

WORK SESSION AGENDA

October 2, 2018

12:00 p.m.

1. First Reading & Public Hearing rezone 21 and 133 Culver Street
2. First Reading Ordinance – Amend Budget COL Increase
3. First Reading Ordinance – Distracted Driving Reduction Grant
4. First Reading Ordinance – Solar Energy Systems
5. Resolution - 2018 Capital Outlay Note
6. Resolution – Demolition Contract for 3307 Lamar Avenue
7. Any other business

City of Red Bank

John Roberts
Mayor

Tim Thornbury
Interim City Manager

BOARD OF COMMISSIONERS' MEETING

Agenda
October 2, 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. **September 18, 2018 Agenda Work Session**
 - B. **September 18, 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**

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PUBLIC HEARING
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The purpose of the public hearing is to receive citizen input in regard to a rezoning request to rezone property located at 121 Culver Street (Map Tax Parcel 117L M 022.03) and 133 Culver Street (Map Tax Parcel 117L M 022.02), from R-1 Residential to R-T/Z Residential Townhouse/Zero Lot Line
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- IX. **Unfinished Business –**
- X. **New Business**
 - A. **ORDINANCE NO. 18-1130 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE PROPERTY AT 121 AND 133 CULVER STREET AT HAMILTON COUNTY TAX PARCEL NUMBERS 117L M 022.03 AND 117L M 022.02, FROM R-1 RESIDENTIAL TO R-T/Z TOWNHOUSE / ZERO LOT LINE (FIRST READING)**
 - B. **ORDINANCE NO. 18-1131 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND FISCAL YEAR 2019 OPERATING BUDGET TO INCLUDE A TWO PERCENT (2%) EMPLOYEE COST OF LIVING INCREASE, RETROACTIVE TO JULY 1, 2018, IN THE AMOUNT OF \$71,101.00 (FIRST READING)**
 - C. **ORDINANCE NO. 18-1132 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO APPROVE AN AGREEMENT BETWEEN THE CITY OF RED BANK AND THE TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY AND TO AMEND THE FY 2019 OPERATING BUDGET TO APPROPRIATE FUNDING FOR THE “2019 DISTRACTED DRIVING REDUCTION PROGRAM GRANT” TOTALING \$36,995.00 FOR THE POLICE DEPARTMENT (FIRST READING)**

- D. **ORDINANCE NO. 18-1133 - AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO REPEAL ORDINANCE NO. 17-1106, SOLAR PANEL MORATORIUM, AND TO AMEND ORDINANCE NO. 15-1020, THE RED BANK ZONING ORDINANCE BY ADDING DEFINITIONS FOR SOLAR ENERGY SYSTEMS AND BY ADDING A NEW CHAPTER XII, ON SITE SOLAR ENERGY SYSTEM, TO PERMIT SOLAR ENERGY SYSTEMS AS AN ACCESSORY TO PERMITTED, CONDITIONAL AND SPECIAL EXCEPTION USES IN ANY ZONING DISTRICT, AND FURTHER, BY AMENDING THE DEFINITIONS, SECTION 14-202 AND ENACTING CERTAIN REGULATIONS, PROVISIONS RELATED TO SOLAR ENERGY SYSTEMS (FIRST READING)**

- E. **RESOLUTION NO. 18-1254 – A RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING GENERAL OBLIGATION CAPITAL OUTLAY NOTES, SERIES 2018, IN AN AMOUNT NOT TO EXCEED \$478,400, AND PROVIDING FOR THE PAYMENT OF SAID NOTES**

- F. **RESOLUTION NO. 18-1255 – A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND HAVRON CONTRACTION CORPORATION IN THE AMOUNT OF \$11,764.71 FOR DEMOLITION SERVICES**

XI. Citizen Comments from Red Bank Citizens about Red Bank business (3 minute limit)

XII. Adjournment

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

Minutes
September 18, 2018
12:00 p.m.

The Board of Commissioners met in a public and advertised Agenda Work Session on September 18, 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 Carol Rose, Terry Pope and Ed LeCompte. Also present were Interim City Manager Tim Thornbury, Police Chief Robert Simpson, Finance Director John Alexander, Fire Chief Mark Mathews and City Recorder Ruth Rothen. There were no public attendees.

1. Mayor Roberts advised that he asked Brian Taylor with Southeast Tennessee Development District to attend the work session to discuss creating a new Gateway Zone for Red Bank. He advised that he would like for this new zone to have permitted uses similar to those in the C2-Central Business District and encompass areas on Signal Mountain Rd. and on Dayton Blvd. from the south city limits to Midvale Ave. Mr. Taylor advised that he would bring the issue to the Planning Commission in October to discuss.
2. Chief Simpson, at the request of Mayor Roberts, presented cost options for installation of Tag Readers on stationary poles and/or patrol vehicles. He advised that along with the purchase price of the reader, there are annual connection and licensing fees. He advised that there are some grants available to pay some, or all of the cost, and that the equipment could be purchased using the drug fund. It was requested that an assessment of the City's needs be performed and results brought back for further review.
2. Mayor Roberts advised that there is a resolution on the agenda tonight to approve the purchase of Self Contained Breathing Apparatus for the Fire Department. It was noted that Bids were solicited and the purchase of the equipment is budgeted in the FY 2019 operating budget.
3. Commissioner LeCompte advised that during the budget workshops this year, the Commission had decided not to approve employee cost of living increases until year end revenue and expenditures were determined. Finance Director Alexander advised that the cost of a 2% employee cost of living increase is \$63,000.00. Commissioner LeCompte requested that a budget amendment be brought to the Commission for consideration of a 2% employee cost of living increase.
5. Vice Mayor Pierce advised that he received a call from a contractor that wants to install solar panels on a new home construction in Red Bank. He requested an update on the solar panel ordinance and asked when it may be referred to the Planning Commission for recommendation.
6. Commissioner Rose requested updates in regard to an ordinance amending permitted and prohibited uses in the C-3 Commercial Zone, and an ordinance to rezone properties on north Dayton Blvd. to C-3 Commercial. It was explained that there are a couple of related ordinances that need to be in place prior to the C-3 ordinance.
7. Commissioner Rose requested an update on the sign ordinance and the MTAS City Code update.
8. Mayor Roberts advised that, due to family obligations, he would not be attending most of the Commission Meetings between now and the election in November. He advised that he will be attending the Agenda Work Sessions.

The meeting was adjourned at 5:52 p.m.

Mayor

City Recorder

BOARD OF COMMISSIONERS' MEETING

Minutes

September 18, 2018

7:00 p.m.

