

# City of Red Bank

John Roberts  
Mayor

Tim Thornbury  
Interim City Manager

## BOARD OF COMMISSIONERS' MEETING

Agenda  
September 4, 2018  
7:00 p.m.

**I. Call to Order – Mayor John Roberts**

**II. Roll Call – Interim City Manager**

Mayor Roberts \_\_\_\_\_, Vice-Mayor Pierce \_\_\_\_\_, Commissioner LeCompte \_\_\_\_\_,  
Commissioner Pope \_\_\_\_\_, Commissioner Rose \_\_\_\_\_

**III. Invocation –**

**IV. Pledge of Allegiance –**

**V. Consideration of the Minutes for approval or correction:**

- A. August 21, 2018 Agenda Work Session
- B. August 21, 2018 Commission Meeting

**VI. Communication from the Mayor**

**VII. Commissioner's Report**

- A. Vice Mayor Pierce
- B. Commissioner Ed LeCompte
- C. Commissioner Terry Pope
- D. Commissioner Carol Rose

**VIII. City Manager Report**

.....  
**PUBLIC HEARING**  
.....

The purpose of the public hearing is to receive citizen input in regard to a rezoning request to rezone property located at 621 Lullwater Rd. (Map Tax Parcel 117N A 007), 637 Lullwater Rd. (Map Tax Parcel 117N A 002) and an unaddressed property located on Lullwater Rd. at Map Tax Parcel 117N A 006, from R-1 and R-1A Residential to R-T/Z Residential Townhouse/Zero Lot Line  
.....

**IX. Unfinished Business –**

- A) ORDINANCE NO. 18-1127 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE PROPERTY LOCATED AT 621 LULLWATER ROAD, HAMILTON COUNTY TAX PARCEL 117N A 007, 637 LULLWATER ROAD, HAMILTON COUNTY TAX PARCEL 117N A 002 AND AN UNADDRESSED PROPERTY AT HAMILTON COUNTY TAX PARCEL 117N A 006, FROM R-1 RESIDENTIAL AND R1-A RESIDENTIAL TO R-T/Z TOWNHOUSE ZERO LOT LINE (FIRST READING)
- B) ORDINANCE NO. 18-1128 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE PROPERTY LOCATED AT 2622 BERKLEY DRIVE, HAMILTON COUNTY TAX PARCEL NUMBER 117L G 017, FROM R-1 RESIDENTIAL TO R-T/Z TOWNHOUSE ZERO LOT LINE ZONE, SUBJECT TO CONDITIONS (SECOND AND FINAL READING)

**X. New Business**

- A. ORDINANCE NO. 18-1129 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 15-1020, THE RED BANK ZONING ORDINANCE TO AMEND TITLE 14, SECTION 204.11 (FIRST READING)
- B. RESOLUTION NO. 18-1248 – A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATE OF COMPLIANCE FOR RED BANK WINE AND SPIRITS, 3849 DAYTON BOULEVARD, SUITE 113

- C. RESOLUTION NO. 18-1249 – A RESOLUTION AUTHORIZING A CONTRACT WITH KLEENCO CONSTRUCTION OF TENNESSEE, INC. IN AN AMOUNT NOT TO EXCEED \$457,639.60 FOR THE DEMOLITION AND RECONSTRUCTION OF A BOX CULVERT AT THE INTERSECTION OF ASHLAND TERRACE AND DAYTON BOULEVARD
  - D. RESOLUTION NO. 18-1250 – A RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING A PROGRAM SERVICE GRANT FOR RED BANK HIGH SCHOOL QUARTERBACK CLUB IN THE AMOUNT OF \$17,000.00
  - E. RESOLUTION NO. 18-1251 – A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL SAFETY PARTNERS “DRIVER SAFETY” MATCHING GRANT PROGRAM
  - F. RESOLUTION NO. 18-1252 – A RESOLUTION APPROVING A STATE PLAN OF OPERATION BETWEEN THE STATE OF TENNESSEE AND THE CITY OF RED BANK, TENNESSEE, RELATING TO ACCESS TO THE DEPARTMENT OF DEFENSE PROPERTY TRANSFER “LESO PROGRAM”
- XI. Citizen Comments from Red Bank Citizens about Red Bank business (3 minute limit)
- XII. Adjournment

*John Roberts*  
Mayor

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

*Tim Thornbury*  
Interim City Manager

Minutes  
August 21, 2018  
5:00 p.m.

The Board of Commissioners met in a public and advertised Agenda Work Session on August 21, 2018 at 5:00 p.m. The purpose of the meeting was to receive information on upcoming business items. Those in attendance were Mayor John Roberts, Vice Mayor Eddie Pierce, Commissioners Ed LeCompte, and Carol Rose, Commissioner Terry Pope was absent. Also present were Interim City Manager Tim Thornbury, Police Chief Robert Simpson, Finance Director John Alexander and City Recorder Ruth Rohen. There were no public attendees.

