

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Tuesday, December 10, 2013

6:00 PM

Council Chambers

City Council

Mayor J.H. Graham, III
Mayor Pro-tem Danny Wyatt
Council Member Jesse Kerley
Council Member George Marlow
Council Member Pete Souza

City Manager David Rutherford
City Clerk Sally Oglesby

PUBLIC HEARING

A public hearing was held to receive comments from the public regarding the proposed annexation of 4.52 acres on Lantana Road and Dunbar Road and the progress reports on the annexations on Satsuma Drive and Lantana Road (McMahon).

Mayor J. H. Graham, III was present and presiding. He called the public hearing to order at 5:45 p.m.

Present: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

Absent: 1 - Council Member Jesse Kerley

Annexation and Plan of Services

Mayor Graham reported on the proposed annexation and the progress reports for the two plans of service. He requested comments from the public.

This Public Hearing was received and filed

With no further comments, the public hearing was adjourned at 5:55 p.m.

PUBLIC HEARING

A public hearing was held to receive comments from the public regarding the proposed issuance bonds to renovate the Mountain View and Beverly Hills apartment complexes on Wayne Ave.

Mayor J. H. Graham, III was present and presiding. He called the public hearing to order at 6:00 p.m.

Proposed issuance of not to exceed \$41,334,000 in bonds for apartment acquisition and renovation by Hallmark Beverly Hills, LLC and Hallmark Mountain Village, LLC

Hallmark Beverly Hills, LLC requested authority to issue bonds through the Health, Educational and Housing Facilities Board of Sevier County, Tennessee to acquire and renovate the Beverly Hills Apartments, located at 50 Beverly Hills Circle. It is anticipated that \$1,544,400 will be spent on this complex.

Hallmark Mountain Village, LLC requested authority to issue bonds through the Health, Educational and Housing Facilities Board of Sevier County, Tennessee to acquire and renovate the Mountain Village Apartments, located at 30 Mountain Village Lane. It is anticipated that \$2,030,400 will be spent on this complex. The remaining amount to be borrowed will be used on other complexes indirectly controlled by Hallmark GP Holdings, LLC. Both LLC's are indirectly controlled by Hallmark GP Holdings, LLC. In order for them to take advantage of the interest rates afforded them through the issuance of federally tax-exempt revenue bonds, they must demonstrate that the City of Crossville has held a public hearing and approved the issuance of the bonds.

Luke Cooper was present, representing the bond counsel on the project. There are 27 projects that are included in the bond issuance. Both of the housing units located in Crossville are affordable housing and have maximum income limits. There were no comments from the floor.

This Public Hearing was received and filed

With no further comments, the public hearing was adjourned at 6:08 p.m.

REGULAR MEETING

The City Council for the City of Crossville, Tennessee met in regular session on Tuesday, December 10, 2013, at Crossville City Hall.

Roll Call

Present: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

Absent: 1 - Council Member Jesse Kerley

Others present were City Manager David Rutherford, City Attorney Kenneth Chadwell, City Clerk Sally Oglesby, Chief David Beaty, Teresa Murphy, Danny Murphy, Chris Bennett, Ashley Pealer-Richards, Tim Begley, Fred Houston, Andy Vaughn, Jessica Young, George Rogers, Lisa Rogers, Randy Bond, Blake Rabe, Freddy Conley, Lisa Conley, Parker Conley, Jennifer Eramo, Caleb Phillips, Tiffany Phillips, Dale Safdie, Sophia Welch, Crystal Welch, Conrad Welch, Vince King, Jerry Garrison, Danny Baisley, Eva Baisley, Tim Helson, Ben Hersam, Jennifer Mullins, Cindy Summers, Lillie Mullins, Annabelle Miller, Savannah Miller, John Turner, Gabby Diaz, Cesar Diaz, Cesar L. Diaz, Mark Fox, Joe Miller, John Turner, Mrs. John Turner, Dimple Achey, Kenneth Hubbard, Braeden Adams, Jacob Adams, Jim Morrow, Tim Heier, Amanda Heier, Tom Isham, Clark Annis, Chuck Burgess, Tina Burgess, John Davis, Robin Rogers, Rick Rogers, Brad Allemong, Ray Harris, Peggy Harris, Skyler Hawn, Tonya Hinch, Bob Schwartz, Margie Buxbaum, Dale Safdie, and Billy Loggins.