- I. **Call to Order** –Vice Mayor Pierce called the meeting to order at 7:00 p.m.
- II. **Roll Call** – Interim City Manager Thornbury called the roll. Vice Mayor Pierce, Commissioner LeCompte, Commissioner Pope and Commissioner Rose were present. Mayor Roberts 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 29, 2018 Special Called Agenda Work Session**
 - B. **September 4, 2018 Agenda Work Session**
 - C. **September 4, 2018 Commission Meeting**Commissioner Rose made a motion to approve all three sets of minutes as printed, second by Commissioner LeCompte. All three sets of minutes were approved with all Commissioners voting “yes”.
- VI. **Communication from the Mayor**
 - Absent
- VII. **Commissioners Report**
 - **Vice-Mayor Eddie Pierce**
 - Welcomed everyone
 - **Commissioner Ed LeCompte**
 - Welcomed all.
 - Enjoyed the Chamber Lunch today, Chattanooga Chamber President & CEO Christy Gillenwater spoke about the Small Business Development Center.
 - **Commissioner Terry Pope**
 - Welcomed all and advised that there are approximately 25 “Drive Like Your Kids Live Here” signs still available at City Hall at no cost.
 - Enjoyed attending the Chamber Lunch today.
 - **Commissioner Carol Rose**
 - Welcomed all
 - Construction has begun on sidewalk extension, and installation of pedestrian islands in the 4500 block of Dayton Blvd. These pedestrian islands will make Red Bank a more walkable city.
- VIII. **City Manager Report** –

Interim City Manager Thornbury advised that replacement of the culvert at Ashland Terrace and Dayton Boulevard will begin soon. Ashland Terrace will be closed beginning October 24th. Estimated completion date is December 6th. Detour routes will be posted.

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 (SECOND AND FINAL READING)

Vice Mayor Pierce advised that this ordinance was discussed in detail at a Public Hearing on September 4th. He advised that the Red Bank Planning Commission did review this rezoning request and recommended approval. Commissioner LeCompte made a motion to approve the ordinance, second by Commissioner Pope. There were no citizen comments. **Roll Call Vote: Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”**. Ordinance No. 18-1127 was approved on second and final reading with all Commissioners present voting “yes”.

B. 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 (SECOND AND FINAL READING)

Interim City Manager Thornbury explained that this ordinance relates to the number and size of accessory buildings that are allowed on residentially zoned properties. He advised that property sizes up to ½ acre are allowed, in addition to a detached garage, one accessory building with square footage up to 144 square feet, and properties with more than ½ acre are allowed, in add to a detached garage, two accessory buildings up to 144 square feet each. It was noted that the Red Bank Planning Commission reviewed and recommended approving the ordinance. Commissioner LeCompte made a motion to approve the ordinance, second by Commissioner Pope.

Citizen Comment:

- Shirley Stewart, 211 Greanleaf St., Asked if existing accessory buildings were “grandfathered in” and was advised by City Attorney Stulce that they are. She also felt that there needed to be a clearer definition of what an accessory building is.

There were no further citizen comments. **Roll Call Vote: Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”**. Ordinance No. 18-1129 was approved on second and final reading with all Commissioners present voting “yes”.

X. New Business –

A. RESOLUTION NO. 18-1253 – A RESOLUTION AUTHORIZING THE PURCHASE OF SELF CONTAINED BREATHING APPARATUS FROM MUNICIPAL EMERGENCY SERVICES INC. IN THE AMOUNT OF \$194,102.00 FOR THE FIRE DEPARTMENT

Fire Chief Mathews explained that Bids were solicited for purchasing new Self Contained Breathing Apparatus for the Fire Department. He advised that this item was budgeted in the FY 2019 operating budget. He advised that two bids were received but only one, Municipal Emergency Services, Inc., met the minimum bid specifications. Commissioner Rose made a motion to approve the resolution, including authorizing the City Manager to sign documents required to complete the purchase, upon approval by the City Attorney, second by Vice Mayor Pierce. Resolution No. 18-1253 was approved with all Commissioners voting “yes”.

XI. Citizen Comments –

- Michael Cinnelli, Owns the three properties on Lullwater Rd. that were rezoned tonight. Asked about the next steps he needs to take related to development of the properties.
- Shirley Stewart, 211 Greenleaf Street, Thanked the sanitation department for the great curbside garbage service that the City has.

XII. Adjournment

The meeting was adjourned at 7:27 p.m.

Mayor John Roberts

City Recorder Ruth Rohen

ORDINANCE NO. 18-1130

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE,
AMENDING THE ZONING MAP TO REZONE PROPERTY AT 121 AND 133 CULVER
STREET AT HAMILTON COUNTY TAX PARCEL NUMBER 117L M 022.03 AND 117L M
022.02 FROM R-1 RESIDENTIAL TO R-T/Z TOWNHOUSE / ZERO LOT LINE ZONE

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, Greg Jones, has requested that his property at 121 and 133 Culver Street be rezoned from R-1 to R-T/Z; and

WHEREAS the legal description for said properties are included in Exhibit A within Deed Book 8479 Page 0887; 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 August 16, 2018; and

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

WHEREAS the City Commission heard a presentation by the owner describing the intended usage of the property, contingent upon the application being approved, and provided an opportunity for citizens to submit comments in favor of or against the proposed rezoning at an advertised public hearing on October 2, 2018, prior to the final 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 property located at 121 and 133 Culver Street, shown in Exhibit B as Hamilton County tax parcel number 117L M 022.03 and 022.02, from R-1 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 changed to reflect this rezoning.

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 OF RED BANK

CITY RECORDER

PASSED ON FIRST READING

PASSED ON SECOND READING

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A. Legal Description

Hamilton County Property Card

Parcel ID 117L M 022.03

- LT 4 BEAUMONT SUB PB71 PG71 OUT OF 117L-M-22 FOR 2003

Parcel ID 117L M 022.03

- LT 3 BEAUMONT SUB PB 71 PG 71 OUT OF 117L-M-22 FOR 2003

Deed Book 8479 Page 0887

PARCEL TWO: Parcel ID Nos. 117L-M-022.01 & 117L-M-022 & 022.02

Located in the 3rd Civil District of Hamilton County, Tennessee:

TRACT 1: Lot 1, Final Plat Lots 1-4, Beaumont Subdivision as shown by plat of record in Plat Book 71, page 71, Register's Office of Hamilton County, Tennessee.

TRACT 2: Lots 2, 3, and 4 of Beaumont Subdivision as shown by plat of record in Plat Book 71, page 71, Register's Office of Hamilton County, Tennessee.

