

BOARD OF COMMISSIONERS' MEETING

Minutes

September 17, 2019

6:00 p.m.

- I. **Call to Order** –Mayor Pierce called the meeting to order at 6:05 p.m.
- II. **Roll Call** – City Manager Thornbury called the roll. Mayor Pierce, Vice Mayor Jenó, Commissioners Howell, LeCompte and Rose were present. Also present was City Attorney Arnold Stulce, Fire Chief Mark Mathews, Police Chief Dan Seymour, Finance Director John Alexander, City Recorder Ruth Rohen and those listed on Exhibit A.
- III. **Invocation** – Mayor Pierce gave the Invocation.
- IV. **Pledge of Allegiance** – Fire Chief Mark Mathews led the Pledge of Allegiance.
- V. **Consideration of the Minutes for approval or correction:**
 - A. **September 3, 2019 Agenda Work Session**
 - B. **September 3, 2019 Commission Meeting**Commissioner LeCompte made a motion to approve both sets of minutes as printed, second by Mayor Pierce. Both sets of minutes were approved with all Commissioners voting “yes”.
- VI. **Communication from the Mayor**
 - Welcomed all
 - Enjoyed attending the Red Bank Community Food Pantry benefit bar-b-que this past Saturday.
- VII. **Commissioners Report**
 - **Vice-Mayor Ruth Jenó**
 - Welcomed everyone
 - Attended the Chamber Luncheon today. The guest speaker worked for TDOT and gave an update of various roadwork in the area.
 - There will be a benefit concert performed by the band that Vice Mayor Pope was a member of. It will be held on October 12th at the Red Bank City Park beginning at 2:00 p.m. Donations from the concert will benefit the Red Bank Community Food Pantry. State Representative Patsy Hazelwood will be in attendance to present a proclamation from the state honoring Terry Pope for his long and meritorious service to the citizens of Red Bank.
 - Thanked everyone that coordinated and attended the fund raising bar-b-que this past Saturday. Special thank you to former Hamilton County Commissioner Joe Graham for all of his help setting up for the event and for donating banners to advertise the event. Approximately 550 people attended. \$2,569.00 and 20 barrels of food was collected, all of which will go to benefit the Red Bank Community Food Pantry.
 - Volkswagen of Chattanooga will be having a two week food drive that will benefit the Red Bank Community Food Pantry.
 - **Commissioner Tyler Howell**
 - Enjoyed attending the bar-b-que on Saturday. Thanked Mayor Pierce and Vice Mayor Jenó for their work on the event.
 - WWTA sewer project on Lyndon Avenue and Memorial Drive should be complete in 4 to 6 weeks, weather permitting.
 - Thanked the City Manager and City Staff for helping him get familiar with the workings of the various departments of the city.

- **Commissioner Ed LeCompte**
 - Thanked everyone for coming.
 - He wasn't able to attend the bar-b-que because he was out of town but thanked the Mayor and Vice Mayor for their work on it.
- **Commissioner Carol Rose**
 - Welcomed all
 - Enjoyed attending the benefit bar-b-que.

VIII. City Manager Report –

In anticipation of completing the 5G Network and bringing it on line, Crown Castle has been running fiber optic cables through the city. They should be complete in the relative near future.

IX. Unfinished Business – None

X. New Business –

A. AGENDA ITEM 19-838 – CONDEMNATION HEARING, 124 BROWNTOWN ROAD, RED BANK, TENNESSEE. CLINTON CAMERON AND MICHELLE CAMERON, OWNERS

Mayor Pierce called to Order the Condemnation hearing for the premises located at 124 Browntown Road indicating that City Administration has declared the building/home at 124 Browntown Road to be, because of damage and deterioration, unfit for human habitation, a dangerous building and a nuisance and has CONDEMNED the building pursuant to City Code. These proceedings are brought and the hearing scheduled after posting the property, and sending certified mail, return receipt requested and sending written notices via hand delivery to owners Clinton and Michelle Cameron of this subject, purposes for the matter, reasons and the date time and place of the hearing.

The proceedings for this hearing have been preserved in verbatim transcript form and are kept in a separate file indexed to the property address but are incorporated into these minutes, by reference. Owner Clinton Cameron was present for the proceedings but Michelle Cameron, although properly notified, was not present.

Testifying, under oath, City Codes Officer Eddie Clinton, and Certified Professional Engineer Thomas Retsek and Owner Clinton Cameron all presented various documents and various photos which were received and marked into evidence by the Certified Court Reporter who has prepared the transcript above referenced. In addition, City Attorney Arnold Stulce argued for the position of City Administration and Mr. Cameron, in addition to the evidence he presented argued his position, requesting additional time to rebuild the damaged structure.

Based upon the evidence had and received, as preserved in transcript form and with the various exhibits attached thereto, Mayor Pierce made a Motion to adopt as findings of fact the testimony and documentary and photographic evidence as presented by the Codes Enforcement Officer, Eddie Clinton and the Structural Engineer Thomas Retsek and to declare the building to be a dangerous building, unfit for human habitation and a nuisance to the community and that the Commission declare the building to be appropriate for demolition.

