

IN THE CHANCERY COURT OF CUMBERLAND COUNTY, TENNESSEE  
FOR THE THIRTEENTH JUDICIAL DISTRICT AT CROSSVILLE

HEATHER MULLINIX,  
  
Petitioner,  
  
v.  
  
THE CITY OF CROSSVILLE,  
  
Respondent.

FILED  
Date 6-6, 2023 at 12:05 AM PM  
Entered \_\_\_\_\_  
BEN TOLLETT, CLERK & MASTER  
Cumberland County, Crossville, TN  
By: \_\_\_\_\_ JP

No. 2023-CH-2388

**PETITION FOR ACCESS TO PUBLIC RECORDS AND  
TO OBTAIN JUDICIAL REVIEW OF DENIAL OF ACCESS**

Pursuant to the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-501, *et seq.* ("TPRA"), Petitioner Heather Mullinix ("Ms. Mullinix") hereby petitions this Court for access to specific public records maintained by the City of Crossville (the "City"), for judicial review of the City's denial of access to those records, and for reasonable attorneys' fees and costs. In support of this Petition, Ms. Mullinix states as follows:

**PARTIES**

1. Petitioner is a journalist, a resident of Van Buren County, Tennessee, and a Tennessee citizen. For more than 20 years, Ms. Mullinix has been a reporter for *The Crossville Chronicle*, becoming editor in 2018. Her primary reporting focus is local government, including coverage of the Crossville City Council and Cumberland County Commission. Mullinix Decl. ¶ 4 (attached as Exhibit A).

2. Respondent is the City of Crossville. Service of process upon Respondent will be made by delivering a copy of the summons, this Petition, and

the forthcoming Memorandum of Law to the City's chief executive officer or city attorney pursuant to Rule 4.04(8) of the Tennessee Rules of Civil Procedure.

### **JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction over this petition and venue is proper in this Court under Tenn. Code Ann. § 10-7-505(b) because the requested public records are situated in Cumberland County. This Court also has subject matter jurisdiction over this petition pursuant to Tenn. Code Ann. § 1-3-121.

### **FACTUAL ALLEGATIONS**

4. Public oversight of government and its decision-making processes is necessary in a democracy; facilitating such oversight is the fundamental purpose of the TPRA. Here, Ms. Mullinix seeks public records that would shed light on the City's closure of the Village Inn, an investigation into procedural errors accompanying that closure, and the City Council's decision to retain City Manager, Greg Wood.

#### **The City's Closure of the Village Inn and Commission of the Robinson Report**

5. On July 27, 2022, City law enforcement officers arrived at the Village Inn, a motel turned low-income housing facility, to serve a search warrant related to an ongoing narcotics investigation.

6. Upon arrival, these officers reportedly discovered a number of unsafe conditions, prompting them to contact the Fire Department and Codes Department. Officers from those departments subsequently arrived on scene and began inspecting rooms, with tenant permission. The Fire and Codes Department officers

reported several concerns, including missing or disabled smoke detectors, unsafe stairs, concrete deterioration, and potentially hazardous standing water, according to a Police Department press release.

7. Residents were instructed to leave the premises by 8 p.m. that evening; the Village Inn's power was later shut off. Approximately 100 residents of the Village Inn were displaced or otherwise affected by the closure.

8. The following day, however, the Village Inn was re-opened to residents.

9. At a City Council meeting on August 2, 2022 the following week, Dr. Robert "Buck" Wood, owner of the Village Inn, remarked that he did not know why the Inn was closed and received no prior notice of any code violations. Mullinix Decl. ¶ 8, Attach. 3.

10. Later in the same August 2 meeting, then-City Attorney, Will Ridley, said he first became aware of the July 27 Village Inn closure via social media, after the closure occurred. Mullinix Decl. ¶ 8, Attach. 3.

11. Mr. Ridley then recommended, based on the advice of the City's insurance carrier, that the Council commission an independent investigation into the temporary closure of the Village Inn and retain the Chattanooga law firm of Robinson, Smith and Wells to produce a report (the "Robinson Report") to be completed in three weeks for a maximum fee of \$10,000. *Id.*

12. Attorneys from Robinson, Smith and Wells were present at the August 2, 2022 meeting to discuss the process they would undertake for their investigation.

The meeting minutes reflect statements by Keith Grant, an attorney with the firm, explaining that the “City Council can use the [investigation’s] findings however they choose.” *Id.* Although litigation regarding the Village Inn closure was not necessarily expected, it could not be ruled out, therefore, according to Mr. Grant, “the investigation will be under attorney-client privilege.” *Id.* The Council then voted to hire Robinson, Smith and Wells. *Id.*

13. The engagement letter between the City and Robinson, Smith and Wells details the scope of the investigation, including “review[ing] all relevant documents, interview[ing] all witnesses, and prepar[ing] a written report of [the] findings.” Mullinix Decl. ¶ 9, Attach. 4.

14. Later in the same August 2 meeting, Ridley recommended that City Manager Greg Wood be suspended for his decision to close the motel without first seeking legal advice, particularly in light of the fact that Mr. Ridley had previously warned Mr. Wood—four times—of the need for due process before closing the Village Inn. Mullinix Decl. ¶ 8, Attach. 3.

15. The City Council then voted to suspend Wood for a period of three weeks—during which time the independent investigation into the Inn’s closure would be conducted. *Id.*

16. At some point during that three-week period, Mr. Wood submitted his resignation; it was later rescinded on August 19, 2022. McAdoo Decl. ¶ 4, Attach. 1 at 2:8-11 (“We received a resignation from the city manager a little while back, and

we were in the midst of an investigation, an independent investigation, by a law firm out of Chattanooga.”) (attached as Exhibit B).

17. The Council voted to defer making a final decision regarding Mr. Wood’s employment status until after the Robinson Report was completed. McAdoo Decl. ¶ 4, Attach. 2 at 2:11-13 (“We received a resignation from the City manager a little while back....The council voted at that time not to address the resignation and to wait until our investigation was returned.”).

18. The Robinson Report was delivered to the City on August 25, 2022, ahead of the August 26 special council meeting convened to address the issue of City Manager Greg Wood’s resignation. *Id.* at 2:14-16.

19. The Village Inn was closed permanently on February 15, 2023.

**The City Council’s Special Meeting on August 26, 2022**

20. On August 26, 2022, the City Council convened a special meeting, during which the Robinson Report was discussed in connection with the issue of City Manager Greg Wood’s earlier suspension for mishandling the Village Inn closure. Mullinix Decl. ¶ 10, Attach. 5.

21. At this meeting, Mayor James Mayberry explained that the Robinson Report was a “very lengthy and detailed report on the events leading up to the closing of Village Inn.” McAdoo Decl. ¶ 4, Attach. 1 at 2:16-18.

22. According to the meeting minutes, Mayor Mayberry also “stated that due to procedural errors on and before July 27, 2022 by members of the Crossville Police Department, Emergency Management Agency, Codes Department, and

Crossville Fire Department, the responsibility falls on Mr. Wood's shoulders, and made a motion to terminate City Manager Greg Wood." Mullinix Decl. ¶ 10, Attach. 5.

23. During the discussion on Mayor Mayberry's motion, Council Member Art Gernt explained that he had read the Robinson Report and believed all the participants in the Village Inn action acted in good faith, and he did not think the City Manager should be fired. McAdoo Decl. ¶ 4, Attach. 1 at 3:18-25, 4:1-3.

24. Council Member Rob Harrison also responded to Mayor Mayberry's motion and described the report as "lengthy and detailed," McAdoo Decl. ¶ 4, Attach. 1 at 4:8, and echoed Council Member Gernt in saying he "believe[d] everyone involved acted with good faith and good intentions, but things got out of hand and proper procedures weren't followed for whatever reason[]." *Id.* at 4:24-25, 5:1-2. He emphasized that Mr. Wood had previously received "high marks" from the City Council in years past and that no one is "perfect." *Id.* at 4:20-22. Council Member Harrison then said he thought the City should take corrective actions, including training of City personnel on conducting lawful evictions, and ultimately "move on with the good people we have and not go trying to find new people who will have their own imperfections." *Id.* at 5:2-6.

25. The City Attorney spoke on the matter of Mayor Mayberry's motion and recommended terminating the City Manager "[b]ased upon the actions that were [taken] without regard to the law and without regard to previous advice, and taken, in [his] opinion, from review of the report[,] knowingly." *Id.* at 6:1-7.

26. Finally, Mayor Pro Tem Crawford discussed Mayor Mayberry's motion and said the City failed to provide the tenants of Village Inn due process. *Id.* at 7:5-6.

27. After these extensive discussions regarding the report and its contents in the context of deciding whether to fire the City Manager, the City Council voted against Mayor Mayberry's motion and thus decided to retain the City Manager. *Id.* at 10.

#### **The City's Denial of Ms. Mullinix's Public Records Requests**

28. On September 14, 2022, Ms. Mullinix submitted a public records request to the City seeking the Robinson Report. Mullinix Decl. ¶ 6, Attach. 1 (requesting a "copy of investigative report distributed to City Council by law firm Robinson, Smith + Wells of Chattanooga Aug. 25, 2022 regarding closure of the Village Inn").

29. The City responded to the public records request on September 22, 2022, claiming broadly that "[t]he records ... are confidential by nature under Tennessee law and are not discoverable." Mullinix Decl. ¶ 7, Attach. 2. The City provided no other basis for the denial but stated that it would "reconsider this opinion" if Ms. Mullinix had "any legal authority" to permit access to the Robinson Report. *Id.*

30. On December 20, 2022, undersigned counsel for Ms. Mullinix submitted a letter to Mr. Randall A. York, the City's attorney who denied Ms. Mullinix's public records request. McAdoo Decl. ¶ 5, Attach. 2. In that letter, Ms.

Mullinix and the *Crossville Chronicle* requested that Mr. York reconsider his initial decision on the City's behalf based on the legal authorities presented in the letter.

*Id.* No response was provided.

31. The City subsequently held a meeting on February 7, 2023 during which it considered whether to release the Robinson Report to the public. Mullinix Decl. ¶ 11, Attach. 6.

32. According to the minutes of the February 7 meeting, Mayor Crawford stated that, in an effort to achieve complete transparency, he felt it was important to release the Robinson Report and made a motion to do so. *Id.*

33. In discussing Mayor Crawford's motion, the City Attorney advised that "the report was completed under attorney-client privilege and that as owners of the report [and privilege], it was [the Council's] decision to release it or not." *Id.*

34. After some brief deliberation on Mayor Crawford's motion among the council members, the motion was withdrawn in an effort to afford members a chance to review the Report once more before casting their vote the following week. *Id.*

35. At the February 14, 2023 Council Meeting, City Attorney Randall York advised the Council "against releasing any items considered Attorney-Client Privilege," and the discussion of whether to release the Robinson Report was withdrawn from the agenda. Mullinix Decl. ¶ 12, Attach. 7.

36. The Council has had no further public discussion or vote on the matter of disclosing the Report to the public.



37. The Council has continued to withhold the Report from the public.

38. The Robinson Report is not confidential under Tennessee state law and is therefore subject to disclosure under the TPRA.

#### CLAIM FOR RELIEF

39. Petitioner incorporates the allegations in paragraphs 1 through 38.

40. Pursuant to the TPRA, Ms. Mullinix requested the Robinson Report.

41. The Robinson Report is a "public record" within the meaning of Tenn. Code Ann. § 10-7-503(a)(1).

42. The City denied Ms. Mullinix's public records request for the Robinson Report.

43. No exemption or privilege applies to bar the City from disclosing the Robinson Report.

44. To the extent the Robinson Report was privileged, any such privilege was waived when the City Council discussed the Report at public meetings and in the City Council's public minutes.

45. As set forth above, Ms. Mullinix's attempts to obtain this public record without filing a petition with this Court have been unsuccessful. It is therefore necessary to bring this action for access and judicial review pursuant to Tenn. Code Ann. § 10-7-505.

