

WORK SESSION AGENDA

November 6, 2018

12:00 p.m.

1. Charlie Hunt – Digital Billboard Sign
2. Planning Commission Appointments (11/20/18)
3. Resolution – Disposal of surplus and abandoned property
4. Ordinance and Public Hearing – 918 Lullwater Rd., R-1 to R-T/Z
5. Ordinance – Set-Backs in C-1 and C-3 Zones
6. Ordinance and Public Hearing – Amendments to the Zoning Ordinance Commercial Zone Intent Statements (C1, C2, C3)
7. Ordinance and Public Hearing – Amending the Permitted and Prohibited Uses in the C-3 Commercial Zone
8. Ordinance and Public Hearing – Outdoor Display, Storage or Sale of Merchandise in the Commercial Zones
9. Certificate of Compliance, UMA Partnership d/b/a M&J Tobacco, Liquor and Beer, 3603-C Dayton Blvd.
10. Report on Debt Obligation
11. Resolution – Agreement with Hamilton County Trustee in Regard to Collection of the Hotel/Motel Tax
12. Resolution – TML Property Conservation Grant \$2,500.00
13. Resolution – Release of Liability (LESO Program)
14. Resolution – City Manager Contract
15. Any other business

City of Red Bank

John Roberts
Mayor

Tim Thornbury
Interim City Manager

BOARD OF COMMISSIONERS' MEETING

Agenda
November 6, 2018
7:00 p.m.

- I. **Call to Order – Mayor John Roberts**
- II. **Roll Call – 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. **October 16, 2018 Agenda Work Session**
 - B. **October 16, 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 Hearings

- 1) **Rezoning request for property located at 918 Lullwater Rd., Hamilton County Map Tax Parcel Number 117K C 010 from R-1 Residential to R-T/Z Residential Townhouse Zero Lot Line**
- 2) **Amend the Red Bank Zoning Ordinance in regard to Intent Statements of the Commercial Zones**
- 3) **Amend the Red Bank Zoning Ordinance in regard to Permitted and Prohibited Uses in the C-3 Commercial Zone.**
- 4) **Amending the Red Bank Zoning Ordinance with respect to outdoor display, storage and sale of merchandise in the commercial zones.**

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- IX. **Unfinished Business – None**
 - X. **New Business**
 - A. **AGENDA ITEM 18-839 – REPORT ON DEBT OBLIGATION CAPITAL OUTLAY NOTE SERIES 2018**
 - B. **ORDINANCE NO. 18-1134 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING MAP TO REZONE PROPERTY AT 918 LULLWATER ROAD AT HAMILTON COUNTY TAX PARCEL NUMBER 117K C 010 FROM R-1 RESIDENTIAL TO R-T/Z TOWNHOUSE / ZERO LOT LINE ZONE, SUBJECT TO CONDITIONS (FIRST READING)**

- C. ORDINANCE NO. 18-1135 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE RED BANK ZONING ORDINANCE TO MODIFY SETBACK REQUIREMENTS IN THE C-1 AND C-3 COMMERCIAL ZONING DISTRICTS IN ORDER TO CORRESPOND TO PROVISIONS ON THE DESIGN REVIEW ORDINANCE NO. 17-1090 (FIRST READING)**
- D. ORDINANCE NO. 18-1136 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE RED BANK ZONING ORDINANCE NO. 15-1020, SECTION 14-402.01, 14-404.01 AND 14-405.01 IN ORDER TO MODIFY THE COMMERCIAL ZONE INTENT STATEMENTS FOR COMMERCIAL ZONING DISTRICTS (FIRST READING)**
- E. ORDINANCE NO. 18-1137 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE RED BANK ZONING ORDINANCE NO. 15-1020 AT SECTION 405.03, 405.04, 405.05, 405.06 AND 405.08, AMENDING THE PERMITTED AND PROHIBITED USES AND SET BACK REQUIREMENTS IN THE C-3 COMMERCIAL ZONE (FIRST READING)**
- F. ORDINANCE NO. 18-1138 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE RED BANK ZONING ORDINANCE NO. 15-1020, CHAPTER 14-402, 14-404 AND 14-405 WITH RESPECT TO OUTDOOR DISPLAY, STORAGE OR SALE OF MERCHANDISE IN THE COMMERCIAL ZONES (FIRST READING)**
- G. RESOLUTION NO. 18-1256 – A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATE OF COMPLIANCE FOR UMA PARTNERSHIP, 3603 DAYTON BOULEVARD SUITE C, RED BANK, TENNESSEE**
- H. RESOLUTION NO. 18-1257 – A RESOLUTION DECLARING SEIZED, FOUND, UNCLAIMED PROPERTY AS SURPLUS AND AUTHORIZING THE SALE, TRADE, OR DESTRUCTION THEREOF**
- I. RESOLUTION NO. 18-1258 – A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT AMONG THE CITY OF RED BANK, TENNESSEE, THE HAMILTON COUNTY TRUSTEE, AND HAMILTON COUNTY, RELATIVE TO THE COLLECTION OF THE CITY’S HOTEL, MOTEL AND SHORT TERM RESIDENTIAL RENTAL UNITS OCCUPANCY TAX, AUTHORIZED AND PURSUANT TO T.C.A. §68-14-302 AND/OR 68-14-502**
- J. RESOLUTION NO. 18-1259 – A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL PROPERTY CONSERVATION MATCHING GRANT PROGRAM**
- K. RESOLUTION NO. 18-1260 - A RESOLUTION AUTHORIZING THE CHIEF OF POLICE AND THE MAYOR TO SIGN THE RELEASE OF LIABILITY FOR THE STATE OF TENNESSEE RELATING TO ACCESS TO DEPARTMENT OF DEFENSE PROPERTY TRANSFER**
- L. RESOLUTION NO. 18-1261 – A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND TIMOTHY R. THORNBURY**
- 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
October 16, 2018
5:00 p.m.

