

City of Crossville

392 N. Main
Crossville, TN 38555



Minutes

Friday, April 1, 2022

2:00 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 Gernt
City Manager Greg Wood
City Clerk Valerie Hale*

Call to Order

The Crossville City Council met in special session on Friday, April 1, 2022 at Crossville City Hall. Mayor James Mayberry was present and presiding. He called the meeting to order at 2:00 p.m.

Roll Call

Present 3 - Council Member Rob Harrison, Council Member Art Gernt, and Mayor James Mayberry

Absent 2 - Council Member Scot Shanks, and Mayor Pro-tem R.J. Crawford

Others present were City Manager Greg Wood, City Attorney Will Ridley, City Clerk Valerie Hale, Levonn Hubbard, Heather Mullinix, Jessie Brooks, Tim Begley, and Danny Thurman.

1. Public Hearing

a. Public Hearing Regarding Sign Ordinance and Moratorium

The City Council held a public hearing, as required by law, to discuss the need for a moratorium on sign permits until the current sign ordinance can be revised.

The City Attorney explained that due to court rulings, it has been determined that the City of Crossville's sign ordinance is invalid and cannot be enforced.

There were not any comments received from the public and the public hearing ended at 2:09 p.m.

2. Consent Agenda

A motion was made by Council Member Art Gernt, seconded by Council Member Rob Harrison, to approve Consent Agenda Items 2 A-I. The motion carried by the following vote:

Aye: 3 - Council Member Rob Harrison, Council Member Art Gernt and Mayor James Mayberry

Absent: 2 - Council Member Scot Shanks and Mayor Pro-tem R.J. Crawford

a. Approval of resolution selecting Wold/HFR for 2022 CDBG grant application

The City is considering applying for grant funds up to \$630,000 to help cover costs for continuation of the greenway project. Solicitation letters were sent out for engineering services. Two firms responded. A resolution was presented, which authorizes Wold/HFR to help with the planning and preparation of the grant application, at no cost,

and provide engineering services, if the grant is awarded.

This Resolution was approved.

b. Approval of Certificate of Compliance for Weigel's Store 87

Douglas Yawberry, William Weigel, William Kurt Weigel, Laurie Keville, and Margaret Weigel have requested a Certificate of Compliance to allow them to sell wine at Weigel's Store 87 located at 1023 West Avenue. A background check has been presented, which showed no issues.

This Permit was approved.

Ordinances on Third Reading

c. Ordinance amending FY21-22 budget-ARPA Costs

In preparation to spend ARPA funds legally and efficiently, there will be costs associated such as engineering and administration. Although the funds will be reimbursable, a budget amendment in the amount of \$75,000 is necessary for the rest of this fiscal year.

This Ordinance was adopted on third reading.

d. Ordinance amending FY21-22 Budget Emergency Sewer Repair

City Council approved the emergency repair of a sewer line on Stanley Street near Crossville Medical Group on December 13, 2021. A budget amendment is necessary.

This Ordinance was adopted on third reading.

e. Ordinance amending Title 12 of the Crossville Municipal Code pertaining to Building, Utility, etc. Codes

The City Council revisited the adoption of the 2018 Energy Code due to the cost of compliance on affordable housing and questionable return on investment and voted at the February meeting. The Council voted to rescind existing International Energy Code and implement same as used by Cumberland County.

This Ordinance was adopted on third reading.

f. Ordinance amending FY21-22 Budget-Select Tennessee Site Certification

A budget amendment is necessary for the expenses related to the re-certification of the building pad site on Interchange Dr.

This Ordinance was adopted on third reading.

Ordinances on Second Reading

g. Ordinance amending FY21-22 budget for expenses related to transport and repair of 2018 Pierce Ladder Truck

Ladder 2, a 2018 Pierce Ladder Truck, was damaged extensively when it contacted electrical lines at Fire Station 2 during routine morning checks. The truck contacted two 7200-volt transmission lines causing extensive damage to the ladder itself, cables and components, electrical system and possibly more. The transmission lines were also knocked down and required VEC repair.

Fortunately, no personnel were injured during the event, but the damage to the 2018 Pierce Ladder truck is very extensive. Staff has contacted the insurance carrier, and is working with G & W Diesel Emergency Vehicle Specialists (GWEVS) and Pierce to determine the full extent of the damages.

Staff requests to transport Ladder 2 from Crossville to the Pierce Refurbishment Center in Weyauwega, Wisconsin where they will fully examine and make a plan of action based on their findings. Pierce has recommended that the truck be transported via flatbed haul trailer to their shop.

The City will be responsible for the \$5,000 insurance deductible for all of the expenses related to the event. After receiving two quotes, consulting with GWEVS, and our insurance adjuster, Staff recommends awarding the transport contract to Titan Worldwide for a total cost of \$9,270.00.

A budget amendment will be required as there will be additional expenses related to this event and because the transportation expense will have to be paid upfront (and then applied to deductible); therefore, a budget amendment in the amount of \$20,000 is requested.