46. Ms. Mullinix is entitled to access to the public records she requested under the TPRA.

47. Tenn. Code Ann. § 10-7-505(g) provides that the Court may award “all reasonable costs involved in obtaining the records, including reasonable attorneys’ fees” if the government “knew the record was public and willfully refused to disclose it.”

48. The City knew that the Robinson Report requested by Ms. Mullinix was public and willfully refused to disclose it.

49. Therefore, Petitioner is entitled to full access to this public record as well as an award of all reasonable costs, including reasonable attorneys’ fees.

#### PRAYER FOR RELIEF


WHEREFORE, Petitioner Heather Mullinix prays that this Court:

- 1) Immediately issue an order, pursuant to Tenn. Code Ann. § 10-7-505(b), requiring representatives of the City to appear before this Court and show cause why this Petition should not be granted;
- 2) Order the City to provide a copy of the Robinson Report sought in this Petition to the Court for *in camera* review in advance of that show cause hearing;
- 3) Grant Petitioner a declaratory judgment that the Robinson Report she requested is a public record under Tennessee Law for which no exemption or privilege applies and that the City’s failure to grant Petitioner access to this public record constitutes a knowing and willful violation of the TPRA;
- 4) Order the City to immediately make available to Petitioner a copy of the Robinson Report she requested;

- 5) Grant Petitioner an award of reasonable costs and attorneys' fees pursuant to Tenn. Code Ann. § 10-7-505(g);
- 6) Grant Petitioner discretionary costs under Tenn. R. Civ. P. 54; and
- 7) Grant Petitioner all such further relief to which she may be entitled.

Dated: June 5, 2023

Respectfully submitted,



Paul R. McAdoo (BPR No. 034066)  
THE REPORTERS COMMITTEE FOR  
FREEDOM OF THE PRESS  
6688 Nolensville Rd. Suite 108-20  
Brentwood, TN 37027  
Phone: 615.823.3633  
Facsimile: 202.795.9310  
pmcadoo@rcfp.org

*Counsel for Petitioner*

# Exhibit A

IN THE CHANCERY COURT OF CUMBERLAND COUNTY, TENNESSEE  
FOR THE THIRTEENTH JUDICIAL DISTRICT AT CROSSVILLE

HEATHER MULLINIX,

Petitioner,

v.

THE CITY OF CROSSVILLE,

Respondent.

No.

**DECLARATION OF HEATHER MULLINIX IN SUPPORT OF  
PETITION FOR ACCESS TO PUBLIC RECORD AND  
TO OBTAIN JUDICIAL REVIEW OF DENIAL OF ACCESS**

I, Heather Mullinix, hereby declare as follows:

1. I am the Petitioner in this action.
2. The facts stated in this Declaration are within my personal knowledge and are true and correct.
3. I submit this Declaration in support of this action with knowledge of my pleading obligations under the Tennessee Rules of Civil Procedure.
4. I am a resident of Van Buren County, Tennessee and a Tennessee citizen. For more than twenty years, I have been a journalist with the *Crossville Chronicle*. I was named editor of the *Crossville Chronicle* in 2018. My primary reporting focus is local government, including coverage of the Crossville City Council and Cumberland County Commission.

5. As part of my work as a journalist, I regularly submit public records requests to government bodies in Cumberland County, including the City of Crossville (the "City").

6. On September 14, 2022, I submitted a public records request to the City seeking a "copy of [the] investigative report distributed to [the] city council by [the] law firm Robinson, Smith [and] Wells of Chattanooga [on] August 25, 2022 regarding closure of the Village Inn" (the "Robinson Report"). A true and correct copy of my request is attached as **Attachment 1**.

7. On September 22, 2022, the City denied my public records request for the Robinson Report. A true and correct copy of the City's denial of my request for the Robinson Report is attached as **Attachment 2**.

8. A true and correct copy of the minutes of the City Council's Special Meeting on August 2, 2022, available at <https://crossvilletn.legistar.com/MeetingDetail.aspx?ID=990971&GUID=ABC14CF0-1537-4AED-8696-C62E63095E94&Search=>, is attached as **Attachment 3**.

9. A true and correct copy of the City's engagement letter with law firm Robinson, Smith and Wells is attached as **Attachment 4**.

10. A true and correct copy of the minutes of the City Council's Special Meeting on August 26, 2022, available at <https://crossvilletn.legistar.com/>

MeetingDetail.aspx?ID=994152&GUID=1112A0D4-8B47-40E9-B565-634FBCE17BE0&Search=, is attached as **Attachment 5**.

11. A true and correct copy of the minutes of the City Council's Special Meeting on February 7, 2023, available at <https://crossvilletn.legistar.com/MeetingDetail.aspx?ID=1080428&GUID=E629391C-9E5E-4560-B36E-681404D5F2BD&Search=>, is attached as **Attachment 6**.

12. A true and correct copy of the minutes of the City Council's Meeting on February 14, 2023, available at <https://crossvilletn.legistar.com/MeetingDetail.aspx?ID=1059513&GUID=87B03A40-B523-4912-B184-E7C5BADE8D2F&Search=>, is attached as **Attachment 7**.

13. I declare under penalty of perjury under the laws of Tennessee that the foregoing is true and correct.

  
Heather Mullinix

2nd day of June, 2023

# Attachment 1



# PUBLIC RECORDS REQUEST FORM

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: City Clerk, City of Crossville  
392 N. Main St.  
Crossville, TN 38555

From: Name Heather Mullinix

Contact Information (include an address for any TPRA required written response)  
125 West Ave. Crossville, TN 38595  
931-260-9578, hmullinix@crossville-chronicle.com

Is the requestor a Tennessee citizen?  Yes  No

Request:  Inspection (The TPRA does not permit fees or require a written request for inspection only<sup>1</sup>.)

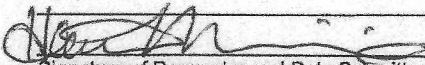
Copy/Duplicate - If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ 25 ? If so, initial here:  
\_\_\_\_\_

Delivery preference:  On-Site Pick-Up  USPS First Class Mail  
 Electronic  Other: \_\_\_\_\_

### Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

Copy of investigative report distributed to city council  
by law firm Robinson, Smith & Wells of Chattanooga  
Aug. 25, <sup>2012</sup> regarding closure of the Village Inn

  
Signature of Requestor and Date Submitted  
9-14-22

\_\_\_\_\_  
Signature of Public Records Request Coordinator and Date

<sup>1</sup> Note, T.C.A. §10-7-504(a)(20)(C) permits charging for redaction of private records of a utility.

# Attachment 2

LAW OFFICES  
**MOORE, RADER, FITZPATRICK AND YORK, P.C.**  
46 NORTH JEFFERSON AVENUE  
COOKEVILLE, TENNESSEE  
38501

L. DEAN MOORE (1941-2019)  
DANIEL H. RADER III  
WALTER S. FITZPATRICK III  
RICHARD LANE MOORE  
DANIEL H. RADER IV  
RANDALL A. YORK  
BLAKE J. FITZPATRICK  
ANDRÉ S. GREPPIN  
WADE C. BLAIR

MAILING ADDRESS  
POST OFFICE BOX 3347  
38502

TELEPHONE  
(931) 526-3311

FACSIMILE  
(931) 526-3092

September 22, 2022

VIA EMAIL AND US MAIL

Heather Mullinax  
125 West Ave  
Crossville, Tennessee 38555

RE: Public Records Request

Dear Ms. Mullinax:

The open records request that you submitted has been forwarded to me for a response. I represent the City of Crossville. The records that you seek are confidential by nature under Tennessee law and are not discoverable. If you have any legal authority that would permit you to have these records, then please submit that to me and I will certainly reconsider this opinion.

If you have any questions, please feel free to contact me.

Sincerely yours,

MOORE, RADER,  
FITZPATRICK & YORK, P.C.

  
Randall A. York

RAY/mt  
cc: Baylee Rhea  
Greg Wood  
James Mayberry

# Attachment 3

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Tuesday, August 2, 2022

5:15 PM

Conference Room 317

## Call for Special Meeting

*Mayor James Mayberry  
Mayor Pro Tem R.J. Crawford  
Council Member Scot Shanks  
Council Member Rob Harrison  
Council Member Art Germt  
City Manager Greg Wood  
City Clerk Valerie Hale*

## Call to Order

*The Crossville City Council met in special session on Tuesday, August 2, 2022 at Crossville City Hall. Mayor James Mayberry was present and presiding. He called the meeting to order at 5:17 p.m. Mayor Mayberry explained the Standing Rules for Special Called Meetings, which do not allow for public comment.*

## Rollcall

**Present** 5 - Council Member Scot Shanks, Council Member Rob Harrison, Council Member Art Gernt, Mayor Pro-tem R.J. Crawford, and Mayor James Mayberry

*Others present were City Attorney Will Ridley, City Clerk Valerie Hale, Tim Begley, Lee Lawson, Jessie Brooks, Leah Crockett, Steve Powell, Tim Johnson, Terry Potter, Chris Kendrick, Bryant Dunaway, Lanny Colvard, Steve Threet, Robert Wood, Nathan Clouse, Larry Kidwell, Ethan Medley, Fred Houston, Heather Mullinix, Mike Turner, Christa Naegele, Kevin Music, Chris South, Steve Powell, Tom Isham, Danny Thurman, Melissa Coudriet, Mark Fox, Darian Dykes, Andre Crawford, Levonn Hubbard, Tony Perry, Jeremy Walls, Simone Richards, Toni Cheney, Keith Grant, and Aaron Wells.*

## Other Business

1.

### Matters relative to Village Inn and City Administration

**A motion was made by Mayor James Mayberry, seconded by Council Member Scot Shanks, to suspend the standing rules regarding Special Called Meetings. The motion carried by the following vote:**

**Aye:** 5 - Council Member Scot Shanks, Council Member Rob Harrison, Council Member Art Gernt, Mayor Pro-tem R.J. Crawford and Mayor James Mayberry

### Matters relative to Village Inn and City Administration

*Mayor Mayberry explained the impetus for the meeting and that it was called due to questions surrounding the closure of the Village Inn on July 27, 2022 by City Administration for Codes Violations.*

*Mayor Mayberry asked Dr. Wood, owner of the Village Inn, to speak. Dr. Wood decided to wait until the end of the meeting.*

*City Attorney Will Ridley stated he was first made aware of the incident through social media the evening of the closure, after the event occurred. He recommended, based on his limited review, that the Council take the following action:*

*1) Based upon the advice of the insurance provider, Mr. Ridley recommended that a*

private, independent investigation be completed. Mr. Ridley identified a Chattanooga firm, Robinson, Smith, and Wells. Mr. Ridley provided an engagement letter for the investigation, which quoted a price not to exceed \$10,000. Mr. Ridley introduced Keith Grant and Aaron Wells from the law firm. Mr. Grant stated he has been practicing law for 21 years, with the last 12-13 years specifically dealing with Municipal Law. He also stated that Mr. Wells has been practicing law for 5 years. Mr. Grant explained the process for an independent investigation. Their mission will be to determine the events and report them back to the City Council. The City Council can use the findings however they choose. Mr. Grant indicated his schedule would allow for the investigation to begin immediately. He also explained that the investigation will be under attorney-client privilege and will only release information that is necessary.

**A motion was made by Mayor James Mayberry, seconded by Council Member Art Gernt, to hire Robinson, Smith, Wells to move forward with an independent investigation, and 1st reading of a budget amendment to cover the costs. The motion carried by the following vote:**

**Aye:** 5 - Council Member Scot Shanks, Council Member Rob Harrison, Council Member Art Gernt, Mayor Pro-tem R.J. Crawford and Mayor James Mayberry

Mr. Ridley stated that under his limited review, that Fire Chief South acted in good faith during the events; however, it will be determined through the investigation, but relayed that he feels that Chief South did not have any ill will on behalf of the Fire Chief or Fire Department going into the events surrounding the closure of the Village Inn.