Before the Motion was voted on, and the question called, Mayor Pierce further stated that he takes note of Clinton Cameron's assertion that he wants to rebuild the structure and bring it into compliance with the building codes and advised that he is of the opinion that the Owner should be given a reasonable time to do that as long as everyone understands that the rebuilding and rehabilitation has to be accomplished pursuant to all applicable City Building Codes and pursuant to a City Building Permit and within a reasonable time. Mayor Pierce, accordingly, further Moved that the Owner be given a period of thirty (30) days to

present acceptable written plans, compliant with all City Codes, to rebuild the structure and if that is done he would have an additional ten (10) days to legally obtain a Building Permit which Building Permit would specify that the construction commence within thirty (30) days thereafter and be completed within one- hundred and eighty (180) days of the date of the Building Permit, and that if the Owner failed to meet any of the requirements of the Building Permit or meet any of the time oriented requirements in that then the City Manager, with the assistance of the City Attorney, take steps to demolish the building within thirty (30) days of any such failure and claim any such demolition as a lien against the property.

Discussion ensued and Commissioner Rose stated that she believes the Owner ought to have sixty (60) days to present acceptable plans and thirty (30) days thereafter to obtain a Building Permit and all other timelines referenced by Mayor Pierce remain intact.

Accordingly, Mayor Pierce assented to the essence of Commissioner Rose's request and stated that his Motion should be amended to provide that the Owner be given a period of sixty (60) days after the date of the Order to present and obtain approval of acceptable building plans, compliant with all City Codes, and an additional ten (10) days to obtain a Building Permit and with construction to commence within thirty (30) days thereafter and to be completed within one-hundred and eighty (180) days from the date of the Building Permit and that if the Owner fails to meet any of the requirements of the Building Permit or meet any of the time oriented requirements, then the City Manager, with the assistance of the City Attorney, take steps to demolish the building within thirty (30) days of any such failure and claim any such demolition as a lien against the property. The other provisions to remain intact.

The Motion, as amended was seconded by Commissioner Rose and, and was approved with all Commissioners voting Aye. The City Attorney and City Manager are to prepare an Order evidencing the Commission's determination on this Hearing and shall send the same to the Owners by Certified Mail, return receipt requested, regular mail and via hand delivery to the extent that mail delivery is possible and accepted.

B. RESOLUTION NO. 19-1312 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE RENTAL RATES FOR RENTAL OF THE JOSEPH GLASSCOCK COMMUNITY CENTER FOR PRIVATE EVENTS

Mayor Pierce advised that City Administration recently reviewed the rental rates for rental of the Community Center and has recommended updating the rental fees to be set at \$140.00 for a four hour period and \$25.00 for each additional hour or any part of any additional hour. Commissioner Rose pointed out that this will make the fees concise and will cause less confusion for the public. Commissioner Rose made a motion to approve the resolution, second by Vice Mayor Jenó. There were no citizen comments. Resolution No. 19-1312 was approved with all Commissioners voting “yes”.

C. RESOLUTION NO. 19-1313 – A RESOLUTION AUTHORIZING A MASTER AGREEMENT BETWEEN THE CITY OF RED BANK AND WISER CONSULTANTS LLC. FOR PROFESSIONAL SERVICES

Mayor Pierce explained that the city does not have an engineer on staff and that this agreement will authorize the City Manager to contact Wisér Consultants LLC to perform certain engineering services without prior formal approval by the City Commission. He explained that this is a three year agreement with a dollar limit of up to \$10,000.00 per project but with cancellation provisions and without any required minimum expenditures, and that approval of this agreement does not prevent the city from utilizing other engineering firms. Commissioner LeCompte made a motion to approve the resolution and to authorize the City Manager to sign the agreement upon approval by the City Attorney, second by Commissioner Howell. There were no citizen comments. Resolution No. 19-1313 was approved with all Commissioners voting “yes”.

D. RESOLUTION NO. 19-1314 – A RESOLUTION APPROVING THE PROPOSAL FROM BROWN BROTHERS INCORPORATED FOR EMERGENCY REPLACEMENT OF A STORM WATER DRAINAGE STRUCTURE ON HIGHPOINT DRIVE, FOR AN AMOUNT NOT TO EXCEED \$26,829.79

City Manager Thornbury advised that this resolution will approve emergency repairs to Highpoint Drive. He explained that the Commission approved Brown Brothers Construction to make repairs to an area of roadway on Highpoint Drive at the September 3rd Commission Meeting, but that since that date a sink hole has developed in a different portion of the roadway. He explained that a drainage structure containing sewer lines, which remain undamaged, runs underneath the roadway and that the drainage structure has partially collapsed and is in need of immediate repair. He advised that he received quotes for replacement of the drainage structure, with the best quote being from Brown Brothers Construction in the amount of \$24,390.72. He requested that if approved, a 10% contingency be added to the quote for a total amount not to exceed \$26,829.79. He advised that there are funds available in the budget to cover the repairs. Mr. Thornbury requested that the normal bidding process be waived due to the deteriorating and partial collapse of the drainage structure and the possible instability of the roadway if not repaired immediately. Mayor Pierce made a motion to approve the resolution, second by Vice Mayor Jenó. There were no citizen comments. Resolution No. 19-1314 was approved with all Commissioners voting “yes”.

XI. Citizen Comments – None

XII. Adjournment

The meeting was adjourned at 7:49 p.m.

Mayor Eddie Pierce

City Recorder Ruth Rohen