1. Mayor Roberts advised that there is a Condemnation Hearing on the agenda tonight for a structure located as 3307 Lamar Avenue.
2. Mayor Roberts advised that there is a Public Hearing and first reading of an ordinance to rezone property located at 2622 Berkley Drive from R-1 to R-T/Z. The Planning Commission reviewed the request and has recommended approving the rezoning.
3. Interim City Manager Thornbury explained that there is a resolution on the agenda tonight to extend the moratorium on the issuance of new sign permits in the Central Business Zone and billboards in all zones. He explained that the Planning Commission has completed their review of the proposed sign ordinance and that he and City Attorney Stulce are reviewing the ordinance but that the deadline of the current moratorium will run out prior to first reading.
4. Interim City Manager Thornbury advised that there are two resolution on the agenda tonight to update signature cards for the various banking accounts for the city. He explained that this is needed due to some personnel changes.
5. Mayor Roberts advised that he was contacted by Hamilton County Commissioner Joe Graham, who advised that he would like to donate \$17,000.00 to the city. He asked the other Commissioners to consider using these funds to purchase a new sound system for the Red Bank High School Football Field. He went on to explain that the sound system they were using was destroyed by a lightning strike.
6. Commissioner Rose asked for more interaction and communication between the City Manager and the Commissioners in regard to ongoing activities within the city.
7. Interim City Manager Thornbury gave an update on various issues and projects that are ongoing, to include, solar panels, small cells, and ongoing street paving and infrastructure projects.

The meeting was adjourned at 5:37 p.m.

---

Mayor

---

City Recorder

**BOARD OF COMMISSIONERS' MEETING**

Minutes

August 21, 2018

7:00 p.m.

- I. **Call to Order** –Mayor Roberts called the meeting to order at 7:00 p.m.
- II. **Roll Call** – Interim City Manager Thornbury called the roll. Mayor Roberts, Vice Mayor Pierce, Commissioner LeCompte and Rose were present. Commissioner Pope was absent. Also present was City Attorney Arnold Stulce, Fire Chief Mark Mathews, Police Chief Robert Simpson, Finance Director John Alexander, City Recorder Ruth Rohen and those listed on Exhibit A.
- III. **Invocation** – Vice 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. **August 7, 2018 Agenda Work Session**
  - B. **August 7, 2018 Commission Meeting**Mayor Roberts 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 Eddie Pierce**
    - Welcomed everyone
  - **Commissioner Ed LeCompte**
    - Welcomed all.
  - **Commissioner Terry Pope**
    - Absent
  - **Commissioner Carol Rose**
    - Welcomed all
    - Enjoyed attending the Red Bank High School Football Reunion. There were approximately 500 attendees with graduating alumni from 1950 – 2014.
- VIII. **City Manager Report – None**

Interim City Manager Thornbury advised that several infrastructure projects will begin soon that will cause traffic congestion. He also advised that secondary roadway paving is ongoing and asked for everyone to be patient during these infrastructure updates.

\*\*\*\*\*

Public Hearing

Mayor Roberts advised that the purpose of the Public Hearing was to receive citizen input in regard to a rezoning request for a property located at 2622 Berkley Drive (Map Tax Parcel 117L G 017) from R-1 Residential and R1-A Residential to R-T/Z Residential Townhouse/Zero Lot Line. Mayor Roberts called for the property owner, Travis Mullis, to come forward. Upon inquiry

Mr. Mullis gave an overview of his intended project, and explained that he plans to build two single family homes on the lot. He advised that each home will consist of 1800 square feet with four bedrooms and two baths. He also explained that there will be garage parking with ample driveway space for vehicles to turn around without the need to back out onto Berkley Drive. Mayor Roberts invited citizen comments.

- Clifford McCabe, 2618 Berkley Drive., Had some concerns in regard to stormwater runoff and drainage. It was explained that these issues will be addressed during development of the property.

It was noted that the Red Bank Planning Commission reviewed this request to rezone the property and recommended approval with the condition that total density be limited to the two dwelling units proposed by the property owner. City Attorney Stulce advised the owner/applicant that the ordinance to rezone this property will be considered later in this meeting and that, if approved on first reading, second reading of the ordinance will be on September 4<sup>th</sup> at 7:00 p.m. and that his attendance is required for the City Commission to act on the ordinance. After no further comments or questions, the Public Hearing was closed

.....

## IX. Unfinished Business – None

## X. New Business –

### A. AGENDA ITEM 18-838 – CONDEMNATION HEARING, 3307 LAMAR AVENUE

Mayor Roberts called to order the Condemnation Hearing for the premises. The proceedings therefor were preserved in transcript form and are kept in a separate file indexed to the property address; the property address is incorporated herein by reference. The owner of the property, Randy Blevins, was present for the proceedings.

Vice Mayor Pierces made a motion to declare the building to be a dangerous building and unfit for human habitation and a nuisance to the community and that the Commission adopt as findings of fact the testimony, documentary and photographic evidence presented by the Interim City Manager / Public Works Director Tim Thornbury, Building / Codes Officer Derek Graham, and the structural engineer, Thomas Retseck. Commissioner Carol Rose seconded the motion. Motion to declare the building a dangerous building and unfit for human habitation and for the Commission to adopt as findings of fact the testimony and photographic evidence presented was approved with all Commissioners voting “aye”.

Vice Mayor Pierce made a motion that what is left of the structure, located at 3307 Lamar Avenue be ordered to be demolished within 60 days of August 21, 2018 and if the owner fails to do so, that the City Manager along with the City Attorney take steps to demolish the building and to claim expenses of demolition as a lien against the property. Vice Mayor Pierce further moved that the City Commission issue a written order to that effect and that the order be signed by the Mayor, a copy delivered and issued to the owner and any other parties with an interest in the property, and also posted on the property. Motion was seconded by Commissioner Carol Rose. The Motion was approved with all Commissioners voting “aye”.

