

City of Red Bank

Eddie Pierce
Mayor

Tim Thornbury
City Manager

BOARD OF COMMISSIONERS' MEETING

Agenda
September 3, 2019
6:00 p.m.

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

Mayor Pierce _____, Commissioner Jenó _____, Commissioner LeCompte _____,
Commissioner Rose _____
- III. **Invocation –**
- IV. **Pledge of Allegiance –**
- V. **Consideration of the Minutes for approval or correction:**
 - A. **August 20, 2019 Agenda Work Session**
 - B. **August 20, 2019 Commission Meeting**
- VI. **Installation of Newly Appointed Commissioner – Oath of Office, Judge Gary Starnes**
- VII. **Election of Vice Mayor – Oath of Office, Judge Gary Starnes**
- VIII. **Communication from the Mayor**
- IX. **Commissioner's Report**
 - A. **Commissioner Tyler Howell**
 - B. **Commissioner Ruth Jenó**
 - B. **Commissioner Ed LeCompte**
 - C. **Commissioner Carol Rose**
- X. **City Manager Report**
- XI. **Unfinished Business -**
 - A. **ORDINANCE NO. 19- 1157 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 18-1126, CODIFIED AT RED BANK CITY CODE, TITLE 6, CHAPTER 1, SECTION 6-108, SUBPARTS (C)(1) AND (C)(2) WITH RESPECT TO AUTHORIZING THE CITY MANAGER TO DIRECTLY AUTHORIZE ACQUISITIONS THROUGH THE LESO PROGRAM WITHOUT PRIOR FORMAL APPROVAL BY THE CITY COMMISSION (SECOND AND FINAL READING)**
 - B. **ORDINANCE NO. 19-1158 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, IN ORDER TO REPEAL AND REPLACE TITLE 13, CHAPTER 2, SECTION 13-201 THROUGH 13-210 OF THE RED BANK CITY CODE WITH RESPECT TO ABANDONED AND/OR DISCARDED VEHICLES, MOTOR VEHICLES, BOATS, AND/OR WATERCRAFT (SECOND AND FINAL READING)**
- XII. **New Business**
 - A. **RESOLUTION NO. 19-1310 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, APPROVING THE QUOTE FROM BROWN BROTHERS INC., FOR ROADWAY REPAIRS AND PAVING OF A PORTION OF ROADWAY ON HIGHPOINT DRIVE, IN AN AMOUNT NOT TO EXCEED \$13845.00**
 - B. **RESOLUTION NO. 19-1311 – A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL SAFETY PARTNERS "DRIVER SAFETY" MATCHING GRANT PROGRAM**
- XIII. **Citizen Comments from Red Bank Citizens about Red Bank business (3 minute limit)**
- XIV. **Adjournment**

Eddie Pierce
Mayor

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

Tim Thornbury
City Manager

Minutes
August 20, 2019
5:00 p.m.

The Board of Commissioners met in a public and advertised Agenda Work Session on August 20, 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, Commissioner Ruth Jenó, Commissioner Ed LeCompte, and Commissioner Carol Rose. Also present were City Manager Tim Thornbury, Police Chief Dan Seymour, Fire Chief Mark Mathews, and City Recorder Ruth Rohen. There were no citizen attendees.

1. Mayor Pierce discussed the concept of amending the Design Review Standards to raise the substantial renovation percentage to 60% of the appraised value before the Design Review Standards would be applicable to existing structure renovations. He advised that the current standards list substantial renovation at 30% of appraised value.
2. Mayor Pierce advised that there is an ordinance on the agenda tonight for first reading to amend the Municipal Code to replace the current abandoned and inoperable vehicle ordinance to add abandoned boat and watercraft to the ordinance.
3. Commissioner Jenó requested that the City Manager review the rental fees for public use of the Community Center.
4. City Manager Thornbury presented a hand-out from the Hamilton County Property Tax office that listed three properties in Red Bank, among others, that are scheduled to be sold in the 2020 Back Tax Sale.
5. City Manager Thornbury gave an overview of a potential housing development on Pinebreeze Road. He advised that some of the property that is being considered for development is located in Red Bank and some in Chattanooga.