Mr. Ridley also stated that after his limited review, he recommended suspending the City Manager due to his lack of seeking legal advice, lack of foresight to know that the closure should have gone through the due process in the court system before moving forward with the closure, and due to the fact that Mr. Ridley had relayed the proper process to the employees involved on four different occasions previously.

Pursuant to the City Charter, a suspension must be with pay. A preliminary resolution must be passed by the City Council, and delivered promptly to the City Manager. The City Attorney presented a resolution stating a suspension for a three week period or until the investigation has been completed. He advised the City Council to also determine who will be the Interim City Manager during the suspension. The Charter states it must be a City employee. He stated that during the suspension, City Hall access would not be allowed, nor participation in any City activities.

**A motion was made by Mayor James Mayberry, seconded by Council Member Art Gernt, to suspend the City Manager for three weeks or less with pay and appoint City Clerk Valerie Hale as Interim City Manager, paying her an additional \$750 per week. The motion carried by the following vote:**

**Aye:** 5 - Council Member Scot Shanks, Council Member Rob Harrison, Council Member Art Gernt, Mayor Pro-tem R.J. Crawford and Mayor James Mayberry

Mayor Mayberry invited the public to speak and asked that comments be limited to three minutes.

Dr. Robert "Buck" Wood, owner of the Village Inn, made comments to the City Council. He stated this was the second time the motel has been shut down, with the

first time being in 2009. Dr. Wood still doesn't know what happened or why. He stated that with both events, they were not notified of any code violations and felt like the closures were "pre-planned". There were 44 rooms occupied on July 27, 2022 and 22-30 people have returned.

He discussed that the Village Inn is a low income housing unit and offers it as a service to the community. He stated he allows tenants to stay that don't always pay rent in full. The manager often pays for the tenants' meals. He admitted that there are issues with illegal drugs and they try to work with the Police Department and weed them out. He felt it was shameful the way that people were treated on July 27, 2022 and that a lot of food was lost due to the electricity being shut off. Dr. Wood suggested that he and the City Council come to a solution without a lawsuit/legal action. He stated the motel does not make a lot of money and would like to be informed of any code violations. He expressed that he's open to suggestions, and wants to try to resolve issues without litigation. He cited the incident has been slanderous to himself and the manager, Steve Threet. Dr. Wood offered that he would like to see a resolution without an investigation.

The Mayor agreed that the issues need to be resolved and that to protect the City in the future, an independent study should be completed.

Christa Naegele, Cumberland County citizen and lifelong resident, addressed the City Council and commended Chief Brooks and Chief South. She reported that she got permission to go onto the property and met with some of the residents on July 30. She helped with the needs of the children and wants the community to work together for long term help for residents of the Village Inn.

Mayor Mayberry commended the community for its efforts.

Steve Threet, Manager of the Village Inn, addressed the City Council and stated that he has worked closely with the Police Department for months. He admitted that Crossville has an issue with homelessness and stated that it is 90% of his problem at Village Inn. Recently he evicted tenants from 4 rooms for drug activity, escorted drug dealers off of the property, and stated that there are more to be dealt with. He gave an example of their community service by reporting on U.S. Veteran that has lived there 12 years, never paying a full month's rent. He also reported that there are many of the tenants that work full time. He applauded those from the Community that brought food and helped. He feels like the business was targeted and there has been a huge mistake. He said he is classified as a transient hotel.

Toni Chaney addressed the City Council and stated that in her opinion, there is a high homeless rate in Crossville because the current homeless shelters limit who is able to stay in their facilities.

Simone Richards, addressed the City Council and asked about the rights of those that have been harmed by the drugs, either by excessive use or overdose. She stated the Village Inn should be closed so they can be helped. She expressed that everyone should come together to create a solution. She also commended the Crossville Police Department.

District Attorney Bryant Dunaway spoke to the City Council and stated that he was invited by the City Attorney to attend and reported that the Village Inn has been on his office's radar and agreed it was a problematic property. Because of the number of police calls and issues he has seen, a conversation began about a month ago



*regarding a nuisance action, which is a civil lawsuit and can be effective to solve problems such as this in communities. He had success with this process a few years ago with the Budget Inn. It was closed down for approximately a year and has since reopened without any issues. The civil lawsuit is not taken lightly and strong evidence is needed to build a case, which his office was working toward. He stated that the DA's office did not have any involvement with closing the Village Inn, and had no communication with City Manager regarding its closure. He also stated that the civil lawsuit is no longer being considered by his office because of the events from last week.*

**Adjournment**

*With no one else interested in speaking, Mayor Mayberry adjourned the meeting at 5:46 p.m.*

# Attachment 4

LAW OFFICES  
ROBINSON, SMITH & WELLS, PLLC  
REPUBLIC CENTRE, SUITE 700  
633 CHESTNUT STREET  
CHATTANOOGA, TENNESSEE 37450  
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FAX (423) 266-0474

MEMBERS

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ASSOCIATES

Philip Aaron Wells [awells@rswlaw.com](mailto:awells@rswlaw.com)

Marcie Kiggins Bradley  
(423) 665-9529

Richard A. Smith  
*Retired*

James D. Robinson  
(1933 - 2009)

August 1, 2022

VIA EMAIL ONLY  
[will@ridleylawyer.com](mailto:will@ridleylawyer.com)

Will Ridley, City Attorney  
City of Crossville, Tennessee

Re: City of Crossville Outside Investigation

Dear Mr. Ridley:

It was a pleasure speaking with you on Friday, July 29, 2022. It is my understanding that the City of Crossville, Tennessee (the "City") seeks to engage a law firm to conduct an outside investigation into the condemnation of an extended stay hotel in anticipation of potential litigation.

Our firm handles litigation on behalf of municipalities throughout southeast Tennessee, in both state and federal courts, including in condemnation matters. Our representation of municipalities often requires similar investigations, either before or after litigation begins. Keith Grant and I will be responsible for the investigation. Keith has practiced law for over twenty (20) years, with a primary focus on municipal law for more than twelve (12) years. I joined the firm in 2017, also with a primary focus on municipal law. Accordingly, we are confident that we have the requisite knowledge and expertise to handle the type of investigation the City seeks.

As part of our investigation, Keith and I will review all relevant documents, interview all witnesses, and prepare a written report of our findings. We anticipate an investigation of this nature would take up to approximately three (3) weeks to complete, depending upon the availability of documents and witnesses. As for cost, Keith and I would charge \$200 per hour each for our time working on the investigation, and \$100 per hour each for travel time. However, to assist the City in budgeting for this project, we agree that our total fee will not exceed \$10,000. This would not include expenses, although we anticipate expenses to be relatively low, and would include items such as significant costs of reproduction and court reporter expenses should such be deemed necessary.

Should the City wish to retain our services as noted above, we will start the investigation within the next few days, working with you to ensure we obtain the correct documents and speak to all relevant witnesses.

Thank you for this opportunity and we look forward to working with you and the City on this matter.

Yours very truly,

*Philip Aaron Wells* / with permission  
For the Firm

KHG/PAW:ec  
crossville.ltr

# Attachment 5

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Friday, August 26, 2022

12:00 PM

Council Chambers

## Call for Special Meeting

*Mayor James Mayberry  
Mayor Pro Tem R.J. Crawford  
Council Member Scot Shanks  
Council Member Rob Harrison  
Council Member Art Gernt  
City Manager Greg Wood  
City Clerk Valerie Hale*

**Call to Order**

*The Crossville City Council met in special session on Friday, August 26, 2022 at Crossville City Hall. Mayor James Mayberry was present and presiding. He called the meeting to order at 12:00 p.m.*

**Rollcall**

**Present** 5 - Council Member Scot Shanks, Council Member Rob Harrison, Council Member Art Gernt, Mayor Pro-tem R.J. Crawford, and Mayor James Mayberry

*Others present were City Attorney Will Ridley, City Clerk Valerie Hale, Jessie Brooks, Ben Welch, Mike Denney, George Rye, Burt Allaire, Kevin Music, Bruce Anderson, Dave Miser, Sherry Hewitt, Scott Hewitt, Sara Hoover, Steve Threet, Fred Houston, Chris South, Mark Fox, Rick Myers, Levonn Hubbard, Monte Garrett, Mike Turner, David Willier, Staci Willier, Gwen Schallow, Tom Isham, Tony Perry, Rusty Graham, J.R. Blankenship, Sheila Van Riper, Mike Moser, Nathan Clouse, Kevin Poore, Earl Patton, Randy York, Joe Kerley, Lee Lawson, Danny Thurman, Lou Morrison, Tim Begley, and Dr. Buck Wood.*

**Other Business****1. Discussion and action regarding selection of City Attorney/Tax Attorney**

*City Attorney Will Ridley submitted his resignation effective August 31 as he has been elected as Circuit Court Judge. Requests for Proposals for City Attorney were received August 16, 2022. There were five applicants and their letters were presented for review. Those that submitted were Kevin Poore, Randy York, Earl Patton, Nathan Clouse, and Amanda Howard.*

**A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem R.J. Crawford, to select City Attorney/Tax Attorney by paper ballot, submitting 1st and 2nd choices, then choosing top candidate from that point on until a consensus is reached. The motion carried by the following vote:**

**Aye:** 5 - Council Member Scot Shanks, Council Member Rob Harrison, Council Member Art Gernt, Mayor Pro-tem R.J. Crawford and Mayor James Mayberry

*Round One:*

*Mayor James Mayberry*

- 1. Randy York*
- 2. Kevin Poore*

*Mayor Pro Tem R.J. Crawford*

- 1. Randy York*
- 2. Nathan Clouse*

*Councilmember Rob Harrison*

- 1. Randy York*
- 2. Kevin Poore*

*Councilmember Art Gernt*

- 1. Earl Patton*
- 2. Randy York*

*Councilmember Scot Shanks*

- 1. Randy York*
- 2. Nathan Clouse*

*Round Two:*

*Mayor James Mayberry*

- 1. Randy York*

*Mayor Pro Tem R.J. Crawford*

- 1. Randy York*

*Councilmember Rob Harrison*

- 1. Randy York*

*Councilmember Art Gernt*

- 1. Randy York*

*Councilmember Scot Shanks*

- 1. Randy York*

*Randy York was selected as City Attorney.*

**2.**

**Discussion and action regarding Village Inn and City Manager suspension**

*Mayor Mayberry explained that the City Council voted to wait until the investigation/report was concluded before considering the City Manager's resignation, which was rescinded August 19. He announced that the final report from the investigation was received the day before. He stated that due to procedural errors on and before July 27, 2022 by members of the Crossville Police Department, Emergency Management Agency, Codes Department, and Crossville Fire Department, the responsibility falls on Mr. Wood's shoulders, and made a motion to terminate City Manager Greg Wood.*

*Council Member Art Gernt began the discussion stating that after reviewing the report, he felt all parties involved acted in good faith. He disagrees with anyone being fired.*



Council Member Rob Harrison stated his job is to do what's best for the citizens and to be fair to all concerned. He expressed that on Mr. Wood's evaluation May 2, he received 4.17 out of 5. He also stated Mr. Wood has received high marks from City Council in years past. He said the current situation is unfortunate, but everyone seemed to have acted in good faith, however, procedural errors were made. He also said that corrective action needs to be taken, as well as training. Training should include the proper procedure for evictions, including policy that would give property owners time for corrective action. Council Member Harrison also suggested semi-annual inspections of the Village Inn. He expressed that the City needs to move past the situation with the current team, which has proven itself to be "pretty good".

City Attorney Will Ridley stated that as City Attorney, he recommends that to avoid future liability to the City based upon actions that were taken without regard to the law and without regard to previous advice, he recommends to terminate the City Manager.