### B. ORDINANCE NO. 18-1128 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE PROPERTY LOCATED AT 2622 BERKLEY DRIVE, HAMILTON COUNTY TAX PARCEL NUMBER 117L G 017, FROM R-1 RESIDENTIAL TO R-T/Z TOWNHOUSE ZERO LOT LINE ZONE (FIRST READING)

Mayor Roberts explained that this proposed rezoning was discussed in detail during the Public Hearing portion of the meeting. He reiterated that the Red Bank Planning Commission reviewed the requested zoning change and recommended approval with the condition that total density be limited to the two dwelling units proposed by the property owner. Mayor Roberts made a motion to approve the ordinance, including conditions, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Vice**

**Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.**

Ordinance No. 18-1128 was approved on first reading with all Commissioners present voting “yes”.

**C. RESOLUTION NO. 18-1245 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, EXTENDING THE MORATORIUM UPON THE ISSUANCE OF NEW PERMANENT SIGN PERMITS IN THE CENTRAL BUSINESS ZONING DISTRICT AND BILLBOARDS IN ALL ZONING DISTRICTS PENDING A REVIEW AND STUDY OF APPLICABLE REGULATORY ORDINANCES IN REGARD TO THE SIGN ORDINANCE**

Mayor Roberts advised that the City has been reviewing and updating its sign ordinance for the past several months. He explained that the Red Bank Planning Commission has reviewed the ordinance and recommended approval. Mayor Roberts advised that the City Attorney is in the process of reviewing the recommended ordinance. Commissioner Rose advised that she is anxious to see the new sign ordinance passed but feels that it is important that the City Attorney review the draft ordinance prior to presentation to the City Commission. Commissioner Rose made a motion to approve the resolution, second by Vice Mayor Pierce. There were no citizen comments. Resolution No. 18-1245 was approved with all Commissioners present voting “yes”.

**D. RESOLUTION NO. 18-1246 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, ADOPTING BANK FORM RESOLUTIONS AND AUTHORIZING SIGNERS FOR BANK SIGNATURE CARDS**

Mayor Roberts explained that due to some personnel changes, it is necessary to submit new bank resolutions and signature cards to the City’s banking institution. He explained that this resolution pertains to the Confidential Drug Fund Account. City Attorney Stulce noted that all transactions require two signatures, with one of them being an elected official. Mayor Roberts invited citizen comments.

- Fred Ferguson, 3426 Hartford Dr., Asked what positions the authorized signors hold with the City of Red Bank.

City Attorney Stulce advised that all signers are bonded. Mayor Roberts made a motion to approve the resolution, second by Commissioner LeCompte. Resolution No. 18-1246 was approved with all Commissioners present voting “yes”.

**E. RESOLUTION NO. 18-1247 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, ADOPTING BANK FORM RESOLUTIONS AND AUTHORIZING SIGNERS FOR BANK SIGNATURE CARDS**

Mayor Roberts explained that due to some personnel changes, it is necessary to submit new bank resolutions and signature cards to the City’s banking institution. He explained that this resolution pertains to all other banking accounts. City Attorney Stulce noted that all transactions require two signatures, with one of them being an elected official. Mayor Roberts invited citizen comments, of which there were none. Mayor Roberts made a motion to approve the resolution, second by Vice Mayor Pierce. Resolution No. 18-1247 was approved with all Commissioners present voting “yes”.

**XI. Citizen Comments – None**

**XII. Adjournment**

The meeting was adjourned at 7:45 p.m.

---

Mayor John Roberts

---

City Recorder Ruth Rohen

ORDINANCE NO. 18-1127

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE,  
AMENDING THE ZONING MAP TO REZONE PROPERTIES LOCATED AT 621  
LULLWATER ROAD, HAMILTON COUNTY TAX PARCEL 117N A 007, 637  
LULLWATER ROAD, HAMILTON COUNTY TAX PARCEL 117N A 002 AND AN  
UNADDRESSED PROPERTY AT HAMILTON COUNTY TAX PARCEL 117N A 006,  
FROM R-1 RESIDENTIAL AND R1-A RESIDENTIAL TO R-T/Z TOWNHOUSE / ZERO  
LOT LINE

**WHEREAS**, *Tennessee Code Annotated* (TCA) § 13-7-201 allows municipal governments the authority to regulate land use through zoning of its jurisdictional territory; and

WHEREAS the Red Bank municipal planning commission has certified zoning districts as provided for in TCA § 13-7-202; and

WHEREAS TCA §13-7-204 authorizes amendments to the municipal zoning map and provides for that process; and

WHEREAS the rezoning of the subject property to the R-T/Z zoning district would allow for development that promotes the goals of the Red Bank 2020 Land Use Plan; and

WHEREAS the applicant, Michael Cinelli, has requested that his three properties on Lullwater Road be rezoned from R-1 and R1-A to R-T/Z; and

WHEREAS the legal description for said properties are included in Exhibit A within Deed Book 11342 Page 336, Deed Book 11289 Page 483 and Deed Book 11307 Page 794; and

WHEREAS the Red Bank Planning Commission provided an opportunity for citizens to submit comments in favor of or against the proposed rezoning at an advertised public hearing held in conjunction with its regular meeting on June 21, 2018; and

WHEREAS, the Planning Commission recommended approval and it is consistent with and promotes the goals of the Red Bank 2020 Land Use plan; and

WHEREAS the City Commission provided an opportunity for citizen's to submit comments in favor of or against the proposed rezoning at an advertised public hearing on August 7, 2018 prior to the final reading of this ordinance; and

WHEREAS the City Commission finds that the proposed development afforded by the rezoning request would not have a negative impact on adjacent properties and is consistent with and promotes the goals of the Red Bank 2020 Land Use Plan.

