

BOARD OF COMMISSIONERS' MEETING

Minutes
November 7, 2017
7:00 p.m.

- I. **Call to Order** – Mayor Roberts called the meeting to order at 7:00 p.m.
- II. **Roll Call** – City Manager Smith called the roll. Mayor Roberts, Vice Mayor Pierce, Commissioner LeCompte, Commissioner Pope and Commissioner Rose were present. Also present was City Attorney Arnold Stulce, Fire Chief Mark Mathews, Police Chief Robert Simpson, City Recorder Ruth Rohen and those listed on Exhibit “A”.
- III. **Invocation** – Vice Mayor Pierce gave the Invocation.
- IV. **Pledge of Allegiance** – Fire Chief Mark Mathews led the Pledge of Allegiance.
- V. **Consideration of the Minutes for approval or correction:**
 - A. **October 17, 2017 Agenda Work Session**
 - B. **October 17, 2017 Commission Meeting**Vice Mayor Pierce made a motion to approve the minutes as printed, second by Commissioner LeCompte. Both sets of minutes were approved with all Commissioners voting “yes”.
- VI. **Communication from the Mayor**
 - Welcomed everyone.
- VII. **Commissioners Report**
 - **Vice-Mayor Eddie Pierce**
 - Welcomed everyone.
 - **Commissioner Ed LeCompte**
 - Thanked everyone for coming.
 - Announced Dirty Jane’s Antique Mall will be having their grand opening on 11/17-18 and 19.
 - Third Annual Chattanooga Cruise In and Toy Drive this Saturday 8-12 on Chestnut Street.
 - **Commissioner Terry Pope**
 - Welcomed everyone.
 - Red Bank Methodist will be having their Christmas Open House on December 2nd.
 - Red Bank High School is selling fruit.
 - **Commissioner Carol Rose**
 - Red Bank Lions Club is conducting their annual nut sale.
- VIII. **City Manager Report**
 - No Report

PUBLIC HEARING

Mayor Roberts advised that the purpose of the Public Hearing was to consider citizen input in regard to the following three rezoning requests:

- A) Request to rezone property at 109 Woodrow Avenue from R-1 to C-1.
- B) Request to rezone property at 103 Woodrow Avenue from R-1 to C-1.
- C) Request to rezone property at 217 W. Ridgewood Avenue from R-1 to R-T/Z

A) 109 Woodrow Avenue. Mayor Roberts advised that Pete Phillips, the owner and applicant of the property at 109 Woodrow Avenue, could not attend the meeting so the Public Hearing for this address will be postponed.

B) 103 Woodrow Avenue. Mayor Roberts called Chris Janda, owner and application of the property located at 103 Woodrow Avenue forward. Mr. Janda explained that the property in question has been historically used as a commercial property and continues to be used for that purpose. He explained that when the zoning maps for the City were redone in 2015 that his property was inadvertently rezoned to R-1 and that he is requesting the property be zoned back to C-1. Mayor Roberts invited citizen comment.

- Dierdra Hamill, 211 Woodrow Ave., Inquired if the type of business will remain the same or if it’s changing.

It was explained that the rezoning was to correct an error in the zoning map and that the Red Bank Planning Commission recommended approving the application. After no further, this item was closed.

C) 217 W. Ridgewood Avenue. Mayor Robert called Nathan Heffner forward. Mr. Heffner advised that he holds the Power of Attorney for his grandfather, which is the owner of the property but lives out of

state. Mr. Hefner explained that the intent of the rezoning is to subdivide the property and construct two single family structures on each parcel. Mr. Heffner advised that he did not have proof of the POA and was advised that the Public Hearing will be postponed until he can provide proof. Mayor Roberts invited citizen comments:

- Shannon Kelly, 215 W. Ridgewood Ave., Had several concerns in regard to land disturbance and storm water runoff onto her property.

Mr. Heffner was advised to bring proof of the Power of Attorney to City Hall and the item would be placed back on the agenda for consideration.

After no further discussion the Public Hearing was adjourned.