Mayor Pro Tem Crawford stated that he does not take the current situation lightly. He had a chance to have a conversation with a young boy whom was evicted. He stated that he believed everyone could agree that closure of the Village Inn on July 27, 2022 was not a good day on behalf of City of Crossville. He explained that tenants were not given due process. He stated it is appropriate to listen to the City Attorney and his recommendations. He explained that the City Attorney's focus is to protect the City from liability and has done a great job. He said that the City Attorney provided previous history and previous guidance on smaller situations and that the City should own what happened, whether good or bad. He agreed Mr. Wood has received positive evaluations in the past, but that he's made his decision based on protecting the City from liability, as well as the City Attorney's recommendation.

**A motion was made by Mayor James Mayberry, seconded by Mayor Pro-tem R.J. Crawford, to terminate Greg Wood with cause paying insurance, vacation accrued, and salary through 8/31, and to keep City Clerk as Interim City Manager until a City Manager can be hired, and to contact MTAS to immediately start process for a new City Manager. The motion failed by the following vote:**

**Aye:** 2 - Mayor Pro-tem R.J. Crawford and Mayor James Mayberry

**Nay:** 3 - Council Member Scot Shanks, Council Member Rob Harrison and Council Member Art Gernt

**A motion was made by Council Member Rob Harrison, seconded by Council Member Art Gernt, that the City Manager's suspension be lifted and allow him to return to work immediately. The motion carried by the following vote:**

**Aye:** 3 - Council Member Scot Shanks, Council Member Rob Harrison and Council Member Art Gernt

**Nay:** 2 - Mayor Pro-tem R.J. Crawford and Mayor James Mayberry

## **Adjournment**

Mayor James Mayberry adjourned the meeting at 12:19 p.m.

# **Attachment 6**

# City of Crossville

392 N. Main  
Crossville, TN 38555



## Minutes

Tuesday, February 7, 2023

4:40 PM

Conference Room 317

## Call for Special Meeting

*Mayor R.J. Crawford  
Mayor Pro Tem Rob Harrison  
Council Member Art Germt  
Council Member Scot Shanks  
Council Member Mike Turner  
City Manager Greg Wood  
City Clerk Valerie Hale*

**Call to Order**

*The Crossville City Council met in special session on Tuesday, February 7, 2023 at Crossville City Hall. Mayor R.J. Crawford was present and presiding. He called the meeting to order at 4:40 p.m.*

**Roll Call**

**Present** 4 - Council Member Art Gernt, Council Member Mike Turner, Mayor Pro-tem Rob Harrison, and Mayor R.J. Crawford  
**Absent** 1 - Council Member Scot Shanks

*Others present were City Manager Greg Wood, City Attorney Randy York, City Clerk Valerie Hale, Fred Houston, Maggie Moss, Andy Moss, Jeremy Ricks, Chris South, Leah Crockett, Ethan Medley, Ethan Hadley, Brock Hill, John Nesbit, Billy Poore, Joe Kerley, Tim Begley, Kevin Music, Larry Kidwell, Malaysia Tolbert, Steve Threet, Levonn Hubbard, Dr. Robert Wood, Jessie Brooks, and Heather Mullinix.*

**Other Business****1. Discussion and action regarding Village Inn**

*City Attorney Randy York presented a contract amendment regarding the purchase of the Village Inn. The amendment states that the seller has the responsibility to make sure all tenants have vacated the premises prior to closing on the sale of the property, the closing will occur no later than 15 days after the last tenant has moved, and the City will pay an additional \$15,000. He advised the process could be lengthy. February 15, 2023 is the date the building is supposed to be vacated, but there could still be tenants at that point and the owner will have to file suit.*

*Mayor Crawford reported that he asked Chief Jessie Brooks and E-911 Director, Eric Ritzman to provide information on the amount of calls made to the Village Inn. He received a large packet of information and stated that the number of calls from January 1, 2019 through February 1, 2023 was 1,047, which is significantly higher when compared to other high traffic areas such as Wal-Mart, Woodmere Mall, Executive Inn, and other apartment complexes. The cost of the calls to the Village Inn for this time period is estimated at \$112,000. Mayor Crawford emphasized the need to move forward with the purchase of the Village Inn. He also stressed that the conversations regarding housing have been productive, and opened the door for more cooperative efforts. He stated that multiple agencies have been assisting, as well as Latoya Hargis, Crossville Police Department, who was assigned as the case manager.*

*Mayor Crawford asked Vivian Walker, Homeless Advocacy of Rural Tennessee, to explain the efforts made by her organization and the City of Crossville to assist the current Village Inn tenants with relocating. Ms. Walker reported that last December she completed 25 initial on-site assessments to anyone interested in seeking assistance. She explained the process and the barriers revealed, such as rental arrearages and legal matters. She also stated that main stream benefits were reviewed.*

**A motion was made by Mayor R.J. Crawford, seconded by Mayor Pro-tem Rob Harrison, to authorize the Mayor to sign the amended contract as presented. The motion carried by the following vote:**

**Aye:** 4 - Council Member Art Gernt, Council Member Mike Turner, Mayor Pro-tem Rob Harrison and Mayor R.J. Crawford

**Absent:** 1 - Council Member Scot Shanks

*In an effort to be more transparent regarding the Village Inn, Mayor Crawford stated that he felt it was important to release the investigative report completed in August 2022 excluding any information related to any ongoing investigations and personal information. City Attorney York advised that the report was completed under attorney-client privilege and that as the owners of the report, it was their decision to release it or not.*

*Mayor Pro Tem Harrison and Council member Gernt requested more time for a final review of the report before releasing to the public.*

**A motion was made by Mayor R.J. Crawford, seconded by Council Member Mike Turner, to release the investigative report. The motion was withdrawn.**

### **Adjournment**

**A motion was made by Council Member Art Gernt, seconded by Mayor Pro-tem Rob Harrison to adjourn at 4:59 p.m. The motion carried by an unanimous vote.**

# Attachment 7

# City of Crossville

392 North Main Street  
Crossville, Tennessee 38555



## Minutes

Tuesday, February 14, 2023

6:00 PM

Council Chambers

## City Council

*Mayor R.J. Crawford*  
*Mayor Pro Tem Rob Harrison*  
*Council Member Art Gernt*  
*Council Member Scot Shanks*  
*Council member Mike Turner*  
*City Manager Greg Wood*  
*City Clerk Valerie Hale*

**BEER BOARD - 5:40 p.m.**

*The Crossville Beer Board met on February 14, 2023 at Crossville City Hall. Mayor R.J. Crawford was present and presiding. He called the meeting to order at 5:40.*

**Present:** 5 - Council Member Art Gernt, Council Member Scot Shanks, Council Member Mike Turner, Mayor Pro-tem Rob Harrison and Mayor R.J. Crawford

**1. Eagle Market Inc.**

*An application has been received from Soniya Merchant for an off-premises beer license for Eagle Market Inc. located at 290 Highway 70 E. Chief Jessie Brooks reported records were clear and recommended approval of the permit.*

**A motion was made by Council Member Art Gernt, seconded by Council Member Mike Turner to approve permit. The motion carried by the following vote:**

**Aye:** 5 - Council Member Art Gernt, Council Member Scot Shanks, Council Member Mike Turner, Mayor Pro-tem Rob Harrison and Mayor R.J. Crawford

**PUBLIC HEARING - 5:45 p.m.****1. FY2023 Community Development Block Grant Program**

*Mayor R.J. Crawford called the public hearing regarding the upcoming Community Development Block Grant (CDBG) to order at 5:45 p.m. All City Council members and City Manager Greg Wood were present. Others present were: Jessie Brooks, Imran Dhanani, Valerie Hale, Heather Mullinix, Burt Allaire, and Levonn Hubbard.*

*Mayor Crawford explained the grant opportunity and that the City intends to apply for a grant to construct an ADA-compliant greenway connecting to Centennial Park. There were not any comments received.*

**This Public Hearing was received and filed.**

**REGULAR MEETING - 6:00 p.m.****Call to Order**

*The Crossville City Council met for its monthly business meeting on February 14, 2023 at Crossville City Hall. Mayor R.J. Crawford was present and presiding. He called the meeting to order at 6:00 p.m. The invocation was provided by Reverend Steve Pickard followed by the Young Marines who presented the colors and led the Pledge of Allegiance.*

**Roll Call**



**Present:** 5 - Council Member Art Gernt, Council Member Scot Shanks, Council Member Mike Turner, Mayor Pro-tem Rob Harrison and Mayor R.J. Crawford

*Others present were City Attorney Randy York, City Manager Greg Wood, City Clerk Valerie Hale, Levonn Hubbard, Jessie Brooks, Heather Mullinix, Kevin Music, Billy Poore, Joe Kerley, Burt Allaire, Imran Dhanani, Tom Isham, Bob Ross, Friends and family of the Young Marines, Reverend Steven Pickard, Ethan Hadley, Ethan Medley, and Lee Lawson.*

**1. Proclamations/Presentations**

**a. Presentation for February**

*February Student of the Month could not be present due to illness but will be present for the March meeting.*

**This Presentation was received and filed.**

**2. Public Comment**

*There were not any public comments received.*

**3. Appointments**

**a. Crossville Regional Planning Commission**

*Mayor Crawford announced his re-appointment of Gordon Atchley to the Planning Commission for a five-year term expiring 3/1/2028.*

**Gordon Atchley was re-appointed.**

**b. Stormwater Board of Appeals**

*The term of Dennis Gregg expires on 3/10/23. He represents the neighborhood segment on the Board.*

**A motion was made by Mayor R.J. Crawford, seconded by Mayor Pro-tem Rob Harrison to appoint David Young to the Stormwater Board of Appeals. The motion carried by the following vote:**

**Aye:** 5 - Council Member Art Gernt, Council Member Scot Shanks, Council Member Mike Turner, Mayor Pro-tem Rob Harrison and Mayor R.J. Crawford

**c. Airport Committee**

*Mayor Crawford announced his appointment of Gwen Schallow to the Airport Committee. She will replace Blake Dickenson as he is resigning at the end of his term. Gwen's term is a five-year appointment, expiring March 2028.*

**Gwen Schallow was appointed.**

**4. Chamber of Commerce Report**

*Ethan Hadley, President/CEO of Crossville-Cumberland County Chamber of Commerce, gave the monthly report of the activities at the Chamber of Commerce. He reported on the upcoming Business After Hours on March 16 and that Leadership Cumberland kicks off on February 15 with 17 participants.*

*Mr. Hadley reported that the 2023 Wage and Benefit Study is underway. He also stated that the Chamber is continuing its Existing Industry Program and met with Flowers Bakery to view their operations and learn what their opportunities and challenges are. Senator Bill Hagerty will also be visiting next week.*

**5. Consent Agenda****Approval of the Consent Agenda**

**A motion was made by Council Member Art Gernt, seconded by Council Member Mike Turner to approve the Consent Agenda Items A-N. The motion carried by the following vote:**

**Aye: 5 - Council Member Art Gernt, Council Member Scot Shanks, Council Member Mike Turner, Mayor Pro-tem Rob Harrison and Mayor R.J. Crawford**

*Council member Gernt noted that all of the items on the Consent Agenda had been reviewed at the monthly work session and recommended by Staff members.*

**a. Approval of minutes for 1/10 and 2/7**

**The Minutes were approved as recommended.**

**Ordinances on Second Reading****b. Ordinance amending FY22-23 budget-Palace Theatre Wall Repair**

**This Ordinance was approved on second reading.**

**c. Ordinance amending Title 5, Chapter 6 Municipal Purchasing Procedures**

**This Ordinance was approved on second reading.**

**Additional Consent Items****d. Approval of Sewer Mainline Extension - Ramey Road**

*The property owner at 141 Ramey Road (Tax Map 074 parcel 035.01) is requesting a mainline sewer extension to their property. The parcel is located outside the City Limits of Crossville. Under the Mainline Extension Ordinance and Policy, 18-107, the total*