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

Section 1. The Zoning Ordinances and Zoning Maps of this City are hereby amended by rezoning the three properties located on Lullwater Road, shown in Exhibit B as Hamilton County tax parcel numbers 117N A 007, 117N A 006, and 117N A 002, from R-1 Residential and R1-A Residential to R-T/Z Townhouse/Zero Lot Line.

Section 2. Upon the adoption of this Ordinance, the Zoning maps of the City shall be amended and revised to reflect the rezoning of the three parcels as is specified herein.

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 affect 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.

---

Mayor John Roberts

ATTEST:

---

City Recorder Ruth Rohen

---

Approved on First Reading

---

Approved on Second and Final Reading

Approved as to Form:

---

City Attorney

## EXHIBIT A. Legal Description

### Deed Book 11342 Page 336

IN THE THIRD CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

BEGINNING on the Western line of Lullwater Road at the North end of the Cemetery Wall which marks the Northeast corner of the Jewish Cemetery, as shown by Deed of record in Book C, Volume 29, Page 676, in the Register's Office of Hamilton County, Tennessee; thence North along the West line of Lullwater Road 28 degrees East 332 feet to an iron pipe located in the Northeast corner of a six-acre tract, which is the beginning point; thence from this beginning point, on the same course along the Western line of Lullwater Road 100 feet to a stake; thence North 62 degrees West on a line 100 feet distant from and parallel to the North line of said six-acre tract 850 feet, more or less, to a point where said line intersects with the Western line of said six-acre tract, extended Northwardly; thence South 14 degrees 30 minutes West on a straight line 105 feet, more or less, to a point marking the Northwest corner of said six-acre tract; thence along the Northern line of said six-acre tract South 62 degrees East 847.5 feet, more or less, to the point of beginning.

LESS AND EXCEPT that property conveyed by Deed recorded in Book 2827, Page 13, in the Register's Office of Hamilton County, Tennessee.

REFERENCE is made for prior title to Deeds recorded in Book 8012, Page 40 and Book 8649, Page 45, in the Register's Office of Hamilton County, Tennessee.

Tax Parcel No. 117N-A-007

Subject to restrictions recorded in Book 944, Page 117, in the Register's Office of Hamilton County, Tennessee, but omitting and not republishing any covenant, condition, restriction, or limitation to the extent that the specific covenant, condition, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

Subject to Governmental zoning and subdivision ordinances or regulations in effect thereon.

Taxes for the year 2018 are assumed by the Grantee herein.

### Deed Book 11289 Page 485

IN THE THIRD CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

BEGINNING at a stake in the Western line of Lullwater Road, 432 feet North 28 degrees East from the North end of the Jewish Cemetery wall, which beginning point also is located at the Northeast corner of a two (2) acre tract designated as the "Second Tract" in Deed to John B. Shropshire and wife, dated April 24, 1946; thence from this beginning point on the same course Northward along the Western line of Lullwater Road a distance of 100 feet; thence North 62 degrees West on a line parallel to and 100 feet distant from the North line of said "Second Tract" a distance of 885.5 feet; thence South 30 degrees 27 minutes West 100 feet, more or less, to a stake in the Northwest corner of said Shropshire "Second Tract"; thence South 62 degrees East along the Northern line of said Shropshire "Second Tract" a distance of 889.8 feet, more or less, to the point of beginning and being Lot Thirty-four (34) of a Private Plat dated March 8, 1946 and prepared by E. G. Murrell, Engineer.

LESS AND EXCEPT that part sold to Tennessee Department of Transportation in Book 3144, Page 765, in the Register's Office of Hamilton County, Tennessee.

REFERENCE is made for prior title to Deed recorded in Book 6200, Page 946, in the Register's Office of Hamilton County, Tennessee.

Tax Parcel No. 117N-A-006

Subject to restrictions recorded in Book 944, Page 117, in the Register's Office of Hamilton County, Tennessee, but omitting and not republishing any covenant, condition, restriction, or limitation to the extent that the specific covenant, condition, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

Subject to controlled access as set out in Book 3144, Page 765, in the Register's Office of Hamilton County, Tennessee.

Subject to Governmental zoning and subdivision ordinances or regulations in effect thereon.

Taxes for the year 2018 are assumed by the Grantee herein.

## **Deed Book 11307 Page 794**

In the Third Civil District of Hamilton County, Tennessee:

Lot Thirty-Seven (37), Suburban Estates, as shown on the Map of Survey by E. F. Murrell dated March 8, 1946, on Lullwater Road Property. According to said survey, said lot fronts 200 feet on the Northwestern line of said Lullwater Road and extends Northwesterwardly (about North 62 degrees West) between parallel lines that are parallel to the Northern or Northeastern line of the property conveyed to Ed W. Fryar and Sarah Shropshire on September 14, 1946, 810 feet, more or less, to the Northwestern line of said Subdivision. Its Southeastern corner is 200 feet Northeastwardly along said Lullwater Road from the Northeastern corner of said Fryar and Shropshire tract and 723 feet from the Northern end of the Old Cemetery Wall; said beginning point is the Northeastern corner of the property conveyed R. L. Gadd and K. T. Shropshire on July 16, 1952, now Link.

