

BOARD OF COMMISSIONERS' MEETING

Minutes
March 6, 2018
7:00 p.m.

- I. **Call to Order** – Vice Mayor Pierce called the meeting to order at 7:00 p.m.
- II. **Roll Call** – City Manager Smith called the roll. Vice Mayor Pierce, Commissioner Pope, Commissioner Rose and Commissioner LeCompte were present, Mayor John Roberts was absent. Also present was City Attorney Arnold Stulce, Fire Chief Mark Mathews, Police Chief Robert Simpson, Public Works Director Tim Thornbury, 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. **February 20, 2018 Agenda Work Session**
 - B. **February 20, 2018 Commission Meeting**Commissioner Rose 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**
 - Absent
- VII. **Commissioners Report**
 - **Vice-Mayor Eddie Pierce**
 - Welcomed everyone, good to see such a large attendance.
 - **Commissioner Ed LeCompte**
 - Welcomed all.
 - Missed last meeting due to a planned vacation.
 - Announced the birth of a great-grandchild, that was born this morning.
 - **Commissioner Terry Pope**
 - Welcomed everyone.
 - **Commissioner Carol Rose**
 - Welcomed all.
 - Happy that Red Bank had no major issues during the recent heavy rains.
- VIII. **City Manager Report**
 - No report
- IX. **Awards and Recognition – The Red Bank and Soddy Daisy Foundation**

Vice Mayor Pierce invited Foundation Vice-Chairman Patricia Baker, Secretary Becky Browder and Board Member Virgil Adams forward. Vice Chair Baker presented a check to the City of Red Bank in the amount of \$23,200.00 and advised that the Red Bank Soddy Daisy Charitable Foundation stipulates, consistent with the application tendered by the city, that grant funding be used to replace Christmas decorations that were destroyed in a recent fire.

Public Hearings

Vice Mayor Pierce advised that there are three separate Public Hearings on the agenda tonight.

1) Proposed amendment to the Zoning Ordinance in regard to minimum square footage requirements in the R-1 and R-1A Residential Zones.

City Attorney Stulce explained that this ordinance, initiated by the Commission, and if approved, will amend the zoning regulations so as to place minimum square footage requirements for newly constructed homes in the R-1 and R-1A zones of the city. He further explained that the minimum square footage would be set at 1400 square feet in the R-1 zone and 2000 square feet in the R-1A zone, with no allowances for existing surrounding home sizes. It was noted that the Red Bank Planning Commission reviewed this ordinance and recommended against approval. Vice Mayor Pierce invited citizen comments, of which there were none. After nothing further this Public Hearing was closed.

2) Proposed amendment to the Zoning Ordinance in regard to Short Term Residential Rental Properties

City Manager Smith explained that this ordinance will amend the Zoning Ordinance to define the term Short Term Residential Rentals and designate zones where these type business uses will be permitted and/or prohibited. He explained that, if approved, Short Term Residential Rentals will be permitted in R-3 and R-4 Residential zones and Commercial Zones and that they would be prohibited in all other zones. It was also explained that there is an accompanying ordinance on the agenda tonight that regulates registration of Short Term Residential Rentals with respect to various code and safety issues. It was noted that the Red Bank Planning Commission held a Public Hearing in regard to this matter and has recommended approving the ordinance. Vice Mayor Pierce invited Citizen Comments:

- Fred Spahn, 308 Hedgewood Drive, Favors the concept of Short Term Rentals in all zones.
- Chris Williams, 2016 Ashmore Avenue, Favors the concept of Short Term Rentals in all zones.
- Andrea Abercrombie, 2000 James Avenue, Favors the concept of Short Term Rentals in all zones.
- Marie King, 3607 Pickering Avenue, Favors the concept of Short Term Rentals in all zones.
- Diane Evans, 207 W. Euclid Avenue, Favors the concept of Short Term Rentals in all zones.
- Erin Spahn, 308 Hedgewood Drive, Favors the concept of Short Term Rentals in all zones.
- 307 Euclid Avenue, Favors the concept of Short Term Rentals in all zones.