The meeting was adjourned at 5:38 p.m.

Mayor

City Recorder

BOARD OF COMMISSIONERS' MEETING

Minutes

August 20 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, Commissioner Jenó, Commissioner LeCompte and Commissioner Rose were present. Also present were Fire Chief Mark Mathews, Police Chief Dan Seymour, 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. **July 16, 2019 Agenda Work Session**
 - B. **July 16, 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 everyone.
 - Invited everyone to attend a fund raising BBQ on September 14th from 5:00 to 8:00 at the Red Bank City Park across from Food City on Dayton Blvd. He advised that proceeds will benefit the Red Bank Community Food Bank.
- VII. **Commissioners Report**
 - **Commissioner Ruth Jenó**
 - Welcomed all.
 - Advised that after the passing of Vice Mayor Terry Pope, his family requested that in lieu of flowers, donations be made to the Red Bank Community Food Bank. As of this date \$7,000.00 has been donated in honor of Vice Mayor Pope.
 - Advised that White Oak Methodist Church hosts a free dinner and gospel music event on the first Tuesday of every month.
 - **Commissioner Ed LeCompte**
 - Welcomed all
 - Advised that a new business, Pie R Square, has recently opened in Red Bank across from Pizzeria Cortile. They sell several types of pies in single serve or large sizes.
 - **Commissioner Carol Rose**
 - Advised that Red Bank High School Football alumni have created a website that has several photos and information about past members of the football team.
- VIII. **City Manager Report** –

Advised that the city is continuing to grow with several new residential developments. Concrete sidewalks and bench pads are being installed at the City Park.
- IX. **Unfinished Business - None**

X. New Business

A. ORDINANCE NO. 19 – 1157 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 18-1126, CODIFIED AT RED BANK CITY CODE, TITLE 6, CHAPTER 1, SECTION 6-108, SUBPARTS (C)(1) AND (C)(2) WITH RESPECT TO AUTHORIZING THE CITY MANAGER TO DIRECTLY AUTHORIZE ACQUISITIONS THROUGH THE LESO PROGRAM WITHOUT PRIOR FORMAL APPROVAL BY THE CITY COMMISSION (FIRST READING)

Mayor Pierce explained that this ordinance, if approved, will amend the LESO Program ordinance, which allows the Police Department to acquire equipment and vehicles from the State at no, or very little cost to the city. He explained that this amendment will authorize the City Manager to approve certain equipment acquisitions without prior formal approval by the City Commission. He explained that notification to the City Commission is still required and that no aircraft, vehicles or specialized weapons may be obtained without prior formal approval of the City Commission. Commissioner Jenó made a motion to approve the ordinance, second by Commissioner Rose. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No 19-1157 was approved on first reading with all Commissioners voting “yes”.

B. ORDINANCE NO. 19-1158 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, IN ORDER TO REPEAL AND REPLACE TITLE 13, SECTION 13-201 THROUGH 13-210 OF THE RED BANK CITY CODE WITH RESPECT TO ABANDONED AND/OR DISCARDED VEHICLES, MOTOR VEHICLES, BOATS AND/OR WATERCRAFT (FIRST READING)

Mayor Pierce advised that this ordinance, if approved, will replace the current ordinance. He advised that there have been some instances of abandoned boats and watercraft and other types of vehicles that the current ordinance does not address. Commissioner LeCompte made a motion to approve the ordinance, second by Mayor Pierce. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No 19-1158 was approved on first reading with all Commissioners voting “yes”.

C. RESOLUTION NO. 19-1309 – A RESOLUTION AUTHORIZING AN AGREEMENT WITH RIGHT WAY CLEANING FOR CLEANING SERVICES AT RED BANK CITY HALL AND THE POLICE DEPARTMENT, FOR AN AMOUNT NOT TO EXCEED \$15,420.00

Mayor Pierce advised that this resolution will authorize an agreement with Right Way Cleaning for facility cleaning of City Hall and the Police Department. He explained that the cost of the cleaning services is \$1,265.00 per month for an annual amount not to exceed \$15,420.00. Commissioner Jenó made a motion to approve the resolution, second by Commissioner Rose. There were no citizen comments. Resolution No. 19-1309 was approved with all Commissioners voting “yes”.