X. Unfinished Business –

A. ORDINANCE NO. 17-1098 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND RED BANK MUNICIPAL CODE, TITLE 20, CHAPTER 1, AIR POLLUTION CONTROL REGULATIONS, BY PROVIDING FOR REVISED RULES FOR NEW SOURCE REVIEW; INCREASED PERMIT FEES; REVISED AMBIENT AIR QUALITY STANDARDS; AND CERTAIN HOUSEKEEPING PROVISIONS (FIRST READING)

Commissioner LeCompte made a motion to approve the ordinance, second by Vice Mayor Pierce. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 17-1098 was approved on first reading with all Commissioners voting “yes”.

XI. New Business – None

A. AGENDA ITEM 17-827 – PRESENTATION OF THE FISCAL YEAR 2017 AUDIT

Brian Wright with the auditing firm of Johnson, Murphy and Wright distributed copies of the audit and gave an overview of expenditures and revenues for the various funds of the City. Mr. Wright advised that there were no findings during the audit.

B. ORDINANCE NO. 17-1100 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE PROPERTY LOCATED AT 109 WOODROW AVENUE FROM R-1 RESIDENTIAL ZONE TO C-1 COMMERCIAL ZONE (FIRST READING)

Mayor Roberts made a motion to table this ordinance until November 21st, second by Vice Mayor Pierce. There were no citizen comments. Motion to table was approved with all Commissioners voting “yes”.

C. ORDINANCE NO. 17-1101 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE PROPERTY LOCATED AT 103 WOODROW AVENUE FROM R-1 RESIDENTIAL TO C-1 COMMERCIAL (FIRST READING)

Mayor Roberts advised that this item was discussed earlier in the Public Hearing. He advised that the Red Bank Planning Commission recommended approving the rezoning application. Commissioner Rose made a motion to approve the ordinance, second by Commissioner Pope. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 17-1101 was approved on first reading with all Commissioners voting “yes”.

D. ORDINANCE NO. 17-1101 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE PROPERTY AT HAMILTON COUNTY TAX PARCEL NUMBER 126C-G-014 AT 217 W. RIDGEWOOD AVENUE FROM R-1 RESIDENTIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE ZONE, SUBJECT TO CONDITIONS (FIRST READING)

Mayor Roberts advised that this item was discussed earlier in the Public Hearing and made a motion to table the ordinance until November 21st, second by Commissioner Pope. There were no citizen comments. Motion to table was approved with all Commissioners voting “yes”.

E. RESOLUTION NO. 17-1188 – A RESOLUTION DECLARING SEIZED, FOUND, UNCLAIMED PROPERTY AS SURPLUS AND AUTHORIZING THE SALE, TRADE OR DESTRUCTION THEREOF

City Manager Smith advised that government entities have certain regulations and guidelines relating to disposal of property. He advised that this resolution will allow the City to dispose of listed seized, found, recovered and unclaimed property. Commissioner LeCompte made a motion to approve the resolution, second by Commissioner Rose. Resolution No. 17-1188 was approved with all Commissioners voting “yes”.

F. RESOLUTION NO. 17-1189 – A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL PROPERTY CONSERVATION MATCHING GRANT PROGRAM

City Manager Smith advised that this is a 50/50 grant through the City’s insurance provider to assist with city owned property protection and conservation. He explained that the grant amount is up to \$2,500.00. Commissioner Rose made a motion to approve the resolution,

second by Vice Mayor Pierce. There were no citizen comments. Resolution No. 17-1189 was approved with all Commissioners voting "yes".

G. RESOLUTION NO. 17-1190 – A RESOLUTION APPROVING THE PURCHASE AND INSTALLATION OF EMERGENCY EQUIPMENT FROM MOUNTAIN VIEW FORD OF CHATTANOOGA, IN AN AMOUNT NOT TO EXCEED \$16,863.00 FOR THE POLICE DEPARTMENT

City Manager Smith advised that this resolution will authorize the City to purchase emergency equipment, including installation, from Mountain View Ford. He advised the equipment will be installed on three recently purchased Ford Interceptors for the Police Department.