This Ordinance was approved on second reading.

h. Ordinance amending Title 14 Zoning and Land Use Control-Site Plan Review

Crossville Regional Planning Commission voted February 17 to recommend the Site Plan Review Ordinance to City Council for adoption.

This Ordinance was approved on second reading.

i. Ordinance amending Title 14-Zoning and Land Use Control-Multi-Family Cluster Housing

Crossville Regional Planning Commission voted February 17 to recommend the Multi-Family Cluster Housing Ordinance to City Council for adoption.

This Ordinance was approved on second reading.

3. Other Business

a. Discussion and action regarding Personal Property Tax: 3B Properties and South 105.7

The City Attorney discussed past due personal property tax owed by 3B Properties and South 105.7. He indicated that 3B Properties is no longer associated with South 105.7, and there is no way to collect the taxes due. South 105.7 was force-assessed by the Assessor's office based upon the inventory owned by 3B Properties, such as towers and antennas. The Assessor of Property has adjusted the assessment for South 105.7, which is now only 10% of what was previously assessed.

Kirk Tollett, owner of South 105.7, requests that the City Council consider forgiving interest, penalties, and attorney fees owed.

City Attorney recommended accepting the proposal to forgive the personal property owed for 2007-2022, waiving penalties, interest, and attorney fees subject to the Chancellor's approval.

A motion was made by Council Member Rob Harrison, seconded by Council Member Art Gernt, to accept offer to forgive personal property tax including interest, penalties, and any attorney fees subject to the Chancellor's approval. The motion carried by the following vote:

Aye: 3 - Council Member Rob Harrison, Council Member Art Gernt and Mayor James Mayberry

Absent: 2 - Council Member Scot Shanks and Mayor Pro-tem R.J. Crawford

b. Discussion and action regarding sign ordinance and moratorium on sign permits

Due to court rulings, it has been determined that the City of Crossville's sign ordinance is invalid and cannot be enforced. A moratorium on sign permits is requested to allow the sign ordinance to be brought up to current standards according to the law.

The City of Crossville's current definition of a business sign or on-premise sign is "a sign which advertises the business or other activity conducted on or principal products sold on the property upon which the sign is located." This verbiage is considered to be content specific and unconstitutional. The City must define this by location only. If a City official has to read the sign to determine it is on-premise, then the regulation is not legal. This is also the case for outdoor advertising sign or off-premise sign which is defined as, "intended or used to advertise or inform or otherwise directs attention to a business, commodity, service or activity generally conducted, sold or primarily offered elsewhere than upon the premises where the sign is located." If a City official is required to read the sign to determine it is off-premise, then the regulation is not legal.

The 2017 U.S. Supreme Court opinion that involved TDOT's sign regulations was presented. The court found the state regulations to be unconstitutional as they were based on content. The Supreme Court has recognized that the First Amendment permits restrictions upon the content of speech in a few limited areas, including obscenity, defamation, fraud, incitement, fighting words, and speech integral to criminal conduct.

It is important to note that the City can still regulate content that is obviously offensive. The Supreme Court has recognized that the First Amendment permits restrictions upon the content of speech in a few limited areas, including obscenity, defamation, fraud, incitement, fighting words, and speech integral to criminal conduct. "This 'two-tier' approach to content-based regulations of speech derives from Chaplinsky v. New Hampshire, wherein the Court opined that there exist 'certain well-defined and narrowly limited classes of speech that are no essential part of any exposition of ideas, and are of such slight social value as a step to truth' such that the government may prevent those utterances and punish those uttering them without raising any constitutional issues."

A motion was made by Council Member Art Gernt, seconded by Council Member Rob Harrison, to approve first reading of ordinance declaring

moratorium. The motion carried by the following vote:

Aye: 3 - Council Member Rob Harrison, Council Member Art Gernt and Mayor James Mayberry

Absent: 2 - Council Member Scot Shanks and Mayor Pro-tem R.J. Crawford

c.

Approval to repair and replace Avgas Dispenser-Crossville Memorial Airport

The self-serve dispenser on the Avgas is broken and outdated. Rebel Service was called to trouble shoot and have expensed a total of \$5,250 (Invoice 7210) and discovered the dispenser must be rebuilt or replaced. The replacement cost of only the outdated self-serve dispenser is \$11,646.72. The replacement cost for a completely new self-service dispenser unit which also includes the fuel pump and meter is \$10,902.36 (Proposal 5941). Staff requests approval to accept quote, replace the unit in the amount of \$10,902.36, and pay the repair bill in the amount of \$5,250.

A motion was made by Mayor James Mayberry, seconded by Council Member Rob Harrison, to authorize repairs & replacement through sole source vendor, Rebel Services. The motion carried by the following vote:

Aye: 3 - Council Member Rob Harrison, Council Member Art Gernt and Mayor James Mayberry

Absent: 2 - Council Member Scot Shanks and Mayor Pro-tem R.J. Crawford

Adjournment

Mayor Mayberry adjourned the meeting at 2:18 p.m.