

# *City of Red Bank*

Ruth Jenó  
Acting Mayor

Tim Thornbury  
City Manager

## **BOARD OF COMMISSIONERS' MEETING**

Agenda  
May 5, 2020  
6:00 p.m.

- I. **Call to Order – Acting Mayor Ruth Jenó**
- II. **Roll Call – City Manager**  
Acting Mayor Jenó \_\_\_\_\_, Commissioner Howell \_\_\_\_\_ Commissioner LeCompte \_\_\_\_\_,  
Commissioner Rose \_\_\_\_\_
- III. **Invocation –**
- IV. **Pledge of Allegiance –**
- V. **Consideration of the Minutes for approval or correction:**
  - A. **April 21, 2020 Commission Meeting**
- VI. **Communication from Acting Mayor Ruth Jenó**
- VII. **Commissioner's Report**
  - A. **Commissioner Tyler Howell**
  - B. **Commissioner Ed LeCompte**
  - C. **Commissioner Carol Rose**
- VIII. **City Manager's Report**
- IX. **Unfinished Business –**
  - A. **ORDINANCE NO. 20-1167 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO REVISE THE RED BANK SIGN ORDINANCE, CODIFIED AT TITLE 9, SECTION 9-801 ET. SEQ. AND TO BE KNOWN AS THE OMNIBUS RED BANK SIGN ORDINANCE RECONCILIATION ORDINANCE OF APRIL 2020 (SECOND AND FINAL READING)**
  - B. **ORDINANCE NO. 20-1168 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND ORDINANCE NO. 15-1036, THE RED BANK PERSONNEL POLICIES ORDINANCE CODIFIED AT APPENDIX A TO THE RED BANK CITY CODE (SECOND AND FINAL READING)**
- X. **New Business**
  - A. **AGENDA ITEM 20-850 – PRESENTATION OF THE FY 2021 OPERATING BUDGET**
  - B. **RESOLUTION NO. 20-1342 – A RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE MAYOR OR THE CITY MANAGER TO ENTER INTO AN INTER-LOCAL AGREEMENT WITH THE CITY OF CHATTANOOGA, TENNESSEE, ADJUSTING BOUNDARIES IN ACCORDANCE WITH T.C.A. 6-51-302**
- XI. **Citizen Comments from Red Bank Citizens about Red Bank business (3 minute limit)**
- XII. **Adjournment**

## BOARD OF COMMISSIONERS' MEETING

Minutes  
April 21, 2020  
6:00 p.m.

In the context of the currently existing Covid 19 virus pandemic and State of Emergency declared by the President of the United State, by Governor Bill Lee and by Acting Mayor Ruth Jenó, and pursuant to the express authority of multiple Executive Orders issued by Governor Lee, suspending the necessity of in person / face to face meetings of governmental bodies and permitting same via multiple social media platforms and methods, the City Commission of the City of Red Bank Tennessee met, in regular and duly advertised session, virtually and via Zoom video conferencing on Tuesday April 21<sup>st</sup>, 2020. Notice of the meeting and instructions for virtually joining / monitoring same was duly advertised in the Hamilton County Herald, the Chattanooga.com and by posting on the city's website and by posting written notice of same on the front door of City Hall and the front door of the Police Department.

