

# City of Red Bank

John Roberts  
Mayor

Randall G. Smith  
City Manager

## BOARD OF COMMISSIONERS' MEETING

Agenda  
July 17, 2018  
7:00 p.m.

**I. Call to Order – Mayor John Roberts**

**II. Roll Call – City Manager**

Mayor Roberts \_\_\_\_\_, Vice-Mayor Pierce \_\_\_\_\_, Commissioner LeCompte \_\_\_\_\_,  
Commissioner Pope \_\_\_\_\_, Commissioner Rose \_\_\_\_\_

**III. Invocation –**

**IV. Pledge of Allegiance –**

**V. Consideration of the Minutes for approval or correction:**

- A. July 3, 2018 Agenda Work Session
- B. July 3, 2018 Commission Meeting

**VI. Communication from the Mayor**

**VII. Commissioner's Report**

- A. Vice Mayor Pierce
- B. Commissioner Ed LeCompte
- C. Commissioner Terry Pope
- D. Commissioner Carol Rose

**VIII. City Manager Report**

**IX. Unfinished Business –**

- A. **ORDINANCE NO. 18-1108 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND TITLE 9 OF THE RED BANK CITY CODE BY ENACTING A NEW / ADDITIONAL CHAPTER 16 THEREOF TO ADDRESS REGULATION OF SHORT TERM RENTAL UNITS WITHIN THE CITY OF RED BANK (SECOND AND FINAL READING)**
- B. **ORDINANCE NO. 18-1109 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 15-1020, THE RED BANK ZONING ORDINANCE TO CLARIFY PROVISIONS RELATED TO SHORT TERM RENTAL UNITS (SECOND AND FINAL READING)**

**X. New Business**

- A. **RESOLUTION NO. 18-1233 – A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND LOCAL GOVERNMENT CORPORATION IN THE AMOUNT OF \$43,621.70 FOR UPGRADED FINANCIAL ACCOUNTING SOFTWARE AND COURT SOFTWARE, AND FOR ANNUAL SOFTWARE SUPPORT AND MAINTENANCE SERVICES**
- B. **RESOLUTION NO. 18-1234 – A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE HUMANE EDUCATION SOCIETY, IN THE AMOUNT OF \$69,990.00, FOR ANIMAL CONTROL SERVICES**
- C. **RESOLUTION NO. 18-1235 – A RESOLUTION THE PURCHASE OF FOUR, 2018 FORD POLICE INTERCEPTOR UTILITY VEHICLES FROM FORD OF MURFREESBORO, IN THE AMOUNT OF \$116,396.00**
- D. **RESOLUTION NO. 18-1236 – A RESOLUTION AUTHORIZING THE PURCHASE OF NINE PORTABLE RADIOS AND ONE CHARGER FROM MOTOROLA SOLUTIONS IN THE AMOUNT OF \$45,175.92 FOR THE FIRE DEPARTMENT**

**E. RESOLUTION NO. 18-1237 – A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN HAMILTON COUNTY, TENNESSEE, AND THE CITY OF RED BANK, TENNESSEE, RELATING TO GEOGRAPHIC INFORMATION SYSTEMS**

**F. ORDINANCE NO. 18-1126 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO ADD A NEW SECTION 6-108 TO TITLE 6 OF THE RED BANK CITY CODE WITH RESPECT TO THE IMPLEMENTATION AND MANAGEMENT OF THE STATE PLAN OF OPERATIONS RELATIVE TO ACQUISITION BY THE RED BANK POLICE DEPARTMENT OF U.S. DEPARTMENT OF DEFENSE TRANSFER OF MILITARY GRADE PERSONAL PROPERTY VEHICLES, AND MISCELLANEOUS EQUIPMENT AS AUTHORIZED BY THE PROVISIONS OF TITLE 10, U.S.C. SECTION 2576(A), ET SEQ. (FIRST READING)**

**XI. Citizen Comments from Red Bank Citizens about Red Bank business (3 minute limit)**

**IF YOU WILL BE SPEAKING PLEASE STATE YOUR NAME AND ADDRESS AND FILL OUT THE INFORMATION BELOW AND TURN IN TO THE CITY MANAGER**

**NAME:** \_\_\_\_\_

**RED BANK ADDRESS:** \_\_\_\_\_

**XII. Adjournment**

*City of Red Bank*  
**COMMISSIONERS AGENDA WORK SESSION**  
**RED BANK CITY HALL**

Minutes  
July 3, 2018  
12:00 p.m.

The Board of Commissioners met in a public and advertised Agenda Work Session on July 3, 2018 at 12:00 p.m. The purpose of the meeting was to receive information on upcoming business items. Those in attendance were Mayor John Roberts, Vice Mayor Eddie Pierce, Commissioners Terry Pope and Carol Rose. Commissioner Ed LeCompte was absent. Also present were City Manager Randall Smith, Police Chief Robert Simpson, Fire Chief Mark Mathews, Public Works Director Tim Thornbury, Finance Director John Alexander and City Recorder Ruth Rohen. There were no public attendees.

1. Mayor Roberts gave his recommendations for permitted and prohibited uses in the recently studied rezoning of properties along north Dayton Blvd. from Meadowbrook Drive to Orlando Ave. He asked that the other Commission Members review the information and place this item back on the July 17 Agenda Work Session.
2. City Manager Smith presented a draft ordinance that would allow the Police Department to participate in the Department of Defense's LESO Program. He explained that by participating in the program the department can obtain surplus equipment at no cost to the City. Mayor Roberts recommended amending the draft ordinance to require application and final approval by the Board of Commissioners instead of the City Manager. Item will be placed on the July 17 Commission Meeting for first reading.
3. City Manager Smith advise that there is a resolution on the agenda tonight to approve an agreement with Chase Reline to repair a corrugated pipe located under the Forrester White Drive right of way.
4. City Manager Smith advised that there is a resolution on the agenda tonight to approve the purchase of a tractor with mowing boom for the Public Works Department. He explained that the tractor will be purchased through the NJPA Cooperative Purchasing Program at a cost of \$95, 959.18 as pre-approved by the state with regard to competitive purchasing.
5. City Manager Smith advised that there is a resolution on the agenda tonight to reopen a grant contract with TDOT for a completed paving project. He explained that the State closed the contract prior to the City receiving final reimbursements. He explained that the project is complete and the contract will be closed after reimbursements are received.
6. City Manager Smith advised that there is a resolution on the agenda tonight to dispose of several firearms that have been seized, found, recovered etc. Chief Simpson advised that these weapons will be traded to GT Distributors for store credit, as permitted by state law.
7. City Manager Smith advised that there is a resolution on the agenda tonight to apply for a safety grant through Tennessee Municipal League. He advised that this is a 50% matching grant and if awarded will be used by the Police Department to purchase ballistic safety glasses.
8. First Reading on the two separate short term rental unit ordinances are on the agenda tonight. Questions in regard to prohibited use in the R-T/Z zone was discussed.
9. City Manager Smith gave an update on several ongoing projects. These included the new City Hall renovation project, upgrades to the railroad crossing at E. Midvale Ave., Kids Corner Park renovations, all ongoing TIP projects and secondary roadway paving.

10. Commissioner Rose expressed her concern that the City Manager nor the Public Works Director attended the Planning Commission meeting last month.

The meeting was adjourned at 12:30 p.m.