The Board of Commissioners met in a public and advertised Agenda Work Session on October 16, 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, Terry Pope, and Carol Rose. Also present were Interim City Manager Tim Thornbury, Police Chief Robert Simpson, Finance Director John Alexander, Fire Chief Mark Mathews and City Recorder Ruth Rohen. There were no public attendees.

1. Mayor Roberts advised that there are three ordinances on the agenda tonight for second reading:
 - A) Ordinance to rezone property at 121 and 133 Culver Street from R-1 to R-T/Z, this was recommended for approval by the Red Bank Planning Commission.
 - B) Ordinance to amend the FY 2019 Budget to include a 2% employee cost of living increase in the amount of \$71,101.00.
 - C) Ordinance to amend the FY 2019 Budget to record the 2019 Distracted Driving Reduction Grant in the amount of \$36,995.00, this will be used primarily for overtime.
2. Interim City Manager Thornbury advised that there will be several ordinances regarding amendments to the Zoning Ordinance on the agenda for November 6th Commission meeting for Public Hearing and first reading.

The meeting was adjourned at 5:34 p.m.

Mayor

City Recorder

BOARD OF COMMISSIONERS' MEETING

Minutes

October 16, 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, Commissioner Pope and Commissioner Rose were present. 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. **October 2, 2018 Agenda Work Session**
 - B. **October 2, 2018 Commission Meeting**Commissioner LeCompte made a motion to approve both sets of minutes as printed, second by Commissioner Rose. Both sets of minutes were approved with all Commissioners voting “yes”.
- VI. **Communication from the Mayor**
 - Welcomed all.
 - Advised that there are several upcoming economic and residential developments for Red Bank. More details will be announced soon.
- VII. **Commissioners Report**
 - **Vice-Mayor Eddie Pierce**
 - Welcomed everyone, especially Red Bank Planning Commission Chairman David Hafley
 - **Commissioner Ed LeCompte**
 - Welcomed all.
 - Attended the Planning Commission work session today, thanked Commission members for volunteering their time to serve on the Planning Commission.
 - **Commissioner Terry Pope**
 - Welcomed all
 - Advised that there are a few “Drive Like Your Kids Live Here” signs available at City Hall at no cost.
 - **Commissioner Carol Rose**
 - Welcomed all
 - Advised that the Red Bank Municipal Code has been updated and is available on the City’s website in a searchable PDF file..
- VIII. **City Manager Report** –

Interim City Manager Thornbury advised that replacement of the box 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 are being delivered to residents and news releases are being distributed to print and media outlets.

IX. Unfinished Business – None

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, 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 (SECOND AND FINAL READING)

Mayor Roberts advised that this item was discussed in detail during a Public Hearing that was held on October 2nd. He noted that the rezoning request was reviewed by the Red Bank Planning Commission and they recommended approval. Mayor Roberts made a motion to approve the ordinance, second by Commissioner Rose. There were no citizen comments.

Roll Call Vote: Mayor Roberts “yes”, Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”. Ordinance No. 18-1130 was approved on second and final reading with all Commissioners voting “yes”.

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 (SECOND AND FINAL READING)

Mayor Roberts advised that during the FY 2019 budget approval, employee cost of living increases were not included. He advised that Commissioners recently requested financial reports to see if a cost of living increase was fiscally affordable. He advised that this ordinance, if approved, will amend the FY 2019 budget in the amount of \$71,101.00, to approve a 2% employee cost of living increase. Mayor Roberts made a motion to approve the ordinance, second by Commissioner Pope. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1131 was approved on second and final reading with all Commissioners voting “yes”.

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 (SECOND AND FINAL READING)

Interim City Manager Thornbury advised that this grant will be used for overtime, training and supplies related to reducing the number of distracted drivers. He explained that the Police Department has received this grant for the past several years. Mayor Roberts made a motion to approve the ordinance, second by Vice Mayor Pierce. There were no citizen comments.

Commissioner Rose noted that this is a 100% grant that requires no local match. **Roll Call Vote: Mayor Roberts “yes”, Vice Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1132 was approved on second and final reading with all Commissioners voting “yes”.

X. New Business – None

XI. Citizen Comments – None

XII. Adjournment

The meeting was adjourned at 7:11 p.m.

Mayor John Roberts

City Recorder Ruth Rohen

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-151)

1. Public Entity:
 Name: City of Red Bank
 Address: 3117 Dayton Boulevard
Red Bank, TN 37415
 Debt Issue Name: General Obligation Capital Outlay Note, Series 2018
 If disclosing initially for a program, attach the form specified for updates, indicating the frequency required.