- I. **Call to Order** – Acting Mayor Jenó called the meeting to order at 6:00 p.m. and announced that the meeting was being conducted and is available to view live via Zoom. She advised that the meeting was advertised and that the City has a link posted on its website for citizens to attend to meeting. She also advised that a recording of the meeting will be uploaded to the City website. A
- II. **Roll Call** – City Manager Tim Thornbury called the roll. Attending the meeting via Zoom from City Hall, while practicing social distancing were Acting Mayor Ruth Jenó, City Manager Tim Thornbury and City Recorder Ruth Rohen. Attending the meeting via Zoom and from different and separate locations were Commissioner Tyler Howell, Commissioner Ed LeCompte and Commissioner Carol Rose. Also attending the meeting via Zoom were public attendees Eddie Pierce, Gail Perry, and Johnny Dawson.
- III. **Invocation** – Commissioner Howell gave the Invocation.
- IV. **Pledge of Allegiance** – City Manager Thornbury led the Pledge of Allegiance.
- V. **Consideration of the Minutes for approval or correction:**
  - A. **March 3, 2020 Agenda Work Session**
  - B. **March 3, 2020 Commission Meeting**Commissioner Rose made a motion to approve both sets of minutes as printed, second by Commissioner Howell. Both sets of minutes were approved with all Commissioners voting “yes”.
- VI. **Communication from Acting Mayor Jenó**
  - Thanked Department Heads, the City Manager, City Recorder and emergency personnel for all of their hard work during the COVID-19 outbreak.
  - Announced that the Red Bank Food Panty is still open for people in need. Food can be picked up in the first Thursday of each between 11:00 a.m. and 1:00 p.m. and on the third Thursday of each month between 5:00 p.m. and 7:00 p.m. Food and monetary donations are still needed. Thanked the Police Department for their assistance with traffic control during pick up times.
- VII. **Commissioners Report**
  - Commissioner Tyler Howell**
    - Thanked all employees for the hard work they do, especially during the COVID-19 outbreak.
  - Commissioner Ed LeCompte**
    - Thanked the City staff for organizing the Zoom meeting.

**Commissioner Carol Rose**

- Thanked the City Manager for all of his hard work and also thanked emergency personnel.

**VIII. City Manager's Report**

- Advised that the City plans to begin to allow some businesses to reopen in stages on may 1<sup>st</sup>, unless the governor acts to impose different requirements explained that the city's intent is to follow recommendations and guidelines for re-opening of businesses from Governor Lee's office. These guidelines should be available later this week. He explained that a press release will be sent out once these guidelines are received. (NOTE: THE HONORABLE BILL LEE ISSUED EXECUTIVE ORDER 30 ON APRIL 28<sup>th</sup>, 2020, IN EFFECT PREEMPTING ANY CONFLICTING MUNICIPAL ORDERS)

**IX. Unfinished Business - None**

**X. New Business –**

**A. ORDINANCE NO. 20-1167 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO REVISE THE RED SIGN ORDINANCE, CODIFIED AT TITLE 9, SECTION 9-801 ET. SEQ. AND TO BE KNOWN AS THE OMNIBUS RED BANK SIGN ORDINANCE RECONCILIATION ORDINANCE OF APRIL 2020 (FIRST READING)**

Vice Mayor Jenó advised that if this ordinance is approved, a new section will be added to the sign ordinance related to content based restrictions. Commissioner Howell made a motion to approve the ordinance, second by Commissioner LeCompte. There were no comments or questions. *Roll Call Vote: Vice Mayor Jenó "yes", Commissioner Howell "yes", Commissioner LeCompte "yes", Commissioner Rose "yes".* Ordinance No. 20-1167 was approved on first reading with all Commissioners voting "yes".

**B. ORDINANCE NO. 20-1168 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 15-1036, THE RED BANK PERSONNEL ORDINANCE, CODIFIED AT APPENDIX A TO THE RED BANK CITY CODE (FIRST READING)**

City Attorney Stulce advised that this ordinance is to amend the personnel policies relating to unique instances of telecommuting, work from home, furlough, paid leave and paid administrative leave DURING DECLARED EMERGENCIES. He explained that this amendment will authorize the City Manager, upon approval by the Commission, to implement the above in instances of a Public Health Emergency or Declaration of Emergency initiated by the President of the United State, the Governor of Tennessee or the Red Bank Mayor. Commissioner Rose made a motion to approve the ordinance, second by Commissioner LeCompte. *Roll Call Vote: Vice Mayor Jenó "yes", Commissioner Howell "yes", Commissioner LeCompte "yes", Commissioner Rose "yes".* Ordinance No. 20-1168 was approved on first reading with all Commissioners voting "yes".

**C. RESOLUTION NO. 20-1338 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, ADOPTING BANK FORM RESOLUTIONS AND AUTHORIZING SIGNORS FOR BANK SIGNATURE CARDS**

Vice Mayor Jenó advised that this resolution will add Commissioner LeCompte to the signature cards for the various checking accounts for the City so that he can sign checks in her absence. She advised that all checks require two signatures, with one signature being an elected official. Commissioner LeCompte made a motion to approve the resolution, second by Commissioner Rose. Resolution No. 20-1338 was approved with all Commissioners voting "yes".