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Mayor

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City Recorder

**BOARD OF COMMISSIONERS' MEETING**

Minutes

July 3, 2018

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 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 Mark Mathews led the Pledge of Allegiance.
- V. **Consideration of the Minutes for approval or correction:**
  - A. **June 19, 2018 Agenda Work Session**
  - B. **June 19, 2018 Commission Meeting**Commissioner Rose made a motion to approve both sets of minutes as printed, second by Vice Mayor Pierce. Both sets of minutes were approved with all Commissioners voting “yes”.
- VI. **Communication from the Mayor**
  - Welcomed all and wished everyone a happy July 4<sup>th</sup>.
- VII. **Commissioners Report**
  - **Vice-Mayor Eddie Pierce**
    - Welcomed everyone and wished all a happy July 4<sup>th</sup>.
  - **Commissioner Ed LeCompte**
    - Absent.
  - **Commissioner Terry Pope**
    - Welcomed all.
  - **Commissioner Carol Rose**
    - Welcomed all.
    - The City’s new alerting system, Reach Alert, is working as of July 1<sup>st</sup>. Encouraged everyone to sign up for notifications.
- VIII. **City Manager Report**
  - Kids Corner renovations are 98% complete.
  - Provided an update on the various on-going infrastructure projects.
- IX. **Unfinished Business** –
  - A. **ORDINANCE NO. 18-1108 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND TITLE 9 OF THE RED BANK CITY CODE BY ENACTING A NEW / ADDITIONAL CHAPTER 16 THEREOF TO ADDRESS REGULATION OF SHORT TERM RENTAL UNITS WITHIN THE CITY OF RED BANK (FIRST READING)**Mayor Roberts explained that the State of Tennessee has recently passed legislation that addresses the topic of Short Term Rental Units. He explained that the City of Red Bank has to

adhere to the state laws for regulation of short term rental units and advised that this ordinance is in regard to permitting and inspections. Vice Mayor Pope made a motion to approve the ordinance, second by Commissioner Rose. Mayor Roberts invited citizen comment.

- Andrea Abercrombie, 2000 James Ave., Asked for clarification of regulations contained within the ordinance and was given a copy of the ordinance for review.
- Ashley Stafford, 2016 Ashmore Ave., Is the owner of a short term rental unit and supports these being allowed in residential zones.

It was noted that the Red Bank Planning Commission reviewed this ordinance and recommended approval. There were no further comments. **Roll Call Vote: Mayor Roberts "yes", Vice Mayor Pierce "yes", Commissioner Pope "yes", Commissioner Rose "yes".** Ordinance No. 18-1108 was approved on first reading with all Commissioners voting "yes".

**B. ORDINANCE NO. 18-1109 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 15-1020, THE RED BANK ZONING ORDINANCE TO CLARIFY PROVISIONS RELATED TO SHORT TERM RENTAL UNTIS (FIRST READING)**

City Manager Smith explained that this ordinance is an accompanying ordinance to Ordinance No. 18-1108 and pertains to zoning districts where short term rental units are permitted and where they are prohibited, subject to state imposed grandfathering restrictions. Commissioner Pope made a motion to approve the ordinance, second by Commissioner Rose. Mayor Roberts invited citizen comment.

- Andria Abercrombie, 2000 James Ave., Asked if there could be amendments to the ordinance in the future.

It was noted that the Red Bank Planning Commission reviewed the ordinance and recommended approval. There were no further comments. **Roll Call Vote: Mayor Roberts "yes", Vice Mayor Pierce "yes", Commissioner Pope "yes", Commissioner Rose "yes".** Ordinance No. 18-1109 was approved on first reading with all Commissioners voting "yes".

**X. New Business –**

**A. RESOLUTION NO. 18-1228 – A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND CHASE RELINE INC. IN AN AMOUNT NOT TO EXCEED \$23,500.00 FOR REPAIRS TO A CORRUGATED METAL PIPE**

City Manager Smith advised that the city has identified a corrugated pipe that is in need of repair at 531 Forrester White Dr. He explained that because there is only one way in and out of the subdivision, the pipe has to be slip-lined instead of dug up and replaced. Written quotes were received with the best quote being from Chase Reline Inc. at a repair cost of \$23,500.00. Mayor Roberts made a motion to approve the resolution, including authorizing the City Manager to sign the agreement upon approval of the form by the City Attorney, second by Vice Mayor Pierce. There were no citizen comments. Resolution No. 18-1228 was approved with all Commissioners voting "yes".

**B. RESOLUTION NO. 18-1229 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE PURCHASE OF ONE NEW, NEW HOLLAND TRACTOR WITH MOWING BOOM, IN THE AMOUNT OF \$95,959.19 FOR THE PUBLIC WORKS DEPARTMENT**

City Manager Smith advised that the proposed purchase is a budgeted item in the FY 2019 budget. He advised that the tractor will be purchased under a cooperative BID process as allowed by State Law and the City of Red Bank Purchasing Policies. Mayor Roberts made a motion to approve the resolution, second by Vice Mayor Pierce. There were no citizen comments. Resolution No. 18-1229 was approved with all Commissioners voting "yes".

**C. RESOLUTION NO. 18-1230 – A RESOLUTION TO RE-OPEN AND AMEND CONTRACT #C-1204 BETWEEN THE CITY OF RED BANK AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION IMPROVEMNET PAVING GRANT**

City Manager Smith explained that the City of Red Bank received a Transportation Improvement Grant several years ago to repave Dayton Blvd. from Memorial Drive to Greenleaf Street. He advised that the project has been completed for a couple of years and that TDOT closed the contract prior to the city receiving full reimbursement for the 80% grant portion. He explained

that this resolution will reopen the contract so that TDOT can make full reimbursement. Mayor Roberts made a motion to approve the resolution, second by Commissioner Rose. There were no citizen comments. Resolution No. 18-1230 was approved with all Commissioners voting "yes".

**D. RESOLUTION NO. 18-1231 – A RESOLUTION DECLARING SEIZED, FOUND, UNCLAIMED PROPERTY AS SURPLUS AND AUTHORIZING THE SALE, TRADE, OR DESTRUCTION THEREOF**

City Manager Smith advised that the Police Department has several firearms that have either been confiscated or abandoned and have been cleared through the courts for disposal. He also explained that there are several city owned firearms that are no longer in use. He explained that State law limits how firearms can be disposed of and that the firearms listed on Exhibit A of this resolution will be traded to GT Distributors for a store credit. Mayor Roberts made a motion to approve the resolution, second by Vice Mayor Pierce. There were no citizen comments. Resolution No. 18-1231 was approved with all Commissioners voting "yes".

**E. RESOLUTION NO. 18-1232 – A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL "SAFETY PARTNERS" LOSS CONTROL MATCHING GRANT PROGRAM**

City Manager Smith advised that this is a 50% matching grant program provided through the city's insurance carrier. He explained that the grant rotates between police, fire and public works and this year the police department will use the funds to purchase ballistics safety glasses. Mayor Roberts made a motion to approve the resolution, second by Commissioner Pope. There were no citizen comments. Resolution No. 18-1232 was approved with all Commissioners voting "yes".

**XI. Citizen Comments –**

Nick Wilkinson, 4640 A Crestview Drive, Asked if the city had any plans to develop a public library for citizen use.

**XII. Adjournment**

The meeting was adjourned at 7:29 p.m.

