

BOARD OF COMMISSIONERS' MEETING

Minutes
July 7, 2020
6:00 p.m.

- I. **Call to Order** – Acting Mayor Jenó called the meeting to order at 6:00 p.m. This meeting was held at the Joe Glasscock Community Center to better follow current Hamilton County Health Department and Governor Lee's COVID 19 virus social distancing requirements. The date, time and location of the meeting had been duly advertised in a paper of local circulation and on the City of Red Bank website.
- II. **Roll Call** – Mayor Jenó called the roll. Those present were Acting Mayor Ruth Jenó, Commissioner Tyler Howell, Commissioner Ed LeCompte and Commissioner Carol Rose. Also present were City Manager Tim Thornbury, City Attorney Arnold Stulce, Police Chief Dan Seymour, Fire Chief Mark Mathews, Finance Director John Alexander, City Recorder Ruth Rohen and those listed on Exhibit A.
- III. **Invocation** – Commissioner Howell 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 16, 2020 Commission Meeting**
 - B. **June 16, 2020 Agenda Work Session**Commissioner LeCompte made a motion to approve both sets of minutes as printed, second by Commissioner Howell. The minutes were approved with all Commissioners voting "yes".
- VI. **Communication from Mayor Jenó**
 - Welcomed everyone.
 - Was honored to attend the Red Bank High School Class of 2020 graduation ceremony.
 - Thanked the fire department for the quick response and great job saving a house from being destroyed by a house fire on Briggs Avenue.
- VII. **Commissioners Report**

Commissioner Tyler Howell

 - Welcomed everyone.
 - Congratulated the Class of 2020 on their graduation.
 - Thanked all city staff and Department Heads for their hard work.

Commissioner Ed LeCompte

 - Welcomed everyone.
 - Glad to be back in town after a short vacation.

Commissioner Carol Rose

 - Welcomed all.
 - Advised that she has received several calls regarding the old middle school property. She advised that the city is still moving on the property and working through several issues.
- VIII. **City Manager's Report**
 - Welcomed everyone.
 - Reminded everyone to stay safe and practice social distancing during the ongoing COVID 19 pandemic.

IX. Public Hearings

- 1) City Manager Thornbury advised that this Public Hearing is regarding a request to rezone property at 5005 Dayton Boulevard, Hamilton County Tax Map Parcel 098 O B 001.01 from R-1A residential to R-3 residential for development of a Planned Unit Development consisting of singled family detached houses and single family attached townhomes, subject to conditions. Mr. Thornbury advised that the applicant on this project was running late so this public hearing was closed and will be reopened when the applicant arrives.

Upon later arrival of Chris Anderson, the Public Hearing was re-opened and Acting Mayor Jenó called the applicant, Chris Anderson with Greentech Homes forward. Mr. Anderson explained that he is requesting the property be rezoned for development of a Planned Unit Development consisting of singled family detached houses and single family attached townhomes. It was noted that the Planning Commission reviewed the request to rezone the property and recommended approval. There were no questions from the commissioners. The Mayor opened the floor for public comments or questions but there were none. After no further comments, this public hearing was closed.

- 2) City Manager Thornbury advised that this Public Hearing is regarding a request for a Special Exceptions Permit for development of a Planned Unit Development consisting of single family homes and single family attached townhomes on Pinebreeze Road, Hamilton County Tax Map Parcels 126 E B 013, 126E B 014, 126E B 015 and 126E B 020. John Coffelt with HGH Construction and Derrick Blackwood with MAP Engineers were in attendance to present project details. They explained that the development will have a maximum of 29 units as conditioned by the recently approved rezoning. Mr. Blackood advised that the development will be a mix of single family detached homes and single family attached townhomes with the entrance and exit on Pinebreeze Road. There were no questions from the commissioners. Mayor Jenó invited citizen comments:

- Nell Reed, 3808 Oakland Terrace, Advised she is not familiar with the location and asked for clarification of where this property is located in the city.
- Rick Rushworth, 501 W. Oxford Drive, Advised that the developers have been very helpful and accommodating through this process.

It was noted that the Planning Commission reviewed the request for a Special Exceptions Permit and recommended approval, subject to conditions. After no further comments, this public hearing was closed.

X. Unfinished Business –

- A. **ORDINANCE NO. 20-1171 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO REZONE PROPERTY LOCATED AT 14 KINGSTON STREET, HAMILTON COUNTY TAX MAP PARCEL 118A F 004, FROM R-1 RESIDENTIAL TO R-T/Z TOWNHOUSE / ZERO LOT LINE RESIDENTIAL, SUBJECT TO CONDITIONS (SECOND AND FINAL READING)**

City Manager Thornbury read aloud the conditions of the rezoning. He advised that there was a Public Hearing held during the Commission Meeting on June 16th and noted that the Planning Commission thoroughly studied the request to rezone this property and recommended approval, with conditions. Commissioner Howell made a motion to approve the ordinance, second by Commissioner Rose. There were no citizen comments. **Roll Call Vote: Acting Mayor Jenó “yes”, Commissioner Howell “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 20-1171 was approved on second and final reading with all Commissioners voting “yes”.