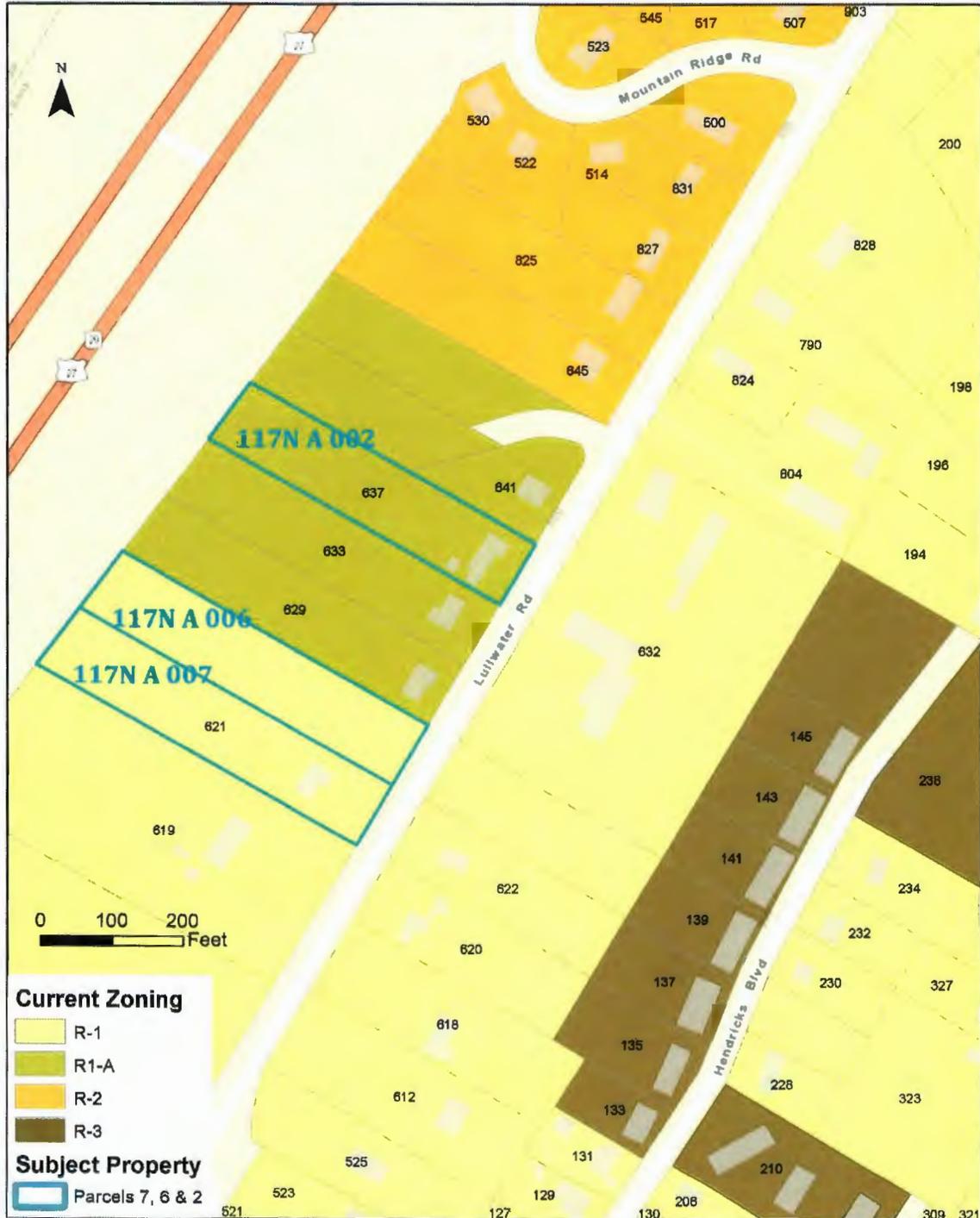
Subject to Governmental Zoning and Subdivision ordinances or regulations in effect thereon

Tax Map Parcel 117N-A-002

**EXHIBIT B. Map**

**ORDINANCE 18 -1127**

**R-1 and R1-A to R-T/Z Rezoning Request  
621 and 637 Lullwater Road, Tax Map 117N Group A Parcels 7,6 and 2  
Owner: Cinelli**



ORDINANCE NO. 18-1128

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE,  
AMENDING THE ZONING MAP TO REZONE PROPERTY LOCATED AT 2622 BERKLEY  
DRIVE, HAMILTON COUNTY TAX PARCEL NUMBER 117L G 017, FROM R-1  
RESIDENTIAL TO R-T/Z TOWNHOUSE / ZERO LOT LINE ZONE, SUBJECT TO  
CONDITIONS

WHEREAS *Tennessee Code Annotated* (TCA) § 13-7-201 allows municipal governments the authority to regulate land use through zoning of its jurisdictional territory; and

WHEREAS the Red Bank Municipal Planning Commission has certified zoning districts as provided for in TCA § 13-7-202; and

WHEREAS TCA §13-7-204 authorizes amendments to the municipal zoning map and provides for that process; and