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Mayor John Roberts

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City Recorder Ruth Rohen

ORDINANCE NO. 18-1108

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND TITLE 9 OF THE RED BANK CITY CODE BY ENACTING A NEW/ADDITIONAL CHAPTER 16 THEREOF TO ADDRESS REGULATION OF SHORT TERM RENTAL UNITS WITHIN THE CITY OF RED BANK

WHEREAS, the City Commission recognizes the increasing existence, locally, regionally, statewide and nationally, of commercial and/or quasi-commercial endeavors whereby residential dwelling units are leased, rented, utilized or occupied, in exchange for a fee and/or various forms of consideration, on a short term basis, and often advertised on or promoted pursuant to internet or digitally based platforms and/or other forms of social media; and

WHEREAS, current Red Bank Zoning Ordinances and Regulations have heretofore been interpreted as not permitting such commercial or quasi-commercial or similar residential occupancy endeavors in residential zones of the City, except as relates to zones R-3, zones R-4 Special and zones R-5, i.e. in the context of boarding and/or rooming houses as defined in the Red Bank City Zoning Ordinance; and

WHEREAS, the Board finds and determines that the present utilization of commercial and/or quasi-commercial short term rental units within most of the residential zones in the City, except zones R-3, R-4 Special and R-5 would be contrary to the land use plan and to the objectives of the City, would be likely deleterious to fostering a traditional community residential atmosphere(s) sought to be fostered and encouraged by the Commission and by the Red Bank Planning Commission; and

WHEREAS, utilization of more traditional residential properties by short term occupants, on a commercial or quasi-commercial basis, likely increases the risk and likelihood of potentially irresponsible and/or interruptive behavior or conduct by some short term residential rental unit occupants and is of sufficient concern to recommend prohibition of such uses in all residential zones except for R-3, R-4 Special and R-5 zones; and

WHEREAS, short term residential rental units should be required to comply with certain public safety and operational standards.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee, as follows:

SECTION 1. That Red Bank City Code, Chapter 9, be amended by adding the following new definitions and provisions to Chapter 16, SHORT TERM RESIDENTIAL RENTAL UNITS, as follows:

Section 9-16-101. Short term residential rental units. Short term residential rental units is defined as follows:

(A) “Short Term Rental Unit” or “Unit”: “Short Term Rental Unit” or “Unit” means a residential dwelling unit that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel as defined in T.C.A. Section 68-14-302 or a bed and breakfast establishment or a bed and breakfast homestay as those terms are defined in T.C.A. Section 68-14-502.

(B) Per the provisions of the Zoning Ordinance, Short Term Residential Rental Units are, subject to conditions, certification and licensure hereinafter imposed, permitted only in the Zoning Districts specified in the Zoning Ordinance, and are “prohibited uses” in all Zoning Districts in which not expressly permitted EXCEPT that certain properties that were used as a short term rental unit prior to the enactment of this Ordinance: i.e. property that began being held out to the public for use as a short term rental unit within the City of Red Bank and as to which the owner/manager thereof remitted taxes due on renting the unit pursuant to the provisions of Tennessee Code Annotated Section 67-6-501, et seq. for filing periods that cover at least six (6) months within the twelve-month period immediately preceding the effective date of this Ordinance, i.e. \_\_\_\_\_, 2018, such short term rental units pre-existing (as defined herein) the effective date of this Ordinance are referred to as “Grandfathered short term rental units”.

(C) As per the provisions of T.C.A. Section 13-7-301, certain limited provisions of this Ordinance may not be applicable or wholly applicable to “Grandfathered short term rental units”.

Section 9-16-102. Additional definitions.

(A) Code Compliance Verification Form: A document, on a form prepared by the Office of the City Manager, executed by a short term rental unit owner certifying that the Short-Form Residential Rental Unit complies with applicable zoning, housing, building, health and life safety code provisions. No person shall allow occupancy or possession of any short term residential rental unit if the premises are in violation of any applicable laws including, but not limited to, zoning, building, housing, health or life safety code provisions. No person shall be able to possess more than two short term residential rental certificates for non-owner occupied premises in a multi-family dwelling.

(B) Short Term Residential Rental Agent: A natural person designated to be responsible for daily operations by the owner of a short term residential rental or a short term residential rental certificate application. Such person shall be available for and responsive to contact at all times and someone who is customarily present at a location with Hamilton County, Tennessee, for purposes of transacting the short term residential rental business. The short term residential rental agent must meet all other requirements set forth by state law.

(C) Short Term Residential Rental Occupants: Guests, tourists, lessees, vacationers or any other person who, in exchange for compensation, occupy a short term residential rental dwelling unit for lodging for a period of time not to exceed thirty consecutive days, but not in any event to be from any period of time less than overnight.

Section 9-16-103. Certificate required.

No person or entity shall operate a Short Term Rental Unit, including without limitation a Grandfathered short term rental unit, unless a Short Term Rental Permit has been first obtained from the Office of the City Manager. To obtain a Short Term Rental Permit, an otherwise eligible applicant must submit an application in compliance with the provisions of this Chapter of the City Code on a form provided by the City. If approved, a legible copy of the Short Term Rental Permit shall be posted within the unit and shall include all of the following information:

- (a) The name, address, telephone number and email address of the owner of the short term rental unit and the short term rental agent, if applicable;
- (b) The Business License Number;
- (c) Any applicable Hotel-Motel tax certifications and or numbers as are applicable pursuant to T.C.A. §67-4-1401 et seq.;
- (d) The maximum occupancy of the unit; and
- (e) The maximum number of vehicles that may be parked at the unit;
- (f) The Short Term Rental Permit number.

All Short Term Rental Units must be properly maintained and regularly inspected by the owner to ensure continued compliance with applicable zoning, housing, building, health and life safety code provisions.

The decision of the Office of the City Manager (“OCM”) as to whether to issue, deny or revoke any permit shall be final, reviewable only by application for Writ of Certiorari to the Chancery Court of Hamilton County, Tennessee as provided in the Tennessee Code Annotated.

Section 9-16-104. Minimum standards for short term rental units

- (A) Short Term Rental Unit shall meet the following minimum standards:
- (i) A short term rental unit may include a primary dwelling unit and/or a secondary dwelling unit, but cannot include uninhabitable structures such as garages, barns or sheds.
  - (ii) A short term rental unit must have functioning smoke detectors as determined by the Fire Marshal and other life safety equipment as required by generally applicable local, state and federal law.
  - (iii) A short term rental unit must meet all applicable laws related to zoning, housing, building, health, electrical, gas, plumbing and life safety.
  - (iv) No on-site signage shall be permitted except for those short term rental units that are located on tracts of at least five (5) acres in area and which unit(s) have a dwelling unit that is not readily visible from the public right of way, which can have directional signs placed on the parcel that shall be at least 50 feet from the public right of way, the provisions of the Red Bank Sign Ordinance shall otherwise govern the topic of “signs” off-site signage.
  - (v) there shall be no more than five (5) sleeping rooms made available for rental.
  - (vi) Maximum occupancy: the maximum occupancy shall be determined by the total of
    - (1) Two (2) persons per bedroom up to 140 square feet.
    - (2) For bedrooms over 140 square feet the occupant load will be determined by the area of the room divided by 70 square feet.
    - (3) The occupancy maximum shall be conspicuously posted

within the short term residential rental unit.