- B. **ORDINANCE NO. 20-1172 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE ZONING ORDINANCE NO. 15-1020, CODIFIED AT RED BANK CITY CODE, TITLE 14, CHAPTER VII, SECTIONS 14-701 ET. SEQ. (SECOND AND FINAL READING)**

City Manager Thornbury explained that the city’s current ordinances regarding Adult Oriented Establishments has not been updated in several years. He explained that this ordinance will update the requirements and regulations related to operation of Adult Oriented Establishments so that the regulations more closely resemble the City of Chattanooga’s ordinance on Adult Oriented Establishments. It was noted that the Planning Commission reviewed this ordinance and

recommended approval, The City Commission has previously studied the need for and the contents of this ordinance. Commissioner LeCompte made a motion to approve the ordinance, second by Commissioner Rose. Citizen Comments:

- Elizabeth Mayfield, 3514 Lamar Avenue, Advised that in her opinion some convenience stores sells items that are inappropriate and that can be seen by minors.

There were no further comments. **Roll Call Vote: Acting Mayor Jenó “yes”, Commissioner Howell “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 20-1172 was approved on second and final reading with all Commissioners voting “yes”.

C. ORDINANCE NO. 20-1173 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE ZONING ORDINANCE NO. 15-1020, CODIFIED AT TITLE 14 OF THE RED BANK CITY CODE, CHAPTER IV, SECTION 14-402 AND CHAPTER V, SECTION 14-501 AND SECTION 14-502 AS RELATES TO “PERMITTED USES” IN THE ZONES THEREIN SPECIFIED (SECOND AND FINAL READING)

City Manager Thornbury advised that this ordinance is complimentary to Ordinance No. 20-1172 and will amend the zoning ordinance relating to permitted uses in the C-1 Commercial Zone to permit Adult Oriented Establishments, under the newly enacted regulatory ordinance, in the C-1 Commercial zone. The Planning Commission reviewed the proposed amendment and recommended approval. Commissioner Rose made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Acting Mayor Jenó “yes”, Commissioner Howell “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 20-1173 was approved on second and final reading with all Commissioners voting “yes”.

D. RESOLUTION NO. 20-1347 – A RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, WHETHER AND UPON WHAT CONDITIONS A SPECIAL EXCEPTIONS PERMIT WILL BE ISSUED TO IMMUNOTEK BIOCENTERS, 2101 DAYTON BOULEVARD

City Manager Thornbury advised that this resolution was tabled from the June 16 2020 Commission Meeting, after through discussion. Commissioner Howell advised that he feels this was not an appropriate use for this location because it is incompatible with the neighborhood and so closely abuts a residential zone. Commissioner Howell made a motion to deny the Special Exceptions Permit, second by Commissioner Rose, who additionally stated that she felt this business will not attract new homeowners or new businesses and will not generate any sales tax revenue for the city, and further that the location was compatible with the surrounding area, with which Commissioner Howell agreed.

Citizen comments:

- Doug Downey, 2112 Dayton Boulevard, Is opposed to ImmunoTek Biocenters application for a Special Exceptions Permit to locate in Red Bank.

- Andrea Abercrombie, 409 E. Midvale Avenue, Is opposed to ImmunoTek Biocenters application for a Special Exceptions Permit to locate in Red Bank.

- Elizabeth Mayfield, 3514 Lamar Avenue, Is opposed to ImmunoTek Biocenters application for a Special Exceptions Permit to locate in Red Bank.

- Donna Sullivan, 2027 James Avenue, Is opposed to ImmunoTek Biocenters application for a Special Exceptions Permit to locate in Red Bank.

- Lori Kyle, 3406 Redding Road, Is opposed to ImmunoTek Biocenters application for a Special Exceptions Permit to locate in Red Bank.

- Tammy Way 433 Lullwater Road, Is opposed to ImmunoTek Biocenters application for a Special Exceptions Permit to locate in Red Bank.

Aaron Renshaw, Property Acquisitions Manager for Immunotek Biocenters, gave an overview of the company and its screening, standards and regulations for plasma collection. Mr. Renshaw also explained several health conditions that utilizes plasma as a form of treatment.

After no further comments, the motion to deny the application for a Special Exceptions Permit for Immunotek Biocenters for 2101 Dayton Boulevard was approved with all Commissioners voting "yes".

