in the amount of \$45,000. He recommended that if the Council wanted to sell the two lots that they be done by auction with certain guidelines. City Attorney Chadwell explained that the City could auction the lots, but that it could not be an absolute auction as it would be required to come back to Council for approval and the advertising period under the charter would be required before closing. He also recommended setting a floor for the price based on the appraisal. A sealed bid process would operate in a similar manner.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the two Waterview lots be offered for sale by sealed bid. 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.

ITEM #9 – Public Comment

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

With no further business, the meeting was adjourned at 7:37 p.m.