**D. RESOLUTION NO. 20-1339 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, ADOPTING BANK FORM RESOLUTIONS AND AUTHORIZING SIGNORS FOR BANK SIGNATURE CARDS**

Vice Mayor Jenó advised that this resolution will add Commissioner LeCompte to the signature card for the confidential drug fund checking account for the City, so that he can sign checks in her absence. She advised that all checks require two signatures, with one signature being an elected official. Commissioner Howell made a motion to approve the resolution, second by

Commissioner Rose. There were no citizen comments. Resolution No. 20-1339 was approved with all Commissioners voting "yes".

**E. RESOLUTION NO. 20-1340 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR THE GOVERNOR’S LOCAL GOVERNMENT SUPPORT GRANT**

Vice Mayor Jenó advised that this resolution will authorize the City Manager to apply for a one time, 100% funded grant through the Governor’s Local Government Support Grant Program. She advise that funding in the amount of \$289,635 will be requested and if awarded used towards secondary road paving. Commissioner LeCompte made a motion to approve the resolution, second by Commissioner Rose. There were no citizen comments. Resolution No. 20-1340 was approved with all Commissioners voting "yes".

**F. RESOLUTION NO. 20-1341 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING AN AGREEMENT WITH JOHNSON, MURPHY AND WRIGHT FOR THE PERFORMANCE OF AN ANNUAL AUDIT BY OUTSIDE INDEPENDENT AUDITORS, IN THE AMOUNT OF \$33,275**

Vice Mayor Jenó advised that the city is required by the State Comptroller’s Office to have an audit conducted annually and submitted to the Comptroller’s Office. She advised that this resolution will authorize an agreement with Johnson, Murphy and Wright CPA firm to perform the FY 2020 audit at a cost of \$33,275.00. Commissioner Rose made a motion to approve the resolution, second by Commissioner Howell. There were no citizen comments. Resolution No. 20-1341 was approved with all Commissioners voting "yes".

**XI. Citizen Comments –**

- Johnny Dawson, Business Owner, Asked if the City of Red Bank will be following the City of Chattanooga or the State of Tennessee relating to business re-opening dates, during COVID-19.

**XII. Adjournment**

The meeting was adjourned at 6:23 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Recorder Ruth Rohen

\_\_\_\_\_  
Date

**ORDINANCE NO. 20-1167**

**AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO REVISE THE RED BANK SIGN ORDINANCE, CODIFIED AT TITLE 9, CHAPTER 8, SECTION 9-801 ET SEQ. AND TO BE KNOWN AS THE OMNIBUS RED BANK SIGN ORDINANCE RECONCILIATION ORDINANCE OF APRIL, 2020**

**WHEREAS**, certain changes in applicable law and case law related to court decisions addressing the general topic of “signs” compel a reconsideration of certain content based Ordinances and Regulations currently in place in the Red Bank Sign Ordinance; and

**WHEREAS**, certain provisions in the Red Bank Sign Ordinance, as currently existing, are of doubtful continuous legal enforceability; and

**WHEREAS**, the City strives, at all times, to balance its regulations and ordinances related to signs and signage with the best interest of the citizens of the City of Red Bank, the business interests in and of the community and the inherent authority afforded to Home Rule Municipalities to regulate signs, signage and related displays; and

**WHEREAS**, the City Administration and City Council have undertaken to review, study and understand current (possibly) overriding State regulation and court decisions in order to apply the same appropriately to the Red Bank Sign Ordinance.

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

SECTION 1: The existing Red Bank Sign Ordinance as codified at Red Bank City Code Title 9, Chapter 8, Section 9-801 et seq., is hereby AMENDED and supplemented as follows by enacting a new subsection 9-851 CONTENT BASED RESTRICTIONS AMENDED as follows:

(a) Excepting the provisions 9-816 hereof, related to OBSCENE DISPLAYS and content, any and all provisions, sections and subsections and/or requirements of the Red Bank Sign Ordinance Title 9, Chapter 8, Section 9-801 et seq., which do or purport to restrict or differentiate with respect to the content or message displayed on billboards, pole signs, off premises signs, on premises signs, balloon signs, wall murals and/or any other displays or signs of any kind or character whatsoever and as otherwise regulated by the Red Bank Sign Ordinance are repealed and deleted and amended such that (excepting expressly the provisions of subsection 9-816 as hereinabove provided) content based exceptions and/or restrictions with respect to permits for signs, displays, advertising, message or verbiage, photographs, pictures, etc. shall no longer be valid or enforceable.