All who spoke urged the Commission to investigate further before adopting the ordinance referenced above.

After no further comments, this Public Hearing was closed.

3) Proposed amendment to the Zoning Ordinance in regard to Planned Unit Development set-back requirements

City Attorney Stulce gave an overview of the ordinance and advised that the current zoning regulations require a minimum set-back of 25 feet. He explained that this ordinance would amend that number to whatever distance the City Commission deems appropriate. Vice Mayor Pierce invited citizen comments:

- Rocky Chambers, Chattanooga Engineering Group, Advised that he is the engineer for the Midvale Highland PUD and would like to see this ordinance approved. He advised that there are two lots in the Midvale Highlands development that, due to the proposed home size, cannot meet the 25 foot minimum setback requirement because the prospective purchasers want to have a covered deck constructed.
- Chris Anderson, GreenTech Homes, Advised that he is the developer of the Midvale Highland PUD and that there are two lots that cannot meet the 25 foot setback requirement. He requested

that one be reduced to 20 foot setback and the other reduced to 17 foot setback so that the prospective purchasers can have covered decks that will extend into the 25 foot setback space.

After no further discussion this Public Hearing was closed.

X. Unfinished Business – None

XI. New Business –

A. AGENDA ITEM 18-833 – CERTIFICATE OF COMPLIANCE K VAT FOOD STORES, INC., FOOD CITY, 3901 DAYTON BLVD.

City Manager Smith advised that this Certificate of Compliance is required by the Alcoholic Beverage Commission as a condition of renewing the store's liquor license. It was explained that the city has very limited authority in the issuance of liquor licenses. The Police Department has certified the setback distances, the background check for the permit holder and the lack of any alcohol related offences. Commissioner LeCompte made a motion to approve the Certificate of Compliance, second by Commissioner Rose. The Certificate of Compliance for K VAT Food Stores Inc., dba Food City was approved with all Commissioners voting "yes".

B. ORDINANCE NO. 18-1107 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO, 15-1020, THE RED BANK ZONING ORDINANCE AT 14-201.02 THEREOF AND CODIFIED AT RED BANK CITY CODE, TITLE 14, CHAPTER 3, TO FIRMLY DEFINE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR NEW HOMES IN THE R-1 AND R-1A ZONING DISTRICTS (FIRST READING)

Vice Mayor Pierce advised that this item was discussed in detail during an earlier public hearing. Commissioner Rose made a motion to approve the ordinance, second by Commissioner Pope. There were no citizen comments. **Roll Call Vote: Vice Mayor Pierce "yes", Commissioner LeCompte "no", Commissioner Pope "yes", Commissioner Rose "yes"**. Ordinance No. 18-1107 was approved on first reading by a three to one vote, with Commissioner LeCompte voting "no".

C. ORDINANCE NO. 18-1108 – 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 RESIDENTIAL RENTAL UNITS (FIRST READING)

Vice Mayor Pierce advised that this item was discussed in detail earlier in a public hearing. Commissioner Pope stated that after hearing the several comments from the several citizens, he feels that more consideration and research should be conducted. Commissioner Pope made a motion to table the ordinance until the April 3rd Commission Meeting. Commissioner Rose agreed and seconded the motion. There were no citizen comments. Ordinance No. 18-1108 was tabled until April 3, 2018 with all Commissioners voting "aye".

D. ORDINANCE NO. 18-1109 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND TITLE 9 OF THE RED BANK CITY CODE BY ENACTING A NEW CHAPTER 16 THEREOF TO ADDRESS THE REGULATION OF SHORT TERM RESIDENTIAL UNITS WITHIN THE CITY OF RED BANK (FIRST READING)

City Attorney Stulce explained that this ordinance, if approved will regulate oversight and registration of short term residential rental properties. Upon inquiry, he explained that this is a stand-alone ordinance and may be approved even though Ordinance No 18-1108 was tabled. Vice Mayor Pierce advised that he feels the two should be considered at the same time and made a motion to table the ordinance until April 3rd, second by Commissioner Pope. There were no citizen comments. Ordinance No. 18-1109 was tabled until April 3, 2018 with all Commissioners voting "aye".

