

BOARD OF COMMISSIONERS' MEETING

Minutes
December 5, 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 Pope and Commissioner Rose were present. Commissioner LeCompte was absent. Also present was City Attorney Arnold Stulce, Fire Chief Mark Mathews, Police Chief Robert Simpson, Public Works Director Tim Thornbury, Finance Director John Alexander, City Recorder Ruth Rohen and those listed on Exhibit “A”.
- III. **Invocation** – Vice Mayor Pierce gave the Invocation.
- IV. **Pledge of Allegiance** – Fire Chief Mathews led the Pledge of Allegiance.
- V. **Consideration of the Minutes for approval or correction:**
 - A. **November 21 2017 Agenda Work Session**
 - B. **November 21, 2017 Commission Meeting**Vice Mayor Pierce made a motion to approve both sets of minutes as printed, second by Commissioner Pope. Both sets of minutes were approved with all Commissioners voting “yes”.
- VI. **Communication from the Mayor**
 - Welcomed everyone.
 - Wished all a Merry Christmas
- VII. **Commissioners Report**
 - **Vice-Mayor Eddie Pierce**
 - Welcomed everyone and wished all a Merry Christmas.
 - Enjoyed participating in the Christmas parade.
 - **Commissioner Ed LeCompte**
 - Absent
 - **Commissioner Terry Pope**
 - Welcomed everyone and wished all a Merry Christmas and Happy New Year
 - Enjoyed participating in the Christmas parade.
 - **Commissioner Carol Rose**
 - Welcomed all.
 - Enjoyed participating in the Christmas parade and visiting vendor booths.. There was a large crowd that attended the parade and festival.
- VIII. **City Manager Report**
 - Introduced the new Red Bank Police K-9 “Harry” and his handler Officer Kyle Dennis.

PUBLIC HEARINGS

Mayor Roberts advised that the purpose of these several Public Hearings was to introduce, discuss and consider citizen input in regard to the following three items:

A) Closing to motorized vehicles a portion of Ashmore Avenue in the 2400 block.

Mayor Roberts advised that this item was tabled from the November 7th Commission Meeting and invited citizen comments with respect to the proposed plan to close a portion of Ashmore Avenue in the 2400 block to vehicular traffic.

- Roger Ling, 2421 Ashmore Ave., Asked what the benefit would be to closing the road and advised that he is against the closing unless it’s for a good reason.
- Sandy Miller, 2522 Ashmore Ave., Advised she is against the closing of the road and inquired as to why it was being closed.
- Jim Fussell, 536 Tiktin Dr., Asked for clarification of the diagram that shows the proposed area of roadway that will be closed. Feels that there is not enough room for cars to turn around if the road is closed.

After no further citizen or Commission comments, Mayor Roberts closed this Public Hearing.

B) Request to rezone property at 217 W. Ridgewood Avenue from R-1 Residential Zone to R-T/Z Residential Townhome Zero Lot Line Zone.

Mayor Roberts called Nathan Heffner, applicant and representative for the property owner forward. Mr. Heffner explained that his grandfather owns the property and would like to rezone the parcels to build a single family home on each lot. It was noted that the Planning Commission recommended approving

the application and that the ordinance contains conditions that stormwater best practices shall be followed during development, and continuously maintained thereafter. There were no citizen comments or comments from Commissioners. Mayor Roberts closed this Public Hearing

C) Request to rezone property at 109 Woodrow Avenue from R-1 Residential to C-1 Commercial

It was explained that this property has been historically zoned and used as a commercial property for many years but that during the 2015 mass rezoning it was inadvertently reclassified as R-1 residential. It was also noted that the Planning Commission recommended approving the application. There were no citizen comments. Mayor Roberts closed this Public Hearing.

X. Unfinished Business –

A. RESOLUTION NO. 17-1185 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, TO CLOSE TO MOTORIZED VEHICULAR TRAFFIC A SECTION OF ASHMORE AVENUE LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF RED BANK, TENNESSEE, AS FURTHER DESCRIBED WITHIN THE BODY OF THIS RESOLUTION

Mayor Roberts advised that this item was discussed during the earlier Public Hearing and made a motion to table the resolution until January 16th, 2018, second by Vice Mayor Pierce. Resolution No. 17-1185 was tabled until January 16th, 2018 with all Commissioners voting “yes”.

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 (SECOND AND FINAL READING)

Mayor Roberts noted that the property owner was not in attendance and advised that this item was discussed during the earlier Public Hearing. He explained that this property has been historically zoned and used as a commercial property for many years but that during the 2015 mass rezoning it was inadvertently classified as R-1 residential. It was also noted that the Planning Commission recommended approving the application. Mayor Roberts noting that this Ordinance is in the nature of a technical correction to the city-wide rezoning in 2015, moved to suspend/waive the City Policy requiring the personal presence of the applicant for the Public Hearing. Second by Commissioner Rose, and the ayes being unanimous, the Policy requiring personal presence by the applicant was waived and suspended with respect to this rezoning Ordinance. Mayor Roberts made a motion to approve the ordinance, second by Commissioner Rose. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Vice Mayor Pierce “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 17-1100 was approved on second and final reading with all Commissioners voting “yes”.

C. ORDINANCE NO. 17-1102 – 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 (SECOND AND FINAL READING)

Mayor Roberts advised that this item was discussed in detail in the earlier public hearing. Mayor Roberts made a motion to approve the ordinance, second by Commissioner Rose. There were no citizen comments **Roll Call Vote: Mayor Roberts “yes”, Vice Mayor Pierce “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 17-1102 was approved on second and final reading with all Commissioners voting “yes”.