(b) More particularly, signs or signage which heretofore were restricted and/or not allowed of or with respect to the content or display(s) of advertising and/or messages of and in particular with respect to on premises signs, off-premises signs, billboards, pole signs, etc. and as relates to the general topic of “goods, services and/or events available or for sale on premises” shall no longer be valid or enforceable.

**BE IT FURTHER ORDAINED**, that every section, sentence, 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.

**FINALLY, BE IT ORDAINED** that this ordinance shall take effect from and after the date of its final passage, the public welfare of the City of Red Bank, Tennessee requiring it.

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MAYOR

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CITY RECORDER

4/21/2020

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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. 20-1168**

**AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND ORDINANCE NO. 15-1036, THE RED BANK PERSONNEL POLICIES ORDINANCE CODIFIED AT APPENDIX A TO THE RED BANK CITY CODE.**

**WHEREAS**, the Personnel Policies Manual, adopted pursuant to Ordinance 15-1036, and as amended, is necessarily reviewed and addressed from time to time; and

**WHEREAS**, in the current context of the “COVID-19 Pandemic” it has become necessary and appropriate or unique, original, imaginative and extra ordinary policies to be implemented, revised, changed, varied and carried out from time to time in order to maintain appropriate “social distancing” but yet for the City to continue to provide the “Essential Services” of the City; and

**WHEREAS**, the City Manager, to this point, has undertaken to implement and utilize unique policies, including “telecommuting”, “work at home”, furloughed and paid leave, paid administrative leave, and similar and like policies so as to currently maintain Essential Services and at the same time to maintain a reserve force of qualified City employees to undertake active work and presence at City Hall and in other essential City Government functions in the event the employees who continue to work, day to day, and in essential services and functions, or in the City Hall, and/or in the Public Works Department, and in the Fire Department, and in the Police Department and in all other capacities should become ill and/or subject to quarantine and/or self-isolation requirements; and

**WHEREAS**, the current version of the Personnel Policies Manual implies but does not clearly provide authority for such undertakings; and

**WHEREAS**, the Comptroller of the Treasury for the State of Tennessee has recommended that formal but flexible written policies be adopted by the various sub-units of Government, including municipalities; and

**WHEREAS**, the Board of Commissioners, upon recommendation by the City Attorney and by the City Manager finds it to be in the best interests of the City of Red Bank that the present personnel policy system and ordinance and Personnel Policy Manual be and the same is hereby amended so as to formally adopt a system of policies giving significant discretionary authority to the City Manager to make necessary determinations and to implement necessary and appropriate, unique, original, and extra ordinary personnel work schedules and personnel policies and procedures from time to time, in the event of a Declared Emergency and/or in the event of a declared Public Health Emergency.

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

**SECTION 1:**

That the Red Bank personnel policies Ordinance No. 15-1036 and the Red Bank Personnel Policy Manual “Exhibit A” to said Ordinance be and the same is hereby amended to provide as follows at Section 4.1 of the Personnel Policy Manual:

Add the following paragraph at the end of Section 4.1: General Provisions:

In the context of a Public Health Emergency or Declaration of Emergency initiated by the President of the United States and/or by the Governor of the State of Tennessee and/or by the Mayor of the City of Red Bank, the City Manager is authorized to activate and put into place extra ordinary policies and procedures allowing certain and selected employees to work from home, to be granted and placed upon “paid administrative leave status”, to “telecommute” and the City Manager is further authorized to take such other actions and/or combinations of actions with respect to same as shall be deemed, at that time, appropriate and necessary at such time or times in order to maintain essential services by the City of Red Bank and to further maintain such functions and/or policies or variants thereof during the continuance of any such declared Emergency or any such Public Health Emergency and as may seem necessary or appropriate.

The City Manager, upon the implementation of any such policy and/or policies and/or procedures, shall report the same to the City Commission, collectively by email and/or by telephonic communication or by any other means. The City Commission, acting in a specially called and/or regularly scheduled meeting of the City Commission, is authorized to rescind, revise, override and/or approve the City Manager’s action(s) by Ordinance and/or by resolution.

