

WORK SESSION AGENDA

May 7, 2019

4:00 p.m.

1. Red Bank Soddy Daisy Foundation Grant
2. Sign Ordinance
3. Bulletproof Vest Grant
4. Brentwood Drive Bridge repair resolution
5. FY 2020 Budget Presentation
6. Any other business

City of Red Bank

Eddie Pierce
Mayor

Tim Thornbury
City Manager

BOARD OF COMMISSIONERS' MEETING

Agenda
May 7, 2019
6:00 p.m.

- I. **Call to Order – Mayor Eddie Pierce**
- II. **Roll Call – City Manager**

Mayor Pierce ____, Vice-Mayor Pope ____, Commissioner Jenó ____,
Commissioner LeCompte ____, Commissioner Rose ____
- III. **Invocation –**
- IV. **Pledge of Allegiance –**
- V. **Consideration of the Minutes for approval or correction:**
 - A. **April 16, 2019 Agenda Work Session**
 - B. **April 16, 2019 Commission Meeting**
- VI. **Communication from the Mayor**
- VII. **Commissioner's Report**
 - A. **Vice Mayor Terry Pope**
 - B. **Commissioner Ruth Jenó**
 - C. **Commissioner Ed LeCompte**
 - D. **Commissioner Carol Rose**
- VIII. **City Manager Report**
- IX. **Unfinished Business**
 - A. **ORDINANCE NO. 19-1153 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND TITLE 11, CHAPTER 6 OF THE RED BANK CITY CODE, ENTITLED “FIREARMS, WEAPONS AND MISSILES” (SECOND AND FINAL READING)**
- X. **New Business**
 - A. **AGENDA ITEM 19-845 – PRESENTATION OF THE FISCAL YEAR 2020 OPERATING BUDGET**
 - B. **RESOLUTION NO. 19-1289 – A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BULLETPROOF VEST PARTNERSHIP GRANT**
 - C. **RESOLUTION NO. 19-1290 – A RESOLUTION AUTHORIZING AN AGREEMENT WITH KLEENCO CONSTRUCTION OF TENNESSEE, INC. IN AN AMOUNT NOT TO EXCEED \$105,526.85 FOR THE REPLACEMENT OF A SECTION OF A SECTION OF A BOX CULVERT ON BRENTWOOD DRIVE OVER STRINGER'S BRANCH**
- XI. **Citizen Comments from Red Bank Citizens about Red Bank business (3 minute limit)**
- XII. **Adjournment**

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

Minutes
April 16, 2019
5:00 p.m.

The Board of Commissioners met in a public and advertised Agenda Work Session on April 16, 2019 at 5:00 p.m. The purpose of the meeting was to receive information on upcoming business items. Those in attendance were Mayor Eddie Pierce, Vice Mayor Terry Pope, Commissioner Ruth Jenó, Commissioner Ed LeCompte and Commissioner Carol Rose. Also present were City Manager Tim Thornbury, Interim Police Chief John Wright, Fire Chief Mark Mathews, Finance Director John Alexander and City Recorder Ruth Rohen. There were no citizen attendees.

1. Mayor Pierce advised that discussion of grant funding from the Red Bank Soddy Daisy Foundation was tabled from the April 2nd meeting until today. He advised that several ideas for use were discussed. City Manager Thornbury reported that among the items discussed were replacing the tennis courts with new ones, a playground at the Community Center and the performance of a corridor study. He advised that the estimated cost of replacing the tennis courts is approximately \$200,000.00 and the playground will be approximately \$23,000.00. He also advised that he met with John Bridger of Southeast Tennessee Development to discuss the feasibility of the city to have a corridor study performed as an extension of the District's currently on-going corridor study for the City of Chattanooga. Mr. Bridger advised that the current study will not be coming through Red Bank at this time. Discussion of grant funding was tabled until the May 7th Agenda Work Session for further discussion.
2. City Manager Thornbury advised that the City will be receiving bids for a box culvert replacement on Brentwood Drive at Stringer's Branch. He advised that preliminary figures for the culvert replacement is 80 to 85 thousand dollars.
3. Mayor Pierce advised that there is a resolution on the agenda tonight to authorize an agreement with Johnson, Murphy and Wright to perform the city's annual audit. He explained that this audit is required by the State of Tennessee and cost of the audit is 32,450.00.
4. Commissioner Jenó advised that she is in the beginning stages of forming a committee to approach Erlanger Health Systems regarding making Erlanger North Hospital a full service hospital again.
5. Commissioner Jenó suggested that the city review their current property maintenance codes relating to commercial properties to see if more stringent regulations can be enforced.
6. Vice Mayor Pope suggested that the Commission review and reconsider the new sign regulations relating to pole signs and monument signs and adding a "grand-father" clause regarding the issue of when a pole sign has to be removed and a monument sign put in its place. After extensive conversation and limited amount of time for discussion, this item was passed to the May 7th Work Session for further discussion.