- (vii) The short term rental unit Owner shall not receive any compensation or remuneration to permit occupancy and shall not permit occupancy of a short term rental property for any agreed or contracted period of less than twenty-four (24) hours.
  - (viii) The short term rental Permit holder shall be responsible for collecting and remitting all applicable Hotel and Motel and sales taxes and any other taxes required by state law and/or by the City Code of the City of Red Bank.
  - (ix) Adequate on-site parking shall be provided, as determined by the City after considering proposed/maximum permitted number of guests, frequency of operations, and availability of on-street parking (if any). As a general rule, parking shall not be allowed on any vegetated area of the premises on which the short term residential rental is located.
  - (x) All occupants shall abide by all generally applicable codes, ordinances and regulations, including without limitation, applicable noise restrictions and all applicable waste management provisions of the City Code of the City of Red Bank.
  - (xi) The name and telephone number of the owner of the short term rental unit or the short term rental Agent shall be conspicuously posted within the short term rental unit.
  - (xii) Short term rental units shall only be located within zoning district(s) which expressly permit such usages according to the Red Bank Zoning Ordinance.
- (B) As per the provisions of T.C.A. Section 13-7-301, certain limited provisions of this subsection may not be applicable or wholly applicable to “Grandfathered Short Term Rental Units”.

Section 9-16-105. Certificate application; action on certificate application; certificate approval or appeals to City Commission

- (A) Certificate applications. Applicants for a short term rental units Permit shall submit an application to the Office of the City Manager. The application shall be furnished under oath on a form specified by the City. This provision shall apply whether the Application is for a short term rental unit or a “Grandfathered short term rental unit” together with

documentary evidence which supports classifying to (proposed) Short Term Rental Unit as a “Grandfathered Short Term Rental Unit”. Such application shall include:

- (i) The name, address, telephone number and email address of the owner of the short term rental unit and the short term rental Agent, if applicable;
- (ii) Documentation that applicant is the owner or the short term rental Agent;
- (iii) The Business License number;
- (iv) Certification and/or registration number relating to the Hotel-Motel occupancy tax authorized by T.C.A. §67-4-1401 et seq.;
- (v) A site plan, drawn to scale, indicating the subject property, the building(s) on the site intended for short term rental unit, proposed parking and guest access;
- (vi) A narrative with the following:
  - (1) A description of the area available for short term rental (i.e. the entire property and house, a guest cottage, a portion of the house, etc.);
  - (2) A description of the number of bedrooms proposed for rental, which shall not be more than five (5) bedrooms under any circumstance;
  - (3) The maximum number of guests to be accommodated at one time;
  - (4) The days of operation (all year, just holidays, weekend/weeknights, etc.);
  - (5) How trash will be handled, and the method of informing occupants about method of disposal of trash; and
- (vii) A copy of the Code Verification Form,
- (viii) Proof of insurance on the dwelling unit.

(A)(1) As per the provisions of T.C.A. Section 13-7-301, certain limited provisions of this subsection may not be applicable or wholly applicable to “Grandfathered Short Term Rental Units”.

(B) Application fee.

(i) The permit application fee for owner-occupied short term rental units shall be \$75.00.

(ii) The permit application fee for all other non-owner-occupied short term rental units shall be \$125.00.

(C) Application review.

(i) Upon application for a short term residential rental unit Permit, the Office of the City Manager (“OCM”) shall review the application and provide comment where necessary and, if necessary, request additional information. Letters shall be, within five (5) business days, mailed to any property owner (as shown by the records of the Hamilton County Tax Assessor) (“adjacent property owner”) who owns land within 300 feet of the subject property. Adjacent property owners shall have thirty (30) days from the date of the letter to respond, in writing, with any concerns or objections about the application.

(ii) The OCM shall also by mail or email submit a copy of the application for any short term rental unit permit to individual members of the City Commission.

(iii) The OCM shall notify the Fire Marshal and the Building Inspector to ensure compliance with state and local laws.

(iv) A sign furnished by the OCM or designee shall be prominently posted by the applicant on the site of the proposed short term rental unit that is the subject of the application of the short term rental unit. The sign shall be displayed for at least fifteen (15) consecutive days between the date of application and thirty (30) days thereafter.

The sign shall meet the following requirements:

(1) Sign(s) shall be posted at the right-of-way of primary street or road on which the property fronts, in the main entrance area in case of condominium, apartment, PUD or townhouse buildings, and additional areas if required by the OCM.

(2) Sign may be mounted on flat hard surface to prevent curling or bending of sign.

(3) Sign may be nailed or tied to a tree or mounted on stakes and shall be visually free from obstruction to said primary road.

(4) Signs improperly displayed may be ruled as a violation to the short term residential rental Application procedure and may result in deferral of any action by OCM.

(5) The applicant is responsible for replacing any sign which is damaged or lost.

(6) The applicant is responsible for removing the sign after the final governmental action.

(7) Failure of the applicant to remove the sign within thirty (30) days of either being granted or denied the short term rental unit Permit shall be subject to a daily administrative penalty not to exceed fifty (\$50.00) dollars for each day of violation of these provisions.

(v) If the Application meets all of the requirements set forth in this Chapter, the OCM shall so advise the City Commission and shall issue, to the applicant, a short term rental unit Permit within thirty (30) days of receipt of the Application.

(vi) If objections or appeals are made to the issuance of the short term residential rental Certificate, the OCM shall note and hold a hearing, upon notice to the applicant and the objecting parties, in a manner that OCM prescribes and shall determine whether to grant or deny the short term

rental unit Permit based upon the minimum standards for review as set forth herein, and as relates to any generally applicable health, safety, and/or building codes with respect to the short term rental unit. Such hearing shall take place not later than forty-five (45) days after the application has been submitted to the OCM. The decision of the OCM as to whether to issue, deny or revoke any Permit shall be final, reviewable only by application for Writ of Certiorari to the Chancery Court of Hamilton County, Tennessee as provided in the Tennessee Code Annotated.

(C)(1) As per the provisions of T.C.A. Section 13-7-301, certain limited provisions of this subsection may not be applicable or wholly applicable to “Grandfathered Short Term Rental Units”.

Section 9-16-106. Permit approval, transferability, conditions, renewal and revocation

(A) Permit approval. The Permit Application, if approved, shall be issued for a specific site location and/or address of the proposed short term rental unit or Grandfathered short term rental unit provided in the application as set forth in this Chapter of the City Code. The OCM reserves the right to condition Permit approval to a certain number of rooms, operating days/hours, signage, or other restrictions, including but not limited to vegetative or other sight screening and directional outdoor lighting requirements, as may be deemed necessary to address impacts to adjacent or nearby properties and/or to ensure safe operation of the property. Said conditions will be based on the recommendation of the OCM.

Upon receipt of a short term rental unit Permit number, the applicant must display said number on any materials or platforms used to advertise the short term rental unit.

(B) Grant or denial of application. Review of an application shall be conducted in accordance with due process principles and shall be granted unless the applicant fails to meet the conditions and requirements of this Chapter, or otherwise fails to demonstrate compliance with generally applicable local ordinances, state or federal law. Any false statements or information provided in the application are grounds for revocation, suspension and/or imposition of penalties, including denial of future applications. The decision of the OCM as to whether to issue, deny or revoke any Permit shall be final, reviewable only by application for Writ of Certiorari to the Chancery Court of Hamilton County, Tennessee as

provided in the Tennessee Code Annotated.

(C) Transferability. The Certificate is non-transferable to another site, property, location or owner. Grandfathered short term rental unit Permits are subject to additional transferability restrictions as provided in T.C.A. Section 13-7-601, et seq., as now enacted or hereafter amended.

(D) Revocation. The City reserves the right to suspend, revoke and/or modify any Permit as restrictions and/or conditions imposed as a granted short term rental unit at any time upon notice to the address of record for the short term rental unit and after a public hearing. Once the property has three (3) documented City Code and/or other violations of any generally applicable state laws or breaches of the peace within any running 12 month period and/or based upon unreasonable interference with the use and enjoyment of adjoining or other nearby properties. Such violations shall be evidenced by a finding of guilt or fault or unreasonable interference with the use and enjoyment of nearby properties, by a court or an administrative officer or other body designated by the City Commission.