WHEREAS the rezoning of the subject property to the R-T/Z zoning district would allow for development that promotes the goals of the Red Bank 2020 Land Use Plan; and

WHEREAS the applicant, Delmar Mullis, has requested that his property at 2622 Berkley Drive, Hamilton County Tax Parcel 117L G 017, be rezoned from R-1 to R-T/Z; and

WHEREAS the legal description for said property is more particularly set out on Exhibit A attached hereto and made a part hereof; and

WHEREAS the Red Bank Planning Commission provided an opportunity for citizens to submit comments in favor of or against the proposed rezoning at an advertised public hearing held in conjunction with its regular meeting on July 19, 2018; and

WHEREAS, the Red Bank Planning Commission recommended approving the zoning request, subject to conditions listed herein below; and

WHEREAS, the Red Bank City Commission provided an opportunity for citizens to submit comments in favor of or against the proposed rezoning at an advertised public hearing on August 21, 2018; and

WHEREAS, the City Commission finds that the rezoning of the subject property to R-T/Z district, subject to the conditions here and below set forth, would allow for development that promotes the goals of the Red Bank 2020 Land Use Plan; and

WHEREAS, the City Commission finds that the proposed development afforded by the rezoning request would not have a negative impact on adjacent properties and is consistent with the Red Bank 2020 Land Use Plan.

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

Section 1. The Zoning Ordinances and Zoning Maps of this City are hereby amended by rezoning the property located at 2622 Berkley Drive, Hamilton County Tax Parcel number 117L G 017, more particularly described per the attached Exhibit A and graphically detail per attached Exhibit B, from R-1 Residential to R-T/Z Townhouse/Zero Lot Line, subject to the following condition(s).

(a) Total density is limited to no more than the two dwelling units proposed by the owner/applicant for the property as graphically illustrated per the attached Exhibit B.

Section 2. Upon the adoption of this Ordinance, the Zoning maps of the City shall be amended and changed to reflect this rezoning, subject to the conditions stated.

Section 3. The Zoning Ordinance and Zoning Maps of this City shall automatically revert to R-1 if the signature of the applicant accepting and acknowledging the recited conditions is not affixed within thirty (30) days from and after the passage of this Ordinance on second and final reading.

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 affect 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.

---

Mayor John Roberts

---

City Recorder Ruth Rohen

*August 21, 2018*

---

Approved on First Reading

---

Approved on Second and Final Reading

APPROVED AS TO FORM:

---

City Attorney Arnold Stulce

Conditions Acknowledged and Accepted:

---

Delmar Mullis

**EXHIBIT A. Legal Description**  
**2622 Berkley Drive, Tax Map 117L G 017**

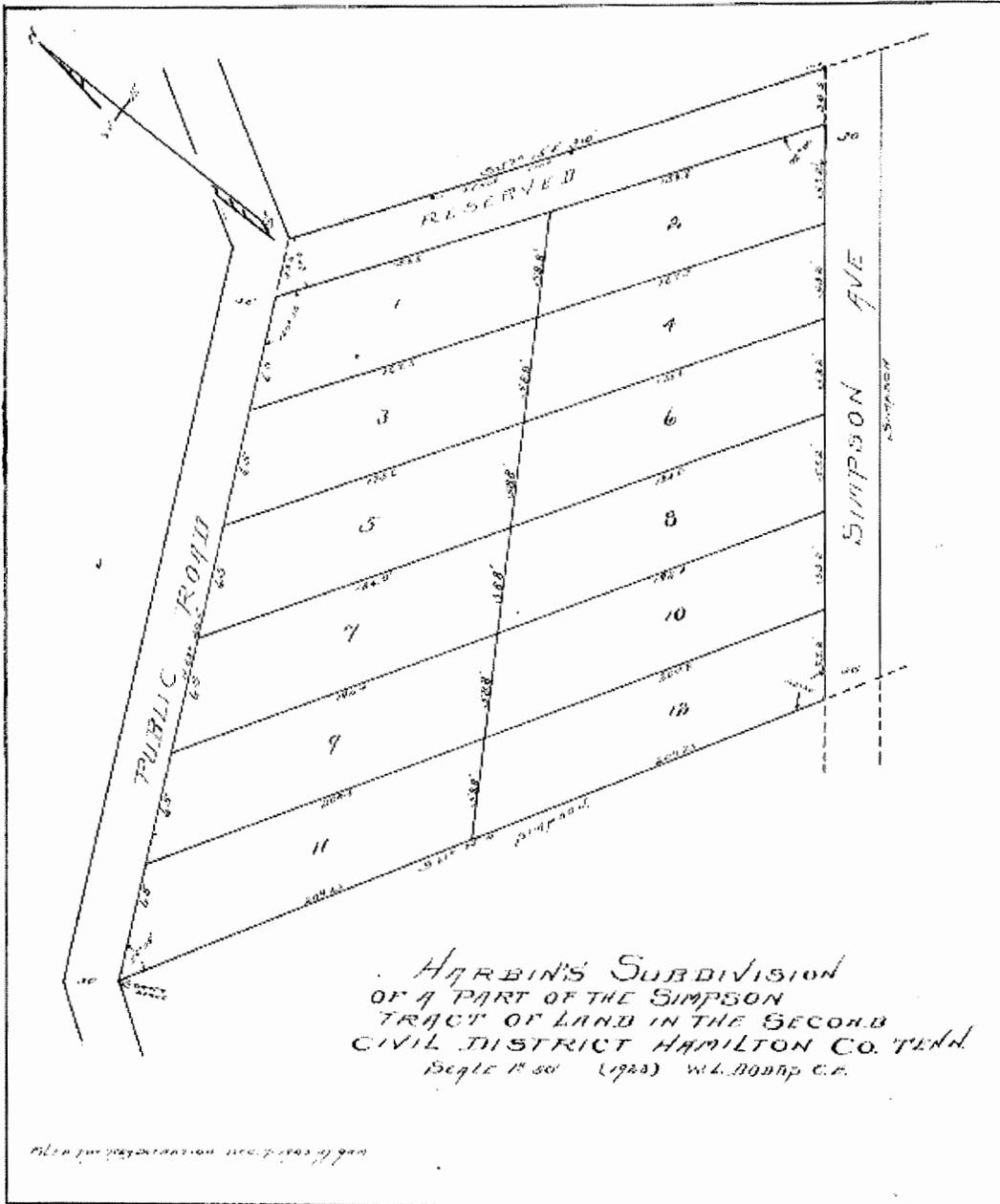
**Deed Book 11327 Page 451**

10539  
9  
10539  
9  
Certain real property situated in the 3rd Civil District of Hamilton County, Tennessee, and described as follows, to-wit:

**TRACT ONE (1):** BEING a part of Lots Nine (9) and Eleven (11), Harbins Subdivision of a part of the Simpson Tract of land, as shown by plat of record in Plat Book 9, Page 2, in the Register's Office of Hamilton County, Tennessee. According to said plat, said part of lots make one (1) tract of ground fronting Seventy-five (75) feet on the East line of Berkley Drive and extending Eastwardly, between converging lines, to the West line of Lot Twelve (12) on which it has a footage of Forty-three and 8/10 (43.8) feet; its South line being Two Hundred Nine and 25/100 (209.25) feet and its Northern line One Hundred Eighty-three (183) feet, more or less, in length.

**TRACT TWO (2):** BEING part of Lots Nine (9) and Eleven (11), Harbins Subdivision of a part of the Simpson Tract of land, as shown by plat of record in Plat Book 9, Page 2, in the Register's Office of Hamilton County, Tennessee. According to said plat, said part of said lots are contiguous and more particularly described as follows: **BEGINNING** at a point in the Southeast line of Berkley Drive at the most Northern corner of that part of said Lot Nine (9), conveyed to Milo Terry and wife, by deed of record in Book 963, Page 279, in the said Register's Office; thence Southeastwardly along the Northeast line of the tract conveyed in Book 963, Page 279, Register's Office, to a point in the Southeast line of said Lot Eleven (11), said point being Forty-three and 8/10 (43.8) feet Northeast of the most Southern corner of Lot Eleven (11); thence Northeastwardly along the Southeast line of Lots Eleven (11) and Nine (9), Thirty-six and 85/100 (36.85) feet; thence in a direct line Northwestwardly to a point in the Southeast line of Berkley Drive said point being Twenty-seven and 5/10 (27.5) feet Southwest of the Northeast corner of Lot Nine (9); thence Southwestwardly along the Southeast line of Berkley Drive, Twenty-seven and 5/10 (27.5) feet to the **POINT OF BEGINNING**.

Being the same property conveyed to Steve H. Jan by Warranty Deed from Linda C. Spencer, dated December 31, 1986 and filed of record in Book 3293, Page 76, Register's Office for Hamilton County, Tennessee.



**EXHIBIT B. Map**

**ORDINANCE 18 - 1128**

**R-1 to R-T/Z Rezoning Request  
2622 Berkley Drive, Tax Map 117L Group G Parcel 017  
Owner: Mullis**



ORDINANCE NO. 18-1129  
AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND  
ORDINANCE NO. 15-1020, THE RED BANK ZONING ORDINANCE TO  
AMEND TITLE 304, CHAPTER 14, SECTION 204.11

WHEREAS, the City Commission for the City of Red Bank deems it necessary to provide for the health, safety and welfare of the citizens of the City of Red Bank to regulate the prohibition of the location, number, height and floor area of accessory use buildings on residentially zoned properties within the City of Red Bank;

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

SECTION 1. Ordinance No. 15-1020, codified at Red Bank City Code Section 14-204.11, shall be amended thereof by deleting the subsection as written and substituting in its place instead the following:

I. SECTION 14-204.11

(A) Add a new subsection, to wit:

204.11 Notwithstanding any other provisions in this Zoning Ordinance, related to the required front and/or rear yard setbacks, in addition to not more than one (1) detached garage or other storage building as defined in 14-202.02 definition for Accessory Use or Building, with subject to the building permit thereon:

(a) Properties with less than one-half (1/2) acre of land area will be permitted no more than one (1) single storied detached accessory building hich may be no larger than one hundred forty-four (144) square feet in floor space.

(b) Properties with more than one-half (1/2) acre of land area shall be permitted no more than two (2) single storied detached accessory buildings, neither of which may be no larger than one hundred forty-four (144) square feet in floor space.

No such accessory buildings or structures shall be larger than one hundred forty-four (144) square feet in floor space. Such storage buildings and/or structures shall be no closer than five (5) feet, including overhangs or eaves, from the rear or side lot line on any residentially zoned property. In addition, any such accessory buildings shall be separated by not less than three (3) feet, including overhangs or eaves, from the main or principle structure, and/or any other accessory building and each other.