D. AGENDA ITEM 19-847 - APPOINTMENT TO THE VACANT DISTRICT 1 COMMISSION SEAT FOR THE PERIOD OF TIME BETWEEN THIS DATE AND THE NOVEMBER 2020 GENERAL ELECTION

Mayor Pierce advised that the District 1 Commission seat has been vacant since Vice Mayor Terry Pope passed away. He advised that he has spoken extensively with Tyler Howell, who is currently the City of Red Bank’s appointed representative to the Hamilton County WWTA and who has expressed interest in filling the vacant seat.

Mayor Pierce made a motion to appoint Tyler Howell to fill the vacant District 1 Commission Seat until the November 2020 general election. Second by Commissioner Rose. **Roll Call Vote: Mayor Pierce “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Tyler Howell was appointed to fill the vacant District 1 Commission Seat for the period of time between this date and the November 2020 general election by all Commissioners voting “yes”. Mayor

Pierce advised that Mr. Howell will be sworn in at the September 3rd Commission Meeting.

XI. Citizen Comments - None

XII. Adjournment

The meeting was adjourned at 6:12 p.m.

Mayor

City Recorder Ruth Rohen

ORDINANCE NO. 19-1157

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND ORDINANCE 18-1126 CODIFIED AT RED BANK CITY CODE TITLE 6, CHAPTER 1, SECTION 6-108, SUBPARTS (C)(1) AND (C)(2) WITH RESPECT TO AUTHORIZING THE CITY MANAGER TO DIRECTLY AUTHORIZE ACQUISITIONS THROUGH THE LESO PROGRAM WITHOUT PRIOR FORMAL APPROVAL BY THE CITY COMMISSION

WHEREAS, effective as of August 7, 2018 the City adopted Ordinance 18-1126 authorizing the participation BY the City in the Title 10 United States Code Section 2576(a) Department of Defense Local Law Enforcement Services Program, also known as the “1033 Program” and/or the “LESO Program”; and

WHEREAS, the City, pursuant to the above referenced ordinance entered into an agreement with the State of Tennessee and with the Department of General Services thereof authorizing the participation by the City of Red Bank in the LESO Program; and

WHEREAS, the City, upon recommendation of the Police Chief and the City Manager finds it necessary and appropriate to recommend some changes to the internal procedures and protocol of the City of Red Bank as memorialized in Ordinance 18-1126 in order to facilitate the participation of the City in the LESO Program as deemed appropriate and necessary by the experience of the past twelve months; and

WHEREAS, the Chief of Police and the City Manager, upon consultation with the Commission in an open, advertised Work Session and Agenda Session recommend that the City Commission modify the terms of the City’s internal procedures and protocols by permitting the City Manager to approve and disapprove of certain requested acquisitions by the Police Department without preapproval; and

WHEREAS, the City Commission, as aforesaid, deems it necessary and appropriate to maintain its ultimate control in the possible, but not probable acquisition or consideration for acquisition of manned or unmanned aircraft, fixed or rotary winged aircraft, drones, unmanned aerial vehicles, wheeled vehicles, wheeled armored vehicles, armored vehicles of any sort, all-terrain vehicles utilizing any combination of wheels and/or tracks or trades, any specialized ammunition and/or any firearms or weapons other than previously authorized and approved police department issued service weapons, and/or explosives and/or pyrotechnics of any sort but to grant direct authority to the City Manager to directly approve more mundane and usual acquisitions or equipment supplies and “normal” ammunition and similar items as such may be available from time to time.