2. Face Amount: \$ 478,400.00
 Premium/Discount: \$ 0.00

3. Interest Cost: 3.8800 % Tax-exempt Taxable
 TIC NIC
 Variable: Index _____ plus _____ basis points; or
 Variable: Remarketing Agent _____
 Other: _____

4. Debt Obligation:
 TRAN RAN CON
 BAN CRAN GAN
 Bond Loan Agreement Capital Lease
 If any of the notes listed above are issued pursuant to Title 9, Chapter 21, enclose a copy of the executed note with the filing with the Office of State and Local Finance ("OSLF").

5. Ratings:
 Unrated
 Moody's _____ Standard & Poor's _____ Fitch _____

6. Purpose:

		BRIEF DESCRIPTION
<input checked="" type="checkbox"/> General Government	<u>100.00</u> %	<u>street and road paving; acquisition of equipment</u>
<input type="checkbox"/> Education	_____ %	_____
<input type="checkbox"/> Utilities	_____ %	_____
<input type="checkbox"/> Other	_____ %	_____
<input type="checkbox"/> Refunding/Renewal	_____ %	_____

7. Security:
 General Obligation General Obligation + Revenue/Tax
 Revenue Tax Increment Financing (TIF)
 Annual Appropriation (Capital Lease Only) Other (Describe): _____

8. Type of Sale:
 Competitive Public Sale Interfund Loan _____
 Negotiated Sale Loan Program _____
 Informal Bid

9. Date:
 Dated Date: 10/30/2018 Issue/Closing Date: 10/30/2018

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-151)

10. Maturity Dates, Amounts and Interest Rates *:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2019	\$ 113,400.00	3.8800 %		\$	%
2020	\$ 117,000.00	3.8800 %		\$	%
2021	\$ 122,000.00	3.8800 %		\$	%
2022	\$ 126,000.00	3.8800 %		\$	%
	\$	%		\$	%
	\$	%		\$	%
	\$	%		\$	%
	\$	%		\$	%
	\$	%		\$	%
	\$	%		\$	%
	\$	%		\$	%
	\$	%		\$	%

If more space is needed, attach an additional sheet.

If (1) the debt has a final maturity of 31 or more years from the date of issuance, (2) principal repayment is delayed for two or more years, or (3) debt service payments are not level throughout the retirement period, then a cumulative repayment schedule (grouped in 5 year increments out to 30 years) including this and all other entity debt secured by the same source **MUST BE PREPARED AND ATTACHED**. For purposes of this form, debt secured by an ad valorem tax pledge and debt secured by a dual ad valorem tax and revenue pledge are secured by the same source. Also, debt secured by the same revenue stream, no matter what lien level, is considered secured by the same source.

* This section is not applicable to the Initial Report for a Borrowing Program.

11. Cost of Issuance and Professionals:

No costs or professionals

	AMOUNT <small>(Round to nearest \$)</small>	FIRM NAME
Financial Advisor Fees	\$ 0	
Legal Fees	\$ 0	
Bond Counsel	\$ 500	Bone McAllester Norton
Issuer's Counsel	\$ 750	Arnold Stulce, PLLC
Trustee's Counsel	\$ 0	
Bank Counsel	\$ 0	
Disclosure Counsel	\$ 0	
_____	\$ 0	
Paying Agent Fees	\$ 0	
Registrar Fees	\$ 0	
Trustee Fees	\$ 0	
Remarketing Agent Fees	\$ 0	
Liquidity Fees	\$ 0	
Rating Agency Fees	\$ 0	
Credit Enhancement Fees	\$ 0	
Bank Closing Costs	\$ 0	
Underwriter's Discount _____%		
Take Down	\$ 0	
Management Fee	\$ 0	
Risk Premium	\$ 0	
Underwriter's Counsel	\$ 0	
Other expenses	\$ 0	
Printing and Advertising Fees	\$ 0	
Issuer/Administrator Program Fees	\$ 0	
Real Estate Fees	\$ 0	
Sponsorship/Referral Fee	\$ 0	
Other Costs _____	\$ 0	
TOTAL COSTS	\$ 1,250	

REPORT ON DEBT OBLIGATION
(Pursuant to Tennessee Code Annotated Section 9-21-151)

12. Recurring Costs:

No Recurring Costs

	AMOUNT <small>(Basis points/\$)</small>	FIRM NAME <small>(If different from #11)</small>
Remarketing Agent	_____	_____
Paying Agent / Registrar	_____	_____
Trustee	_____	_____
Liquidity / Credit Enhancement	_____	_____
Escrow Agent	_____	_____
Sponsorship / Program / Admin	_____	_____
Other _____	_____	_____

13. Disclosure Document / Official Statement:

None Prepared

EMMA link _____ or

Copy attached

14. Continuing Disclosure Obligations:

Is there an existing continuing disclosure obligation related to the security for this debt? Yes No

Is there a continuing disclosure obligation agreement related to this debt? Yes No

If yes to either question, date that disclosure is due 270 days from fiscal year end

Name and title of person responsible for compliance Finance Director

15. Written Debt Management Policy:

Governing Body's approval date of the current version of the written debt management policy 12/06/2011

Is the debt obligation in compliance with and clearly authorized under the policy? Yes No

16. Written Derivative Management Policy:

No derivative

Governing Body's approval date of the current version of the written derivative management policy _____

Date of Letter of Compliance for derivative _____

Is the derivative in compliance with and clearly authorized under the policy? Yes No

17. Submission of Report:

To the Governing Body: on _____ and presented at public meeting held on _____

Copy to Director to OSLF: on _____ either by:

Mail to: 505 Deaderick Street, Suite 1600
James K. Polk State Office Building
Nashville, TN 37243-1402