E. ORDINANCE NO. 18-1110 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 15-1020, THE RED BANK ZONING ORDINANCE, CODIFIED AT TITLE 14, CHAPTER 3, SECTION 307 THEREOF, TO MODIFY PLANNED UNIT DEVELOPMENT SETBACK REQUIREMENTS (FIRST READING)

Vice Mayor Pierce advised that this ordinance was discussed in detail during an earlier Public Hearing. City Attorney Stulce advised that if the ordinance is approved, the Commission will either need to make a determination of the minimum set-back distance, or if no set-back distance is designated the Planning Commission will have total discretion when reviewing plans for Planned Unit Developments. He also explained that if the ordinance fails; minimum setbacks will remain at 25 feet. Commissioner LeCompte recommended changing the minimum setback to 10 feet. Commissioner Rose, citing her desire to keep the integrity of existing properties intact, made a motion to deny the ordinance, second by Vice Mayor Pierce. There were no citizen comments. **Roll Call Vote: Vice Mayor Pierce “yes”, Commissioner LeCompte “no”, Commissioner Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1110 fails by a three to one vote, with Commissioner LeCompte voting “no”.

F. ORDINANCE NO. 18-1111 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO ADDRESS AND CORRECT INCREASING DIFFICULTY WITH FALSE ALARMS IN HOMES AND BUSINESSES AS RELATES TO POLICE AND OTHER EMERGENCY RESPONSE TO FALSE ALARMS, TO BE KNOWN AS THE FALSE ALARM REDUCTION ORDINANCE AND CODIFIED AT RED BANK CITY CODE, TITLE 11, CHAPTER 8, SECTION 11-812 (FIRST READING)

City Manager Smith explained that the city has been receiving an increasingly large number of repeat false alarm calls. He advised that this ordinance will allow the issuance of citations for continuing violations by the same location. Commissioner LeCompte made a motion to approve the ordinance, second by Commissioner Pope. There were no citizen comments. **Roll Call Vote: Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1111 was approved on first reading with all Commissioners voting “yes”.

G. ORDINANCE NO. 18-1112 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO REGULATE PARKING OF AUTOMOBILES, TRUCKS, TRAILERS, AND OTHER SIMILAR VEHICLES AND EQUIPMENT UPON STREETS, ROADWAYS, AND RIGHT-OF-WAYS WITHIN THE CITY OF RED BANK AND TO AMEND TITLE 15, CHAPTER 6, SECTION 15-604 AND CHAPTER 7, SECTION 15-704 OF THE RED BANK CITY CODE (FIRST READING)

City Manager Smith advised that there are increasing amounts of cars that are parking on the roadways, blocking, or partially blocking, the flow of traffic and emergency vehicles. He advised that this ordinance will address on-street parking issues. Commissioner Pope made a motion to approve the ordinance, second by Commissioner Rose. There were no citizen comments. **Roll Call Vote: Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1112 was approved on first reading with all Commissioners voting “yes”.

H. ORDINANCE NO. 18-1113 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO ESTABLISH A GENERAL PENALTY CLAUSE FOR VIOLATIONS OF TITLE 15, CHAPTER 6, SECTION 601, ET SEQ. TO BE ENTITLED :”GENERAL PENALTY CLAUSE” AND TO ESTABLISH A NEW SUBSECTION 616 (FIRST READING)

City Manager Smith advised that this ordinance will set penalties for persons violating the on-street parking ordinance, Ordinance No. 18-1112. Commissioner Rose made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1113 was approved on first reading with all Commissioners voting “yes”.