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

That Title 6, Chapter 1, Section 6-108 of the Red Bank City Code (Ordinance 18-1126), be and the same is hereby amended as follows:

SECTION 1. Presently existing Sections (C)(1) and (C)(1) is deleted in their entirety and there is substituted in this place new Sections (C)(1) and (C)(1) as follows:

(C)(1) Notwithstanding any other provisions set forth and as contained within the terms, provisions and conditions of said State Plan of Operations Between the State of Tennessee and the City of Red Bank, Tennessee, the Chief of Police shall not make any applications or requests for transfers of any personal property, equipment, commodities, vehicles, assets, expendables (such as ammunition) without the prior written approval of the City Manager and preceded by a written request prepared by the Chief of Police and submitted to the City Manager explaining the necessity and requesting authority and approval from the City Manager to make further application to the State of Tennessee / Department of Defense and providing a detailed rationale for such requested acquisition(s) together with a projected budget / cost benefit analysis with respect to any such acquisition, usage, oversight, maintenance and anticipated length of service of any and all such assets. For such acquisitions as are approved by the City Manager, the City Manager shall contemporaneously give written and or email NOTICE to the City Commission, either collectively or individually of the/each pending approved acquisition and a summary of the appropriateness and necessity or desirability of same.

(2) Provided further that no application shall be made to the Department of General Services for any manned or unmanned aircraft, fixed or rotary winged aircraft, drones, or unmanned aerial vehicles, wheeled armored vehicles, wheeled vehicles, wheeled vehicles of any sort, armored vehicles of any sort, all-terrain vehicles utilizing any combination of wheels and/or tracks and/or treads, any specialized weapons or ammunition and whether or not over or under .50 caliber ammunition (except for standard issue arms and/or ammunition for previously authorized police department issued service weapons), and explosives or pyrotechnics of any kind or nature, all as defined in the State Plan of Operations Between the State of Tennessee and the City of Red Bank as "Controlled Property," without the express written approval, via duly adopted Resolution of the City Commission of the City of Red Bank, and then only after report of the City Manager detailing budgetary and potential liability issues and the City Manager's recommendation with respect to each such requested acquisition.

SECTION 2. Ordinance 18-1126 is otherwise ratified and affirmed except as expressly provided hereinabove.

SECTION 3. Every section, 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 4. This Ordinance shall take effect from and after the date of its final passage the health, safety and welfare of the citizens of the City of Red Bank requiring it.

Mayor

City Recorder

August 20, 2019
Passed on First Reading

Passed on Second and Final Reading

Approved as to form:

City Attorney

ORDINANCE NO. 19-1158

AN ORDINANCE IN THE CITY OF RED BANK, TENNESSEE IN ORDER TO REPEAL AND REPLACE TITLE 13, CHAPTER 2, SECTION 13-201 THROUGH SECTION 13-210 OF THE RED BANK CITY CODE WITH RESPECT TO ABANDONED AND/OR DISCARDED VEHICLES, MOTOR VEHICLES, BOATS AND/OR WATERCRAFT.

WHEREAS, pursuant to Ordinance No. 98-765, the City of Red Bank has had in place for many years, an Ordinance and regulatory plan and scheme, which regulates, for the health, safety, benefit and well-being of the citizens of Red Bank, abandoned and/or non-operating automobiles, vehicles, motor vehicles, boats and other similar items of personal property; and

WHEREAS, recent and repeated occurrences and activities by residents and other persons within the City, compel the necessary re-evaluation of the increasing frequency of activities not necessarily covered with sufficient clarity with the current and in place regulations and ordinances of the City; and

WHEREAS, the City Commission deems it appropriate and necessary, after review, examination and observation of various practices and activities of certain residents and business operators within the City of Red Bank to clarify and expand the City's Ordinances related to abandoned, non-operated and discarded motor vehicles, vehicles, boats, water craft and similar means of conveyance.

NOW THEREFORE, the City Commission of the City of Red Bank, Tennessee hereby deems it necessary and appropriate to enact this Ordinance entitled ABANDONED, NON-OPERATING AND DISCARDED VEHICLES, MOTOR VEHICLES, BOATS, PERSONAL WATERCRAFT, FOUR WHEELERS, GOLF CARTS, ALL TERRAIN-VEHICLES AND SIMILAR MEANS OF CONVEYANCE.