OR Email to: StateAndLocalFinance.PublicDebtForm@cot.tn.gov

18. Signatures:

	AUTHORIZED REPRESENTATIVE	PREPARER
Name	<u>John Roberts</u>	_____
Title	<u>Mayor</u>	_____
Firm	_____	<u>Tennessee Municipal Bond Fund</u>
Email	<u>seabeck27@gmail.com</u>	<u>lmooningham@tmbf.net</u>
Date	<u>16/30/18</u>	_____

ORDINANCE NO. 18-1134

**AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE,
AMENDING THE ZONING MAP TO REZONE PROPERTY AT 918 LULLWATER
ROAD AT HAMILTON COUNTY TAX PARCEL NUMBER 117K C 010 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 applicant, Elliot Brewer, has requested that his property at 918 Lullwater Road be rezoned from R-1 to R-T/Z; and

WHEREAS the legal description for said property is included and is more particularly described per the attached Exhibit A, as excerpted from deed of record in Deed Book 9621 Page 963 in the Registers Office of Hamilton County, Tennessee; 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 September 20, 2018; and

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

WHEREAS the City 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 regularly scheduled meeting on November 6, 2018; and

WHEREAS the City Commission finds that the proposed rezoning and 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 918 Lullwater Road, shown in Exhibit B as Hamilton County tax

parcel number 117K C 010 from R-1 Residential to R-T/Z Townhouse/Zero Lot Line, subject to the following condition(s).

(a) Density is limited to no more than six single-family units proposed in the six-lot subdivision of the 1.3-acre site, as per rendering attached hereto as Exhibit C.

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

Accepted as to conditions:

Elliott Brewer

Date

EXHIBIT A. LEGAL DESCRIPTION

Hamilton County Property Card

Parcel ID 117K C 010

LTS 15A&14B PT 14A SUBURBAN ESTATES N/R

Deed Book 9621 Page 0963

LOCATED IN THE THIRD CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

Being the north part of Lot 14-A, all of Lot 14-B, and all of Lot 15-A, of the Suburban Estates Company's Subdivision of the Martin Tract on Lullwater Road, said lots and part of lot form one tract more fully described as: BEGINNING at a point on Suburban Estates Company's Eastern division line between its lands and what is known as the John Martin Tract, which point is located 450 feet, North 40 Degrees 43 Minutes East from a large sycamore tree, marking the Southwest corner of said Martin Tract, said point is at the Northwest corner of a tract conveyed by the grantor herein to G. W. Martin and wife by deed dated November 22, 1954; thence from said beginning point on the same course North 40 Degrees 43 Minutes East along said division line 250 feet more or less, to the Northeast corner of Lot 15-A; thence North 49 Degrees 17 Minutes West 190 feet, more or less to a point in the Eastern line of Lullwater Road; thence Southwestwardly along the Eastern line of Lullwater Road 250 feet, more or less, to a point, said point being the Northwest Corner of the G. W. Martin Tract hereinabove referred to thence South 49 Degrees 17 Minutes East to the point of BEGINNING, said above tract described according to a private plat of Suburban Estates Company prepared by E.G. Murrell, Engineer.

THIS CONVEYANCE MADE SUBJECT TO THE FOLLOWING:

Subject to restrictions of record in Book 921, page 632, Book 921, page 476 and in Book 925, page 526, of Register's Office of Hamilton County, Tennessee, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

Subject to all notes, stipulations, restrictions, easements, conditions, and regulations as set out on recorded plat.