Call to Order

Mayor J. H. Graham, III was present and presiding. He called the meeting to order at 6:05 p.m. The invocation was given by John Turner of the Hannah Brooke Health Care Center. The Young Marines presented the colors and led the Pledge of Allegiance.

1. Proclamations/Presentations

- a) Student of the Month
- b) Holiday Card Contest Winners
- a) *Student of the Month - Amanda Lynn Heier for "caring"*
- b) *Holiday Card Contest Winners*

Seven schools participated in the annual Holiday Card Contest, which the City of Crossville has sponsored since 2001. An overall grand prize winner and a winner from each school were chosen.

Grand Prize Winner-Jessica Young, Stone Memorial High School. She received \$100 and her teacher, Dale Safdie, received \$200 to be used in her classroom.

Individual winners from participating schools:

Rebecca Stapleton, Cumberland County High School

Teresa Murphy, Pleasant Hill

Sophia Welch, Homestead

Lillie Mullins, Pine View

Gabriela Diaz, Stone Elementary

Maddy Graham, Martin

Madison Bowles, North Cumberland

The presentations was made by Mayor Graham.

2. Appointments

Crossville Housing Authority

Mayor Graham administered the Oath of Office to Randy Bond as a Commissioner on the Crossville Housing Authority Board. His term will expire May 30, 2017. Chairman of the Board Tommy Hale was also present to witness the oath being administered.

This Appointment was appointed

3. Consent Agenda

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that all items, except "b" and "t", on the Consent Agenda be approved. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

a. Approval of minutes (11/12)

The Minutes were approved as recommended.

Ordinances on Third Reading

b. Ordinance closing a portion of Lillian Ct.

Mayor Pro-Tem Wyatt stated he would be abstaining from voting due to his long friendship with Darryl Cole, a nearby property owner.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the Ordinance closing a portion of Lillian Court be adopted on third reading. The motion carried by the following vote:

Aye: 2 - Mayor J.H. Graham III and Council Member George Marlow

Nay: 1 - Council Member Pete Souza

Abstain: 1 - Mayor Pro-tem Danny Wyatt

- c. Ordinance annexing approximately 4.52 acres on Lantana Rd/Dunbar Rd
This Ordinance was adopted on third reading.

Ordinances on Second Reading

- d. Ordinance amending the FY13-14 budget for the Northwest Connector-Section I
This Ordinance was approved on second reading.
- e. Ordinance amending the FY13-14 budget for improvements to Snodgrass Building
This Ordinance was approved on second reading.
- f. Ordinance adding Title 1, Chapter 8 to the Crossville Municipal Code regarding public records
This Ordinance was approved on second reading.

Ordinances on First Reading

- g. Ordinance amending the FY13-14 budget for tree clearing grant
This Ordinance was approved on first reading.
- h. Ordinance amending the FY13-14 budget for Baisley settlement
This Ordinance was approved on first reading.

Additional Consent Items

- i. Resolution approving the issuance of not to exceed \$41,334,000 in bonds for apartment acquisition and renovation by Hallmark Beverly Hills, LLC
This Resolution was approved as recommended.
- j. Resolution approving the issuance of not to exceed \$41,334,000 in bonds for apartment acquisition and renovation by Hallmark Mountain Village, LLC
This Resolution was approved as recommended.
- k. Resolution approving a Plan of Services for the annexation of 4.52 acres on Lantana Rd./Dunbar Rd.

This Resolution was approved as recommended.

- I. Resolution amending the City of Crossville Cafeteria Plan

This Resolution was approved as recommended.

- m. Approval adding MLK Day, President's Day, Columbus Day, and Veteran's Day as holidays being observed by the City

MLK Day, President's Day, Columbus Day, and Veterans' Day were approved as additional holidays, as recommended by the City Manager.