And the improvements known as 159 Culver Street, Chattanooga, TN 37415.

(description continued on next page)

Page 1 of 2

Instrument: 2007092600101
 Book and Page: GI 8479 887
 Deed Recording Fee \$10.00
 Data Processing Fee \$2.00
 Probate Fee \$1.00 XMPT
 Total Fees: \$12.00
 User: KHOWARD
 Date: 26-SEP-2007
 Time: 10:15:24 AM
 Contact: Pam Hurst, Register
 Hamilton County Tennessee

Book and Page: GI 8479 888

Subject to any and all easements, covenants and/or restrictions of record, including but not limited to the following:

- Restrictions set out in instrument recorded at Book 839, page 139
- Joint Driveway Agreement set out in instrument recorded at Book 1673, page 20 and page 285
- Provisions regarding subdivision of plats recorded at Book 2116, page 186
- 35' Utility Easement
- 5' Drainage Easement on all side and rear lot lines
- Notes and Stipulations set forth on original plat at Plat Book 29, page 98

and or any and all governmental zoning regulations which may pertain to the above-described property.

Being the same lands conveyed to Grantors from SM Investments LLC, et al, by Warranty Deed dated May 7, 2007 and of record in Deed Book 8336, Page 556 in the Register's Office of Hamilton County, Tennessee.

**EXHIBIT B. Map
ORDINANCE 18-1130**

**R-1 to R-T/Z Rezoning Request
121 and 133 Culver Street, Tax Map 117L Group M Parcel 022.02 and 022.03
Owner: Jones**



ORDINANCE NO. 18-1131

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND FISCAL YEAR 2019 OPERATING BUDGET TO INCLUDE A TWO PERCENT (2%) EMPLOYEE COST OF LIVING INCREASE, RETROACTIVE TO JULY 1, 2018, IN THE AMOUNT OF \$71,101.00

WHEREAS, the City of Red Bank, Board of Commissioners approved Ordinance No. 18-1123 setting and fixing the Fiscal Year 2019 Operating Budget; and

WHEREAS, the 2019 Operating Budget, as approved, did not include employee cost of living increases; and

WHEREAS, after due consideration of available funding and fiscal impact, the City Commission desires to amend the FY 2019 Operating Budget to include a two percent (2%) cost of living increase, for all City employees; and

WHEREAS, the two percent (2%) cost of living increase shall be retroactive to July 1, 2018. .

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

SECTION 1. That the 2019 Fiscal Year Operating Budget is hereby amended to include funding as provided:

GENERAL FUND

REVENUE

Fund Balance	\$ 63,006.00
TOTAL REVENUE	<u>\$ 63,006.00</u>

EXPENDITURES

Administration	
<i>Salary</i>	<i>\$6,103.00</i>
<i>FICA</i>	<i>\$467.00</i>
<i>Retirement</i>	<i>\$737.00</i>
Judicial	
<i>Salary</i>	<i>\$1,546.00</i>
<i>Part-Time Salary</i>	<i>\$51.00</i>
<i>FICA</i>	<i>\$122.00</i>
<i>Retirement</i>	<i>\$187.00</i>
Police Department	
<i>Salary</i>	<i>\$22,307.00</i>
<i>Holiday Pay</i>	<i>\$755.00</i>
<i>FICA</i>	<i>\$1,764.00</i>
<i>Retirement</i>	<i>\$2,784.00</i>
Public Works	
<i>Salary</i>	<i>\$8,741.00</i>
<i>FICA</i>	<i>\$667.00</i>
<i>Retirement</i>	<i>\$1055.00</i>

Fleet Maintenance	
<i>Salary</i>	\$909.00
<i>FICA</i>	\$70.00
<i>Retirement</i>	\$110.00
Fire Department	
<i>Salary</i>	\$11,091.00
<i>Part-Time Salary</i>	\$1,459.00
<i>Holiday Pay</i>	\$494.00
<i>FICA</i>	\$684.00
<i>Retirement</i>	\$903.00
TOTAL EXPENDITURES	<u>\$63,006.00</u>

SOLID WASTE FUND

REVENUE

Fund Balance	\$5,972.00
TOTAL REVENUE	<u>\$5,972.00</u>

EXPENDITURES

Solid Waste	
<i>Salary</i>	\$4,733.00
<i>FICA</i>	\$362.00
<i>Retirement</i>	\$571.00
Recycle	
<i>Part-Time Salary</i>	\$284.00
<i>FICA</i>	\$22.00

TOTAL EXPENDITURES	<u>\$5,972.00</u>
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STORMWATER FUND

REVENUE

Fund Balance	\$2,123.00
TOTAL REVENUE	<u>\$2,123.00</u>

EXPENDITURES

Stormwater	
<i>Salary</i>	\$1,773.00
<i>FICA</i>	\$136.00
<i>Retirement</i>	\$214.00

TOTAL EXPENDITURES	<u>\$ 2,123.00</u>
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SECTION 2. This Ordinance shall take effect upon the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.

MAYOR

CITY RECORDER

ORDINANCE NO. 18-1132

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO APPROVE AN AGREEMENT BETWEEN THE CITY OF RED BANK AND THE TENNESSEE DEPARTMENT OF SAFETY AND HOMELAND SECURITY, AND TO AMEND THE FY 2019 OPERATING BUDGET TO APPROPRIATE FUNDING FOR THE “2019 DISTRACTED DRIVING REDUCTION PROGRAM GRANT” TOTALING \$36,995.00 FOR THE POLICE DEPARTMENT

WHEREAS, the City of Red Bank Police Department has been awarded a grant for “Distracted Driving Reduction” by the State of Tennessee Department of Safety and Homeland Security in the amount of \$36,995.00; and

WHEREAS, this is a 100% grant and requires no local agency match; and

WHEREAS, it is necessary for the City of Red Bank to accept grant funding and amend the Fiscal Year 2019 Operating Budget to appropriate these funds totaling \$36,995.00 for use by the Police Department, and

WHEREAS, the City Manager is authorized to sign and execute the Grant Contract upon approval by the City Attorney.

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

SECTION 1: That the “Distracted Driving Reduction Program Grant” be and is hereby accepted;

SECTION 2: That the City Manager is authorized to sign and execute the Grant Contract upon approval by the City Attorney;

SECTION 3: That the Fiscal Year 2019 Operating Budget be and is hereby amended as provided:

REVENUES

GENERAL FUND

Grant Revenue \$36,995.00

TOTAL REVENUES **\$36,995.00**

EXPENDITURES

Police

Salaries & Benefits \$35,938.00

<i>Supplies</i>	\$600.00
<i>Travel</i>	\$457.00

TOTAL EXPENDITURES	<u>\$36,995.00</u>
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SECTION 4. This Ordinance shall take effect upon the date of its passage upon second and final reading, the welfare of the citizens of the City of Red Bank requiring it.