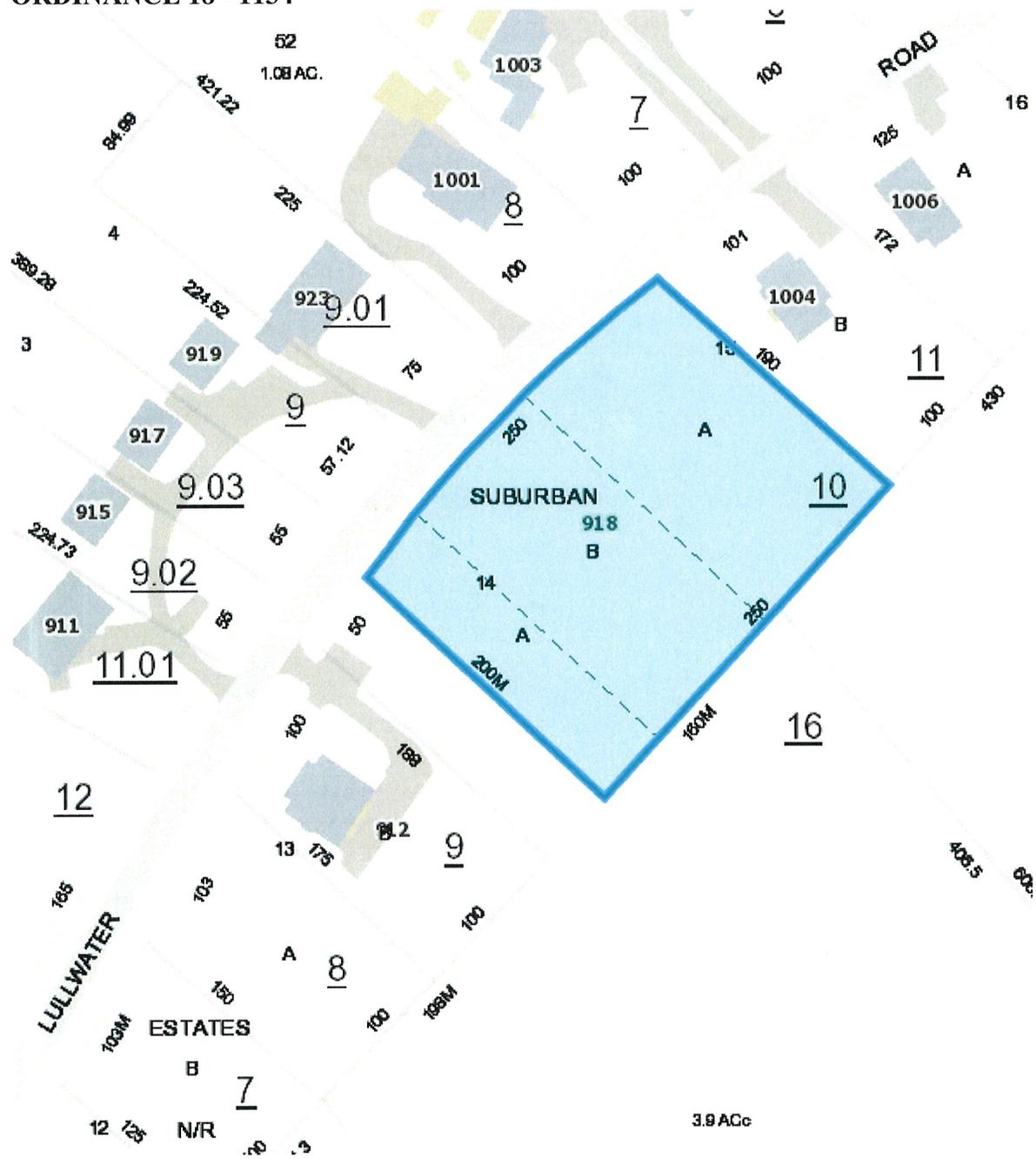
Any governmental zoning and subdivision ordinances in effect thereon.

The Grantor's source of interest is a deed recorded in Book 7876, Page 698 in the Register's Office of Hamilton County, Tennessee.

This property is also commonly known as: 918 Lullwater Road, Chattanooga TN 37405.

EXHIBIT B MAP

ORDINANCE 18 - 1134



ORDINANCE NO. 18 – 1135

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE RED BANK ZONING ORDINANCE TO MODIFY SETBACK REQUIREMENTS IN THE C-1 AND C-3 COMMERCIAL ZONING DISTRICTS IN ORDER TO CORRESPOND TO PROVISIONS IN THE DESIGN REVIEW ORDINANCE NO. 17-1090

WHEREAS, the City Commission wishes to promote quality commercial development of the C-1 and C-3 Commercial Zones and particularly along Dayton Boulevard; and

WHEREAS, the setback requirements established in the Design Review Standards, Ordinance No. 17-1090, earlier adopted by the City of Red Bank, represent a comprehensive study of the topic, with input from Red Bank Planning Commission, Red Bank citizenry and the Red Bank City Commission; and

WHEREAS, the current setback requirements in the C-1 and C-3 zoning districts in the Red Bank Zoning Ordinance conflict with the setback requirements established in the more recently enacted Design Review Standards Ordinance No. 17-1090; and

WHEREAS, the provisions of this ordinance have been reviewed by and approved by the Red Bank Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee that the Zoning Ordinance be amended as follows:

SECTION 1. That Chapter IV, Section 14-402, C-1 Commercial Zone, be amended by deleting subsection 402.04 (B) in its entirety and substituting in its place and stead the following:

- (B) There shall be a front yard setback from the public right-of-way of not less than seven (7) feet and not greater than twenty-five (25) feet.

SECTION 2. That Chapter IV, Section 14-404, C-3 Commercial Zone be amended by deleting subsection 405.07 (A) and substituting in its place and stead the following:

- (A) There shall be a front yard setback from the public right-of-way of not less than seven (7) feet and not greater than twenty-five (25) feet.

SECTION 3. Every section, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not affect or impair any other section, sentence, clause, or phrase.

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

Mayor

City Recorder

Passed on First Reading

Passed on Second and Final Reading

Approved as to form:

City Attorney

ORDINANCE NO. 18 - 1136

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE RED BANK ZONING ORDINANCE NO. 15-1020, SECTIONS 14-402.01, 14-404.01 AND 14-405.01 IN ORDER TO MODIFY THE COMMERCIAL ZONE INTENT STATEMENTS FOR COMMERCIAL ZONING DISTRICTS

WHEREAS, upon extensive study by and recommendations of the Red Bank Planning Commission, the City Commission determines it to be in the best interest of the citizens of the city of Red Bank to better define and clarify the “zoning intent” statements in the zoning ordinance in order to better provide guidance for development and re-development within zones C-1, C-2 and C-3; and to further promote a lower intensity form of commercial development by amending the Permitted and Prohibited Uses in the C-3 Commercial Zone; and

WHEREAS, the current C-3 Commercial Zone does not include sufficient flexibility to promote the lower intensity forms of development envisioned by the City Commission; and

WHEREAS, the Red Bank Planning Commission held a Public Hearing in conjunction with its regularly scheduled meeting on March 15, 2018 and provided an opportunity for comments in favor of or against the proposed Red Bank Zoning Ordinance Amendment(s); and