- n. Ratification of action taken in 2010 relative to bridge health insurance

The action taken in 2010 to continue the bridge insurance program until all employees deemed eligible as of July 2010 have reached Medicare eligibility was ratified.

- o. Approval of settlement on the Baisley Farm Mitigation Property

An easement was approved by the City Council and acquired from Mr. Baisley in April 2002 for \$45,000. The statement from the minutes indicate that "16+ acres of wetlands were required to be restored." Mr. Baisley has been subdividing and selling his property and his surveyor discovered that the easement contains 27.4 acres. The Engineering Department has confirmed this number. Staff has also reviewed the files and found the original plat and legal description which do not contain any verbiage for the total acreage. Mr. Baisley requested payment for the additional 11.4 acres at the same price of \$2,812.50/acre.

The settlement of \$32,062.50 for the remaining 11.4 acres on the Baisley Farm mitigation was approved as recommended.

- p. Approval of amendment to THWI agreement with Tennessee Technological University

The agreement for the Tennessee Healthy Watershed Initiative is being amended to extend the project time to June 30, 2014.

This Contract amendment was approved as recommended.

- q. Approval of Concession Sales Agreement with Mommyof2

The Concession Agreement with Mommyof2 was approved as recommended.

- r. Approval of Airport Tree Clearing contracts with State of Tennessee and Atkins

The Aeronautics Commission approved a \$132,500 grant for tree removal at the airport. The City is responsible for 5% or \$6,625. A contract with Atkins was recommended for the engineering services of \$8,500. Additionally, \$13,500 is included for the required Indiana Bat Habitat Survey and Coordination of MOA and USFW through a sub-consultant.

The grant contract with TDOT-Aeronautics and the contract with Atkins on the tree clearing obstruction were approved as recommended.

- s. Approval of final deduct change order with W. Rogers Company and scope change with SSR on the Water Treatment Improvements Project

Several items were removed from the Water Treatment Improvements project and several quantities ran under budget. The final change order was presented for a \$266,179.29 deduct of the original contract price and a 138 day addition of the contract time with W. Rogers Company. The original engineering scope for this project did not include the electrical changes or the additional time for the project. The Engineers have requested an additional \$46,310 for this work. Staff has discussed this issue with the Engineers and negotiated \$39,000 for the additional work performed by SSR. The Director of Water Resources and the Director of Engineering recommended the approval of the final change order with W. Rogers Company and the approval of the scope change with SSR in the amount of \$39,000 for an overall savings of \$230,179.29.

The final deduct change order with W. Rogers Company and the scope change with SSR in the amount of \$39,000 were approved as recommended.

- t. Approval of ECE Services for Dorton Landfill Testing

Councilman Souza expressed his concern about not bidding the testing, even though it is not required to be bid, because of other companies interested in doing the work. Mayor Graham expressed his support for ECE since they have done all the testing in the past at this location.

A motion was made by Mayor J.H. Graham III, seconded by Council Member George Marlow, that the current ECE pricing and work to be performed as presented, with the additional sampling and analysis, as requested by the State Inspector be approved as recommended. The motion carried by the following vote:

Aye: 3 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt and Council Member George Marlow

Nay: 1 - Council Member Pete Souza

4. Bids/Purchases

- a. Training ammunition

The Crossville Police Department requested approval to purchase ammunition for training purposes from Precision Delta Corporation in amount of \$16,400.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the purchase of training ammunition be approved as recommended. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

- b. Airsoft Training Weapons purchase

The Crossville Police Department requested approval to purchase Airsoft Training Equipment from Para Frog in the amount of \$9,228. These weapons will be used in active shooter and realistic firearm simulation. These items require a budget

amendment, but will be funded from monies received from the sale of confiscated and seized weapons over the last three years. The monies were awarded to the department and, as per Judge's order, must be used for department training.