(c) To assure compliance with this ordinance, the property owner(s) / tenant(s) and/or occupant(s) must first file with the Building Inspectors office, a site plan detailing the size and location(s) of any such structure intended to be placed or erected on the premises and its location and spacing from the applicable property lines and other permitted structures on the property before installation or construction. Failure to comply with this subsection shall result in a civil penalty of up to \$50 per day and any offending structure located on a property may also be ordered to be removed.

(d) Provided further that no portion of any such accessory building, of any kind, be utilized for human habitation, lodging or occupancy, of any kind long term, short term or under any circumstance.

SECTION 2. 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 3. 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

\_\_\_\_\_  
Passed on First Reading

\_\_\_\_\_  
Passed on Second and Final Reading

Approved as to form:

\_\_\_\_\_  
City Attorney

**RESOLUTION NO. 18-1248**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATE OF COMPLIANCE FOR RED BANK WINE AND SPIRITS, 3849 DAYTON BOULEVARD SUITE 113**

**WHEREAS**, Allyn J. Pruitt has made application for a Certificate of Compliance to sell retail alcoholic beverages in the City of Red Bank, Tennessee, at 3849 Dayton Boulevard, Suite 113, Red Bank, Tennessee; and

**WHEREAS**, an investigation has been undertaken of the applicant's criminal record and of the compliance of said business with local laws, ordinances, and resolutions; and

**WHEREAS**, the Certificate of Compliance verifies the following conditions:

(1) That the applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application; and

(2) That the applicant or applicants have secured a location for the business which complies with all restrictions of any local law, ordinance, or resolution, duly adopted by the local jurisdiction, as to the location of the business; and

(3) That the applicant or applicants have complied with any local law, ordinance or resolution duly adopted by the local authorities regulating the number of retail licenses to be issued within the jurisdiction.

(4) That the applicant or applicants have complied with the residency provisions.

**NOW, THEREFORE BE IT RESOLVED** by the Commission of the City of Red Bank, Tennessee that the Mayor is authorized to sign the Certificate of Compliance for Red Bank Wine and Spirits, 3849 Dayton Boulevard, Suite 113, Red Bank, Tennessee.

Resolved this 4th day of September 2018

**RESOLUTION NO. 18-1249**

**A RESOLUTION AUTHORIZING A CONTRACT WITH KLEENCO CONSTRUCTION OF TENNESSEE, INC. IN AN AMOUNT NOT TO EXCEED \$467,638.60 FOR THE DEMOLITION AND RECONSTRUCTION OF A BOX CULVERT AT THE INTERSECTION OF ASHLAND TERRACE AND DAYTON BOULEVARD**

**WHEREAS**, the City of Red Bank advertised in the Chattanooga Times Free Press on August 1, 2018 for competitive bids for the demolition and reconstructions of a box culvert that runs underneath Ashland Terrace at Dayton Boulevard ; and

**WHEREAS**, one (1) bids was received and opened on August 22, 2018; and

**WHEREAS**, the bid was reviewed by the City of Red Bank and their contracted engineering firm, Wiser Consultants, for compliance with the bid specifications; 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**, Kleenco Construction of Tennessee, Inc. submitted a bid price of \$425,126.00; 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 \$467,638.60, to cover any unforeseen issues that often arise when making repairs to old infrastructure: and

**WHEREAS**, repair of the box culvert is budgeted in the Fiscal Year 2019 Budget.

**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 \$467,638.60 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 4th day of September 2018

\_\_\_\_\_  
Mayor

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

## **RESOLUTION NO. 18-1250**

### **A RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE AUTHORIZING A PROGRAM SERVICE GRANT FOR RED BANK HIGH SCHOOL QUARTERBACK CLUB IN THE AMOUNT OF \$17,000.00**

**WHEREAS**, the Commission of the City of Red Bank, Tennessee, supports local schools within the boundaries of the City of Red Bank; and

**WHEREAS**, Red Bank High School and its football program, largely supported monetarily and otherwise by the Red Bank High School Quarterback Club, has been an instrumental force within the City, promoting strengths by encouraging community involvement and extracurricular activities for high school aged children; and

**WHEREAS**, Red Bank High School's football stadium sound system was destroyed by a lightning strike, which has resulted in the need for Red Bank High School Quarterback Club to rent a sound system to use during the Red Bank High School football games; and

**WHEREAS**, the Red Bank High School Quarterback Club, which is a 501 (c) (3), has approached the City of Red Bank with a request for grant funds in the amount of \$17,000.00 to be used towards the purchase of a new sound system for the Red High School Football Stadium; and

**WHEREAS**, the Commission of the City of Red Bank, Tennessee, desires to demonstrate its support by approving grant funds in the amount of \$17,000.00 for the Red Bank High School Quarterback Club, for the stated purpose and none other.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Red Bank, Tennessee that a Program Services Grant in the amount of \$17,000.00 for the Red Bank High School Quarterback Club be and is hereby authorized.

Resolved this 4<sup>th</sup> day of September 2018

\_\_\_\_\_  
Mayor John Roberts

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

**RESOLUTION NO. 18-1251**

**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 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 \$2,500.00.

Resolved this 4th day of September in the year of 2018

\_\_\_\_\_  
Mayor

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