The meeting was adjourned at 5:55 p.m.

Mayor

City Recorder

BOARD OF COMMISSIONERS' MEETING

Minutes

April 16, 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. **April 2, 2019 Agenda Work Session**
 - B. **April 2, 2019 Commission Meeting**

Commissioner Rose made a motion to approve both sets of minutes as printed, second by Commissioner LeCompte. Both 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
 - Enjoyed the Chamber Lunch today, the speaker was Hamilton County Commissioner Chip Baker.
 - **Commissioner Ruth Jenó**
 - Welcomed all.
 - Enjoyed Chip Baker’s speech at the Chamber Lunch today.
 - Reminded everyone about the 40th Annual Red Bank Jubilee is on May 4th, parade starts at 10:00 a.m.
 - Advised that the Red Bank United Methodist Church will be hosting a community event on Wednesday evenings April – August. This event will take place at the Red Bank City Park and is open to the public, with free food and other activities.
 - Advised that she read a recent article about the growth of the Chattanooga area where Red Bank was specifically mentioned as one of the fastest growing cities.
 - Announced that White Oak Methodist Church will be hosting a free dinner on the 1st and 3rd Monday of every month at 5:30 with services at 6:30.
 - **Commissioner Ed LeCompte**
 - Welcomed all
 - Enjoyed the Chamber Lunch today.
 - **Commissioner Carol Rose**
 - Welcomed all.

- Attended the Red Bank Planning Commission Agenda Work Session today. Thanked members of the Planning Commission for volunteering to serve on the board, they do a great job.
- Encouraged people to shop local Red Bank businesses to purchase spring plantings.

VIII. City Manager Report –

Welcomed everyone. Advised that the FY 2020 proposed budget will be presented at the May 7th Commission Meeting and Budget Workshops will be scheduled at that time.

IX. Unfinished Business –

A. ORDINANCE NO. 19-1151 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 15-1020 FOR THE CITY OF RED BANK, TENNESSEE, CODIFIED AT RED BANK CITY CODE TITLE 14, CHAPTER 5, SECTION 14-501, SUB-SECTION (P) THEREOF, PERMITTED USES, IN ORDER TO CLARIFY CERTAIN SEGMENTS THEREOF (SECOND AND FINAL READING)

Mayor Pierce advised that this ordinance was discussed during a Public Hearing on April 2nd. He explained that this amendment will implement distance requirements between mini-warehouses or self-storage facilities. He explained that, if approved, these type facilities cannot be located within 1500 feet of each other nor shall they be located within 50 feet of any residentially zoned property. He advised that the Planning Commission thoroughly reviewed this ordinance and recommended approval. Commissioner Rose 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. 19-1151 was approved on second and final reading with all Commissioners voting “yes”.

B. ORDINANCE NO. 19-1152 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO PROVIDE FOR A COMPREHENSIVE REVISION OF THE RED BANK ORDINANCES GOVERNING OWNERSHIP, CONTROL, CONTROL, AND REGULATION OF ANIMALS AND DOMESTICATED FOWL WITHIN THE CITY OF RED BANK, TO BE CODIFIED AT RED BANK CITY CODE, TITLE 10, CHAPTER 1 THROUGH 10, INCLUSIVE AND ENTITLED, “RED BANK ANIMAL AND FOWL CONTROL ORDINANCE” (SECOND AND FINAL READING)

Mayor Pierce advised that it has been several years since the city reviewed and updated its animal control rules and regulations. He advised that this ordinance, if approved, will update the animal control ordinance for the city. Commissioner Jenó made a motion to approve the ordinance, second by Vice Mayor Pope. 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.19-1152 was approved on second and final reading with all Commissioners voting “yes”.

X. New Business

A. ORDINANCE NO. 19-1153 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND TITLE 11, CHAPTER 6 OF THE RED BANK CITY CODE, ENTITLED “FIREARMS, WEAPONS AND MISSILES” (FIRST READING)

City Attorney Stulce explained that the state legislature has recently amended regulations relating to firearms carry permits and where and under what circumstances the carrying of firearms may be prohibited by local municipalities. He advised that the state has left limited authority to local municipalities to regulate the carrying of firearms and that this ordinance sets out those circumstances. 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. 19-1153 was approved with all Commissioners voting “yes”.

