

**BOARD OF COMMISSIONERS' MEETING**

Minutes

February 5, 2019

6:00 p.m.

- I. **Call to Order** –Mayor Pierce called the meeting to order at 6:00 p.m.
- II. **Roll Call** – City Manager Thornbury called the roll. Mayor Pierce, Vice Mayor Pope, Commissioner Jenó, Commissioner LeCompte, and Commissioner Rose were present. Also present were City Attorney Arnold A. Stulce Jr., Fire Chief Mark Mathews, Interim Police Chief John Wright, Finance Director John Alexander, City Recorder Ruth Rohen and those listed on Exhibit A.
- III. **Invocation** – 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. **January 15, 2019 Agenda Work Session**
  - B. **January 15, 2019 Commission Meeting**
  - C. **January 22, 2019 Special Called Agenda Work Session**

Mayor Pierce made a motion to approve all three sets of minutes as printed, second by Commissioner Rose. All three sets of minutes were approved with all Commissioners voting “yes”.

VI. **Communication from the Mayor**

- Welcomed all.

VII. **Commissioners Report**

- **Vice-Mayor Terry Pope**
  - Welcomed everyone
  - Congratulated Red Bank High School and UTC alumni, Keonte David, who now plays for the New England Patriots, for winning the Super Bowl this year.
- **Commissioner Ruth Jenó**
  - Welcomed all.
- **Commissioner Ed LeCompte**
  - Welcomed all
  - Thanked the Public Works Department for all of their hard work around the city.
- **Commissioner Carol Rose**
  - Welcomed all.

VIII. **City Manager Report** –

Welcomed everyone.

IX. **Presentation – Red Bank Service Center**

Commissioner Jenó presented Ken Combs, owner of Red Bank Service Station, a certificate of appreciation from the city. Mr. Combs has been in business in Red Bank for 55 years.

X. **PUBLIC HEARINGS**

1) **Design Review Standards Ordinance**

Mayor Pierce advised that the City has a Design Review Standards Ordinance for commercial developments and that this is an amendment to that ordinance. He explained further that the design review standards address, generally, requirements with respect to building plans, constructions and appearance. He advised that this item was approved on first reading at the last meeting and is on for second reading tonight. He explained that this ordinance will streamline the design review procedures by allowing for staff approval for properties with 175 feet of frontage or less and which previously would have required action by the City Commission in all circumstances. Mayor Pierce also advised that the Planning Commission recommended approval of the Design Review Ordinance. Mayor Pierce invited citizen comments, of which there were none. After no further, this public hearing was closed.

2) **Rezone property located at Hamilton County Map Tax Parcel 109B-E-005 at 4707 Dayton Boulevard from C-1 Commercial to L-1 Light Manufacturing**

Mayor Pierce invited the owner of the property, Eric Everett, forward. Mr. Everett, along with business partner, Michael Hall, explained that after several unsuccessful years of attempting to develop the space as a retail center, they have determined that use as an indoor climate controlled storage facility is their best option for the use of the building. They explained that

there will be no outside storage of any type. They advised that the building and parking lot will be cleaned up and brought up to code. Upon inquiry by Commission Rose, Mr. Everett advised that he had planned to lease the building when he purchased it in 2015, but has been unsuccessful. Mayor Pierce advised that the Planning Commission reviewed the zoning request and that there were two members in favor of and two members against the rezoning. Mayor Pierce also advised that, as a condition of the rezoning, use of the property is limited to indoor climate controlled storage and it would continue to all appearances to look like a C-1 zoning use. Further, he pointed out that if indoor climate control storage use has not commenced in one year or if use ceases for one year, the property automatically reverts back to C-1 zoning. Mayor Pierce invited citizen comments, of which there were none. After no further, this public hearing was closed.

**XI. Unfinished Business –**

**A. ORDINANCE NO. 18-1143 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO ADOPT THE RED BANK DESIGN REVIEW ORDINANCE AND REPEAL CHAPTER X OF THE RED BANK ZONING ORDINANCE (SECOND AND FINAL READING)**

Mayor Pierce advised that this item was discussed earlier tonight in a Public Hearing. It is the former Food Lion Supermarket site. Mayor Pierce advised that approval of this item will streamline the process for Design Review by allowing for Staff approval in certain instances. Commissioner Pope made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1143 was approved on second and final reading with all Commissioners voting “yes”.

**XII. New Business**

**A. ORDINANCE NO. 18-1144 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE HAMILTON COUNTY TAX PARCEL 109B-E005 AT 4707 DAYTON BOULEVARD FROM C-1 COMMERCIAL ZONE TO L-1 LIGHT MANUFACTURING ZONE, SUBJECT TO CONDITIONS (FIRST READING)**

Mayor Pierce advised that this item was discussed in detail during the earlier public hearing. He explained that this is the old Food Lion shopping center. He explained that, if approved, the only L-1 use that would be allowed at the location is that of indoor climate controlled storage and that if this type use is not commenced within one year or if the use is discontinued for a period of one year, the zoning will automatically revert back to C-1. Commissioner Rose stated her belief that there could be better uses for this property, which is largely adjacent to residential neighborhoods and the fact that there are three storage facilities currently in Red Bank, made a motion to deny the rezoning. Motion to deny failed due to lack of a second. Vice Mayor Pope made a motion approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “no”.** Ordinance No. 18-1144 was approved on first reading by a 4 to 1 vote, with Commissioner Rose voting “no”.