#### SECTION 2:

That the Red Bank personnel policies Ordinance No. 15-1036 and the Red Bank Personnel Policy Manual “Exhibit A” to said Ordinance be and the same is hereby amended to provide as follows at Section 6.1 of the Personnel Policy Manual:

Add the following paragraph at the end of Section 6.1: Administration:

See also provisions related to Emergency Declarations in Section 4.1 hereof.

#### SECTION 3:

That the Red Bank personnel policies Ordinance No. 15-1036 and the Red Bank Personnel Policy Manual “Exhibit A” to said Ordinance be and the same is hereby amended to provide as follows at Section 7.3(d) of the Personnel Policy Manual:

Add the following paragraph at the end of Section 7.3(d): City Manager Approval:

See also provisions related to Emergency Declarations in Section 4.1 hereof.

#### SECTION 4:

That the Red Bank personnel policies Ordinance No. 15-1036 and the Red Bank Personnel Policy Manual “Exhibit A” to said Ordinance be and the same is hereby amended to provide as follows at Section 8.1(A) of the Personnel Policy Manual:

Add the following paragraph at the end of Section 8.1(A): Regular Working Hours:

See also provisions related to Emergency Declarations in Section 4.1 hereof.

**BE IT FURTHER ORDAINED**, that every section, sentence, 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.

**BE IT FURTHER ORDAINED**, that any such personnel actions as described hereinabove heretofore undertaken by the City Manager during the time period beginning March 1, 2020 and up through and including the date of the approval of this Ordinance on second and final reading is and are hereby specifically ratified and affirmed.

**FINALLY, BE IT ORDAINED** that this ordinance shall take effect from and after the date of its final passage, subject to the time limited provisions set forth hereinabove and until such time as the same shall be further modified, superseded and/or overridden by the City Commission of the City of Red Bank, Tennessee, all being required by the public welfare of the City of Red Bank, Tennessee and shall be forthwith “added” to the printed and electronically preserved and maintained versions of the Red Bank Personnel Policies Manual.

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MAYOR

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CITY RECORDER

04/21/2020  
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. 20-1342**

**A RESOLUTION OF THE CITY OF RED BANK, TENNESSEE AUTHORIZING THE MAYOR OR THE CITY MANAGER TO ENTER INTO AN INTER LOCAL AGREEMENT WITH THE CITY OF CHATTANOOGA, TENNESSEE, ADJUSTING BOUNDARIES IN ACCORDANCE WITH T.C.A. § 6-51-302.**

**WHEREAS**, the City of Chattanooga and the City of Red Bank have, upon initiation of an inquiry by the City of Red Bank tentatively AGREED for a 1.3 +/- acre portion of a parcel located off Pine Breeze Road and in the City of Chattanooga to be abandoned by the City of Chattanooga and absorbed into the City of Red Bank so as to facilitate development on that entire parcel of real property owned by George Bock and assigned Hamilton County Tax Map Parcel No. 126E B 015.01 as more particularly shown by the attached Exhibit "A"; and

**WHEREAS**, the City of Chattanooga and the City of Red Bank have tentatively reached an agreement in the context of an Inter Local Agreement in the form attached hereto as Exhibit "B" so as to facilitate and accomplish the release/abandonment/reassignment of the portion of the above referenced parcel from the City of Chattanooga to the corporate boundaries of the City of Red Bank; and

**WHEREAS**, the City of Red Bank, by and through the City Manager has tentatively AGREED to receive and assume the same 1.3 +/- acre portion of parcel No. 126E B 015.01 effective immediately upon execution by both parties of the Inter Local Agreement in the form attached hereto as Exhibit "B".

**NOW THEREFORE, BE IT RESOLVED** the City of Red Bank upon motion duly adopted and approved at the regular meeting of the Red Bank City Commission on the 5<sup>th</sup> day of May, 2020;

1. That the City of Red Bank agrees to assume and accept the 1.3 +/- acre portion of Parcel No. 126E B 0105.01 from the City of Chattanooga and into the city limits of the City of Red Bank pursuant to the Inter Local Agreement in the form attached hereto as "Exhibit "B"; and

2. The Mayor or the City Manager is authorized to execute, sign, accept and agree for and on behalf of the City of Red Bank to the terms and provisions of the Inter Local Agreement between the City of Chattanooga and the City of Red Bank with respect to the matters hereinabove set forth and to do and accomplish any and all other administrative acts necessary to complete the terms, matters, items and adjustment of the City of Red Bank's boundary lines as contemplated therein.