WHEREAS, the Red Bank Planning Commission recommended approving the proposed amendments to the zoning ordinance; and

WHEREAS, the City Commission recognizes the need to clarify various commercial zone district regulations and intent statements; and

WHEREAS, the City Commission held a public hearing and provided an opportunity for citizen comments in favor of or opposed to the proposed amendments to the zoning ordinance at a Public Hearing held during its regularly scheduled Commission Meeting on November 6, 2018.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee that the Zoning Ordinance for the City of Red Bank, Tennessee, be amended as follows:

SECTION 1. That Chapter IV, Section 14-402, C-1 Commercial Zone, be amended by deleting present subsection 402.01, Intent in its entirety, and substituting in lieu thereof the following:

402.01 Intent

It is the intent of the C-1 Commercial Zone to

- (A) Promote a diverse mix of retail and service uses to serve both area residents and customers traveling to and from other neighborhoods and

places of employment;

- (B) Balance the need to accommodate automobile-oriented commerce with the need to promote more pedestrian-oriented development in the commercial corridor;
- (C) Minimize conflicts between uses in and around the district through landscape and buffering requirements;
- (D) Emphasize access control to manage traffic generated by general commercial uses;
- (E) Promote quality residential development that enhances the character of the commercial corridor; and
- (F) Ensure that new development meets the intent of the Red Bank Design Review Standards.

The Location(s) of C-1 Commercial Zoned properties are as shown on the official zoning map for the City of Red Bank.

SECTION 2. That Chapter IV, Section 14-404, C-2 Commercial Zone (Central Business District), be amended by deleting present subsection 404.01, Intent in its entirety, and substituting in lieu thereof the following:

404.01 Intent

It is the intent of the C-2 Commercial Zone to

- (A) Function as the Central Business District for the City of Red Bank;
- (B) Promote a mix of retail, service, civic and related uses that enhance the character of the Central Business District as a pedestrian-friendly town center where people come to shop, dine, work, and gather;
- (C) Create pedestrian-oriented development that connects businesses with the sidewalk and contributes to a continuous commercial frontage of a size and scale that is compatible with a small town;
- (D) Encourage mixed-use development and residential development that enhances the character of the Central Business District;
- (E) Ensure that uses are compatible with surrounding neighborhoods;
- (F) Discourage uses that cater exclusively to automobile-oriented customers; and
- (G) Ensure that new development meets the intent of the Red Bank Design Review Standards.

The Location(s) of C-2 Central Business District of properties are as shown on the official zoning map for the City of Red Bank.

SECTION 3. That Chapter IV, Section 405.01 and 405.02 are presently written, C-3 Neighborhood Commercial Zone, be amended by deleting the subsections and substituting in lieu thereof the following:

405.1 Intent

It is the intent of the C-3 Neighborhood Commercial Zone to promote, protect and sustain the viability in neighborhoods by allowing the development and maintenance of small commercial and service enterprises, which are both compatible with and complimentary to residential properties within the immediate vicinity. Furthermore, it is the intent of this section that all businesses located within the C-3 Neighborhood Commercial Zone shall be for retail sales, services or otherwise of such nature as to be a benefit or convenience to neighborhood residents.

405.2 Location

The Location(s) of C-3 Neighborhood Commercial Zoned properties are as shown on the official zoning map for the City of Red Bank.

SECTION 4. 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 affect or impair any other section, sentence, clause, or phrase.

SECTION 5. 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

ORDINANCE NO. 18 - 1137

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE RED BANK ZONING ORDINANCE NO. 15-1020 AT SECTIONS 405.03, 405.04, 405.05, 405.06 AND 405.08, AMENDING THE PERMITTED AND PROHIBITED USES AND SET BACK REQUIREMENTS IN THE C-3 COMMERCIAL ZONE

WHEREAS, the City Commission wishes to promote a lower intensity form of commercial development by amending the Permitted and Prohibited Uses in the C-3 Commercial Zone; and

WHEREAS, the current C-3 Commercial Zone regulations and provisions do not include sufficient flexibility to promote the lower intensity forms of development envisioned by the City Commissioned by the Citizens Land Use Plans; and

WHEREAS, the Red Bank Planning Commission held a Public Hearing in conjunction with its regularly scheduled meeting on March 15, 2018 and provided an opportunity for comments in favor of or against the proposed Red Bank Zoning Ordinance Amendments; and

WHEREAS, the Red Bank Planning Commission recommended approving the proposed amendments to the zoning ordinance; and

WHEREAS, the City Commission recognizes the need to clarify and further define permitted and prohibited uses in the C-3 commercial zone; and

WHEREAS, the City Commission held a public hearing and provided an opportunity for citizen comments in favor of or opposed to the proposed amendments to the zoning ordinance at a Public Hearing held during its regularly scheduled Commission Meeting on November 6, 2018.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee that the Zoning Ordinance for the City of Red Bank, Tennessee, be amended as follows:

SECTION 1. That Chapter IV, Section 14-405, C-3 Neighborhood Commercial Zone, be amended by deleting present subsections 405.03, 405.04, 405.05, 405.06, and 405.08 in their entireties and substituting in lieu thereof the following:

(a) 405.03 Permitted Uses

- (A) Drug Stores
- (B) Bakeries, provided all goods are sold on premise
- (C) Stationary Stores
- (D) Shoe Stores
- (E) Florist
- (F) Music Stores