SECTION 1: Title 13, Chapter 2, Section 13-201 through Section 13-210 are REPEALED in their entirety;

SECTION 2: There is enacted hereby Red Bank City Code Title 13, Chapter 2, Section 13-201 through 13-210, inclusive:

ABANDONED, NON-OPERATING AND DISCARDED VEHICLES, MOTOR VEHICLES, BOATS, WATER CRAFT, FOUR WHEELERS, GOLF CARTS, ALL TERRAIN-VEHICLES AND SIMILAR MEANS OF CONVEYANCES AS FOLLOWS:

13-201. Abandoned and/or outside parking or storage of non-operating, partially dismantled or dismantled automobiles, motor vehicles, vehicles, motorcycles, wheeled or tracked vehicles, boats and personal water craft four wheelers, golf carts, all-terrain vehicles and unregistered vehicles declared a public nuisance. In enacting this chapter the city commission of the City of Red Bank finds and declares that the accumulation and/or outside parking and/or outside storage and/or abandonment of wrecked, junked, partially dismantled and/or non-operating motor vehicles, vehicles, motorcycles, wheeled or tracked vehicles, golf carts, all-terrain vehicles, boats and personal water craft and unregistered vehicles and similar means of conveyance on public or private property in the City of Red Bank is and are in the nature

of rubbish and unsightly debris, violates, in many instances, the zoning regulations of the city, and constitute(s) a nuisance detrimental to the health, safety and welfare of the community in such that such conditions tend to interfere with the enjoyment of and reduce the value of public and private property, create fire hazards, serve as potential refuge for vermin and vectors, and create other health and safety hazards to the City of Red Bank. (as added by Ord. #98-765, March 1998, and amended by Ord. #13-997, Dec. 2013)

13-202. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) “Abandoned motor vehicle” means a motor vehicle, motorcycle, all-terrain vehicle (ATV), golf cart or similar motorized or non-motorized means of conveyance and regardless of the number of wheels that is left unattended on public property for more than seven (7) days, or a motor vehicle that has remained illegally on public property for a period of more than forty-eight (48) hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of property for more than forty-eight (48) hours.

(2) “Boat” means a water craft or any kind, nature or character, including specifically personal water craft, designed and/or intended to float in water, and to carry persons and/or cargo for recreational or commercial uses and includes, without limitations trailers used for moving or transporting a boat or water craft.

(2)(a) “Non-operating automobiles or vehicle.” A vehicle, or various parts thereof, which is not reasonably presently capable of traveling along the ground, under its own power, by reason of being wrecked, scrapped, ruined, dismantled, partially dismantled, disassembled, without operating engine, transmission, or battery and/or without present ability to start and run for at least two (2) consecutive minutes under its own power and/or by reason of any single factor or combination of the above enumerated factors and/or which for any other factor or factors is not reasonably in operating condition.

(2)(b) “Non-operating boat or non-operating water craft” means any boat whether or not capable of floating and whether or not its engine or motor is capable of operation which is not capable of floating in water and moving on its own power and which for any reasons or combination of reasons is not capable of operating on the water as a BOAT.

(3) “Property.” Any real property, whether public or private, within the city which is not a street or highway, or a public right-of-way.

(4) “Properly Licensed Salvage Yard.” (Need definition)

(5) “Unregistered vehicle” and/or “unregistered boat or watercraft” which does not have and display current registration number and/or license tags (as may be applicable) for the State of Tennessee or a state or territory of the United States of America. Any vehicle or boat or water craft which does not have properly and lawfully displayed license tags and/or as may be applicable properly displayed current registration numbers from the State of Tennessee and/or from a state or territory of the United States of America and/or as to which the owner, registrant or person(s) in possession of said vehicle is unable to produce current valid registration documents from the State of Tennessee or a state or territory of the United States of America.

(5)(a) “Vehicle.” A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property or pull machinery, and shall include without limitations, automobile, truck, trailer, motorcycle, tractor, buggy and wagon, all-terrain vehicles, “4-wheelers”, and golf carts. (1975 Code, § 9-701, as replaced by Ord. #98-765, March 1998, and amended by Ord. #13-997, Dec. 2013)

13-203. Abandoning prohibited. No person shall abandon any vehicle, boat or water craft and/or trailer related to same within the city and no person shall leave any motor, boat or personal water craft at any place within the city, for such time and under such circumstances as to cause such vehicle to reasonably appear to have been abandoned. (1975 Code, § 9-702, as replaced by Ord. #98-765, March 1998)