Mayor John Roberts

ATTEST:

City Recorder

Passed on First Reading

Passed on Second and Final Reading

Approved as to Form:

City Attorney

ORDINANCE NO. 18-1133

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO REPEAL ORDINANCE NO. 17-1106, SOLAR PANEL MORATORIUM, AND TO AMEND ORDINANCE NO. 15-1020, THE RED BANK ZONING ORDINANCE BY ADDING DEFINITIONS FOR SOLAR ENERGY SYSTEMS AND BY ADDING A NEW CHAPTER XII, ON SITE SOLAR ENERGY SYSTEM, TO PERMIT SOLAR ENERGY SYSTEMS AS AN ACCESSORY TO PERMITTED, CONDITIONAL AND SPECIAL EXCEPTION USES IN ANY ZONING DISTRICT, AND FURTHER, BY AMENDING THE DEFINITIONS, SECTION 14-202 AND ENACTING CERTAIN REGULATIONS, PROVISIONS RELATED TO SOLAR ENERGY SYSTEMS

WHEREAS, it is the purpose of this regulation to promote safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted accessory use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be permitted in any zoning district as an accessory use to a principal use herein and subject to specific criteria overlap, the specific criteria shall supersede the general standards.

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

SECTION 1. Chapter 11, Section 14-202, Definitions, shall be amended to include the following definitions and to further arrange the currently existing definitions in this section.

Mechanical Equipment: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

Solar Access: A property owner's right to have sunlight shine on the owner's land. (The enforcement of this right is through the zoning ordinance that establishes height and setback requirements.)

Solar Energy System: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user and/or for integration with and/or transmission to the electrical grid. This definition shall include the terms passive solar and active solar systems. A solar energy system shall be considered as an accessory use, as that term is defined in the ordinance, provided further that in Industrial Zone only nothing contained herein shall be construed to prohibit commercial installation of a solar energy system as the principal and/or primary use for parcels zoned "Industrial"

Solar Glare: The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

SECTION 2. Applicability:

1. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
2. Any upgrade, modification, or structural change that materially alters the size or placement of an existing solar energy system shall comply with the provisions of this ordinance.

SECTION 3. The Red Bank Zoning Ordinance Codified at Title 14, Chapter 2, inclusive. Regulations shall be amended by adding a new Chapter XII as follows:

SOLAR ENERGY SYSTEMS

1. The installation and construction of a solar energy system shall be subject to the following development and design standards:
 - A. A solar energy system is permitted in all zoning districts as an accessory to a principal use, except in the context of property within the Industrial Zone. Nothing contained herein shall be construed to prohibit commercial installation of a solar energy system as the principal and/or primary use for parcels zoned "Industrial"
 - B. A solar energy system shall provide power for the principal use (limited to Industrial Zone) and/or accessory use of property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, except as permitted and/or accepted by the Electric Power Board and/or the Tennessee Valley Authority
 - C. A solar energy system connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.
 - D. Subject to more particular regulation provisions hereinafter provided in this Chapter, a solar energy system may be roof mounted or ground mounted.
 - E. A roof mounted system may be mounted on the roof of a principal building or accessory building. No system may be mounted on or attached to the side of any building. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the particular, and, applicable zoning district. In no instance shall any part of the solar energy system extend beyond the edge (overhang) of roof. No part of any roof mounted system, facility or panel may exceed above the roof or roof line

and must at all times comply with a maximum height requirement of the underlying zoning district.

- F. A ground mounted system shall not exceed the maximum building height for accessory buildings, no poles or pedestal or other mounting system may exceed five (5') on height.
- G. The surface area of a ground mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
- H. Placement
 - (i) A ground mounted system or system attached to an accessory building shall not be located within the front yard of any residentially zoned or commercially zoned property.
 - (ii). Industrial zones, no system may be installed, mounted or erected or located any closer to any Residentially zoned properties rear or side property lines and no closer than two (2) times the otherwise applicable set back distances.
 - (iii) In industrial zones otherwise applicable set back lines shall be applicable
- I. Except as otherwise specifically provided herein, the minimum solar energy setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
- J. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
 - a. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other noninvasive plant species which provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of the Zoning Ordinance may be used.
 - b. Mechanical equipment shall not be located within the front yard of any residentially or commercially zoned property nor within the front, side or rear setback for Industrial zoned property and shall otherwise comply with the setbacks specified for accessory structures in the underlying zoning district
- K. Solar panels shall be located such that concentrated solar radiation or glare

shall not be directed onto nearby properties or roadways.

- L. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be located underground.
 - M. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, or other similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed in any equipment of the solar energy system, provided they comply with the prevailing sign regulations.
 - N. A solar energy system shall not be constructed until a building / zoning /electrical permit has been approved and issued by the City of Red Bank and as may be applicable, approved by the Electric Power Board.
 - O. The design of the solar energy system shall conform to applicable industry standards. A building permit may only be obtained for a solar energy system pursuant to all applicable building, electrical and safety codes and regulations adopted thereunder. All wiring shall comply with the then applicable version of the National Electrical Code (NEC). The local utility provider shall be contacted to determine grid interconnection and meet metering policies and the Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer licensed by the State of Tennessee
 - P. The solar energy system shall comply with all applicable City of Red Bank Ordinances and Building Codes so as to ensure the structural integrity and safety of such solar energy system.
 - Q. Before any construction can commence of any solar energy systems or be installed or erected, the owner must acknowledge, in writing on the City of Red Bank issued permit that he/she is the responsible party for owning and maintaining the solar energy system.
2. If a ground mounted solar energy system is removed, any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded.
 3. If a ground mounted solar energy system has been abandoned (meaning not having been in operation for a period of one-hundred and eighty (180) days or is defective or is deemed to be unsafe by the City Manager or his/her designee, the solar energy system shall be immediately disconnected from the building and the Electric Power Board shall be notified and the system required to be repaired by the owner, and subject to inspection by the City, required to meet federal, state and local safety

standards before resuming operations, or be removed by the property owner within the time period allowed by the Building Code Official. If the owner fails to remove or repair the defective or abandoned solar energy system, City may pursue a legal action to have the system removed at the owner's expense, which cost shall be a municipal lien against the real property upon which the solar energy system is located.