- (G) Barber/Beauty Shops
- (H) Cleaning and Laundry Establishments
- (I) Repair Shops for shoes, household articles or appliances
- (J) Offices up to 5,000 square feet, unless otherwise prohibited or subject to special exception review under Section 14-405.04 or elsewhere in the Red Bank Zoning Ordinance
- (K) Studios/Galleries
- (L) Medical and Dental Clinics, up to 5,000 square feet
- (M) Specialty Shops and Stores
- (N) Taverns, Wine and Cocktail Bars, Brew Pubs, Microbreweries and similar uses.
- (O) Bed and Breakfast Establishments/Short Term Rental Units
- (P) Single Family Dwellings, except Manufactured or Mobile Homes.
- (Q) Townhomes and Condominiums
- (R) Banks
- (S) Specialty shops and stores
- (T) Accessory Buildings and uses customarily incident to the above uses.
- (U) In general, any use that is similar in character to the above uses and in keeping with the intent of the zoning district

(b) 405.04 Uses permitted by Special Exceptions Permit by the Red Bank City Commission upon recommendation by the Red Bank Planning Commission

- (A) Daycare Centers
- (B) Offices over 5,000 square feet
- (C) Nursing Homes
- (D) Hospitals and Social Agencies
- (E) Schools, churches and other public and semi-public buildings
- (F) Assisted Living Facilities
- (G) Retail Sales unless otherwise permitted
- (H) Commercial Establishments up to 5,000 square feet
- (I) Small print shops with a floor area less than 20,000 square feet
- (J) Restaurants and other establishments serving food and alcoholic beverages
- (K) Theaters
- (L) Plumbing, electrical, radio, TV workshops and similar uses, provided no more than five (5) people are employed and equipment and trucks are not visible from Dayton Boulevard

(c) 405.05 Permitted Accessory Uses and Structures

Uses and structures which are customarily accessory and incidental subordinate to principal permitted uses and structures, and which do not involve operations or structures not in keeping with the intent of this section or would have an adverse effect on the character of the area surrounding zone. See section 14.204.11 relating to accessory building regulations.

(d) 405.06 Prohibited Uses

- (A) On-premise signs with flashing blinking lights unless otherwise permitted by the sign ordinance
- (B) The playing of music or making of announcements directly or through mechanical or electronic devices in a manner audible at any residential lot
- (C) Adult oriented establishments of any type
- (D) Title Pawn, Check Cashing Establishments, Alternative lending services and similar uses
- (E) Automobile fueling stations
- (F) Automobile repair and/or maintenance and similar uses
- (G) Automobile sales and similar uses
- (H) Automobile washes, car detail and similar uses
- (I) Drive-thru or drive-in uses
- (J) Funeral homes, memorial chapels, crematories and undertaking
- (K) Halfway house, alcohol and drug rehabilitation centers, or any similar use
- (L) Hotels and motels
- (M) Liquor stores
- (N) Manufactured or mobile homes
- (O) Mobile home parks, campsites and similar uses
- (P) Indoor or Outdoor amusement facilities, bowling alleys
- (Q) Outdoor sales, service, or display or storage at any time, except for outdoor seating for restaurants
- (R) Storage or warehousing facilities, including self-storage or mini-warehouses or any other sort of commercial storage or warehousing facility or usage
- (S) Tattoo parlors and similar uses
- (T) Grocery Stores
- (U) Hardware Stores
- (V) Meat or Fish Markets
- (W) In general, all uses which are not in keeping with the intent of this zone

(e) 405.08 Height and Area Regulations

- (A) No building shall exceed in height the shortest distance from such building to the nearest boundary of a residential zone.
- (B) Front yards shall meet the minimum and maximum requirements established in Section 405.07 (A).
- (C) There shall be a minimum side yard requirement of not less than ten (10) feet where a permitted use adjoins a residential zone.
- (D) There shall be a rear yard of not less than twenty-five (25) feet where a permitted use adjoins a residential zone.

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 affect 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

ORDINANCE NO. 18-1138

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE ORDINANCE NUMBER 15-1020, CHAPTER 4, SECTIONS 14-402, 14-404 AND 14-405 WITH RESPECT TO OUTDOOR DISPLAY, STORAGE OR SALE OF MERCHANDISE IN THE COMMERCIAL ZONES

WHEREAS, the City Commission approved Ordinance No. 17-1082 on March 21, 2017 with respect to outdoor display, storage or sale of merchandise; and

WHEREAS, subsequent to the approval of Ordinance No. 17-1082, and ongoing changes and trends of the Commercial Zones, the regulations thereby enacted have fallen short of one of the objectives of Ordinance No. 17-1082; and

WHEREAS, in an effort to correct these short falls, revisions to the ordinance have been referred to the Red Bank Planning Commission for review, whereby the Red Bank Planning Commission has held a Public Hearing on October 18, 2018 at which comments, for and/or against, the proposed ordinance were heard; and

WHEREAS, the Red Bank Planning Commission has recommended that this Ordinance should be approved and adopted by the Red Bank City Commission; and

WHEREAS, the City of Red Bank held a duly noticed and advertised Public Hearing of and with respect to the terms, conditions and provisions of this Ordinance, reviewed the recommendations of the Red Bank Planning Commission at said public hearing and has given an opportunity for citizens to express their opinion for or against the terms, provisions and conditions of this Ordinance, said hearing having been held at a regularly scheduled meeting of the City of Red Bank on the 6th day of November 2018; and