A short term rental unit Permit which is revoked shall prevent its Permit holder and/or any owner of or agent for the specific property from applying for a new Permit for short term rental unit Permit for a period of one (1) year from date of revocation.

(E) Suspension of Permit. The OCM may suspend a previously issued Permit in the event that a Permittee is found to be noncompliant with any of the terms, conditions or requirements of this Ordinance. Any permit which is suspended for administrative noncompliance with permitting requirements may be, upon payment of a fifty (\$50.00) dollar reinstatement and inspection fee, be reinstated upon the Permittee demonstrating, to the satisfaction of the OCM, that the noncompliance issue(s) which resulted in suspension of the Permit have been resolved.

(F) No property shall be operated as a short term rental unit which its Permit is suspended and/or if its Permit has been revoked and unless and until a valid short term rental unit Permit shall be subsequently issued by the OCM.

(G) As per the provisions of T.C.A. Section 13-7-301, certain limited provisions of this subsection may not be applicable or wholly applicable to "Grandfathered Short Term Rental Units".

Section 9-16-107. Short term rental unit annual fee

(A) There shall be a short term rental unit Permit renewal and inspection fee to be paid annually in the amount of \$100.00 which, upon inspection by the City and satisfactory demonstration of compliance by the Permit holder and property of the terms, provisions and conditions of the Ordinance shall entitle the Permittee to renewal of the Permit for the ensuing twelve (12) months.

(B) Failure to pay the annual renewal fee and to cooperate with permit inspection requirements shall result in suspension of the Permit which, if not remedied within sixty (60) days after suspension, shall automatically result in revocation of the Permit for that particular location.

Section 9-16-108. Short term rental agent

(A) The owner of a short term rental unit shall designate a short term rental Agent on its application for a Permit for a short term rental unit. A property owner may serve as the short term rental Agent. Alternatively, the owner may designate a person as his or her agent who is over age 18 and meets all local and state regulatory requirements to fulfill the duties of a short term rental Agent.

(B) The duties of the short term rental Agent are to:

- (i) Be reasonably available to handle any problems arising from use of the short term rental unit;
- (ii) Appear on the premises of any short term rental unit within two hours following notification from the City of issues related to the use or occupancy of the premises. This includes, but is not limited to, notification that occupants of the short term rental unit have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of the City Code or other applicable law pertaining to noise, disorderly conduct, overcrowding, consumption of alcohol, or use of illegal drugs. Failure of the agent to timely appear to two or more complaints regarding violations may be grounds for penalties and/or permit/certificate revocations as set forth in this Chapter. This is not intended to impose a duty to act as a peace officer or otherwise require the agent to place himself or herself in a perilous situation;
- (iii) Receive and accept service of any notice of violation or notice of hearing related to the short term rental unit; and

(iv) Monitor the short term rental units for compliance with all laws, including without limitations compliance with the provisions of the Hotel-Motel tax authorized by T.C.A. §67-4-1401 et seq.;

(C) An owner may change his or her designation of a short term rental Agent temporarily or permanently; however, there shall only be one such agent for a property at any given time. To change the designated agent, the owner shall notify the OCM in writing of the new agent's identity, together with all information regarding such person as required by the applicable provisions of this Chapter.

(D) As per the provisions of T.C.A. Section 13-7-301, certain limited provisions of this subsection may not be applicable or wholly applicable to "Grandfathered Short Term Rental Units".

#### Section 9-16-109. Failure to obtain permit; penalties

(A) Any violation of this Article, including failure to obtain a Permit or to renew a Permit of continued or initiating operation of a short term rental unit either without a Permit or after revocation of a Permit shall be punishable by a civil penalty of one hundred (\$100.00) dollars per violation. Each day that the violation continues shall be a separate offense. There shall be a rebuttable presumption that a person or entity is in violation of this Chapter if they list or hold out a property as a short term rental unit without first obtaining a short term rental Permit. This rebuttable presumption also applies to those dwellings featured on websites whose primary purpose is business related to short term rental unit reservations.

(B) The owner and/or Agent of or with respect to a "Grandfathered Short Term Rental Unit", which may be otherwise exempt from compliance with some of the regulations, conditions and requirements of this Ordinance shall nevertheless be required to apply for a Permit within the thirty (30) days next following the effective date of this Ordinance. If the owner or agent shall fail to apply within said thirty (30) day period or shall otherwise fail to meet the requirements of generally applicable laws, rules and ordinances as to said Grandfathered short term rental units, shall, upon notice from the OCM cease operations as a short term rental unit and shall not resume such operations or advertisement as a short term rental unit until such time as the owner and/or property shall make a proper application for a Permit and demonstrate compliance with all requirements of this Ordinance and generally applicable law. As provided in T.C.A.

Section 13-7-604, a “Grandfathered short term rental unit” may lose grandfathered status by failure to adhere to and/or violation of all or any of the qualifying conditions and/or requirements of T.C.A. Section 13-7-604, including but not limited to

- (1) The property used as a Grandfathered short term rental unit is sold or otherwise transferred by or from the owner(s) of the property when first qualified or established as a Grandfathered short term rental unit and/or
  - (2) The property ceases to be used as a short term rental unit for any period of thirty (30) continuous months and/or
  - (3) The property has been found to be in violation of a generally applicable local Ordinance or state law on three (3) or more separate times and with no appeal opportunities remaining.
- (C) As per the provisions of T.C.A. Section 13-7-301, certain limited provisions of this subsection may not be applicable or wholly applicable to “Grandfathered Short Term Rental Units”.

Section 9-16-110. Invalidity of part; private agreements and covenants

Should any court of competent jurisdiction declare any section, clause or provision so declared unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provisions of this Article. Additionally, this Chapter shall in no way be used to supersede any privately created agreements or covenants by any homeowner associations or developers restricting certain uses.

SECTION 2. Every section, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

SECTION 3. This Ordinance shall take effect from and after the date of its final passage the health, safety and welfare of the citizens of the City of Red Bank requiring it.

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Mayor

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City Recorder

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Passed on First Reading

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Passed on Second and Final Reading

Approved as to form:

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City Attorney

ORDINANCE NO. 18-1109

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND  
ORDINANCE NO. 15-1020, THE RED BANK ZONING ORDINANCE TO  
CLARIFY ZONING REGULATIONS RELATED TO SHORT TERM RENTAL  
UNITS

WHEREAS, the City Commission recognizes the increasing existence, locally, regionally, statewide and nationally, of commercial and/or quasi-commercial endeavors whereby residential dwelling units are leased, rented, utilized or occupied, in exchange for a fee and/or various forms of consideration, on a short term basis, and often advertised on or promoted pursuant to internet or digitally based platforms and/or other forms of social media; and

WHEREAS, the current Red Bank Zoning Ordinance and regulations have heretofore been interpreted as prohibiting such commercial or quasi-commercial or similar short term temporary occupancy rentals and residential occupancy endeavors in almost all of the residential zones of the City, and except as relates to zones R-3, zones R-4 Special and zones R-5, i.e. in the context of boarding and/or rooming houses as defined in the Red Bank City Zoning Ordinance; and

WHEREAS, the Board finds and determines that the present utilization of commercial and/or quasi-commercial short term rental units within most of the residential zones in the City, except zones R-3, R-4 Special and R-5 would be contrary to the land use plan and to the finding and objectives of the City and would be likely deleterious to the community residential atmosphere(s) sought to be fostered and encouraged by the Commission and by the Red Bank Planning Commission; and