D. ORDINANCE NO. 17-1104 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING FLAG LOT REQUIREMENTS IN SECTION 204.08 OF THE RED BANK ZONING ORDINANCE, CODIFIED AT SECTION 14-101, ET SEQ. RED BANK CITY CODE (SECOND AND FINAL READING)

Mayor Roberts advised that this item was discussed during a Public Hearing on November 21st. It was noted that the Planning Commission recommended approving the ordinance. Mayor Roberts 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 Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 17-1104 was approved on second and final reading with all Commissioners voting “yes”.

E. ORDINANCE NO. 17-1105 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE ADJOINING PROPERTIES AT 3500 TACOMA AVENUE (HAMILTON COUNTY TAX PARCEL NUMBER 118A-M-028) AND 216 E. EUCLID AVENUE (HAMILTON COUNTY TAX PARCEL NUMBER 118A-M-028) FROM R-1 RESIDENTIAL ZONE TO RZ-1 RESIDENTIAL ZERO LOT LINE ZONE, SUBJECT TO CONDITIONS (SECOND AND FINAL READING)

Mayor Roberts advised that this item was discussed during a Public Hearing on November 21st. It was noted that the Planning Commission recommended approving the application to rezone. Mayor Roberts 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 Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 17-1105 was approved on second and final reading with all Commissioners voting “yes”.

F ORDINANCE NO. 17-1106 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, DECLARING A MORATORIUM UPON THE ERECTION, INSTALLATION, CONSTRUCTION OR OTHER UTILIZATION AND/OR PLACEMENT OF SOLAR PANELS OR SOLAR ARRAYS WITHIN THE CITY OF RED BANK (SECOND AND FINAL READING)

Mayor Roberts advised that the city has been contacted in regard to installing solar panels on residential homes and/ or properties. He advised that there are very limited regulations in regard to this issue and asked that this ordinance be approved to allow time to formulate regulations. He advised that is approved, this ordinance will place a moratorium for a period of one year upon the use, installation, placement, orientation, utilization setbacks, construction and/or other use of and kind or nature whatsoever related to solar panels, solar arrays, and photo electrical generated cells. Mayor Roberts 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 Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 17-1106 was approved on second and final reading with all Commissioners voting “yes”.

XI. New Business – None

A. AGENDA ITEM 17-830 – CONDEMNATION HEARING 309 WEST MIDVALE AVENUE

Mayor Roberts called to order the Condemnation Hearing for the premises. The proceedings therefor were preserved in transcript form and are kept in a separate file indexed to the property address; the property address is incorporated herein by reference. The previous owners of the property were not present for the proceedings.

Mayor Roberts made a motion to declare the building to be a dangerous building and unfit for human habitation and a nuisance to the community and that the Commission adopts as findings of fact the testimony, documentary and photographic evidence presented by the Codes Enforcement Officer, Dan Knight, and the structural engineer, Thomas Retseck. Commissioner Carol Rose seconded the motion. Motion to declare the building a dangerous building and unfit for human habitation and for the Commission to adopt as findings of fact the testimony and photographic evidence presented was approved with all Commissioners voting “aye”.

Mayor Roberts made a motion that what is left of the structure, located at 309 W. Midvale Avenue, be ordered to be demolished within 60 days of December 7, 2017 and if the owner fails to do so, that the City Manager with the City Attorney take steps to demolish the building and to claim expenses of demolition as a lien against the property. Mayor Roberts further moved that the City Commission issue a written order to that effect and that the order be signed by the Mayor, a copy delivered and issued to the owner and also posted on the property. Motion was seconded by Commissioner Carol Rose. The Motion was approved with all Commissioners voting “aye”.

B. AGENDA ITEM 17-831 – CONDEMNATION HEARING 364 SWEETLAND DRIVE

Mayor Roberts called to order the Condemnation Hearing for the premises. The proceedings therefor were preserved in transcript form and are kept in a separate file indexed to the property address; the property address is incorporated herein by reference. The owners of the property were not present for the proceedings..

Vice Mayor Pierce made a motion to declare the building to be a dangerous building and unfit for human habitation and a nuisance to the community and that the Commission adopt as findings of fact the testimony, documentary and photographic evidence presented by the Codes Enforcement Officer, Dan Knight, and the structural engineer, Thomas Retseck. Commissioner Terry Pope seconded the motion. Motion to declare the building a dangerous building and unfit for human habitation and for the Commission to adopt as findings of fact the testimony and photographic evidence presented was approved with all Commissioners voting “aye”.

Vice Mayor Pierce made a motion that what is left of the structure, located at 364 Sweetland Drive, be ordered to be demolished by the owner within 60 days of December 7, 2017 and if the owner fails to do so, that the City Manager with the City Attorney take steps to demolish the building and to claim expenses of demolition as a lien against the property. Vice Mayor Pierce further moved that the City Commission issue a written order to that effect and that the order be signed by the Mayor, a copy delivered and issued to the owner and also posted on the property. Motion was seconded by Commissioner Terry Pope. The Motion was approved with all Commissioners voting “aye”.

C. RESOLUTION NO. 17-1199 – A RESOLUTION DECLARING SEIZED, FOUND, UNCLAIMED PROPERTY AS SURPLUS AND AUTHORIZING THE SALE, TRADE OR DESTRUCTION THEREOF

Commissioner Pope made a motion to approve the resolution, second by Commissioner Rose. Resolution No. 17-1188 was approved with all Commissioners voting “yes”.

XII. Citizen Comments –

-**Steve Daugherty, 3416 Whittaker Avenue**, Asked for an update on the amendments to the sign ordinance. He feels that the current sign ordinance is too restricting on businesses.

XIII. Adjournment

The meeting was adjourned at 8:05 p.m.

MAYOR

City Recorder