13-204. Leaving non-operating and/or junked and/or partially dismantled vehicles, boats, water craft and/or vehicles of any time on the street. No person shall leave any partially dismantled, non-operating, wrecked, dismantled, partially dismantled or junked vehicle, automobile, boat or water craft or any unregistered vehicle or boat or water craft or unregistered boat or water craft on any street, alley, or highway within the city, or on any public right-of-way or public property. (1975 Code, § 9-703, as replaced by Ord. #98-765, March 1998, and amended by Ord. #13-997, Dec. 2013)

13-205. Allowing on property. No person in charge or control of any public or private property within the city whether the owner, tenant, occupant, lessee, or otherwise, shall allow any partially or wholly dismantled or non-operating, wrecked, junked or discarded vehicle, boat, automobile or any unregistered vehicle, boat or water craft or unregistered boat or water craft or vehicle remain on such property or properties longer than ten (10) days, whether consecutive or not, in any one hundred eighty (180) day period, except that this section shall not apply with regard to any such vehicle or boat or water craft or parts thereof in an enclosed building; to a vehicle on the premises of a building enterprise operated in a property zoned in a lawful place and manner when necessary to operation of such business enterprise; or to a vehicle or boat in an appropriately enclosed storage place, or depository maintained in a properly licensed zoned in a lawful place and manner by the City. It shall not be a defense to a charge of violation under this section to move any such vehicle, automobile, boat or water craft, from one parcel of property in this city to another. (1975 Code, § 9-704, as replaced by Ord. #98-765, March 1998, and Ord. #99-794, Aug. 1999, and amended by Ord. #13-997, Dec. 2013)

13-206. Removal of abandoned and/or non-operating and/or unregistered motor vehicles, boats, water craft or vehicles required. (1) The accumulation and/or outside parking and/or outside storage of one or more abandoned, wrecked, junked, or non-operating automobile or vehicle, boats, water craft or any unregistered vehicle or other means of conveyance as are otherwise in violation of the provisions of this chapter shall constitute rubbish and unsightly debris and unsightly debris and a nuisance detrimental to the health, safety and general welfare of the citizens and inhabitants of the City of Red Bank and it shall be the duty of the registered owner of such motor vehicle, motor vehicle, boat and/or means of conveyance proscribed hereby and of the person in charge or control and/or the owner of the property upon which motor vehicle, boat, any water craft or vehicle is located, whether as owner, tenant, occupant, lessee, or otherwise, to remove the same to a place of lawful storage and to have the vehicle, boat, any water craft, or vehicle housed within a building where it will not be visible from the street.

(2) Alternatively, and in addition to the prohibitions, remedies and procedures set forth in Tennessee Code Annotated, § 15-16-101, et seq., as now enacted or as hereinafter amended, which provisions of the laws of the State of Tennessee are hereby adopted and incorporated herein by reference as an ordinance of this city.

13-207. Notification and authority. Whenever any such public nuisance exists on occupied or unoccupied commercial or residential, private or public, property within the City of Red Bank, best efforts shall be undertaken by the City Manager or his designee to notify the owners

of said property, the occupants or persons in possession thereof if different from the owner and any lienholders of record with respect to the personal property at issue, to abate and to remove the same. Such Notice/Order shall:

- (1) Be in writing,
- (2) Specify the public nuisance and its location,
- (3) Specify the corrective measures required,
- (4) Provide for compliance within ten (10) days from the date of notification and
- (5) Advise the person(s) entitled to notice of the possibility of enforcement and fine through the City Court and/or the City Administrative Hearing Officer, including but not limited to posting the vehicle, boat, any water craft, or other means of conveyance with written notice, which posting of the vehicle, boat, any water craft or vehicle shall be deemed notice to the Owner and to the person(s) in possession of the premises where same is located, for all purposes under this chapter of the Red Bank City Code.