I. ORDINANCE NO. 18-1114 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND FY 2018 OPERATING BUDGET TO APPROPRIATE DONATION FUNDING FROM THE RED BANK AND SODDY DAISY CHARITABLE FOUNDATION, IN THE AMOUNT OF \$23,200.00, AND TO ACCEPT CONDITIONS OF THE GRANT (FIRST READING)

Vice Mayor Pierce advised that this ordinance is to amend the budget to incorporate grant funding received earlier tonight from the Red Bank Soddy Daisy Charitable Foundation. He advised that approval of the ordinance will accept the stipulations of the grant, which include using the funding to purchase Christmas decorations. Vice Mayor Pierce and the Commissioners thanked the Foundation for the grant. Commissioner Pope made a motion to approve the ordinance, including accepting the grant stipulations. Motion was seconded by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1114 was approved on first reading with all Commissioners voting “yes”.

J. RESOLUTION NO. 18-1207 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE PERFORMANCE OF AN ANNUAL AUDIT BY OUTSIDE INDEPENDENT AUDITORS

Vice Mayor Pierce advised that this is a resolution to approve an agreement with the CPA firm of Johnson, Murphy and Wright to perform the required annual audit. It was explained that the amount of the agreement is \$34,550.00, which includes a single audit fee that may or may not be required. Commissioner LeCompte 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. Motion was seconded by Commissioner Rose. There were no citizen comments. Resolution No. 18-1207 was approved with all Commissioners voting “yes”.

K. RESOLUTION NO. 18-1208 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE PURCHASE OF ONE 2018 FORD TAURUS POLICE INTERCEPTOR SEDAN, IN THE AMOUNT OF \$31,760.00 FOR THE POLICE DEPARTMENT

Vice Mayor Pierce advised that this resolution will approve the purchase of a Ford Taurus for use by the Police Department. It was explained that the vehicle will be purchased under the State of Tennessee Contract at a cost of \$31,760.00 from Murfreesboro Ford. Commissioner Rose made a motion to approve the resolution, second by Commissioner LeCompte. There were no citizen comments. Resolution No. 18-1208 was approved with all Commissioners voting “yes”.

L. RESOLUTION NO. 18-1209 – A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND TRITECH SOFTWARE SYSTEMS, IN AN AMOUNT NOT TO EXCEED \$26,352.00 FOR COMPUTER AIDED DISPATCHING SOFTWARE LICENSING

City Manager Smith advised that Hamilton County 911 Dispatch is transitioning to a fully computer aided dispatch system. He explained that it is necessary for the City to purchase software licensing in order to continue receiving police dispatch services. He advised that TRITECH Software Systems is the vendor that Hamilton County is using for their CAD system. Commissioner Rose 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 Commissioner Pope. There were no citizen comments. Resolution No. 18-1209 was approved with all Commissioners voting “yes”.

M. ORDINANCE NO. 18-1115 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE FY 2018 DRUG FUND OPERATING BUDGET TO APPROPRIATE FUNDING FOR THE PURCHASE OF ONE MOTOR VEHICLE AND COMPUTER AIDED DISPATCH SOFTWARE FOR THE POLICE DEPARTMENT (FIRST READING)

Vice Mayor Pierce explained that this ordinance will amend the fiscal year 2018 Drug Fund budget to appropriate funding for the purchase of a Ford Taurus and computer aided dispatch software. He advised that the purchase of these two items was approved earlier in the meeting and the total amount of the amendment is \$58,112.00. Commissioner LeCompte made a motion to approve the ordinance, second by Commissioner Pope. There were no citizen comments. **Roll Call Vote: Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner**

Pope “yes”, Commissioner Rose “yes”. Ordinance No. 18-1115 was approved on first reading with all Commissioners voting “yes”.

XII. Citizen Comments – None

XIII. Adjournment

The meeting was adjourned at 8:14 p.m.

Mayor John Roberts

City Recorder Ruth Rohen