WHEREAS, utilization of residential properties by short term occupants, on a commercial or quasi-commercial basis, likely increases the risk and likelihood of potentially irresponsible and/or interruptive behavior or conduct by some short term rental unit occupants and is of sufficient concern to recommend prohibition of such uses in all residential zones except for R-3, R-4 Special and R-5; and

WHEREAS, short term residential rental units are more compatible with zoning uses and zoning plans found in less restrictive residential zones and commercial zones in the City of Red Bank where more adequate and appropriate facilities, customs and similar uses have historically been encouraged, permitted and provided for; and

WHEREAS, the State of Tennessee has recently enacted legislation, codified at T.C.A. Section 13-7-801, et seq. addressing and pre-empting some aspects of regulation by zoning of certain existing and pre-existing short term rentals.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee, as follows:

SECTION 1. Ordinance No. 15-1020, codified at Red Bank City Code Section 14-101-14-1101, et seq., shall be and the same is hereby amended as follows:

I. SECTION 14-202. Definitions

(A) Add a new subsection, to wit:

202.82 Short Term Rental Unit defined: “Short term rental unit” or “unit” means a residential dwelling that is rented wholly or partially for a fee for a period of less than thirty (30) continuous days and does not include a hotel as defined in T.C.A. Section 68-14-302 or a bed and breakfast establishment or a bed and breakfast homestay as those terms are defined in Section T.C.A. Section 68-15-502.

202.82(a) Grandfathered Short Term Rental Unit is defined: A short term rental unit/property that began being held out to the public for use as a short term rental unit within the City of Red Bank, and as to which the owner/manager provides therefor remitted taxes due on renting the unit pursuant to the provisions of Tennessee Code Annotated Section 67-6-501, et seq. for filing periods that cover at least six (6) months within the twelve month period immediately preceding the effective date of this Ordinance, i.e. \_\_\_\_\_, 2018, such short term residential unit legally pre-existing (as defined herein) the effect date of this Ordinance shall be hereafter referred to as “Grandfathered short term rental unit(s).”

II. SECTION 14-301. R-1 Residential Zone

(A) Renumber subsection 301.01, Permitted Uses, as 301.01(A), Permitted Uses.

(B) Add a new subsection, to wit:

301.01 (B) Prohibited Uses

(1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.

(2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.

(3) Any industrial uses.

(4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

(5) Short term residential rental units, with the exception of duly permitted and previously legally existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-601, et seq.

III. SECTION 14-303. R-1 Open Space Residential Zone

(A) Renumber subsection 303.04, Permitted Uses, as:

303.04(A), Permitted Uses.

(B) Add a new subsection, to wit:

303.04(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.
- (5) Short term residential rental units, with the exception of duly permitted and previously legally existing "Grandfathered short term rental units" as defined herein and as required by T.C.A. Section 13-7-601, et seq.

IV. SECTION 14-304. R-2 Residential Zone

(A) Renumber subsection 304.01, Permitted Uses, as:

304.01(A), Permitted Uses.

(B) Add a new subsection, to wit:

304.01(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this

subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

(5) Short term residential rental units, with the exception of duly permitted and previously legally existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-106, et seq.

V. SECTION 14-305. R-3 Residential Zone

(A) Renumber subsection 305.01, Permitted Uses, as 305.01(A), Permitted Uses and revise subsection (J) to add “Short Term Residential Rental Units, subject to certification and issuance and maintenance of current short term residential rental permit.”

(B) Add a new subsection, to wit:

305.01(B) Prohibited Uses

(1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.

(2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.

(3) Any industrial uses.

(4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

VI. SECTION 14-306. R-4 Special Zone

(A) Renumber subsection 306.01, Permitted Uses, as 306.01(A), Permitted Uses and add a new subsection (N) to the list of permitted uses:

(N) Short Term Rental Units, subject to certification and issuance and maintenance of a current short term rental permit.

(B) Add a new subsection, to wit:

306.01(B) Prohibited Uses

(1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.

(2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.

(3) Any industrial uses.

(4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

(C) Amend 306.01(A)(B), Permitted Uses, to read:

(B) Lodging, rooming and boarding houses, and short term residential rental units, subject to issuance and maintenance of a short term rental permit, or a “Grandfathered short term rental unit permit” as required by T.C.A. Section 13-7-601, et seq.

VII. SECTION 14-307. PUD Planned Unit Development

(A) Add a new subsection, to wit:

307.02(B) Prohibited Uses

(1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.

(2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.

(3) Any industrial uses.

(4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

(5) Short term residential rental units, with the exception of duly permitted and previously legally existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-601, et seq.

VIII. SECTION 14-308. RT-1 Residential Townhouse Zone

(A) Renumber subsection 308.02, Permitted Uses, as 308.02(A), Permitted Uses.

(B) Add a new subsection, to wit:

308.02(B) Prohibited Uses

(1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.

- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.
- (5) Short term residential rental units, with the exception of duly permitted and previously legally existing “Grandfathered short term rental units” as required by T.C.A. Section 13-7-601, et seq.

IX. SECTION 14-309. RZ-1 Zero Lot Line Residential Zone

- (A) Renumber subsection 309.02, Permitted Uses, and add a new subsection ( ) Short Term Rental Units:

309.02(A) Permitted Uses.

- (B) Add a new subsection, to wit:

309.02(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.
- (5) Short term residential rental units, with the exception of duly permitted and previously legally existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-601, et seq.

X. SECTION 14-310. R-T/Z Residential Townhouse/Zero Lot Line Zone

- (A) Renumber subsection 310.02, Permitted Uses:

310.02(A) Permitted Uses.

(B) Add a new subsection, to wit:

310.02(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission, with the exception of duly permitted and previously existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-601, et seq.
- (5) Short term residential rental units, with the exception of duly permitted and previously legally existing “Grandfathered short term rental units” as defined herein and as required by T.C.A. Section 13-7-601, et seq.

XI. SECTION 14-311. R-5 Residential Zone

(A) Renumber subsection 311.01, Permitted Uses, and add a new subsection (M) Short Term Rental Units, subject to certification and issuance and maintenance of current short term rental permit as:

311.01(A) Permitted Uses.

(B) Add a new subsection, to wit:

311.01(B) Prohibited Uses

- (1) Uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district.
- (2) Any commercial or quasi-commercial use or usages except as expressly permitted herein.
- (3) Any industrial uses.
- (4) Any use not closely similar in character and impact as the above specified and allowed/permitted uses including but not limited to the prohibited uses specified below, provided that the final interpretation of this subsection, if necessary, shall be by the Red Bank City Commission upon recommendation of the Red Bank Planning Commission.

XII. SECTION 14-402. C-1 Commercial Zone

- (A) Amend subsection 402.02(K), Permitted Uses, to read as follows:  
(K) Hotels/motels, short term residential rental units, subject to certification and issuance and maintenance of current short term residential rental permit and/or certification as otherwise provided by in Title 9, Chapter 16, Section 101, et seq., of the Red Bank City Code.

XIII. SECTION 14-404. C-2 Commercial Zone (Central Business District)

- (A) Amend subsection 404.02, Permitted Uses, at subsection (S) thereof to read:

(S) Single-family detached dwellings, except manufactured homes, but to include short term residential rental units, subject to certification and issuance and maintenance of current short term residential rental permit and/or certification as otherwise provided by in Title 9, Chapter 16, Section 101, et seq., of the Red Bank City Code.