The notification shall be served upon the owner or owners of said premises and/or upon the owner or owners of said motor vehicle, boat, water craft, or vehicle and/or upon the occupant, lessee, or person controlling the premises by serving them personally or by sending notice by certified mail, return receipt requested, to the address as shown on the current tax rolls of the City of Red Bank and/or by any other means available. If the owner or owners of the personal property at issue and/or the persons in possession of the premises fail or refuse to comply with the notice within a ten (10) day period after notification thereof, as provided herein, such failure or refusal shall be deemed a violation of the provisions of this chapter. If the person or persons entitled to notice hereunder fail or refuse to comply with the notice and order, as above provided, within the ten (10) day period after notification thereof, as provided herein, the City Manager or his authorized designee, including the police department, may enter upon said property, take possession of such vehicle or vehicles, boats or water craft, or other means of conveyance, remove the same from said property, dispose of same and cause such unlawful condition to be remedied.

Upon completion of such removal and disposition, the reasonable costs thereof, plus 15% for inspection fees and other incidental costs in connection therewith, shall be paid by the owner or owners of said property to the City of Red Bank and said costs and expenses, including attorney fees, shall be billed to the owner or owners of said property. If the bill is not fully paid within sixty (60) days after the mailing of said bill, a ten percent (10%) penalty shall be added and fines, costs, penalties and fees shall be placed on the tax rolls of the City of Red Bank as a lien upon the property and collected in the same manner as other city taxes are collected and/or may be collected by Civil Process and suit in the Court of General Sessions.

Provided, however, that prior to the removal of any such vehicle, boat or water craft from private property, such vehicle itself shall first be posted with a notice of the intended removal and of the fact that the owner or possessor or lienholder of record thereof shall be entitled to a hearing before the City Administration Hearing Officer within thirty (30) days from the date of the notice.

13-208. Notification of owners and lienholder. The police department upon taking into custody an abandoned motor vehicle or non-operating vehicle, boat and/or water craft or other means of conveyance shall due and reasonable attempt to notify within fifteen (15) days thereof, by registered mail, return receipt requested, the last known registered owner of the motor vehicle, vehicle, boat and or water craft all lienholders of record, and if applicable, the occupant of the premises from which the vehicle, boat and/or water craft was removed, that the vehicle, boat, and/or water craft has been taken into custody. The notice shall reasonably describe as far as may be ascertainably the year, make, model, and vehicle identification number and/or registration or license number of the motor vehicle, vehicle, boat and/or water craft; location of the facility where

such vehicle, boat or water craft is being held; inform the owner and any reasonably ascertainable lienholder of their right to reclaim the vehicle, boat or water craft within ten (10) days after the date of the notice, upon payment of all towing, preservation and storage charges resulting from removing and placing the vehicle, boat and/or water craft in custody; and state that the failure of the owner or lienholder to exercise their right to reclaim the motor vehicle, vehicle, boat and/or water craft or other means of conveyance and consent to the sale of the abandoned motor vehicle, vehicle, boat and/or water craft or other means of conveyance at a public auction. (1975 Code, § 9-706, as amended by Ord. #98-765, March 1998, and Ord. #13-997, Dec. 2013)

13-209. Auction and disposition of abandoned and/or non-operating motor vehicles, vehicles, boats and/or water craft or other means of conveyance.

(1) If an abandoned or non- operating vehicle, boat and/or water craft has not been reclaimed as provided for in § 13-208, the police department or City Manager shall sell the motor vehicle, vehicle, boat and/or water craft or other means of conveyance at a public auction as otherwise authorized by law.

(2) As authorized by Tennessee Code Annotated, § 55-16-106, et seq., the purchaser of the motor vehicle, vehicle, boat and/or water craft shall take title to the motor vehicle, vehicle, boat and/or water craft free and clear of all liens and claims of ownership, shall receive a sales receipt from the City, and, upon presentation of such sales receipt, the department of revenue shall issue a certificate of title to the purchaser.

(3) The sales receipt only shall be sufficient title for purposes of transferring the motor vehicle, vehicle, boat and/or water craft or other means of conveyance to a demolisher for demolition, wrecking or dismantling, and, in such case no further titling of the vehicle, boat and/or water craft shall be necessary.

(4) The proceeds of the sale of any such motor vehicle, vehicle, boat and/or water craft or other means of conveyance shall be used for payment of the expenses of the auction, the cost of towing or removal, preserving and storing the abandoned vehicle, boat or water craft, and all notice of publication costs incurred pursuant to § 13-207.