SECTION 4. Ordinance No. 17-1106, declaring a moratorium upon the erection, installation, construction or other utilization and/or placement of solar panels or solar arrays within the City of Red Bank, is hereby repealed.

SECTION 5. 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 6. 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 18-1254

RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING GENERAL OBLIGATION CAPITAL OUTLAY NOTES, SERIES 2018, IN AN AMOUNT NOT TO EXCEED \$478,400, AND PROVIDING FOR THE PAYMENT OF SAID NOTES

WHEREAS, the Board of Commissioners (the "Board"), of the City of Red Bank, Tennessee (the "Municipality" or the "City"), has determined that it is necessary and desirable to authorize, issue, sell, and provide for the payment of its interest bearing capital outlay notes to finance certain public works projects, consisting of street and road improvements, including paving, the acquisition of equipment for the City, including a right of way mower, and to pay all legal, fiscal, administrative, and engineering costs, incident thereto (collectively, the "Project");

WHEREAS, the Municipality estimates that the economic life of the Project exceeds four (4) years;

WHEREAS, the Municipality finds and determines that the Project will promote or provide a traditional governmental activity or otherwise fulfill a public purpose;

WHEREAS, in order to proceed as expeditiously as possible with such an essential Project, it is necessary that interest bearing capital outlay notes be issued for the purpose of providing funds to finance the Project; and,

WHEREAS, the Municipality is authorized by the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, to issue such notes for said purposes upon the approval of the Director of State and Local Finance:

NOW, THEREFORE, BE IT RESOLVED BY the Board of Commissioners of the City of Red Bank, Tennessee, as follows:

Section 1. Authority. The Notes herein authorized shall be issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law.

Section 2. Authorization. For the purpose of providing funds to finance the costs of the Project, there shall be issued pursuant to, and in accordance with, the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law, the interest bearing capital outlay notes of the Municipality, in the aggregate principal amount of not to exceed \$478,400, or such lesser amount as may be determined by the Mayor of the Municipality (the "Mayor") at the time of sale (collectively, the "Notes", individually, the "Note).

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Capital Outlay Notes, Series 2018". The Notes shall be issued in registered form, without coupons. The Notes shall be numbered from 1 upwards, shall be dated the date of issuance and delivery, shall be sold at not less than the par amount thereof, shall bear interest at a rate or rates not to exceed 4% per annum, such interest being payable at such times as agreed upon with the purchaser of such Notes, but in no event less than semiannually each year commencing six months from the dated date or such date as shall be designated by the Mayor (the "Interest Payment Date"), and shall mature not later than the end of the fourth fiscal year from the date of issuance of the Notes. Each year the Notes are outstanding the Municipality shall retire principal on the Notes in an amount that is estimated to be at least equal to an amortization which reflects level debt service on the Notes. The Notes shall contain such terms, conditions, and provisions other than as expressly provided or limited herein as may be agreed upon by the Mayor of the Municipality and the purchaser of the Notes.

Interest on the Notes shall be payable by check or other form of draft of the "Note Registrar," as such term is hereinafter defined, deposited by the Note Registrar in the United States mail, first class postage prepaid, in sealed envelopes, addressed to the owner of such Notes, as of the applicable Interest Payment Date, at its address as shown on the Registration Books of the Municipality maintained by the Note Registrar as of the close of business fifteen (15) calendar days preceding the next Interest Payment Date. The principal of all Notes shall be payable upon presentation and surrender of such Notes at the principal office of the Note Registrar. All payments of the principal of and interest on the Notes shall be made in any coin or currency of the United States of America which, on the date of payment thereof, shall be legal tender for the payment of public and private debts.

Section 4. Redemption. The Notes shall not be subject to redemption prior to their maturity; provided, however, with the approval of and upon notice to the registered owner of the Notes, the Notes may be prepaid in whole at the price of par plus a premium in the amount of 1% of the outstanding principal amount plus accrued interest to the date of redemption. Provided, further, the Municipality may pay, from time to time, additional principal payments, after giving fifteen (15) calendar days' written notice to the registered owner of such intent to pay additional principal.
the Notes.

Section 5. Execution. The Notes shall be executed in the name of the Municipality; shall bear the manual signature of the Mayor; shall be countersigned by the City Recorder of the Municipality (the "City Recorder"), with his or her manual signature; and, shall have printed or impressed thereon the official seal of the Municipality. In the event any officer whose signature appears on the Notes shall cease to be such officer, such signature shall nevertheless be valid and sufficient for all purposes. The Notes shall be issued in typed, printed, or photocopied form, or any combination thereof, substantially in the form attached hereto as Exhibit "A", with such minor changes therein or such variations thereof as the Mayor may deem necessary or desirable, the blanks to be appropriately completed by the Mayor prior to the issuance of the Notes.

Section 6. Registration, Negotiability, and Payment. (a) The City Recorder of the Municipality is hereby appointed the note registrar and paying agent (the "Note Registrar"), and as such shall establish and maintain suitable books (the "Registration Books"), for recording the registration, conversion, and payment of the Notes, and shall also perform such other duties as may be required in connection with any of the foregoing. The Note Registrar is hereby authorized to authenticate and deliver the Notes to the original purchaser thereof, or as it may designate, upon receipt by the Municipality of the proceeds of the sale thereof and to authenticate and deliver Notes in exchange for Notes of the same principal amount delivered for transfer upon receipt of the Notes to be transferred in proper form with proper documentation as herein described. The Notes shall not be valid for any purpose unless authenticated by the Note Registrar by the manual signature of the Note Registrar on the certificate set forth in Exhibit "A" hereto. The Notes shall be fully registered as to both principal and interest and shall be fully negotiable upon proper endorsement by the registered owner thereof. No transfer of any Notes shall be valid unless such transfer is noted upon the Registration Books and until such Note is surrendered, cancelled, and exchanged for a new Note which shall be issued to the transferee, subject to all the conditions contained herein.

(b) In the event that any amount payable on any Note as interest shall at any time exceed the rate of interest lawfully chargeable thereon under applicable law, then any such excess shall, to the extent of such excess, be applied against the principal of such Note as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

Section 7. Transfer of Notes. Each Note shall be transferable only on the Registration Books maintained by the Note Registrar at the principal office of the Note Registrar, upon the surrender for cancellation thereof at the principal office of the Note Registrar, together with an assignment of such Note duly executed by the owner thereof or its attorney or legal representative, and upon payment of the charges hereinafter provided, and subject to such other limitations and conditions as may be provided therein or herein.