B. RESOLUTION NO 19-1286 – RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING GENERAL OBLIGATION

CAPITAL OUTLAY NOTES, SERIES 2019, IN AN AMOUNT NOT TO EXCEED \$1,900,000.00 AND PROVIDING FOR THE PAYMENT OF SAID NOTES

Mayor Pierce advised that this resolution will authorize the city to acquire a 1.9 million dollar loan that will be used for paving, repair of the box culvert at Ashland Terrace and Dayton Boulevard and renovations to the new City Hall. He advised that this is a nine year note with a 3.5 percent interest rate. Vice Mayor Pope made a motion to approve the resolution, second by Commissioner Jenó. There were no citizen comments. Resolution No. 19-1286 was approved with all Commissioners voting "yes".

C. RESOLUTION NO. 19-1287 – A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE. AND ANIMAL CARE TRUST D/B/A MCKAMEY ANIMAL CENTER, IN THE AMOUNT OF \$69,990.00 FOR ANIMAL CONTROL SERVICES

Mayor Pierce advised that the city was recently approached by McKamey Animal Center with a proposal for McKamey to provide animal control services to the City of Red Bank. He explained that the services would be provided for \$69,990.00, which is the same amount the city has been paying the Humane Education Society. Commissioner Rose made a motion to approve the resolution, second by Commissioner LeCompte. There were no citizen comments. Resolution No. 19-1287 was approved with all Commissioners voting "yes".

D. RESOLUTION NO. 19-1288 – A RESOLUTION AUTHORIZING AN AGREEMENT WITH JOHNSON, MURPHY AND WRIGHT FOR THE PERFORMANCE OF AN ANNUAL AUDIT BY OUTSIDE INDEPENDENT AUDITORS, IN THE AMOUNT OF \$32,450.00

Mayor Pierce advised that state law requires that all municipalities have an annual audit performed. He advised that this resolution will approve an agreement with Johnson, Murphy and Wright for performance of the annual audit. It was explained that the city has used this auditing firm in the past and would like to use them again this year. The cost for the performance of the auditing services is \$32,450.00. Mayor Pierce made a motion to approve the resolution, second by Commissioner Jenó. Resolution No. 19-1288 was approved with all Commissioners voting "yes".

XI. Citizen Comments –

Chief Mark Mathews advised that long time employee Joe Summers recently retired from the Fire Department. Mr. Summers was with the department since 1980.

XII. Adjournment

The meeting was adjourned at 6:17 p.m.

Mayor

City Recorder Ruth Rohen

ORDINANCE NO. 19-1153

AN ORDINANCE TO AMEND TITLE 11, CHAPTER 6 OF THE OF THE CITY OF RED BANK, TENNESSEE, RED BANK CITY CODE, ENTITLED "FIREARMS, WEAPONS AND MISSILES".

WHEREAS, Tennessee Code Annotated 39-17-1314 preempts the field of the regulation of firearms and provides only limited authority to municipalities to enact any such regulations; and

WHEREAS, the current language in Title 11, Chapter 6, Section 11-601 et seq. of the City of Red Bank Municipal Code is in conflict with the above referenced statute; and

WHEREAS, any dangerous or injurious conduct or actions relative to Section 11-502 are otherwise prohibited by state law; and

WHEREAS, Tennessee Code Annotated 39-17-1311 et seq. establishes statutory authorities and requirements for carrying weapons in public parks, playgrounds, civic centers and other public recreational buildings and grounds; and

WHEREAS, Tennessee Code Annotated 39-17-1359 et seq. establishes when handgun carry permit holders shall be restricted from possession of firearms on City owned properties;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED BANK, TENNESSEE, THAT:

SECTION 1. Title 11, Chapter 6 of the Red Bank City Code shall be deleted in its entirety and shall be replaced with the following language:

CHAPTER 6 - FIREARMS, AIR RIFLES, WEAPONS AND MISSLES

- 11-601 Air Rifles, etc.
- 11-602 Throwing Missiles
- 11-603 Discharge of firearms
- 11-604 Hunting
- 11-605 Possession of Firearms on City owned Properties

11-601. **Air rifles, etc.** It shall be unlawful for any person in the municipality to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, compressed gas, or other force-producing means or method. (1975 Code, § 10-213)

11-602. **Throwing missiles.** It shall be unlawful for any person maliciously to throw any stone, snowball, bottle, or any other missile upon or at any vehicle, building, tree, or other public or private property or upon or at any person. (1975 Code, § 10-214)

11-603. **Firearms.** It shall be unlawful for any person to discharge firearms within the corporate limits of the City of Red Bank, except when and where the discharge of a firearm is expressly authorized or permitted by state law and/or the regulations of the Tennessee Wildlife Commission.

11-604. **Hunting.** It shall be unlawful to hunt on any property owned, leased or otherwise controlled by the City of Red Bank. Hunting on private property is controlled by and must comply with state law and/or the regulations of the Tennessee Wildlife Commission.