*cost of the extension is the responsibility of the property owner.*

*The cost estimate is \$10,218.05. The letter requesting the extension was presented, as well as a map showing the approximate location of city sewer and the parcel requesting the extension.*

*The Crossville Regional Planning Commission met on February 1, 2023 and voted to recommend approval.*

*(This item was revisited at the request of Mayor Pro Tem Harrison at the end of the meeting).*

**A motion was made by Mayor Pro-tem Rob Harrison, seconded by Council Member Mike Turner, to waive financial guarantee and sewer tap fees (residential and line extension tap- \$1,875 value). The motion carried by the following vote:**

**Aye: 5 - Council Member Art Gernt, Council Member Scot Shanks, Council Member Mike Turner, Mayor Pro-tem Rob Harrison and Mayor R.J. Crawford**

**e. Approval of site preparation and funding request regarding Whisper Aero**

*Whisper Aero has progressed in the development to the point of having contracts to fulfill and investors to provide the funds to do so. However, one of the restrictions placed by the investors is that their funds will be used for development and not purchase of capital items, i.e., hangars. Therefore, it is requested that the City Council authorize two items:*

- 1. Site preparation for up to an 80 x 80 pad for hangar construction for research and development.*
- 2. Permission to request Legislative funding for construction of the facility and concurrently and application for State Economic Development funding of approximately \$1.5 Million. The City will build the hangar to Whisper Aero specifications and will own the hangar leasing it to Whisper Aero.*

*Whisper Aero has an alternate site in Georgia that meets their requirements should the City not be able to provide the needed facility.*

**This Resolution was approved as recommended.**

**f. Approval of temporary street closing for Boo on Main**

*Downtown Crossville, Inc. is requesting a temporary street closing for Main Street from Neecham Street to Highway 70 for the Boo on Main event. The requested hours are from 3:30 p.m. to 8:00 p.m. on Saturday, October 28.*

**This Permit was approved as recommended.**

**g. Approval of temporary street closings for Friday at the Crossroads**

*Friday at the Crossroads is being planned for 2023. The committee requests the following dates and streets to be closed:*

*April 7, 2023*

*June 2, 2023*

*October 6, 2023*

December 1, 2023

(3:45 p.m.-8:15 p.m.)

- Main Street from Hwy 70 to Neecham St.
- Fourth St. from Thurman Ave. to West Ave.
- Second St. from Main St. to Thurman Ave.
- First St. from West Ave. to Thurman Ave.
- Stanley St. from Main St. to Thurman Ave.
- Fifth St. from West Ave. to Main St.

August 4, 2023 Event (3:45 p.m.-end of Dash in the Dark 5K-joint with Young Professional Alliance 5K run) \*This is also the date of the annual 127 Yard Sale

- Main Street from Highway 70 to Neecham Street
- Stanley Street from West Ave. to Webb Ave.
- First Street from West Ave. to Webb Ave.
- Second Street from East St. to West Ave.
- Fourth Street from Thurman Ave. to West Ave.
- Fifth Street from Main St. to West Ave.
- Rector Ave. from Fifth St. to Stanley St.
- Thurman Ave at Fourth St.
- Division Drive
- East Street

**This Permit was approved as recommended.**

**h. Approval of temporary road closings for Fit Fest 5K**

*Crossville Fit Fest (Jeremy Ricks) is planning a fitness event. In addition to other events being held at Stone Memorial High School, they are planning a 5K run. The events will be held April 1 and they request street closures for the approved Cook Road Route, which is from SMHS to the I-40 bridge and back. The run is planned to start at 7:00 a.m. and end at 9 a.m.*

**This Permit was approved as recommended.**

**i. Approval of Contract Renewal regarding Concession Services**

*The Leisure Services Department requests the renewal of contract with Nick's Italian Ice as Concessionaire for all Park Locations, pending approval of contract by City Attorney.*

**This Contract was approved as recommended.**

**j. Approval of contract amendment regarding Hwy 127 North utility relocation contracts**

*The City currently has a contract with Hussey Gay Bell for the design and construction administration for the Hwy 127 N utility relocations.*

*The contract currently reads for each task:*

*Water Design and Construction Contract \$302,327.74 plus \$\$89,276.93 for inspection.*

*Sewer Design and Construction Contract \$58,29.23 plus \$61,807.11 for inspection.*

*Hussey Gay Bell is requesting an amendment to allow for a total not to exceed rather than breaking into categories which would allow them some flexibility between the*

tasks. The total not to exceed amounts would be amended to read amounts not to exceed \$391,604.67 for water and \$120,101.34 for sewer. No additional funding is requested.

**This Contract was approved as recommended.**

**k. Approval of contract amendment regarding Fourth Street & West Avenue intersection**

*The City currently has a contract with Gresham Smith Partners for the design of the traffic signal for the Fourth Street & West Avenue intersection.*

*The contract currently reads for each task:*

*NEPA Phase (Includes Survey and Planning) \$29,000; ROW Plans Phase \$38,000; Construction Plans Phase \$29,000; Bid Documents and Specifications \$7,500.*

*There is currently an amount left over in the NEPA phase that needs to be transferred to the Construction Plans Phase in order to be reimbursed through State Transportation Improvement Funds. The proposed schedule of values is as follows:*

*NEPA Phase (Includes Survey and Planning) \$17,304; ROW Plans Phase \$38,000; Construction Plans Phase \$40,696; Bid Documents and Specifications \$7,500*

*No additional funding is requested.*

**This Contract was approved as recommended.**

### **Bids/Purchases**

**l. Approval to dispose surplus equipment for Maintenance, Street Utility Maintenance, and Engineering departments.**

*The Maintenance, Street and Utility Maintenance department managers are requesting permission to declare equipment as surplus to be auctioned off:*

**MAINTENANCE:**

*2011 Ford F-250 4x4 (Asset #2498)*

**STREET:**

*2014 Ford F-150 (Asset #2727)*

*2014 Ford F-150 (Asset #2726)*

**UTILITY MAINTENANCE:**

*2018 Ford F-150 (Asset #2857)*

*2011 Ford F-150 (Asset #2466)*

**ENGINEERING:**

*2006 Ford Explorer*

*2008 Chevy Trailblazer*

**This declaration of surplus was approved as recommended.**

**m. Approval of Salt Bin Repairs**

*The Street Department Manager is requesting repairs to the salt bin by Stubbs*

Construction while they are on-site for another project. Stubbs Construction submitted a quote in the amount of \$2,525.17 for the repairs. The City will be purchasing the materials separately in the amount of \$3,862.83. There is not a budget amendment necessary.

**This Bids/Purchases was approved as recommended.**

n. **Approval of purchase and change order for Post Frame Building-Utility Maintenance Department**

Two bids were received on January 24, 2023 for the construction of a post frame building for the Utility Maintenance Department. Stubbs Construction was the low bidder in the amount of \$56,430.00 and the other bidder was HL Construction in the amount of \$90,984.57. Staff recommends awarding the bid to low bidder Stubbs Construction.

The bids received were based upon incorrect building specifications; therefore, approval of a change order in the amount of \$2,500 is requested to correct the additional materials required to satisfy Building Code requirements.

**This Bids/Purchases was approved as recommended.**

6. **Other Business**

a. **Approval of temporary street closure-Christy's Pub Grub**

A request has been received from Christy's Pub Grub to close Second street from Main Street to Thurman Avenue on April 22, 2023 from 12 p.m. to 4 p.m. for its annual block party, which is in conjunction with the car show.

**This Permit was withdrawn from agenda as requested.**

b. **Discussion and action regarding the Village Inn report**

City Attorney Randy York advised the City Council against releasing any items considered Attorney-Client Privilege.

**This Item was withdrawn from the agenda.**

7. **City Attorney's Report**

a. **City Attorney's Report-February 2023**

City Attorney Randy York reported that two lawsuits have been assigned to the City's insurance carrier.

**This Report was received and filed.**

8. **City Manager's Report**

a. **City Manager's Report**

City Manager Greg Wood reported on sales tax revenue which is exceeding expectations, wholesale beer revenue, liquor inspection fees, hotel occupancy tax,

*Police activity, Fire Department activity, water consumption, utility maintenance, projects, and building permits.*

*Council member Turner commended the Police and Fire departments, Cumberland County EMS, and the Water Resources department for the services provided during the recent Woodmere Mall fire.*

**This Report was received and filed.**

**ADJOURNMENT**

**This meeting was adjourned at 6:17 p.m.**

# Exhibit B

Date 6-6, 2023 at 12:05 AM <sup>FILED</sup> <sup>PM</sup>  
Entered \_\_\_\_\_  
BEN TOLLETT, CLERK & MASTER  
Cumberland County, Crossville, TN  
By: \_\_\_\_\_ *AP*



IN THE CHANCERY COURT OF CUMBERLAND COUNTY, TENNESSEE  
FOR THE THIRTEENTH JUDICIAL DISTRICT AT CROSSVILLE

HEATHER MULLINIX,  
Petitioner,

v.

THE CITY OF CROSSVILLE,  
Respondent.

FILED  
Date 6-6, 2023 at 12:05AM/PM  
Entered \_\_\_\_\_  
BEN TOLLETT, CLERK & MASTER  
Cumberland County, Crossville, TN  
By: \_\_\_\_\_ *JP*

No. 2023-CH-2388

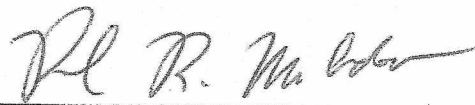
**DECLARATION OF PAUL R. MCADOO IN SUPPORT OF  
PETITION FOR ACCESS TO PUBLIC RECORDS AND  
TO OBTAIN JUDICIAL REVIEW OF DENIAL OF ACCESS**

I, Paul R. McAdoo, hereby declare as follows:

1. I am the attorney for Petitioner in this action.
2. The facts stated in this Declaration are within my personal knowledge and are true and correct.
3. I submit this Declaration in support of this action with knowledge of my pleading obligations under the Tennessee Rules of Civil Procedure.
4. I provided recordings of the City Council's Special Meeting held on August 26, 2022, available at <https://crossvilletn.legistar.com/MeetingDetail.aspx?ID=994152&GUID=1112A0D4-8B47-40E9-B565-634FBCE17BE0&Search=>, to Jennifer Carollo with Nashville Court Reporters and asked that she transcribe the applicable excerpt of the meeting. A true and correct copy of the transcription prepared by Ms. Carollo is attached as Attachment 1.

5. On December 20, 2022, I submitted a letter on behalf of Petitioner to Mr. Randall A. York, the City of Crossville's attorney who previously denied Ms. Mullinix's public records request. The date on the letter is a typographical error. A true and correct copy of my letter is attached as Attachment 2.

6. I declare under penalty of perjury under the laws of Tennessee that the foregoing is true and correct.



Paul R. McAdoo

5<sup>th</sup> day of June, 2023

# Attachment 1

---

TRANSCRIPT OF AN EXCERPT OF AN AUDIO RECORDING  
OF THE CITY OF CROSSVILLE CITY COUNCIL MEETING  
AUGUST 26, 2022

---

1 (The following was transcribed from an  
2 electronic recording of the 8/26/2022  
3 City of Crossville City Council  
4 Meeting:)

5 MAYOR MAYBERRY: Next item on the  
6 agenda is discussion and action regarding Village Inn  
7 and the city manager's suspension.

8 We received a resignation from the city  
9 manager a little while back, and we were in the midst  
10 of an investigation, an independent investigation, by a  
11 law firm out of Chattanooga. The council voted at that  
12 time not to address the resignation and to wait until  
13 our investigation was returned.

14 Our investigation was completed and  
15 returned to all of us yesterday which entailed quite a  
16 bit of reading. The council received this very lengthy  
17 and detailed report on the events leading up to the  
18 closing of the Village Inn yester -- is what we  
19 received yesterday.