A motion was made by Council Member Pete Souza, seconded by Mayor J.H. Graham III, that the purchase of Airsoft Training Weapons be approved as recommended and the budget amendment be passed on first reading. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

Ordinances on First Reading

- c. Ordinance amending the FY13-14 budget for Airsoft Training equipment

This Ordinance was approved on first reading

5. Marketing Report

December Marketing Report

Marketing Director Billy Loggins provided an update on the following:

- *Christmas Parade/Other Happenings on December 14th*
- *Dog Park – Grand Opening held and well attended*
- *Tech Redi / WCTE Upper Cumberland Tourism Initiative*
- *Economic Development – requests from industries are continuing to be received*
- *Crossville / Cumberland County Shop Small Community*
- *City of Crossville Christmas Open House – December 19*
- *Sustainability Fair – May 15*
- *State Team Championship – A decision needs to be on sponsorship by the City*
- *Golf Capital High School Invitational in August – A decision needs to be on sponsorship by the City for \$8000.*

The two sponsorships were requested to be placed on the January 2 agenda.

This Report was received and filed

6. Other Business

- a. Matters relative to Northwest Connector-Section III

At the November Council meeting, Council approved moving forward with the acquisition. The State will be responsible for the costs for the relocation of all utilities, but each utility must provide the engineering design. The City has water and sewer lines that will need to be relocated. A proposal from Gresham, Smith & Partners was presented to provide the rainbow plans and the final design for utilities to TDOT. Approval was recommended by the City Manager.

A budget amendment is required to cover utility relocation design, appraisal services, and acquisition services. Once the appraisals are received, an additional budget amendment will be required to cover the estimated acquisition costs. In response to Councilman Marlow, City Attorney Chadwell stated that since Councilman Marlow owns no property on Sections II and III, he would have no conflict of interest. Mayor Graham stated that he had no conflict of interest in regards to the Northwest

Connector.

A motion was made by Mayor Pro-Tem Danny Wyatt, seconded by Mayor J. H. Graham, III, that a contract with Gresham Smith and Partners for utility design services be approved in the amount of \$156,500 and an Ordinance amending the budget be passed on first reading.

Aye: 3 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt and Council Member George Marlow

Nay: 1 - Council Member Pete Souza

Requests for proposals from appraisers were received December 3. Council was asked to approve Sam Pipkin as the review appraiser. Initially, he is being requested to help make the decision on which properties need formal appraisals and which ones will just need an FPA appraisal. That cost is not expected to exceed \$2,500 for Section III. A recommendation on the appraisers will be provided at a later meeting.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that a contract with Sam Pipkin of Pipkin & Associates for review appraisal services be approved as recommended. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

b. Matters relative to Fair Park Senior Center replacement van

Fair Park Senior Center has been awarded a grant for the purchase of a 14 passenger center aisle van at a total cost of \$28,124. The grant requires a 10% local match. They requested financial assistance from the City in the amount of \$2,812.40. If approved, the funds will come from the undesignated funds for outside agencies. Mayor Graham remarked of the City's long support of the center.

A motion was made by Mayor J.H. Graham III, seconded by Mayor Pro-tem Danny Wyatt, that financial assistance to purchase a van for the Fair Park Senior Citizens in the amount of \$2,812.40 be approved as recommended. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

7. City Attorney's Report

City Attorney's Report

City Attorney Kenneth Chadwell reported no new lawsuits during the previous month.

Mr. Chadwell reported that he has been requested by the City Manager to put together files relative to various ethical allegations raised by Councilman Souza. He plans to prepare them and deliver them to a retired judge, to be selected by the City Council. He expects them to be delivered by the end of February. The packet will be made available to the Council for their review. He requested that Councilman Souza produce the documents, to which he has referred numerous times, so that they can be included in the packet. He expressed the opinion that whatever he had are public records, subject to the open records act. He further stated that it will require a