- (B) Amend subsection 404.03, Prohibited Uses, at subsection (H) thereof to correct a typographical/stenographic error so that subsection (H) reads:

(H) New or used automobile, boat, farm equipment, motorcycle, recreational vehicle sales or dealerships or uses similar in character

- (C) Amend subsection 404.03(K), Prohibited Uses, to read as follows:

(K) In general, any use not in keeping with the character and intent of this zone, i.e. uses expressly permitted in any other zoning district unless also expressly permitted in this zoning district, any industrial uses

XIV. SECTION 14-405. C-3 Neighborhood Commercial Zone

- (A) Amend subsection 405.03(Q), Permitted Uses, to read as follows:

(Q) Dwellings, excluding manufactured or mobile homes when in the same building as one of the permitted uses, including, if applicable, short term residential rental units, subject to certification and issuance and maintenance of current short term residential rental permit and/or certification as otherwise provided by in Title 9, Chapter 16, Section 101, et seq., of the Red Bank City Code.

SECTION 2. Every section, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

SECTION 3. This Ordinance shall take effect from and after the date of its final passage the health, safety and welfare of the citizens of the City of Red Bank requiring it.

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Mayor

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City Recorder

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Passed on First Reading

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Passed on Second and Final Reading

Approved as to form:

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City Attorney

**RESOLUTION NO. 18-1233**

**A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE AND LOCAL GOVERNMENT CORPORATION IN THE AMOUNT OF \$43,621.70 FOR THE PURCHASE OF UPGRADED FINANCIAL ACCOUNTING SOFTWARE AND COURT ADMINISTRATION SOFTWARE, AND ANNUAL SOFTWARE MAINTENANCE AND SUPPORT SERVICES**

**WHEREAS**, the City of Red Bank has utilized various modules of accounting software developed by Local Government Corporation for the past several years; and

**WHEREAS**, the City desire to upgrade its accounting software to the latest version offered by Local Government Corporation and to also upgrade the City court software to Local Government Corporation, and

**WHEREAS**, there are yearly software maintenance and support cost associated with continued use of the software; and

**WHEREAS**, Local Government Corporation has agreed to provide the upgraded software and software maintenance and support services for FY 2019 at a total cost of \$43,621.70; and

**WHEREAS**, funds are available and budgeted in the FY 2019 budget.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Red Bank that the agreement with Local Government Corporation for the provision of upgraded accounting and court computer software and software maintenance and support services in the amount of \$43,621.70 be and is hereby approved.

**BE IT FURTHER RESOLVED** that the City Manager or Mayor is authorized to sign and execute the contract upon approval by the City Attorney.

Resolved this 17<sup>th</sup> day of July 2018

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

**RESOLUTION NO. 18-1234**

**A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND THE HUMANE EDUCATION SOCIETY IN THE AMOUNT OF \$69,990.00 FOR ANIMAL CONTROL SERVICES**

**WHEREAS**, it has been determined that the humane education and animal control services provide a benefit to the citizens of the City; and

**WHEREAS**, the Humane Education Society has provided these services to the City of Red Bank for the past several years; and

**WHEREAS**, the City desires that the Humane Education Society continue to provide these humane education and animal control services; and

**WHEREAS**, the Humane Education Society has agreed to provide the services for FY 2019 for the amount of \$69,990.00; and

**WHEREAS**, funds are available and budgeted in the FY 2019 budget.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Red Bank that the agreement with the Humane Education Society for the provision of humane education and animal control services in the amount of \$69,990.00 be and is hereby approved.

**BE IT FURTHER RESOLVED** that the City Manager is authorized to sign and execute the contract upon approval by the City Attorney.

Resolved this 17th day of July 2018

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Mayor

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City Recorder

**RESOLUTION NO. 18-1235**

**A RESOLUTION AUTHORIZING THE PURCHASE OF FOUR 2018 FORD POLICE INTERCEPTOR UTILITY VEHICLES, IN THE AMOUNT OF \$116,396.00, FROM FORD OF MURFREESBORO**

**WHEREAS**, the City of Red Bank is in need of four (4) police fleet vehicles to replace older fleet models; and

**WHEREAS**, pursuant to state law the City of Red Bank is permitted to purchase the vehicles under the State of Tennessee Contract Bid #209/56446 without the formal competitive bidding requirements; and

**WHEREAS**, the vehicles will be purchased under the State of Tennessee Contract from Ford of Murfreesboro at a price of \$29,099.00 each, for a total of \$116,396.00; and

**WHEREAS**, funding is available and budgeted in the Fiscal Year 2019 Operating Budget; and

**WHEREAS**, it is necessary for the City Commission to approve the purchase of the vehicles.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Red Bank, Tennessee, that the purchase of four (4) new 2018 Ford Police Interceptor Utility All Wheel Drive vehicles, in the amount of \$29,099.00 each, for a total of \$116,396.00, from Ford of Murfreesboro be and is hereby approved.

**BE IT FURTHER RESOLVED** that the City Manager is authorized to sign and execute the purchase contract upon approval by the City Attorney.

Adopted and approved this 17<sup>th</sup> day of July 2018

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Mayor

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City Recorder

**RESOLUTION NO. 18-1236**

**A RESOLUTION AUTHORIZING THE PURCHASE OF NINE PORTABLE RADIOS AND ONE CHARGER FROM MOTOROLA SOLUTIONS, IN THE AMOUNT OF \$45,175.92, FOR THE FIRE DEPARTMENT**

**WHEREAS**, the City of Red Bank Fire Department is in need of nine (9) P25 compliant mobile radios and one (1) six bay charger; and

**WHEREAS**, pursuant to state law the City of Red Bank is permitted to purchase the radios and charger under the State of Tennessee Contract Bid #418 without the formal competitive bidding requirements; and

**WHEREAS**, the radios and charger will be purchased under the State of Tennessee Contract from Motorola Solutions at a cost of \$45,175.92; and

**WHEREAS**, funding is budgeted and available in the Fiscal Year 2019 Operating Budget; and

**WHEREAS**, pursuant to the City of Red Bank Purchasing Policy, it is necessary for the City Commission to approve the purchase.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Red Bank, Tennessee, that the purchase of nine (9) P25 compliant mobile radios and one (1) six bay charger, in the amount of \$45,175.92, from Motorola Solutions be and is hereby approved.

**BE IT FURTHER RESOLVED** that the City Manager is authorized to sign and execute the purchase documents upon approval by the City Attorney.

Adopted and approved this 17<sup>th</sup> day of July 2018

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Mayor

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City Recorder

**RESOLUTION NO. 18-1237**

**A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN HAMILTON COUNTY, TENNESSEE AND THE CITY OF RED BANK, TENNESSEE, RELATING TO GEOGRAPHIC INFORMATION SYSTEMS**

**WHEREAS**, T.C.A. Sections 5-1-113 and 12-9-101, *et. seq.* provide for interlocal agreements and interlocal cooperation amongst governmental entities; and,

**WHEREAS**, the City of Red Bank, from time to time, has a need to utilize the Hamilton County Geographical Information Systems (HCGIS); and

**WHEREAS**, Hamilton County Government, by and through an Interlocal Agreement, desires to provide the City of Red Bank, Tennessee, access to all GIS data generated by the Hamilton County GIS, including all automatic base mapping products and all GIS products, aerial photography and digital photography as they become available; and

**WHEREAS**, the cost to access the Hamilton County GIS data for FY 2019 is \$10,272.00 and is budget in the FY 2019 Operating Budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Commission of the City of Red Bank, Tennessee that the Interlocal Agreement between Hamilton County, Tennessee and the City of Red Bank, Tennessee, whereby Hamilton County GIS will provide the City of Red Bank, Tennessee, access to all GIS data generated by the Hamilton County GIS, including all automatic base mapping products and all GIS products, aerial photography and digital photography as they become available, be and is hereby approved and that the Mayor or the City Manager be authorized and directed to execute same on behalf of the City.

