City of Crossville

392 N. Main
Crossville, TN 38555

Minutes

Tuesday, November 3, 2015

6:30 PM

Conference Room 317

Call for Special Meeting

Mayor James 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

The City Council for the City of Crossville, Tennessee met in special session on Tuesday, November 3, 2015, at Crossville City Hall.

Rollcall

Present 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris, and Council Member Danny Wyatt

Absent 1 - Council Member Jesse Kerley

Others present were City Manager David Rutherford, City Attorney Will Ridley, City Clerk Sally Oglesby, John Turner, Rodney Shoap, Fred Houston, Jim Young, Butch Smith, Andy Vaughn, Tim Begley, Bruce Wyatt, Levonn Hubbard, Tom Flynn, Chris Bennett, Mark Steinman, Jeff Kerley, David Simcox, Laney Colvard, Mark Rosser, Judy Wojta, Art Wojta, Matt Thrasher, and Marlys Pool.

Mayor James Mayberry was present and presiding. He called the meeting to order at 6:40 p.m.

1. Discussion and action on J. Hicks Excavating legal matter

A motion was made by Mayor James Mayberry, seconded by Council Member Pete Souza, that the City Attorney be authorized to present the counter-offer to Hicks for settlement of the lawsuit. The motion carried by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Absent: 1 - Council Member Jesse Kerley

Jim Young questioned what the counter-offer was as the Council should not have diliberated during the closed session. He considered it a violation of the Sunshine Law. City Attorney Will Ridley disagreed because they had to discuss what they were going to do. Mr. Young asked his objection be made a part of the record.

The meeting was recessed at 6:43 p.m. At 7:06 p.m. the Special Called Meeting was reconvened.

A motion was made by Mayor Pro-tem Pamala Harris, seconded by Council Member Danny Wyatt, that the earlier action regarding the counter-offer be

rescinded. The motion carried by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Absent: 1 - Council Member Jesse Kerley

City Attorney Ridley reported that during the closed session, the Council discussed the lawsuit with J. Hicks Excavating on the soccer complex. Outside counsel was retained as well as environmental consultants. The City Council authorized filing a lawsuit for environmental issues in the amount of $216,614.34 requesting reimbursement and for breach of contract. The merits of the lawsuit were discussed. The City Manager received an offer of $60,000 to settle the lawsuit.

A motion was made by Council Member Pete Souza, seconded by Mayor James Mayberry, that a counter-offer of $108,000 be authorized. The motion carried by the following vote:

Aye: 4 - Council Member Pete Souza, Mayor James Mayberry, Mayor Pro-tem Pamala Harris and Council Member Danny Wyatt

Absent: 1 - Council Member Jesse Kerley

ADJOURNMENT

With no further business, the meeting was adjourned at 7:08 p.m.