**B. ORDINANCE NO. 19-1145 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND TITLE 16, CHAPTER 1, SECTION 16-116 (11) OF THE RED BANK CITY CODE, IN ORDER TO PERMIT, UNDER CERTAIN LIMITED CIRCUMSTANCES AND CONDITIONS, THE UTILIZATION OF THE PUBLIC RIGHT OF WAY FOR PRIVATE OR QUASI-PRIVATE PURPOSES (FIRST READING)**

City Manager Thornbury advised that this ordinance establishes procedures for temporary use of public right of way for private purposes. City Attorney Stulce explained that this establishes a permitting application process and as part of the process the applicant/user acknowledges that temporary use may be revoked at any time by the city at the applicant/owner’s expense. Commissioner LeCompte made a motion to approve the ordinance, second by Commissioner Jenó. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 19-1145 was approved on first reading with all Commissioners voting “yes”.

**C. RESOLUTION NO. 19-1276 – A RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING SUBMISSION OF AN APPLICATION TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION WITH RESPECT TO TRANSPORTATION IMPROVEMENT PROJECTS FOR THE CITY OF RED BANK**

City Manager Thornbury advised that this resolution will authorize the city to apply for grant funding through the State of Tennessee. He explained that this grant is funded at 80% and would require a 20% local match. If the grant applied for is approved, the City Commission has the option to reject the grant, depending on then conditions in the city. Commissioner Jenó made a motion to approve the resolution, second by Commissioner Rose. There were no citizen comments. Resolution No. 19-1276 was approved with all Commissioners voting “yes”.

**D. RESOLUTION NO. 19-1277 – A RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE PURCHASE OF LED LIGHT FIXTURES FROM SMART CITY MANAGEMENT, IN THE AMOUNT OF \$13,500.00**

City Manager Thornbury advised that the city has been testing several LED light, decorative and overhead street lights, and requested that the Commission approve the purchase of the lights for

continued use. Commissioner Rose made a motion to approve the resolution, second by Commissioner Jenó. There were no citizen comments. Resolution No. 19-1277 was approved with all Commissioners voting "yes".

**E. RESOLUTION NO. 19-1278 – A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO ACCEPT EXTRICATION EQUIPMENT, VALUED AT \$31,635.00, PROVIDED THROUGH A GRANT ADMINISTERED BY FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION INCORPORATED**

Fire Chief Mark Mathews explained that the fire department was awarded a grant through Firehouse Subs that will provide the city with new vehicle extrication equipment. He explained that the value of the equipment is \$31,635.00. Commissioner Jenó made a motion to approve the resolution, second by Commissioner LeCompte. There were no citizen comments. Resolution No. 19-1278 was approved with all Commissioners voting "yes".

**F. AGENDA ITEM 19-843 – AUTHORIZING AN AGREEMENT WITH CHATTANOOGA GAS COMPANY TO INSTALL A GAS MAIN ON AN UNOPENED ROAD BETWEEN BANK STREET AND LAWTON STREET**

City Attorney Stulce explained that Chattanooga Gas Company is in the process of upgrading various gas mains in the Hixson and Red Bank area. He explained that the gas main was originally going to run under Ashland Terrace. Upon further review, it was determined that it would be less disruptive to traffic flow if the gas main ran along one side of an unopened city owned right of way between Bank Street and Lawton Street. Approval of this item would authorize Chattanooga Gas Company to use the city owned right of way for that purpose. Mayor Pierce invited citizen comments.

- Linda Randolph, 212 Ashland Terrace, is upset that the gas main will run through a portion of land that she believed to be her property and feels would violate an agreement that she has with Chattanooga Gas Company.

After no further, Mayor Pierce made a motion to approve the agreement, second by Commissioner LeCompte. Agenda Item 19-843 was approved with all Commissioners voting "yes".

**G. AGENDA ITEM 19-844 – APPOINTMENTS TO THE RED BANK VARIANCE BOARD**

It was explained that several of the terms of current variance board members have expired and due to the recent election new appointments or re-appointments need to be made. It was explained that these are for staggered lengths.

Mayor Pierce advised that he is appointing former City Commissioner Rick Causer for a one (1) year term, ending February of 2020, or until his or her successor in office is appointed, whichever is later.

Vice Mayor Pope advised that he is re-appointing current Variance Board member Rufus Smith for a three (3) year term, ending February of 2022, or until his or her successor in office is appointed, whichever is later.

Commissioner Jenó advised that she is appointing longtime resident and local realtor Sonya Millard for a two (2) year term, ending February of 2021, or until his or her successor in office is appointed, whichever is later.

Commissioner LeCompte advised that he is appointing William Cannon for a two (2) year term, ending February of 2021, or until his or her successor in office is appointed, whichever is later.

Commissioner Rose advised that she is appointing former Vice Mayor Greg Jones for a one (1) year term, ending February of 2020, or until his or her successor in office is appointed, whichever is later.

Commissioner Rose made a motion to accept the appointments, second by Mayor Pierce. Appointments were accepted with all Commissioners voting "yes".

**XIII. Citizen Comments –**

- **J.C. Reagan, Manager of MAPCO**, Mr. Reagan advised that he was in attendance because he believed a Certificate of Compliance for MAPCO located at 314 Morrison Springs was on the agenda.

**XIV. Adjournment**

The meeting was adjourned at 6:48 p.m.

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Mayor

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City Recorder Ruth Rohen