(5) (a) Any remainder from the proceeds of a sale shall be held for the owner of the vehicle, boat and/or water craft or entitled lienholder for forty-five (45) days, and then shall be deposited in a reserve account in the general fund which shall remain available for the payment of auction, towing, preserving, storage and all notice and publication costs which result from placing other abandoned or non-operating vehicles in custody whenever the proceeds from a sale of such other motor vehicles, vehicles, boats and/or water craft are insufficient to meet these expenses and costs.

(b) Whenever the chief fiscal officer of the city finds that moneys in the reserve account are in excess of reserves likely to be needed for the purposes thereof, he may transfer the excess to the general fund, but in such event, claims against the reserve account, if the reserve account is temporarily exhausted, shall be met from the general fund to the limit of any transfer previously made thereto pursuant to this section. (1975 Code, § 9-707, as amended by Ord. #98-765, March 1998)

13-210. Violations: penalty. In addition to the abatement and removal provisions of this chapter and any and all administrative and removal and storage costs associated therewith, any person(s) violating any of the provisions of this chapter shall be deemed guilty of violation of city ordinance, and upon conviction thereof shall be fined a fine up to \$500.00 per each day of violation after notice of violation. Each day that such violation is committed, or continues after notification is provided hereinabove, shall constitute a separate offense and shall be punishable as such.

SECTION 3: Every section, 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 4: This Ordinance will take effect upon its passage on final reading, the health, safety, welfare, and benefit of the citizens of the City of Red Bank requiring it.

Mayor

City Recorder

August 20, 2019
Passed on First Reading

Passed on Second and Final Reading

Approved as to form:

City Attorney

RESOLUTION NO. 19-1310

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE APPROVING THE QUOTE FROM BROWN BROTHERS. INC. FOR ROADWAY REPAIRS AND PAVING TO A PORTION OF ROADWAY ON HIGHPOINT DRIVE, IN AN AMOUNT NOT TO EXCEED \$13,845.00

WHEREAS, the City of Red Bank conducts periodic inspections of its area streets for needed maintenance, repairs and paving; and

WHEREAS, it has been determined that portions of the roadway on Highpoint Drive is in need of repairs and repaving due to sewer lines and pavement settlement; and

WHEREAS, the City of Red Bank solicited quotes for the needed repairs; and

WHEREAS, the City received two (2) written quotes, with the lowest quote being from Brown Brothers Inc., in the amount of \$12,570.00; and

WHEREAS, due to the nature of the repair and possible unforeseen additional costs, the City desires to add a ten percent (10%) contingency of \$1,275.00, for a total amount not to exceed \$13,845.00; and

WHEREAS, funds are available in the Fiscal Year 2020 Operating Budget.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Red Bank, Tennessee, that the quote from Brown Brother, Inc. to repair and repave a portion of the roadway on Highpoint Drive, in an amount not to exceed \$13,845.00, which includes a ten percent (10%) contingency, be and is hereby approved.

BE IT FURTHER RESOLVED THAT the City Manager is authorized and directed to take necessary actions to complete the project herein referenced.

Resolved this 3rd day of September 2019

Mayor

City Recorder

RESOLUTION NO. 19-1311

A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL SAFETY PARTNERS “DRIVER SAFETY” MATCHING GRANT PROGRAM

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

WHEREAS, all efforts shall be made to provide a safe and hazard-free workplace for the City of Red Bank employees; and

WHEREAS, the TML Risk Management Pool seeks to encourage the establishment of a safe workplace by offering a “Safety Partners” Driver Safety Matching Grant Program; and

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF RED BANK, TENNESSEE the following:

SECTION 1. That the City of Red Bank, Tennessee is hereby authorized to submit application for a “Safety Partners” Driver Safety Matching Grant through the TML Risk Management Pool.

SECTION 2. That the City of Red Bank, Tennessee is further authorized to provide a matching sum to serve as a match for any monies provided by this grant, not to exceed \$4,000.00.

Resolved this 3th day of September in the year of 2019

Mayor

City Recorder