Upon the cancellation of any such Note, the Note Registrar shall, in exchange for the surrendered Note or Notes, deliver in the name of the transferee or transferees a new Note or Notes of authorized denominations, of the same aggregate principal amount, maturity, and rate of interest as such surrendered Note or Notes, and the transferee or transferees shall take such new Note or Notes subject to all of the conditions herein contained.

Section 8. Regulations with Respect to Transfers. In all cases in which the privilege of transferring Notes is exercised, the Municipality shall execute, and the Note Registrar shall deliver, Notes in accordance with the provisions of this Resolution. For every transfer of Notes, whether temporary or definitive, the Municipality and the Note Registrar may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such transfer, all of which taxes, fees, and other governmental charges shall be paid to the Municipality by the entity requesting such transfer as a condition precedent to the exercise of the privilege of making such transfer.

Section 9. Mutilated, Lost, Stolen, or Destroyed Notes. In the event any Note issued hereunder shall become mutilated, or be lost, stolen, or destroyed, such note shall, at the written request of the registered owner, be cancelled on the Registration Books and a new Note shall be authenticated and delivered, corresponding in all aspects but number to the mutilated, lost, stolen, or destroyed Note. Thereafter, should such mutilated, lost, stolen, or destroyed Note or Notes come into possession of the registered owner, such Notes shall be returned to the Note Registrar for destruction by the Note Registrar. If the principal on said mutilated, lost, stolen, or destroyed Note shall be due within fifteen (15) calendar days of receipt of the written request of the registered owner for authentication and delivery of a new Note, payment therefor shall be made as scheduled in lieu of issuing a new Note. In every case the registered owner shall certify in writing as to the destruction, theft, or loss of such Note, and shall provide indemnification satisfactory to the Municipality and to the Note Registrar, if required by the Municipality and the Note Registrar.

Any notice to the contrary notwithstanding, the Municipality and all of the officials, employees, and agents thereof, including the Note Registrar, may deem and treat the registered owner of the Notes as the absolute owner thereof for all purposes, including, but not limited to, payment of the principal thereof, and the interest thereon, regardless of whether such payment shall then be overdue.

Section 10. Authentication. Only such of the Notes as shall have endorsed thereon a certificate of authentication, substantially in the form set forth in Exhibit "A" hereto duly executed by the Note Registrar shall be entitled to the rights, benefits, and security of this Resolution. No Note shall be valid or obligatory for any purpose unless, and until, such certificate of authentication shall have been duly executed by the Note Registrar. Such executed certificate of authentication by the Note Registrar upon any such Note shall be conclusive evidence that such Note has been duly authenticated and delivered under the Resolution as of the date of authentication.

Section 11. Source of Payment and Security. The Notes, as to both principal and interest, shall be payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied on all taxable property within the corporate limits of the Municipality without limitation as to time, rate, or amount. Said Notes shall be a direct general obligation of the Municipality, for which the punctual payment of the principal of and interest on the Notes, the full faith and credit of the Municipality is irrevocably pledged.

Section 12. Levy of Taxes. For the purpose of providing for the payment of the principal of and interest on the Notes, to the extent required, there shall be levied in each year in which such Notes shall be outstanding a direct tax on all taxable property in the Municipality, fully sufficient to pay all such principal and interest falling due prior to the time of collection of the next succeeding tax levy. Said tax shall be assessed, collected, and paid at the time, and in the same manner, as the other taxes of said Municipality, shall be in addition to all other taxes, and shall be without limitation as to time, rate, or amount, and for that purpose there is hereby levied a direct annual tax in such amount as may be found necessary each year to pay said principal of and interest on the Notes maturing in said year. Principal or interest falling due at any time when there shall be

insufficient funds on hand from such tax levy for the payment thereof shall be paid from the general fund or other available funds of the Municipality, but reimbursement therefor may be made from the taxes herein provided when the same shall have been collected. Such taxes levied and collected therefor shall be deposited in the debt service fund of the Municipality, and used solely for the payment of principal of and interest on the Notes as the same shall become due.

Section 13. Approval of Director of State and Local Finance. Anything herein contained to the contrary notwithstanding, no Notes authorized under this Resolution shall be issued, sold, or delivered, unless and until such Notes shall first have been duly approved by the Director of State and Local Finance as provided by Section 9-21-601 et. seq., Tennessee Code Annotated, as amended. The Mayor, City Recorder, City Attorney, and Bond Counsel are hereby authorized to take or cause to be taken such steps as are necessary to obtain such approval. After the issuance and sale of the Notes, and for each year that any of the Notes are outstanding, the Municipality shall submit its annual budget to the Director of State and Local Finance for approval immediately upon the Municipality's adoption of the budget.

Section 14. Sale of Notes. The Notes herein authorized are authorized to be sold by the Mayor by the informal bid process at a price of not less than par and accrued interest.

Section 15. Disposition of Note Proceeds. The proceeds from the sale of the Notes shall be paid to the official of the Municipality designated by law as the custodian of the funds thereof to be deposited in a special fund known as the "General Obligation Capital Outlay Notes, Series 2018 Project Fund" (the "Project Fund"), which is hereby authorized to be created, to be kept separate and apart from all other funds of the Municipality. The monies in the Project Fund shall be disbursed solely to finance the Project and to pay the costs of issuance of the Notes. Monies in the Project Fund may be invested and shall be secured in the manner prescribed by applicable statutes relative to the investment and securing of public or trust funds. Any monies remaining in the Project Fund after completion of the Project shall be transferred to the Note Fund.

Section 16. Non-Arbitrage Certification. The Municipality certifies and covenants with the owner of the Notes that so long as the principal of any Note remains unpaid, monies on deposit in any fund or account in connection with the Notes, whether or not such monies were derived from the proceeds of the sale of the Notes or from any other source, will not be used in a manner which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and any lawful regulations promulgated thereunder, as the same presently exist, or may from time to time hereafter be amended, supplemented, or revised. The Municipality reserves the right, however, to make any investment of such monies permitted by Tennessee law and this Resolution if, when and to the extent that said Section 148 or regulations promulgated thereunder shall be repealed or relaxed or shall be held void by final decision of a court of competent jurisdiction, but only if any investment made by virtue of such repeal, relaxation, or decision would not, in the opinion of counsel of recognized competence in such matters, result in making the interest on the Notes subject to inclusion in gross income of the owner thereof for federal income tax purposes.