11-605. Possession of firearms on City owned properties. In accordance with TCA 39-17-1359, the following regulations shall be strictly enforced. Violations are punishable to the extent allowable under state law.

(1) Except as otherwise provided by state law, firearms shall be prohibited on any City owned or operated properties if in the possession of a person who does not hold an then currently have in such persons possession a valid handgun carry permit issued or recognized by the state of Tennessee. (2) In general, persons who hold and then currently have in such person's possession, a valid handgun carry permit pursuant to TCA 39-17-1351 and shall be able to lawfully possess a firearm on City owned property except as herein below expressly prohibited or may otherwise be prohibited by state law and of action of the property owners or lawful lessee.

(3) The City may restrict possession of firearms by a handgun carry permit holder if the following are provided at each public entrance to the property:

- a. Metal detection devices;
- b. At least one (1) law enforcement or private security officer who has been adequately trained to conduct inspections of persons entering the property by use of metal detection devices; and
- c. That each person who enters the property through the public entrance when the property is open to the public and any bag, package, and other container carried by the person is inspected by a law enforcement or private security officer or an authorized representative with the authority to deny entry to the property.

(4) The possession of firearms, including by a handgun carry permit holder, is prohibited at the following locations:

- a. In the immediate vicinity of any City owned athletic field, park, or other similar public place during any school sponsored athletic event or other school-related activity;
- b. Buildings in which judicial proceedings take place including the Red Bank City Hall, regardless of whether a judicial proceeding is in progress;
- c. Buildings that contain a law enforcement agency including the Red Bank Police and Fire Department buildings;

Section 2. 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.

Section 3. This Ordinance shall take effect from and after the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.

MAYOR OF RED BANK, TENNESSEE

ATTEST:

CITY RECORDER

April 16, 2019

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

CITY ATTORNEY

RESOLUTION NO. 19-1289

A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, BULLETPROOF VEST PARTNERSHIP GRANT

WHEREAS, the safety and well being of the employees of the City of Red Bank is of the greatest importance; and

WHEREAS, the United States Department of Justice, Office of Justice Programs, has an established a Bulletproof Vest Partnership Grant program for the purchase of Law Enforcement Equipment for Tennessee Criminal Justice Agencies; and

WHEREAS, this is a \$4,290.00 grant that requires a 50% local agency match of \$4,290.00; and

WHEREAS, grant funding will be used to purchase twelve (12) Bulletproof Vests; and

WHEREAS, the City of Red Bank now seeks to participate in this important equipment grant program.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF RED BANK, TENNESSEE, AS FOLLOWS:

SECTION 1. That the City of Red Bank, Tennessee is hereby authorized to submit supplication for a Law Enforcement Equipment Grant through the State of Tennessee, Office of Criminal Justice Programs.

SECTION 2. That the City Manager is authorized to sign the grant application and agreement and any accompanying forms upon approval by the City Attorney.

Resolved this 7th day of May in the year of 2019

Mayor

City Recorder

RESOLUTION NO. 18-1290

A RESOLUTION AUTHORIZING A CONTRACT WITH KLEENCO CONSTRUCTION OF TENNESSEE, INC. IN AN AMOUNT NOT TO EXCEED \$105,526.85 FOR THE REPLACEMENT OF A SECTION OF A BOX CULVERT ON BRENTWOOD DRIVE OVER STRINGERS BRANCH

WHEREAS, the City of Red Bank advertised in the Chattanooga Times Free Press on for competitive bids for the replacement of a box culvert that runs underneath Stinger's Branch on Brentwood Drive ; and

WHEREAS, two (2) bids was received and opened on May 3, 2019; and

WHEREAS, after review of the bids by the City of Red Bank and their contracted engineering firm, Wisner Consultants, for compliance with the bid specifications, Kleenco Construction of Tennessee, Inc. had the best bid, in the amount of \$95,933.50; and

WHEREAS, after reviewing the bid and associated documentation, it was found that the bid from Kleenco Construction of Tennessee, Inc. does meet the specifications as detailed in the Bid Documents; and

WHEREAS, the City of Red Bank recognizes that the box culvert and surrounding infrastructure support is extremely old and recommends adding a contingency of 10%, bringing the total not to exceed contract amount to \$105,526.85, to cover any unforeseen issues that often arise when making repairs to old infrastructure: and

NOW, THEREFORE BE IT RESOLVED by the Commission of the City of Red Bank. Tennessee that the bid and contract with Kleenco Construction of Tennessee, Inc. in an amount not to exceed \$105,526.85 be and is hereby approved.

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

Resolved this 7th day of May 2019

Mayor

City Recorder