\_\_\_\_\_  
Mayor (date)

Attest:

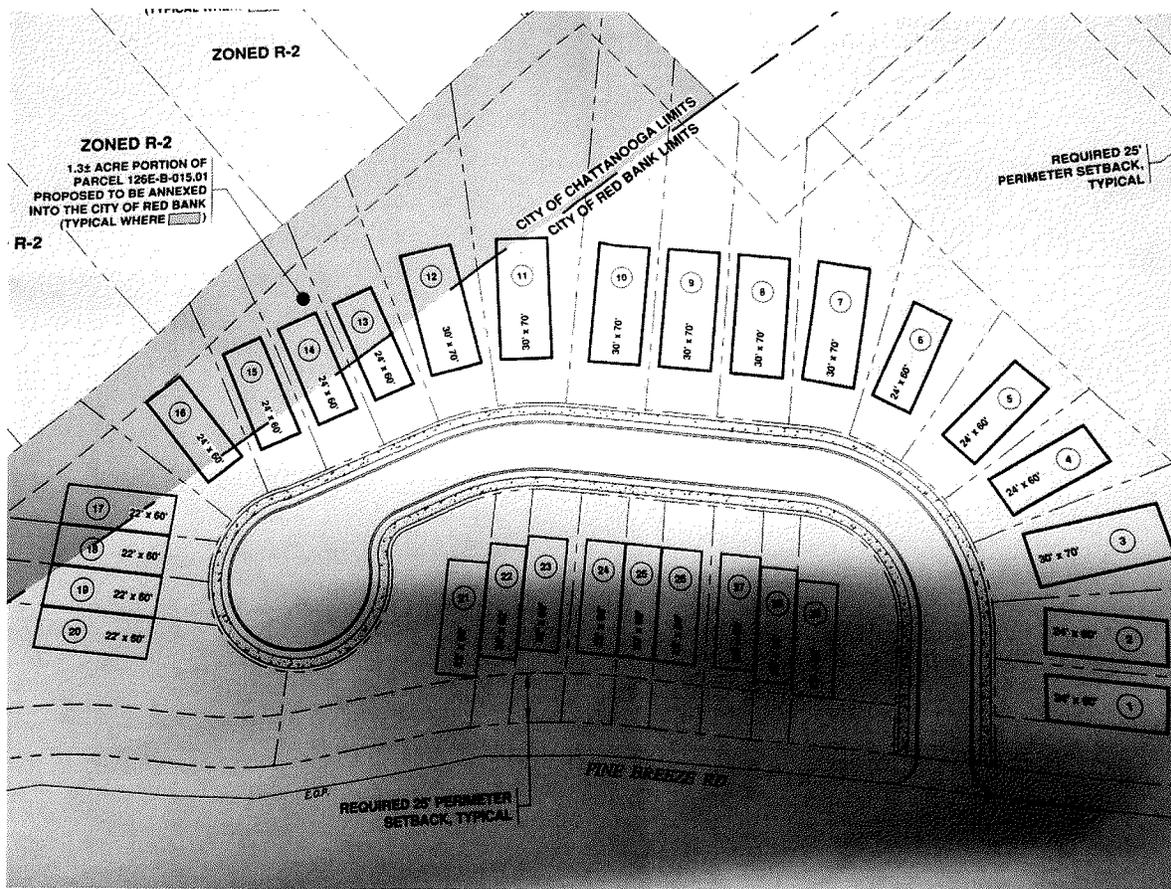
\_\_\_\_\_  
City Recorder

Adopted by the City Commission the 5th day of May, 2020, on a vote of \_\_\_\_\_ AYEs and \_\_\_\_\_ NOs.