The Municipality covenants that it shall comply with Section 148(f) of the Code, unless legally exempted therefrom and it represents that in the event it shall be required by Section 148(f) of the Code to pay "Rebatable Arbitrage," as defined in the regulations promulgated under the Code, to the United States Government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Notes from becoming subject to inclusion in federal gross income of the owner of the Notes for purposes of federal income taxation.

Section 17. Designation of Notes as Qualified Tax-Exempt Obligations. The Municipality hereby designates the Notes as "qualified tax-exempt obligations" within the meaning and for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended. The Municipality reasonably anticipates that the amount of tax-exempt obligations (other than obligations described in Section 265(b)(3)(C)(ii)) which will be issued during the calendar year by the Municipality (i) any issuer with respect to which the Municipality is deemed to be an "on behalf of" issuer, and (ii) all subordinate entities which are treated as one issuer under

Section 265(b)(3)(E) of the Code, will not exceed \$10,000,000, and not more than \$10,000,000 of obligations issued by the Municipality (together with those issued by any other issuers that are treated as an issuer under such Section 265(b)(3)) during the 2018 calendar year will be designated as "qualified tax-exempt obligations".

Section 18. Reimbursement Provisions. The Municipality is in the process of causing certain capital expenditures to be made with respect to the Project, including, but not necessarily limited to, planning, design, and architectural expenses, and the Municipality desires to establish its official intent that certain of the expenditures related to the Project and certain other related expenditures be reimbursed from the proceeds of the Notes. Therefore, the Board of the Municipality finds and determines, as follows:

(a) that it is in the best interest of the Municipality to proceed immediately with the Project, thereby incurring certain capital expenditures;

(b) that the Municipality has certain funds available which may be used temporarily for this purpose, pending the issuance of the Notes;

(c) that pursuant to the provisions of this Resolution, the Board anticipates that the Municipality will issue the Notes for the purpose of financing the Project;

(d) that the Board reasonably expects to reimburse such amounts to such fund or source from which such expenditures may be made on a temporary basis as soon as proceeds from the issuance of such Notes are available; and,

(e) that this declaration of official intent is consistent with the budgetary and financial circumstances of the Municipality.

The Board of the Municipality by this Resolution hereby establishes its official intent to issue the Notes to finance the costs of the Project and other related expenditures in an amount not to exceed \$478,400. Pending the issuance of such Notes, funds necessary to finance such costs shall be advanced from such source of funds on hand and available for such purpose, and any amounts so advanced shall be reimbursed from the proceeds of the Notes.

Section 19. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner of the Notes, and after the issuance of the Notes, no change, variation, or alteration of any kind in the provisions of this Resolution shall be made in any manner, until such time as all installments of the principal of and interest on the Notes shall have been paid in full or the consent of the registered owner of the Notes has been obtained; provided, however, that the Municipality is hereby authorized to make such amendments to this Resolution as will not impair the rights or security of the owner of the Notes.

Section 20. No Action to be Taken Affecting Validity of the Notes. The Municipality hereby covenants and agrees that it will not take any action, that would in any manner affect the validity of the Notes or limit the rights and remedies of the owner from time to time of such Notes. The Municipality further covenants that it will not take any action that will cause the interest on the Notes to be subject to inclusion in gross income of the owner thereof for purposes of federal income taxation.

Section 21. Miscellaneous Acts. The Mayor, the City Recorder, and all other appropriate officials of the Municipality are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved; or for the authorization, issuance, and delivery of the Notes.

Section 22. Failure to Present Notes. Subject to the provisions of Section 3 hereof, in the event any Note shall not be presented for payment when the principal becomes due at maturity and in the event monies sufficient to pay such Note shall be held by the Note Registrar for the benefit of the owner thereof, all liability of the Municipality to such owner for the payment of such Note shall forthwith cease, terminate, and be completely discharged. Thereupon, the Note Registrar shall hold such monies, without liability for interest thereon, for the benefit of the owner of such Note who shall thereafter be restricted exclusively to such monies for any claim under this Resolution or on, or with respect to, said Note, subject to escheat or other similar law, and any applicable statute of limitation.

Section 23. Payments Due on Saturdays, Sundays, and Holidays. Whenever the interest on or principal of any Note is due on a Saturday or Sunday or, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then the payment of the interest on, or the principal of, such Note need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the date of maturity; and no interest shall accrue for the period after such date.

Section 24. No Recourse Under Resolution or on Notes. All stipulations, promises, agreements, and obligations of the Municipality contained in this Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the Municipality and not of any officer, director, or employee of the Municipality in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Notes or for any claim based thereon or under this Resolution against any officer, director, or employee of the Municipality or against any official or individual executing the Notes.

Section 25. Severability. If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions hereof.

Section 26. Repeal of Conflicting Resolutions and Effective Date. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, and this Resolution shall be in effect as of the date of its adoption the welfare of the Municipality requiring it.

Approved and adopted this 2nd day of October, 2018.

Mayor

Attest:

City Recorder

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

I, Ruth Rohen, hereby certify that I am the duly qualified and acting City Recorder of the City of Red Bank, Tennessee (the "Municipality"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the Board of Commissioners (the "Board") of said Municipality held on October 2, 2018; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates to, among other matters, the authorization of the issuance of not to exceed \$478,400 General Obligation Capital Outlay Notes, Series 2018, by said Municipality; (4) that the actions by said Board including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Board was present and acting throughout said meeting.

WITNESS my official signature and the seal of said Municipality this 2nd day of October, 2018.

City Recorder

(SEAL)

EXHIBIT A
FORM OF NOTE

Registered
No. _____

Registered
\$

UNITED STATES OF AMERICA
STATE OF TENNESSEE
COUNTY OF HAMILTON
CITY OF RED BANK
GENERAL OBLIGATION CAPITAL OUTLAY NOTE,
SERIES 2018

Interest Rate:

Maturity Date:

Dated Date:

Registered Owner:

Principal Amount:

THE CITY OF RED BANK, TENNESSEE (the "Municipality"), a lawfully organized and existing municipal corporation, for value received, hereby acknowledges itself indebted and promises to pay, as hereinafter set forth, in the manner hereinafter provided, to the Registered Owner identified above, or registered assigns as hereinafter provided, on the Maturity Date identified above, upon the presentation and surrender hereof at the office of the City Recorder, City Hall, Red Bank, Tennessee, or its successor as registrar and paying agent (the "Note Registrar"), the Principal Amount identified above, and to pay interest on said Principal Amount from the date hereof, or such later date as to which interest has been paid, to the Maturity Date, semi-annually on ____ and _____ of each year, commencing _____, 2019, at the Interest Rate per annum set forth above, by check, draft, or warrant to the Registered Owner hereof at the address shown on the registration books of the Note Registrar on the fifteenth (15th) calendar day next preceding an interest payment date, in any coin or currency of the United States of America which on the date of payment thereof is legal tender for the payment of public and private debts.