number of hours and that it will be an expensive process. Councilman Souza stated that he did not believe his records were public as he has collected them privately utilizing his own funds. He agreed that a resolution to the issues needs to be done and that he will have two resolutions at the January meeting. One resolution will be on how to dispense the records and the second will be an opportunity for the public to determine if he should remain in office. In response to a question from the City Attorney, Councilman Souza stated that his attorney is James Thompson. City Attorney Chadwell pointed out that if anyone knows of any criminal activities going on in the city or in regard to elected officials or employees, they have a duty to report it immediately. He further stated that it is not the purpose of the City Attorney or City Council to pursue investigations or prosecute crime, which is the responsibility of the Police Department, District Attorney, TBI, or whoever has jurisdiction. However, all the documents that have been cited in the e-mails and correspondence in the ethics files are now public records, according to the Open Records Laws.

Mayor Pro-Tem Wyatt commented that by withholding the information on the allegations Councilman Souza has made, he has attacked virtually everyone in the room. He stated that he has received a lot of e-mails from Councilman Souza alleging everyone is crooked and dishonest, including accusing the City's ethics officer (Kenneth Chadwell) that proved to be nothing. Last month, Councilman Souza threw out deeds accusing the Mayor of owning property, when he was only the Trustee. Councilman Souza responded that his files have been given to the FBI, IRS-Fraud Division, and the TBI. He reported that there is an ongoing investigation. Mayor Pro-tem Wyatt asked that the matters be left out of the council chambers and be left to the authorities. He asked that the Council do the business of the community and move on. In the future, he asked that any accusations be backed up.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Council Member George Marlow, that Mr. Souza have his information to back up and collaborate the allegations by January 1. The motion carried by the following vote:

Aye: 2 - Mayor Pro-tem Danny Wyatt and Council Member George Marlow

Abstain: 2 - Mayor J.H. Graham III and Council Member Pete Souza

8. City Manager's Report

City Manager's Report

City Manager Rutherford provided the monthly revenue reports on local option sales tax, wholesale beer tax, and retail liquor inspection fees. He also provided reports on building permits, grants, special projects, and bonded debt.

A meeting is scheduled for January to meet with County and School Board on the Liquor by the Drink tax. The Comptroller's Office has been trying to resolve the issues and now recommends that every community work toward an agreement with their County. Their office audits counties, but never found it. The issues involve 48 cities and 41 are waiting to resolve the 30-year old issue.

Recreation Grants - As discussed in the work session, Lose & Associates has been chosen to assist the city in the preparation of a grant application (at no charge) for a proposed greenway linking Centennial Park and Obed River Park. As we get further in the process with cost estimates, it will be brought back to Council for approval before submittal.

Bio-Solids - Persons interested in receiving bio-solids are invited to a workshop on January 9, 2014. At the workshop, the requirements will be explained by

representatives from TDEC and EPA and questions will be answered.

A budget calendar for 2014-15 will be forthcoming, with the operating budget and budget workshops anticipated in April.

Mayor Pro-Tem Wyatt thanked Mr. Rutherford for the work he has done so far and suggested that his evaluation to be held at January regular meeting. Members of Council were asked to submit their evaluations to the Mayor prior to the meeting. All members of Council that were present expressed their appreciation for the job he has done so far.

A motion was made by Mayor Pro-tem Danny Wyatt, seconded by Mayor J.H. Graham III, that the City Manager evaluation be escalated to the January meeting. The motion carried by the following vote:

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

9. Public Comment

Mayor Graham opened the floor for comments from the public.

Kenneth Hubbard, 155 W. Adams St., addressed concerns about the traffic at on W. Adams. He explained that the road is not wide enough for pedestrians to walk and, with the removal of stop signs, cars are speeding unless the Police Department is present. He asked for stop sign again or a caution light.

Mayor Graham recognized a number of Boy Scouts present at the meeting who are working on a merit badge.

ADJOURNMENT

A motion was made by Councilman Pete Souza, seconded by Mayor J. H. Graham, III, that the meeting be adjourned.

Aye: 4 - Mayor J.H. Graham III, Mayor Pro-tem Danny Wyatt, Council Member George Marlow and Council Member Pete Souza

With no further business, the meeting was adjourned at 6:59 p.m.