Approved as to form:

\_\_\_\_\_  
City Attorney (date)

# EXHIBIT A



INTERLOCAL AGREEMENT BETWEEN THE CITY OF CHATTANOOGA, TENNESSEE  
AND THE CITY OF RED BANK, TENNESSEE ADJUSTING BOUNDARIES IN  
ACCORDANCE WITH T.C.A. §6-51-302

THIS INTERLOCAL AGREEMENT IN ACCORDANCE WITH T.C.A. §6-51-302 is entered into by and between the City of Chattanooga, Tennessee (“Chattanooga”) and the City of Red Bank, Tennessee (“Red Bank”).

WHEREAS, on \_\_\_\_\_, the parties hereto, as well as the other municipal and county governments in Hamilton County approved the Master Interlocal Agreement which, among other things, established urban growth boundaries for Hamilton County in accordance with the provisions of T.C.A. §6-58-101, et. seq.; and

WHEREAS, at approximately the same time, Chattanooga and Red Bank resolved boundary line disputes by agreement over an area adjacent to Pine Breeze Road between their municipal boundaries; and

WHEREAS, as a result of those agreements, the city limits adjacent to Pine Breeze Road have been established in accordance with the map which is attached hereto; and

WHEREAS, for the purposes of this Agreement, the Property is more fully described in the attached map hereto, which is incorporated herein by reference; and

WHEREAS, Chattanooga and Red Bank desire to accommodate this development so that the Property may be utilized to the advantage of both municipalities, and that both municipalities, in the manner set forth below, may financially benefit from the anticipated development of the Property.

WHEREAS, the municipal boundaries between the two parties hereto are contiguous and such boundaries either are not in line with the street and lot layout of the municipalities or do not conform to the new public right-of-way as described above. Accordingly, the parties hereto desire

to adjust such boundaries by contract between themselves so as to avoid confusion and uncertainty about the location of the contiguous boundary or to conform the contiguous boundary to an existing public right-of-way by the boundary being adjusted so that the jurisdiction over the Property is consistent with the general situation of the jurisdictional boundaries in that area.

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions, and promises expressed herein, Chattanooga and Red Bank agree as follows:

1. Chattanooga and Red Bank agree to modify their respective boundaries for the reasons described above by Chattanooga relinquishing municipal jurisdiction over the Property depicted in the attached map with Red Bank assuming municipal jurisdiction over the same.

2. In consideration of the adjustment of the boundary contemplated herein, and to provide Chattanooga with a certain aspect of the financial benefit of the anticipated development of the Property, Red Bank agrees as follows:

3. Red Bank will pay Chattanooga the sum of \$250.00 representing all real property tax which is due on the Chattanooga portion of the tract identified as 126E-B-015.01 beginning on the first day of the first calendar year this agreement is signed based on the assessed tax rates and taxes levied by the City of Red Bank.

4. Beginning in the second year after structures are constructed and assessed, on the property within the portion of tract identified as 126E-B-015.01 originally located within the boundary of the City of Chattanooga as shown on the Preliminary Site Plan of MAP Engineering which is attached as Exhibit A, Red Bank agrees to provide payment to the City of Chattanooga for two additional years for all taxes collected by Red Bank for parcels twelve (12) through sixteen (16) as shown on Exhibit A as constructed within the portion of tract 126E-B-015.01 which was

originally within the City of Chattanooga based on the rate of assessed taxes within the City of Red Bank at that time.

5. Red Bank agrees to provide payment to Chattanooga within thirty (30) days after tax payments are collected under this Interlocal Agreement and paid to Red Bank by the property owner through the Hamilton County Trustee's Office as a result of this boundary line adjustment. In the event there is any question over the amount of real property or sales tax equivalent payments due to Chattanooga, Red Bank shall provide audit information for all taxes collected within seven (7) business days of any request by Chattanooga Finance or Audit employees.

6. From and after ten (10) days from the date of this agreement, the Property, to be improved and constructed in the manner depicted in the Preliminary Site Plan of MAP Engineering attached Exhibit A, will be within the municipal limits of Red Bank.

7. By the execution of this document, Chattanooga and Red Bank each represent that their respective governing bodies have approved this Agreement.

THIS the \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF CHATTANOOGA, TENNESSEE

CITY OF RED BANK, TENNESSEE

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
Mayor

APPROVED:

APPROVED:

\_\_\_\_\_

\_\_\_\_\_