Resolved this the 17<sup>th</sup> day of July, 2018

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Mayor John Roberts

Attest:

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City Recorder Ruth Rohen

ORDINANCE NO. 18-1126

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO ADD A NEW SECTION 6-108 TO TITLE 6 OF THE RED BANK CITY CODE WITH RESPECT TO THE IMPLEMENTATION AND MANAGEMENT OF THE STATE PLAN OF OPERATIONS RELATIVE TO ACQUISITION BY THE RED BANK POLICE DEPARTMENT OF U.S. DEPARTMENT OF DEFENSE TRANSFER OF MILITARY GRADE PERSONAL PROPERTY VEHICLES, AND MISCELLANEOUS EQUIPMENT AS AUTHORIZED BY THE PROVISIONS OF TITLE 10, U.S.C. SECTION 2576(A), ET SEQ.

WHEREAS, pursuant to Title 10 United States Code Section 2576(a), et seq. the United States Department of Defense is authorized to release and transfer possession of certain military grade assets of the United States for utilization by Local Law Enforcement Agencies, such as the Red Bank Police Department, for the purposes of support of various law enforcement activities, etc. Said authorization and enabling legislation is additionally on occasion referred to as the “1033 Program” and/or the “LESO Program”; and

WHEREAS, as required by the enabling legislation, the LESO Program is required to be administered, as is relevant herein, initially by the Governor of the State of Tennessee who/which acts in turn by and through the duly constituted, authorized and appointed Department of General Services for the State of Tennessee and;

WHEREAS, the Department of General Services for the State of Tennessee has enacted its State Plan of Operation, to govern such programs and transfers and that the same has been proposed, in contract form, between the State of Tennessee, and the City of Red Bank, which Contract is hereby approved by the City Commission for the City of Red Bank, Tennessee and by Resolution dated the \_\_\_\_ day of \_\_\_\_\_, 2018 by which the City Commission has and does hereby authorize the Chief of Police of the City of Red Bank to sign and accept the said State Plan of Operations Contract Form on behalf of the City of Red Bank;

WHEREAS, the City Commission hereby adopts this Ordinance to govern and address with greater particularity the actions of the City, the City Manager and the Chief of Police with respect to the LESO Program and the referred State Plan of Operation, long term, short term, intermediate and of all and any of the aspects of the LESO Program and of the City’s interaction with the State Plan of Operation, and to govern the day to day implementation of the LESO Program by the City of Red Bank.

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee:

That there is hereby enacted a new and additional Chapter and Section to Title 6 of the Red Bank City Code, codified at new section 6-108 hereby as follows:

SECTION 1. Section 6-108, LESO Program, Implementation:

(A) The City Commission hereby approves this City's participation in the State of Tennessee sponsored LESO Program such that the City may be eligible to receive military grade personal property, assets and equipment made available to various local law enforcement agencies such as the Red Bank Police Department by the United States Department of Defense and as authorized by the provisions of Title 10 of the United States Code, Section 2576(A) et seq. and as further authorized and implemented by the Governor of the State of Tennessee, acting by and through the Tennessee Department of General Services.

(B)(1) The Chief of Police is authorized to execute for and on behalf of the City, following final approval of the form of contract by the City Manager and City Attorney, the authorizing and implementing Contract and agreement with respect to the City's participation in the said "LESO Program" and entitled State Plan of Operations Between the State of Tennessee and the City of Red Bank, Tennessee.

(2) The City Manager and Chief of Police are authorized and directed to return an executed copy of the said State Plan of Operations Between the State of Tennessee and the City of Red Bank, Tennessee to the Department of General Services and to perform any and all additional administrative tasks necessary in order to implement and carry out its broadly stated purposes.

(C)(1) Notwithstanding any other provisions set forth as contained within the terms, provisions and conditions of said State Plan of Operations Between the State of Tennessee and the City of Red Bank, Tennessee, the Chief of Police shall not make any applications or requests for transfers of any personal property, equipment, commodities, vehicles, assets, expendables (such as ammunition) without the written approval of the City Commission, by resolution duly adopted, and preceded by a written request prepared by the Chief of Police and submitted to the City Commission through the City Manager explaining the necessity and requesting authority and approval from the City Commission to make further application to the State of Tennessee / Department of Defense and providing a detailed rationale for such requested acquisition(s) together with a projected budget / cost benefit analysis with respect to acquisition, usage, oversight, maintenance and anticipated length of service of any and all such assets. In forwarding same to the City Commission, the City Manager shall recommend in writing, whether to approve or reject same and shall give explanation for such recommendations.

(2) No application shall be made to the Department of General Services for any manned or unmanned aircraft, fixed or rotary winged aircraft, unmanned aerial vehicles, wheeled armored vehicles, wheeled vehicles, wheeled vehicles of any sort, armored vehicles of any sort, all-terrain vehicles utilizing any combination of wheels and/or tracks and/or treads, any specialized ammunition and whether or not over or under .50 caliber ammunition (except for standard issue arms and/or ammunition for previously authorized police department issued service weapons), and explosives or pyrotechnics of any kind or nature, all as defined in the State Plan of Operations Between the State of Tennessee and the City of Red Bank as "Controlled Property," without express written approval, via duly adopted resolution of the City Commission of the City of Red Bank, and only after written report of the City Manager detailing budgetary and potential liability issues.

(D) No application shall be filed with the Tennessee Department of General Services, or any other entity under the LESO Program except upon express written approval of the City Commission.

(E) The City Manager and the Chief of Police shall jointly develop a written plan and policy to address all aspects of implementation of the hereinabove referenced LESO Program, to include but not be limited to the following provisions:

(1) The Chief of Police shall certify to the City Commission, with copy to the City Manager, coincident with the end of each fiscal year that the City and the Police Department are in compliance of all aspects of the State Plan of Operations Between the State of Tennessee and the City of Red Bank authorized hereby and entered in and by and between the State of Tennessee and the City of Red Bank including but not limited to any and all requirements, rules, regulations and standards related to “controlled equipment” as defined in the State Plan of Operations, any and all inventory requirements as further specified and set forth in the State Plan of Operations, any and all reporting and accounting requirements to the Department of General Services or any other governmental entity, with respect to conducting a certified annual inventory and reporting all as is required by the State Plan of Operations. A program compliance review certifying compliance with all the terms and conditions of any State Plan of Operation, any and all records management, and all terms, conditions as set forth in the State Plan of Operations shall be tendered to the City Manager who shall make same available to the City Commission and shall be provided by the Chief of Police during the month of June of each year.

(2) The policy written, promulgated and filed by the City Manager and Chief of Police shall be submitted to the City Commission for review, modification, objection and/or approval prior to any application(s) for access to or possession of any of the military grade properties, commodities, equipment, vehicles, or any other assets from the State Department of General Services and/or indirectly from the Department of Defense / United States Government.

SECTION 2. Every section, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

SECTION 3. This Ordinance shall take effect from and after the date of its final passage the health, safety and welfare of the citizens of the City of Red Bank requiring it.

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Mayor

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City Recorder

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Passed on First Reading

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Passed on Second and Final Reading

Approved as to form:

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City Attorney