Commissioner LeCompte made a motion to approve the resolution, second by Commissioner Rose. There were no citizen comments. Resolution No. 17-1190 was approved with all Commissioners voting "yes".

H. RESOLUTION NO. 17-1191- A RESOLUTION AUTHORIZING A DONATION AGREEMENT WITH THE TRUST FOR PUBLIC LAND IN REGARD TO ACCEPTING A PARCEL OF LAND, MORE PARTICULARLY DESCRIBED IN THIS RESOLUTION

City Manager Smith explained that this resolution authorizes the acceptance of approximately 5.29 acres of undeveloped land from Trust for Public Land. He explained that the property will be used to further the Stringer's Ridge Trail System. He further explained that approval of the resolution will authorize him and the City Attorney to proceed and sign all paperwork necessary to complete the transfer. Commissioner Pope made a motion to approve the resolution, second by Vice Mayor Pierce. There were no citizen comments. Resolution No. 17-1191 was approved with all Commissioners voting "yes".

I. RESOLUTION NO. 17-1192 – A RESOLUTION ADOPTING THE CITY OF RED BANK, TENNESSEE, SECTION 125 CAFETERIA PLAN FOR CALENDAR YEAR 2018, THAT INCLUDES A DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT AND A HEALTH FLEXIBLE SPENDING ACCOUNT

City Manager Smith explained that approval of this resolution will authorize the City to make certain voluntary employee benefit deductions on a pre-tax basis. Commissioner Rose made a motion to approve the resolution, second by Vice Mayor Pierce. Resolution No. 17-1192 was approved with all Commissioners voting "yes".

J. RESOLUTION NO. 17-1193 – A RESOLUTION BY THE BOARD OF COMMISSIONERS FOR THE CITY OF RED BANK, TENNESSEE, AMENDING THE PUBLIC RECORDS POLICY

City Attorney Stulce explained that the City has a legally conforming Public Records Policy but that a recent federal court case, clarifying the applicability of state and federal law prohibiting the release of personally identifying information from motor vehicle accident reports to the general public is causing the City to amend the policy incorporating these clarifications. Mayor Roberts made a motion to approve the resolution, second by Commissioner Rose. There were no citizen comments. Resolution No. 17-1193 was approved with all Commissioners voting "yes".

K. RESOLUTION NO. 17-1194 – A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND MORELAND ALTOBELLI ASSOCIATES INC. IN AN AMOUNT NOT TO EXCEED \$41,195.00 FOR RIGHT-OF-WAY SERVICES IN REGARD TO CONSTRUCTION EASEMENTS

City Manager Smith advised that after further review and discussion with the City Attorney, he recommends denying this item because he feels that the services can be obtained at a more economical price to the city. Mayor Roberts made a motion to deny the resolution, second by Commissioner Rose. There were no citizen comments. Motion to deny was approved with all Commissioners voting "yes".

L. RESOLUTION NO. 17-1195 – A RESOLUTION AUTHORIZING AN AGREEMENT WITH TOTAL RESOURCE INC., IN AN AMOUNT NOT TO EXCEED \$18,000.00, FOR TEMPORARY LABORER I SERVICES DURING LEAF PICK-UP SEASON

City Manager Smith advised that this resolution will approve an agreement for temporary seasonal workers during leaf season, which runs December through February. He also explained that approval of this resolution will authorize him to sign the agreement upon approval by the City Attorney. Vice Mayor Pierce made a motion to approve the resolution, second by Commissioner Pope. There were no citizen comments. Resolution No. 17-1195 was approved with all Commissioners voting "yes".

XII. Citizen Comments –

- **Steve Daugherty, 3416 Whitaker Avenue**, Inquired about the city's sign regulations as they pertain to feather type signs. It was explained that the type signs in question are not allowed and that the sign ordinance is currently under review. He was advised that there will be a Public Hearing before final approval of changes to the ordinance, but that the Public Hearing is not scheduled at this time.

XIII. Adjournment

The meeting was adjourned at 7:52 p.m.

MAYOR

City Recorder