20 In reference to those events, prior to  
21 and including July 27th, where there were procedural  
22 errors made in the closing and where members of the  
23 Crossville Police Department, SWAT team, EMS, codes  
24 department, and fire department were all involved, and  
25 as was stated in Mr. Wood's resignation in his capacity

1 as city manager, the responsibility falls on his  
2 shoulders.

3 Therefore, I make a motion to terminate  
4 Mr. Wood -- Woods with cause with his salary and  
5 insurance paid through August the 31st and to include  
6 his unused vacation pay; and to keep the city recorder  
7 as interim city manager and -- until a new manager is  
8 hired; and to contact MTAS, Municipal Technical  
9 Advisory Service, to immediately start that search of a  
10 new city manager.

11 MAYOR PRO TEM CRAWFORD: Is that your  
12 motion?

13 MAYOR MAYBERRY: That's the motion.

14 MAYOR PRO TEM CRAWFORD: I second.

15 MAYOR MAYBERRY: I have a motion and a  
16 second.

17 The floor is open for discussion.

18 MR. GERNT: I'll start. I've -- I have  
19 gone through this and read this thing and -- and just  
20 put, I mean, numerous, numerous hours into thinking  
21 about this. And when I read things, it -- I believe  
22 all of the participants who were there acted in good  
23 faith. And so I -- and so it's -- I hate that we can't  
24 share what we're saying as insuring what we're seeing,  
25 but I don't really think anybody needs to be fired over

1 this. So I -- I opposed -- I think we should -- well,  
2 let's see -- I think we should -- should retain  
3 Mr. Wood.

4 MR. HARRISON: I'll go next.

5 MAYOR MAYBERRY: Okay.

6 MR. HARRISON: Mr. Mayor and Council,  
7 I've been thinking about it a lot too. I've been doing  
8 a lot of reading because it was lengthy and detailed.  
9 And as I went back to trying to think about what my  
10 main job is, and I think our main job is to do what's  
11 best for the citizens of Crossville and try to be fair  
12 to all concerned.

13 I feel like things have been running  
14 pretty well in the city for the past several years  
15 thanks to our manager and our -- our excellent,  
16 hardworking staff. In fact, we filled out a six-page  
17 evaluation form and went over it on May the 2nd. And  
18 in that evaluation, we gave our manager a score of 4.17  
19 out of 5. And I will be happy to share this with  
20 anybody if they would like to see it. And he's gotten  
21 high marks from us in the years past. He's not  
22 perfect. None of us are. But he's been pretty good.

23 The current situation has been  
24 unfortunate, and I believe everyone -- I believe  
25 everyone involved acted with good faith and good

1 intentions, but things got out of hand and proper  
2 procedures weren't followed for whatever reasons. I  
3 believe we need to take corrective actions, learn from  
4 this, and try to do better, and move on with the good  
5 people we have and not go trying to find new people who  
6 will have their own imperfections.

7           Some things I would like to see are  
8 training on how the law works regarding evictions;  
9 setting a policy to give property owners reasonable  
10 time for corrective action like 30 days, rather than  
11 10, as was the case here; and semiannual inspections of  
12 the Village Inn, which, I believe, we used to do in the  
13 past.

14           In conclusion, I think Mr. Wood and our  
15 staff have done a pretty good job running the city for  
16 the past several years, and I want us to learn from  
17 this event and get training, do semiannual inspections,  
18 and move on with the present team that has proven  
19 itself to be pretty good. And as an old fellow once  
20 said, "Pretty good is hard to beat."

21           Thank you.

22           (Inaudible.)

23           MR. RIDLEY: I just want to put into  
24 the record that as city attorney, it is my  
25 recommendation to avoid future liability of the city.



1 Based upon the actions that were taking -- taken  
2 without regard to the law and without regard to  
3 previous advice, and taken, in my opinion, from review  
4 of the report knowingly, that it is my recommendation  
5 that you terminate the city manager. Of course, that's  
6 a recommendation. It's your decision, but I do want to  
7 put that in the record. Thank you.

8 MAYOR MAYBERRY: Thank you.

9 MAYOR PRO TEM CRAWFORD: If I could  
10 make a comment, Mayor, and I won't take up much time.

11 MAYOR MAYBERRY: Yes.

12 MAYOR PRO TEM CRAWFORD: Personally, I  
13 like -- I like Greg. I know him and his wife well. So  
14 this -- taking this vote is not something I take  
15 lightly having that relationship.

16 I also had a chance to speak to one of  
17 the young boys that was -- that was part of the process  
18 of getting kicked out. I'm not going to name names. I  
19 don't think he would appreciate that. But I can only  
20 imagine in having the conversation with that little boy  
21 and just thinking about what -- what unfolded that day;  
22 what that child went through; putting myself in his  
23 shoes; the fear; all of that stuff. And then I put  
24 myself into his -- if it was applied to me, if you-all  
25 came to my doorstep and went through the same process

1 at my doorstep.

2 I think it's fair to say that we --  
3 that that day was not a good day on behalf of city of  
4 Crossville. I think we can admit that.

5 Two, we did not give the tenants of  
6 that building due process. We need to let that set in.  
7 Pull your phones out; Google what "due process" is.  
8 That's something that you see, in my opinion, big  
9 cities that are power hungry that do things way out of  
10 line. I don't foresee that in Crossville. But it a  
11 happened. It happened on that day.

12 I think it's appropriate to listen to  
13 what our city attorney mentioned in his  
14 recommendations. His one focus is to protect the city  
15 from liability. He's done a great job.

16 If this was the only time in which that  
17 we had done something like this, I would -- I would be  
18 more considerate to hear what you're saying councilmen.  
19 The problem I have, though, is that there was previous  
20 history and previous guidance given in situations much  
21 smaller than this, but the same situation. And we go  
22 through the report -- ultimately, just like I am in my  
23 business, I have to own it if things are going good. I  
24 have to own it when things are going bad.

25 And we as a council really only have

1 one discretion; that's to keep the manager in line. I  
2 completely agree with you; we have given him high marks  
3 in the past. But my decision is based off of those  
4 facts I mentioned plus trying to protect the city from  
5 liability. And I feel like we have to come out strong  
6 to make sure that we never ever do something like this  
7 again. And so my vote will be per the recommendations  
8 from the city attorney.

9 MAYOR MAYBERRY: Thank you.

10 Any more comments? No.

11 Okay. I've got too many papers.

12 The motion on the floor -- the motion  
13 is to terminate Mr. Wood with cause with his salary and  
14 insurance paid through August 31st and to include his  
15 unused vacation pay; and to keep the city recorder as  
16 interim city manager until the new manager is hired;  
17 and to contact MTAS, Municipal Technical Advisory  
18 Service, to immediately start that search, which is the  
19 way we have done it in the past, and the way Mr. Wood  
20 found us when we hired him.

21 so at this time, roll call vote,  
22 please.

23 MS. HALE: Council Member Shanks?

24 MR. SHANKS: I'm not sure which way --

25 MAYOR MAYBERRY: The motion is to

1 terminate.

2 MR. SHANKS: No.

3 MS. HALE: Council Member Harrison?

4 MR. HARRISON: No.

5 MS. HALE: Council Member Gernt?

6 MR. GERNT: No.

7 MS. HALE: Mayor Pro-Tem Crawford?

8 MAYOR PRO TEM CRAWFORD: Yes.

9 MS. HALE: Mayor Mayberry?

10 MAYOR MAYBERRY: Yes.

11 So the motion stands.

12 Is there a motion in reference to  
13 Mr. Wood's status as of now?

14 MR. HARRISON: I'll move that his  
15 suspension, which was to end at the end of the --  
16 yes -- investigation. I don't know that we need a  
17 motion, but I'll make a motion that we lift his  
18 suspension.

19 MR. GERNT: I'll second.

20 MAYOR MAYBERRY: And return back to  
21 work when?

22 MR. HARRISON: Return back --

23 MR. GERNT: Monday.

24 MR. HARRISON: -- immediately. Or  
25 Monday as the case may be.

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MR. GERNT: Immediately I think it  
needs to be.

MAYOR MAYBERRY: Okay. We've got a  
motion on the floor to end the suspension of Mr. Wood  
and him to return back to work as soon as possible.

Further discussion?

(No response.)

MAYOR MAYBERRY: Roll call vote,  
please.

MS. HALE: Council Member Shanks?

MR. SHANKS: Aye.

MS. HALE: Council Member Harrison?

MR. HARRISON: Aye.

MS. HALE: Council Member Gernt?

MR. GERNT: Aye.

MS. HALE: Mayor Pro Tem Crawford?

MAYOR PRO TEM CRAWFORD: No.

MS. HALE: Mayor Mayberry?

MAYOR MAYBERRY: No.

Motion carries.

Meeting is adjourned.

(Conclusion of recording.)