In the event that any amount payable hereunder as interest shall at any time exceed the rate of interest lawfully chargeable on this note under applicable law, any such excess shall, to the extent of such excess, be applied against the principal hereof as a prepayment thereof without penalty, and such excess shall not be considered to be interest. All rates of interest specified herein shall be computed on the basis of a three hundred sixty (360) day year composed of twelve (12) months of thirty (30) days each.

The principal hereof and interest hereon shall bear interest from and after their respective due dates (whether by acceleration, demand, or otherwise) at the same rate of interest payable on the principal hereof.

Section 9-21-117, Tennessee Code Annotated, as amended, provides that this note and the income therefrom is exempt from all state, county, and municipal taxation in the State of Tennessee, except inheritance, estate, and transfer taxes and except as otherwise provided in said Code.

This note is one of a series of notes known as "General Obligation Capital Outlay Notes, Series 2018" (the "Notes"), issued by the Municipality in the aggregate principal amount of \$478,400. The Notes which are issued for the purpose of financing certain public works projects, consisting of street and road improvements, including paving, the acquisition of equipment for the City, including a right of way mower, and to pay all legal, fiscal, administrative, and engineering costs, incident thereto, are authorized by an appropriate resolution of the Board of Commissioners and particularly that certain Resolution of the Board of Commissioners adopted on October 2, 2018, as such resolution may be from time to time amended or supplemented in accordance with its terms (such resolution, as so amended or supplemented, being herein called, the "Resolution"), and are issued pursuant to, and in full compliance with, the Constitution and the statutes of the State of Tennessee, including, but not limited to, Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"). Copies of the Resolution are on file at the office of the City Recorder of the Municipality, and reference is hereby made to the Resolution and the Act, for a more complete statement of the terms and conditions upon which the Notes are issued thereunder, the rights, duties, immunities, and obligations of the Municipality, and the rights of the Registered Owner hereof.

This note and interest hereon is payable from funds of the Municipality legally available therefor and to the extent necessary from ad valorem taxes to be levied on all taxable property in the Municipality without limitation as to time, rate, or amount. For the prompt payment of this note, both principal and interest, as the same shall become due, the full faith and credit of the Municipality are hereby irrevocably pledged.

The Municipality has designated the Notes as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This note is transferable by the Registered Owner hereof in person or by its attorney or legal representative at the office of the Note Registrar, but only in the manner and subject to the limitations and conditions provided in the Resolution and upon surrender and cancellation of this note. Upon any such transfer, the Municipality shall execute, and the Note Registrar shall authenticate and deliver in exchange for this note, a new fully registered note or notes, registered in the name of the transferee, in authorized denominations, in an aggregate principal amount equal to the principal amount of this note, of the same maturity and bearing interest at the same rate. For every exchange or transfer of notes, whether temporary or definitive, the Municipality and the Note Registrar may make a charge, unless otherwise herein to the contrary expressly provided, sufficient to pay for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer, all of which taxes, fees, or other governmental charges shall be paid to the Municipality by the person or entity requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The Municipality and the Note Registrar may deem and treat the entity in whose name this note is registered as the absolute owner hereof, whether such note shall be overdue or not, for the purpose of making payment of the principal of and interest on this note and for all other purposes. All such payments so made shall be valid and effectual to satisfy and discharge the liability upon this note to the extent of the sum or sums so paid, and neither the Municipality nor the Note Registrar shall be affected by any notice to the contrary.

The Notes are issuable only as fully registered Notes, without coupons. At the office of the Note Registrar, in the manner and subject to the limitations, conditions, and charges provided in the Resolution, fully registered Notes may be exchanged for an equal aggregate principal amount of fully registered Notes of the same maturity, of authorized denominations, and bearing interest at the same rate.

The Note shall not be subject to redemption, in whole or in part, prior to maturity; provided however, at the option of the Municipality, upon fifteen (15) calendar days written notice to the Registered Owner, and with the consent of the Registered Owner, the Municipality may prepay the Note in full at the price of par plus a 1% premium, and accrued interest to the date of redemption. Provided, further, the Municipality may pay, from time to time, additional principal payments, after giving fifteen (15) calendar day's written notice to the Registered Owner of such intent to pay additional principal.

This note shall have all the qualities and incidents of, and shall be, a negotiable instrument under, the Uniform Commercial Code of the State of Tennessee, subject only to provisions respecting registration of such note. This note is issued with the intent that the laws of the State of Tennessee shall govern its construction.

It is hereby certified, recited, and declared that all acts and conditions required to be done and to exist precedent to the issuance of, this note in order to make this note a legal, valid, and binding obligation of the Municipality, have been done, and did exist in due time and form as required by the Constitution and statutes of the State of Tennessee; and that this note and the issue of which it is a part, together with all other indebtedness of such Municipality, does not exceed any limitation prescribed by the Constitution or statutes of the State of Tennessee.

IN WITNESS WHEREOF, THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, has caused this note to be signed by the manual or facsimile signatures of the Mayor and the City Recorder and its official seal, or a facsimile thereof, to be impressed or imprinted hereon, all as of _____, 2018.

RESOLUTION NO. 18-1255

A RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND HAVRON CONTRACTING CORPORATION IN THE AMOUNT OF \$11,764.71 FOR DEMOLITION SERVICES

WHEREAS, the City of Red Bank conducted a Condemnation Hearing and subsequently received a Condemnation and Order of Demolition from the Red Bank City Commission for a quadraplex located at 3307 Lamar Avenue; and

WHEREAS, the City of Red Bank solicited written quotes for demolition services in regard to the quadraplex located at 3307 Lamar Avenue, Red Bank, Tennessee; and

WHEREAS, three (3) written quotes were received and reviewed; and

WHEREAS, the lowest quote for was from Havron Contracting Corporation in the amount of \$11,764.71; and

WHEREAS, funds are budgeted and available in the FY 2019 Operating Budget; and

WHEREAS, it is necessary for the City Commission to approve the contract between the City of Red Bank and Havron Contracting Corporation for labor and supplies to demolish the structure located at 3307 Lamar Avenue.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Red Bank, Tennessee that the contract with Havron Contracting Corporation in the amount of \$11,764.71 for labor and supplies to demolish the structures located at 3307 Lamar Avenue be and is hereby approved.

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

Resolved this 2nd day of October 2018

Mayor

City Recorder