XI. New Business –

A. ORDINANCE NO. 20-1174 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE PROPERTY LOCATED AT 5005 DAYTON BOULEVARD, HAMILTON COUNTY TAX MAP PARCEL 0990 B 001.01 FROM R1-A RESIDENTIAL TO R-3 RESIDENTIAL, SUBJECT TO CONDITIONS (FIRST READING)

City Manager Thornbury advised that the applicant for this rezoning had arrived and Mayor Jenó re-opened the earlier Public Hearing (See reference to Item IX (1) of these minutes). Thereafter, Mr. Thornbury read the caption of the ordinance and conditions contained in the ordinance, as recommended by the Planning Commission. Commissioner Howell made a motion to approve the ordinance, second by Commissioner Rose. There were no citizen comments. **Roll Call Vote: Acting Mayor Jenó "yes", Commissioner Howell "yes", Commissioner LeCompte "yes", Commissioner Rose "yes".** Ordinance No. 20-1174 was approved on first reading with all Commissioners voting "yes".

B. ORDINANCE NO. 20-1175 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING ORDINANCE NO. 02-853, SECTION 5(C), THE STORM WATER UTILITY SERVICE CHARGE (FIRST READING)

City Manager Thornbury advised that pursuant to storm water program Federal mandates, the city established a storm water program in 2002. He explained that an annual fee of \$36.00 per equivalent residential household was assessed at that time to offset expenses related to the program. Mr. Thornbury explained that the fee has not been increased in the past 18 years, but that expenses have increased and that the general fund has had to cover more and more costs associated with storm water related issues. He advised that this ordinance will increase the annual storm water utility fee from \$36.00 to \$40.00 per equivalent residential unit. The Commission had reviewed the necessity of doing so in previous work sessions. Commissioner Rose made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Acting Mayor Jenó "yes", Commissioner Howell "yes", Commissioner LeCompte "yes", Commissioner Rose "yes".** Ordinance No. 20-1175 was approved on first reading with all Commissioners voting "yes".

C. RESOLUTION NO. 20-1349 – A RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE ISSUANCE OF A SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT ON PINEBREEZE ROAD, HAMILTON COUNTY TAX MAP PARCELS 126E B 020, 126E B 013, 126E B 014 AND 126E B 015, SUBJECT TO CONDITIONS

City Manager Thornbury advised that this item was presented and discussed during the Public Hearing portion earlier in tonight's meeting. Mr. Thornbury read the conditions associated with issuance of the Special Exceptions Permit and advised that the Planning Commission reviewed this item and recommended approval. Commissioner Rose made a motion to approve the resolution, second by Commissioner LeCompte. Citizen Comments:

- Nell Reed, 3808 Oakland Terrace, Asked for clarification of the conditions that were read.

There were no further comments or questions. Resolution No. 20-1149 was approved with all Commissioners voting "yes".

D. RESOLUTION NO. 20-1350 – A RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE PURCHASE OF ONE CATERPILLAR 416F2 BACKHOE LOADER FROM STOWERS MACHINERY CORPORATION, IN THE AMOUNT OF \$98,967.93, FOR THE SOLID WASTE DEPARTMENT

City Manager Thornbury explained that this resolution is to approve the purchase of a backhoe loader under the State of Tennessee contract. He advised that after checking pricing with various vendors, the State contract price of \$98,967.93 was the best price received. He explained that the purchase of the equipment is budgeted and will be purchased using solid waste funds without the need of financing. Commissioner LeCompte made a motion to approve the resolution, second by Commissioner Howell. There were no citizen comments. Resolution No. 20-1350 was approved with all Commissioners voting "yes".

E. RESOLUTION NO. 20-1351 – A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE PUBLIC ENTITY PARTNERS “SAFETY PARTNERS” MATCHING GRANT PROGRAM

City Manager Thornbury advised that this resolution will authorize the city to apply for a grant offered by its insurance carrier, Public Entity Partners. He advised that this is a 50/50 matching grant and that the city will be reimbursed expenses of up to \$2,000.00. If awarded grant funds will be used by the Fire Department to purchase firefighter protective hoods. Commissioner Howell made a motion to approve the resolution, second by Commissioner LeCompte. There were no citizen comments. Resolution No. 20-1351 was approved with all Commissioners voting “yes”.

F. Commissioner Rose made a motion to declare a moratorium with respect to the acceptance and/or issuance of any zoning permits, special exceptions permits, and/or business licenses for the location of laboratory facilities, plasma collection and/or donation facilities and/or “clinics” where direct treatment of conditions or illnesses and/or general health check-ups does not occur, for a period of six months to allow time for study and review of permitted uses in certain zones. The motion was seconded by Commissioner Howell. Motion was approved as Resolution No. 20-1352, with all Commissioners voting “yes”.

XII. Citizen Comments –

- Marissa Brown, 127 W. Ridgewood Avenue, Asked if the Save-A-Lot will remain at its current location at 2101 Dayton Boulevard.

XIII. Adjournment

The meeting was adjourned at 6:50 p.m.

Mayor

Date

City Recorder Ruth Rohen

Date