MAYOR MAYBERRY: [13] MAYOR PRO TEM CRAWFORD: [6] 3/11 3/14 6/9 6/12 9/8 10/17 MR. GERNT: [6] 3/18 9/6 9/19 9/23 10/1 10/15 MR. HARRISON: [7] 4/4 4/6 9/4 9/14 9/22 9/24 10/13 MR. RIDLEY: [1] 5/23 MR. SHANKS: [3] 8/24 9/2 10/11 MS. HALE: [10] 8/23 9/3 9/5 9/7 9/9 10/10 10/12 10/14 10/16 10/18	August the [1] 3/5 avoid [1] 5/25 Aye [3] 10/11 10/13 10/15	current [1] 4/23
1	B back [5] 2/9 4/9 9/20 9/22 10/5 bad [1] 7/24 based [2] 6/1 8/3 be [8] 3/25 4/11 4/19 5/19 7/17 8/7 9/25 10/2 beat [1] 5/20 because [1] 4/8 been [5] 4/7 4/7 4/13 4/22 4/23 behalf [1] 7/3 believe [5] 3/21 4/24 4/24 5/3 5/12 best [2] 4/11 11/7 better [1] 5/4 big [1] 7/8 bit [1] 2/16 boy [1] 6/20 boys [1] 6/17 building [1] 7/6 business [1] 7/23 but [9] 3/25 4/22 5/1 6/6 6/19 7/10 7/21 8/3 9/17	D Date [1] 11/12 day [5] 6/21 7/3 7/3 7/11 11/13 days [1] 5/10 decision [2] 6/6 8/3 department [3] 2/23 2/24 2/24 detailed [2] 2/17 4/8 did [1] 7/5 discretion [1] 8/1 discussion [3] 2/6 3/17 10/6 do [7] 4/10 5/4 5/12 5/17 6/6 7/9 8/6 doing [1] 4/7 don't [4] 3/25 6/19 7/10 9/16 done [4] 5/15 7/15 7/17 8/19 doorstep [2] 6/25 7/1 due [2] 7/6 7/7
2	C call [2] 8/21 10/8 came [1] 6/25 can [2] 6/19 7/4 can't [1] 3/23 capacity [1] 2/25 Carollo [2] 11/2 11/21 carries [1] 10/20 case [2] 5/11 9/25 cause [2] 3/4 8/13 CCR [1] 11/21 CERTIFICATE [1] 11/1 Certified [1] 11/3 certify [2] 11/5 11/8 chance [1] 6/16 Chattanooga [1] 2/11 child [1] 6/22 cities [1] 7/9 citizens [1] 4/11 city [22] closing [2] 2/18 2/22 codes [1] 2/23 come [1] 8/5 comment [1] 6/10 comments [1] 8/10 Commission [1] 11/25 completed [1] 2/14 completely [1] 8/2 completion [1] 11/12 concerned [1] 4/12 conclusion [2] 5/14 10/22 considerate [1] 7/18 contact [2] 3/8 8/17 conversation [1] 6/20 corrective [2] 5/3 5/10 could [1] 6/9 council [12] councilmen [1] 7/18 counsel [1] 11/9 course [1] 6/5 Court [2] 11/2 11/4 Crawford [2] 9/7 10/16 CROSSVILLE [6] 1/8 2/3 2/23 4/11 7/4 7/10	E electronic [1] 2/2 EMS [1] 2/23 end [3] 9/15 9/15 10/4 entailed [1] 2/15 errors [1] 2/22 evaluation [2] 4/17 4/18 event [1] 5/17 events [3] 2/17 2/20 11/11 ever [1] 8/6 everyone [2] 4/24 4/25 evictions [1] 5/8 excellent [1] 4/15 EXCERPT [1] 1/7 Expires [2] 11/24 11/25
3		F fact [1] 4/16 facts [1] 8/4 fair [2] 4/11 7/2 faith [2] 3/23 4/25 falls [1] 3/1 fear [1] 6/23 feel [2] 4/13 8/5 fellow [1] 5/19 filled [1] 4/16 financial [1] 11/10 find [1] 5/5 fire [1] 2/24 fired [1] 3/25 firm [1] 2/11 floor [3] 3/17 8/12 10/4 focus [1] 7/14 followed [1] 5/2 following [1] 2/1 foregoing [1] 11/6 foresee [1] 7/10 form [1] 4/17 found [1] 8/20 Further [2] 10/6 11/8 future [1] 5/25
10 [1] 5/11 15th [1] 11/12		G gave [1] 4/18 Gernt [2] 9/5 10/14 get [1] 5/17 getting [1] 6/18 give [2] 5/9 7/5 given [2] 7/20 8/2 go [3] 4/4 5/5 7/21 going [3] 6/18 7/23 7/24
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<p><b>G</b></p> <p>gone [1] 3/19  good [10] 3/22 4/22 4/25 4/25 5/4 5/15  5/19 5/20 7/3 7/23  Google [1] 7/7  got [3] 5/1 8/11 10/3  gotten [1] 4/20  great [1] 7/15  Greg [1] 6/13  guidance [1] 7/20</p>	<p>job [4] 4/10 4/10 5/15 7/15  July [1] 2/21  July 27th [1] 2/21  just [4] 3/19 5/23 6/21 7/22</p> <p><b>K</b></p> <p>keep [3] 3/6 8/1 8/15  kicked [1] 6/18  know [2] 6/13 9/16  knowingly [1] 6/4</p>	<p>need [3] 5/3 7/6 9/16  needs [2] 3/25 10/2  never [1] 8/6  new [4] 3/7 3/10 5/5 8/16  next [2] 2/5 4/4  no [9] 8/10 9/2 9/4 9/6 10/7 10/17 10/19  11/10 11/24  None [1] 4/22  nor [1] 11/9  not [9] 2/12 4/21 5/5 6/14 6/18 7/3 7/5  8/24 11/8  Notary [3] 11/4 11/22 11/25  now [1] 9/13  numerous [2] 3/20 3/20</p>
<p><b>H</b></p> <p>had [2] 6/16 7/17  hand [1] 5/1  happened [2] 7/11 7/11  happy [1] 4/19  hard [1] 5/20  hardworking [1] 4/16  Harrison [2] 9/3 10/12  has [2] 4/23 5/18  hate [1] 3/23  have [14]  having [2] 6/15 6/20  he [1] 6/19  he's [4] 4/20 4/21 4/22 7/15  hear [1] 7/18  here [1] 5/11  hereby [1] 11/5  herein [1] 11/9  high [2] 4/21 8/2  him [4] 6/13 8/2 8/20 10/5  hired [3] 3/8 8/16 8/20  his [13]  history [1] 7/20  hours [1] 3/20  how [1] 5/8  hungry [1] 7/9</p>	<p><b>L</b></p> <p>law [3] 2/11 5/8 6/2  LCR [2] 11/21 11/24  leading [1] 2/17  learn [2] 5/3 5/16  lengthy [2] 2/16 4/8  let [1] 7/6  let's [1] 4/2  liability [3] 5/25 7/15 8/5  Licensed [1] 11/2  lift [1] 9/17  lightly [1] 6/15  like [10] 4/13 4/20 5/7 5/10 6/13 6/13  7/17 7/22 8/5 8/6  line [2] 7/10 8/1  listen [1] 7/12  little [2] 2/9 6/20  lot [2] 4/7 4/8</p>	<p><b>O</b></p> <p>off [1] 8/3  Okay [3] 4/5 8/11 10/3  old [1] 5/19  on [11] 2/5 2/17 3/1 4/17 5/4 5/8 5/18 7/3  7/11 8/12 10/4  once [1] 5/19  one [3] 6/16 7/14 8/1  only [3] 6/19 7/16 7/25  open [1] 3/17  opinion [2] 6/3 7/8  opposed [1] 4/1  or [3] 9/24 11/10 11/11  otherwise [1] 11/10  our [9] 2/13 2/14 4/10 4/15 4/15 4/15  4/18 5/14 7/13  out [8] 2/11 4/16 4/19 5/1 6/18 7/7 7/9  8/5  outcome [1] 11/11  over [2] 3/25 4/17  own [3] 5/6 7/23 7/24  owners [1] 5/9</p>
<p><b>I</b></p> <p>I'll [5] 3/18 4/4 9/14 9/17 9/19  I'm [2] 6/18 8/24  I've [4] 3/18 4/7 4/7 8/11  if [6] 4/20 6/9 6/24 6/24 7/16 7/23  imagine [1] 6/20  immediately [4] 3/9 8/18 9/24 10/1  imperfections [1] 5/6  in [28]  Inaudible [1] 5/22  include [2] 3/5 8/14  including [1] 2/21  independent [1] 2/10  Inn [3] 2/6 2/18 5/12  inspections [2] 5/11 5/17  insurance [2] 3/5 8/14  insuring [1] 3/24  intentions [1] 5/1  interest [1] 11/10  interim [2] 3/7 8/16  into [3] 3/20 5/23 6/24  investigation [5] 2/10 2/10 2/13 2/14 9/16  involved [2] 2/24 4/25  is [21]  it [14]  it's [4] 3/23 6/6 7/2 7/12  item [1] 2/5  itself [1] 5/19</p>	<p><b>M</b></p> <p>made [1] 2/22  main [2] 4/10 4/10  make [4] 3/3 6/10 8/6 9/17  manager [11] 2/9 3/1 3/7 3/7 3/10 4/15  4/18 6/5 8/1 8/16 8/16  manager's [1] 2/7  many [1] 8/11  marks [2] 4/21 8/2  may [2] 4/17 9/25  Mayberry [2] 9/9 10/18  Mayor [6] 4/6 6/10 9/7 9/9 10/16 10/18  me [1] 6/24  mean [1] 3/20  MEETING [3] 1/8 2/4 10/21  Member [6] 8/23 9/3 9/5 10/10 10/12  10/14  members [1] 2/22  mentioned [2] 7/13 8/4  midst [1] 2/9  Monday [2] 9/23 9/25  more [2] 7/18 8/10  motion [13]  move [3] 5/4 5/18 9/14  Mr. [9] 2/25 3/4 4/3 4/6 5/14 8/13 8/19  9/13 10/4  Mr. Mayor [1] 4/6  Mr. Wood [6] 3/4 4/3 5/14 8/13 8/19 10/4  Mr. Wood's [2] 2/25 9/13  MTAS [2] 3/8 8/17  much [2] 6/10 7/20  Municipal [2] 3/8 8/17  my [11] 4/9 5/24 6/3 6/4 6/25 7/1 7/8 7/22  8/3 8/7 11/7  myself [2] 6/22 6/24</p>	<p><b>P</b></p> <p>page [1] 4/16  paid [2] 3/5 8/14  papers [1] 8/11  part [1] 6/17  participants [1] 3/22  parties [1] 11/9  past [6] 4/14 4/21 5/13 5/16 8/3 8/19  pay [2] 3/6 8/15  people [2] 5/5 5/5  per [1] 8/7  perfect [1] 4/22  Personally [1] 6/12  phones [1] 7/7  please [2] 8/22 10/9  plus [1] 8/4  Police [1] 2/23  policy [1] 5/9  possible [1] 10/5  power [1] 7/9  present [1] 5/18  pretty [5] 4/14 4/22 5/15 5/19 5/20  previous [3] 6/3 7/19 7/20  prior [1] 2/20  Pro [2] 9/7 10/16  Pro-Tem [1] 9/7  problem [1] 7/19  procedural [1] 2/21  procedures [1] 5/2  proceedings [1] 11/6  process [4] 6/17 6/25 7/6 7/7  produced [1] 11/7</p>
<p><b>J</b></p> <p>Jennifer [2] 11/2 11/21</p>	<p><b>N</b></p> <p>name [1] 6/18  named [1] 11/9  names [1] 6/18</p>	



<p><b>P</b></p> <p>Professional [1] 11/3  proper [1] 5/1  property [1] 5/9  protect [2] 7/14 8/4  proven [1] 5/18  Public [2] 11/4 11/22  Pull [1] 7/7  put [4] 3/20 5/23 6/7 6/23  putting [1] 6/22</p>	<p>six [1] 4/16  six-page [1] 4/16  smaller [1] 7/21  so [7] 3/23 3/23 4/1 6/13 8/7 8/21 9/11  Some [1] 5/7  something [4] 6/14 7/8 7/17 8/6  soon [1] 10/5  speak [1] 6/16  staff [2] 4/16 5/15  stands [1] 9/11  start [3] 3/9 3/18 8/18  State [2] 11/4 11/22  stated [1] 2/25  status [1] 9/13  strong [1] 8/5  stuff [1] 6/23  sure [2] 8/6 8/24  suspension [4] 2/7 9/15 9/18 10/4  SWAT [1] 2/23</p>	<p><b>V</b></p> <p>vacation [2] 3/6 8/15  very [1] 2/16  Village [3] 2/6 2/18 5/12  vote [4] 6/14 8/7 8/21 10/8  voted [1] 2/11</p>
<p><b>Q</b></p> <p>quite [1] 2/15</p>	<p><b>T</b></p>	<p><b>W</b></p> <p>wait [1] 2/12  want [3] 5/16 5/23 6/6  was [14]  way [4] 7/9 8/19 8/19 8/24  we [25]  we're [2] 3/24 3/24  We've [1] 10/3  well [3] 4/1 4/14 6/13  went [4] 4/9 4/17 6/22 6/25  were [5] 2/9 2/21 2/24 3/22 6/1  weren't [1] 5/2  what [10] 2/18 3/24 3/24 4/9 6/21 6/21  6/22 7/7 7/13 7/18  what's [1] 4/10  whatever [1] 5/2  when [4] 3/21 7/24 8/20 9/21  where [2] 2/21 2/22  which [6] 2/15 5/12 7/16 8/18 8/24 9/15  while [1] 2/9  who [2] 3/22 5/5  wife [1] 6/13  will [3] 4/19 5/6 8/7  without [2] 6/2 6/2  won't [1] 6/10  Wood [6] 3/4 4/3 5/14 8/13 8/19 10/4  Wood's [2] 2/25 9/13  Woods [1] 3/4  work [2] 9/21 10/5  works [1] 5/8  would [5] 4/20 5/7 6/19 7/17 7/17</p>
<p><b>R</b></p> <p>rather [1] 5/10  read [2] 3/19 3/21  reading [2] 2/16 4/8  really [2] 3/25 7/25  reasonable [1] 5/9  reasons [1] 5/2  received [3] 2/8 2/16 2/19  recommendation [3] 5/25 6/4 6/6  recommendations [2] 7/14 8/7  record [2] 5/24 6/7  recorder [2] 3/6 8/15  recording [4] 1/7 2/2 10/22 11/6  reference [2] 2/20 9/12  regard [2] 6/2 6/2  regarding [2] 2/6 5/8  Registered [1] 11/3  related [1] 11/8  relationship [1] 6/15  report [3] 2/17 6/4 7/22  Reporter [3] 11/3 11/3 11/4  resignation [3] 2/8 2/12 2/25  response [1] 10/7  responsibility [1] 3/1  retain [1] 4/2  return [3] 9/20 9/22 10/5  returned [2] 2/13 2/15  review [1] 6/3  roll [2] 8/21 10/8  RPR [1] 11/21  running [2] 4/13 5/15</p>	<p>take [3] 5/3 6/10 6/14  taken [2] 6/1 6/3  taking [2] 6/1 6/14  team [2] 2/23 5/18  Technical [2] 3/8 8/17  Tem [2] 9/7 10/16  tenants [1] 7/5  Tennessee [2] 11/5 11/22  terminate [4] 3/3 6/5 8/13 9/1  than [2] 5/10 7/21  Thank [4] 5/21 6/7 6/8 8/9  thanks [1] 4/15  that [40]  that's [4] 3/13 6/5 7/8 8/1  their [2] 5/6 11/9  then [1] 6/23  there [4] 2/21 3/22 7/19 9/12  Therefore [1] 3/3  they [1] 4/20  thing [1] 3/19  things [7] 3/21 4/13 5/1 5/7 7/9 7/23 7/24  think [11] 3/25 4/1 4/2 4/9 4/10 5/14 6/19  7/2 7/4 7/12 10/1  thinking [3] 3/20 4/7 6/21  this [17]  those [2] 2/20 8/3  though [1] 7/19  through [6] 3/5 3/19 6/22 6/25 7/22 8/14  time [5] 2/12 5/10 6/10 7/16 8/21  too [2] 4/7 8/11  training [2] 5/8 5/17  transcribed [2] 2/1 11/5  TRANSCRIPT [1] 1/7  transcription [2] 10/23 11/12  try [2] 4/11 5/4  trying [3] 4/9 5/5 8/4  Two [1] 7/5</p>	<p><b>Y</b></p> <p>years [3] 4/14 4/21 5/16  yes [4] 6/11 9/8 9/10 9/16  yester [1] 2/18  yesterday [2] 2/15 2/19  you [8] 5/21 6/5 6/7 6/8 6/24 7/8 8/2 8/9  you're [1] 7/18  you-all [1] 6/24  young [1] 6/17  your [3] 3/11 6/6 7/7</p>
<p><b>S</b></p> <p>said [1] 5/20  salary [2] 3/4 8/13  same [2] 6/25 7/21  say [1] 7/2  saying [2] 3/24 7/18  score [1] 4/18  search [2] 3/9 8/18  second [3] 3/14 3/16 9/19  see [4] 4/2 4/20 5/7 7/8  seeing [1] 3/24  semiannual [2] 5/11 5/17  Service [2] 3/9 8/18  set [1] 7/6  setting [1] 5/9  several [2] 4/14 5/16  Shanks [2] 8/23 10/10  share [2] 3/24 4/19  shoes [1] 6/23  should [3] 4/1 4/2 4/2  shoulders [1] 3/2  situation [2] 4/23 7/21  situations [1] 7/20</p>	<p><b>U</b></p> <p>ultimately [1] 7/22  unfolded [1] 6/21  unfortunate [1] 4/24  until [3] 2/12 3/7 8/16  unused [2] 3/6 8/15  up [2] 2/17 6/10  upon [1] 6/1  us [5] 2/15 4/21 4/22 5/16 8/20  used [1] 5/12</p>	

# Attachment 2

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December 20, 2021

## VIA EMAIL

Mr. Randall A. York  
Moore, Rader, Fitzpatrick & York, P.C.  
46 North Jefferson Avenue  
Cookeville, TN 38501  
[randyyork@moorerader.com](mailto:randyyork@moorerader.com)

Re: Heather Mullinix Public Records Request to the City of  
Crossville

Dear Mr. York:

I represent CNHI, LLC d/b/a the Crossville Chronicle and its editor, Heather Mullinix, regarding her September 14, 2022 public records request to the City of Crossville for a “copy of [the] investigative report distributed to [the] city council by [the] law firm Robinson, Smith [and] Wells of Chattanooga [on] August 25, 2022 regarding closure of the Village Inn” (the “Robinson Report”). On September 22, 2022, you denied Ms. Mullinix’s request on behalf of the City claiming broadly that “[t]he records ... are confidential by nature under Tennessee law and are not discoverable.” You further stated that you would “reconsider this opinion” if Ms. Mullinix had “any legal authority” to permit access to the Robinson Report. The Crossville Chronicle and Ms. Mullinix respectfully request that you reconsider your initial decision on behalf of the City based on the authorities discussed in this letter.

Because the City’s response is lacking in any specificity, my clients are left to guess the basis for denial. Presumably, the City’s reference to the requested public records being “confidential” is either based on attorney-client privilege, attorney work product privilege, or both. Neither, however, is a proper basis for denial based on the facts surrounding the Robinson Report.

While Robinson, Smith and Wells were purportedly retained by the City, according to its engagement letter, to “conduct an outside investigation into the condemnation of an extended stay hotel in anticipation of potential litigation,” the City, in fact, utilized the Robinson Report to aid in its employment decision regarding the City Manager, who was previously suspended related to evictions at and the closure of Village Inn and had offered and later rescinded his resignation. This was made plain at the City Council’s August 26, 2022 special meeting.

On August 25, 2022, copies of the Robinson Report were provided to City Council members. At the August 26 special meeting, Mayor Mayberry

explained that the Robinson Report was a lengthy and detailed report on the events leading up to the closing of Village Inn. Based on the findings set forth in the report, Mayor Mayberry said there were “procedural errors made in the closing” of Village Inn and that the police department, SWAT, EMS, fire department, and codes department were all involved in those errors. Based on the conclusions set forth in the report, Mayor Mayberry then moved to terminate the City Manager with cause.

During the discussion on Mayor Mayberry’s motion, Council Member Art Gernt explained that he had read the Robinson Report and believed all the participants in the Village Inn action acted in good faith and he did not think the City Manager should be fired. Council Member Rob Harrison then described the report as “lengthy and detailed” and echoed Council Member Gernt in saying that he thought everyone involved acted in good faith, and that the evictions and closure regrettably got out of hand because proper procedures were not followed. Council Member Harrison also said he thought the City should take corrective actions, including training of City personnel on lawful conducting evictions.

The City Attorney also spoke and said he recommended termination of the City Manager because, among other things, based on the Robinson Report, he believed that the City Manager’s actions in relation to the Village Inn evictions and closure was knowingly undertaken despite previous guidance.

Finally, Mayor Pro Tem Crawford said the City failed to provide the tenants of Village Inn due process. Ultimately, after approximately ten minutes of discussion and voting, the City Council voted to retain the City Manager.

The minutes for the August 26 special meeting largely mirror the discussion summarized above, and include, among other things that (1) “the City Council voted to wait until the investigation/report was concluded before considering the City Manager’s resignation, which was rescinded on August 19,” (2) there were “procedural errors,” (3) Council Member Gernt said, “after reviewing the report, he felt all parties involved acted in good faith,” and (4) the Village Inn “tenants were not given due process.”

As an initial matter, it is very unlikely that the work product privilege even applies. In *Friedmann v. Corrections Corp. of Am.*, No. M2012-00212-COA-R3-CV, 2013 WL 784584, at \*8 (Tenn. Ct. App. Feb. 28, 2013), the Court of Appeals explained that the work product doctrine “does not protect documents prepared in the regular course of business.” In fact, the Court of Appeals has explained that in order to be covered by the work product doctrine, “the primary motivating purpose behind the creation of the document is to aid in possible future litigation.” *Arnold v. City of Chattanooga*, 19 S.W.3d 779, 784 (Tenn. Ct. App. 1999). Here, the primary motivating purpose appears to have been to obtain an assessment to make an employment decision related to the City Manager. That is certainly how the report was used in the City Council’s Special Meeting on August 26, 2022. As such, it is unlikely that the work product privilege would even apply.

Moreover, based on the indisputable facts, even if the Robinson Report was privileged, the City has waived any possible privileges. The Tennessee Court of Appeals faced similar situations in *Arnold v. City of Chattanooga*, 19 S.W.3d 779 (Tenn. Ct. App. 1999), and *Sharp v. Tennessee Department of Commerce*, No. M2016-COA-R3-CV, 2017 WL 2197291 (Tenn. Ct. App. Apr. 11, 2017), and reached the same conclusion.

In *Arnold*, the City of Chattanooga commissioned reports related to a possible acquisition of a water company. 19 S.W.3d at 781. When sued for these reports under the TPRA, the court explained that “[b]y stating [in a public meeting] that this report existed and its findings supported the feasibility of the acquisition, the City has, in effect, selectively used the reports in a public relations offensive to convince the City Council and the general public that the acquisition was both economically feasible and beneficial.” *Id.* at 788. “The City has used these reports as a sword in aid of acquiring the water company, and the authorities hold, a party may not use a work product to publicly further its cause offensively as a sword, and then assert the benefit of privilege as a shield.” *Id.* As a result, the court found the city to have waived the work product privilege and required that the reports had to be disclosed in response to a public records request. *Id.*

The *Arnold* court also explained that “[W]here a party seeks an advantage in litigation by revealing part of a privileged communication, the party shall be deemed to have waived the entire attorney-client privilege as it relates to the subject matter of that which was partially disclosed.” *Id.* at 787 (citation omitted); *see also State v. Buford*, 216 S.W.3d 323, 326 (Tenn. 2007) (finding that attorney-client privilege was waived when a client “divulges the communications he seeks to protect”); *Moore Freight Servs., Inc. v Mize*, No. E2021-00590-COA-R3-CV, 2022 WL 325595, at \*15-18 (Tenn. Ct. App. Oct. 12, 2022) (affirming trial court holding that attorney client privilege was waived as to internal investigation report when party, among other things, listed the report as basis for firing of defendant).

The City Council here, like the city in *Arnold*, stated in a public meeting and in the public minutes of that meeting that the Robinson Report existed and that it was the basis for the motions related to the City Manager’s employment and the votes on those motions. The City Council, in other words, used the Robinson Report as a sword to justify their actions, partially disclosed its contents, and now seeks to use the privileges as a shield to prevent the public from accessing the Robinson Report. It cannot do so. Thus, even if the attorney-client or work product privileges applied, which they do not, the City Council has waived their protections and must release the Robinson Report.

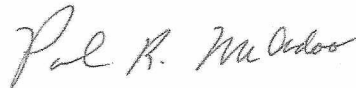
In *Sharp*, which was also a public records case, the plaintiff sought access to a Tennessee Department of Commerce and Insurance audit investigation report. 2017 WL 5197291 at \*1. The audit was used to fire an employee and to revoke the licenses of numerous individuals. *Id.* The Court of Appeals concluded that “[t]he use of the report in this manner is inconsistent with a claim of privilege” and found that the department had waived any claim of privilege it might otherwise have had. *Id.* at \*4 (citing *Arnold*, 19 S.W.3d at 787). Similarly, the Robinson Report was relied upon to make a decision

on the employment of Crossville's City Manager and the City cannot then claim it is privileged.

Finally, it bears emphasizing that the TPRA is a "clear mandate in favor of disclosure" of public records, *The Tennessean v. Electric Power Bd.*, 979 S.W.2d 297, 305 (Tenn. 1998), and the General Assembly specified that the TPRA "shall be broadly construed so as to give the fullest possible public access to public records," Tenn. Code Ann. § 10-7-505(d). Here, the fact that the TPRA must be construed broadly in favor of access should remove any doubt that the City may have on disclosure given the established facts surrounding the Robinson Report.

Thank you again for your willingness to reconsider this matter. We look forward to your timely response.

Best regards,

A handwritten signature in cursive script that reads "Paul R. McAdoo".

Paul R. McAdoo  
Reporters Committee for Freedom of the Press  
Local Legal Initiative Staff Attorney (Tennessee)  
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Brentwood, TN 37027