WHEREAS, the City Commission of the City of Red Bank, having determined based upon experience, public comment and input, and recommendation of the Red Bank Planning Commission that continuing to allow commercial outdoor display, storage, or sale of merchandise in the commercial zone(s) is in the best interest of the citizens of the City of Red Bank.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee that the Red Bank Zoning Ordinance, Codified at Title 14 of the Red Bank City Code be amended as follows:

SECTION I. Section 14-402.02 (L) with respect to C-1 Commercial Zone Permitted Uses be deleted as written and the following be provided in its place and stead:

- (L) Outdoor display or storage or sale of merchandise between 8:00 a.m. and 8:00 p.m. and provided further that any such display, storage or sale shall not occupy more than 33 1/3% of the frontage space of the outdoor street facing facade of the building itself nor more than 33 1/3% of any area between the front facade of the building and

the public right-of-way and may not obstruct the entrance to the building to pedestrian traffic or otherwise interfere with the required minimum number of off street parking spaces available for the premises as otherwise provided. Permitted uses exempt from outdoor storage requirements in this Section include

- 1) New and Used car, motorcycle, boat, farm equipment dealers;
- 2) Gasoline Service Stations and Auto repair centers;
- 3) Hardware stores; Home Improvement stores;
- 4) Grocery stores;
- 5) Uses similar to the above in character and impact;

SECTION 2. Section 404.02 with respect to the C-2 Commercial Zone Central Business District Permitted Uses shall be amended to add a new sub-section (X) as follows:

(X) Outdoor display, storage or sale of merchandise between 8:00

a.m. and 8 :00 p.m. and provided further that any such display, storage or sale shall not occupy more than 33 1/3% of the frontage space of the outdoor street facing facade of the building itself nor more than 33 1/3%, of any area between the front facade of the building and the public right-of-way and may not obstruct the entrance to the building to pedestrian traffic or otherwise interfere with the required minimum number of off street parking spaces available for the premises as otherwise provided. Permitted uses exempt from outdoor storage requirements in this Section include

- 1) Grocery stores;
- 2) Uses similar to the above in character and impact;

SECTION 3. Section 14-404.03 with respect to the C-2 Commercial Zone Central Business District Prohibited Uses, sub-section (I) be deleted in its entirety and the sub-section “Reserved”.

SECTION 4. Section 14-405.03 with respect to the C-3 Commercial Zone Permitted Uses shall be amended to add a new sub-section (T) as follows:

(T) Outdoor display, storage or sale of merchandise between 8:00

a.m. and 8 :00 p.m. and provided further that any such display, storage or sale shall not occupy more than 33 1/3% of the frontage space of the outdoor street facing facade of the building itself nor more than 33 1/3%, of any area between the front facade of the building and the public right-of-way and may not obstruct the entrance to the building to pedestrian traffic or otherwise interfere with the required minimum number of off street parking spaces available for the premises as otherwise provided.

SECTION 5. Section 14-405.06 with respect to the C-3 Commercial Zone Prohibited Uses, sub-section (A), shall be deleted in its entirety and the sub-section “Reserved”.

SECTION 6. 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 7. 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 John Roberts

City Recorder

Passed on First Reading

Passed on Second and Final Reading

Approved as to form:

City Attorney

RESOLUTION NO. 18-1256

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATE OF COMPLIANCE FOR UMA PARTNERSHIP, 3603 DAYTON BOULEVARD, SUITE C, RED BANK, TENNESSEE

WHEREAS, Jayantibhai L. Patel, Rikta Patel, Shakuntlabahen J. Patel and Pintukumar Patel has made application for a Certificate of Compliance to sell retail alcoholic beverages in the City of Red Bank, Tennessee, at 3603 Dayton Boulevard, Suite C, UMA Partnership; 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 UMA Partnership, 3603 Dayton Boulevard, Suite C, Red Bank, Tennessee.

Resolved this 6th day of November 2018

Mayor

City Recorder

RESOLUTION NO. 18-1257

A RESOLUTION DECLARING SEIZED, FOUND, UNCLAIMED PROPERTY AS SURPLUS AND AUTHORIZING THE SALE, TRADE OR DESTRUCTION THEREOF

WHEREAS, the City of Red Bank is in possession of certain unclaimed property (Attached hereto as Exhibit A) which is no longer needed for public use; and

WHEREAS, the City has made extensive effort and attempts to locate the owner/owners of the property, without results; and

WHEREAS, the City of Red Bank recommends declaring the property as surplus and authorizing the sale of said property at public auction, trade the property for useful items or destroy the property which cannot be sold or traded for various reasons.

NOW, THEREFORE BE IT RESOLVED by the Commission of the City of Red Bank, Tennessee that the attached property (Exhibit A) be declared surplus property and sold at public auction, traded or destroyed pursuant to the following:

(1) The sale of the surplus property shall be conducted through GovDeals, in accordance with the current contract, dated August 31, 2010;

(2) The sale will be conducted online and the address of the auction site is www.govdeals.com;

(3) A list of the surplus property is provided on Exhibit A, which is made a part of this resolution;

(4) The surplus property as identified shall be sold in an “as is” condition without express or implied warranties to the successful bidder;

(5) All firearms shall be disposed of pursuant to TCA 39-17-1317;

(6) The City Manager is authorized to set minimum bids, set reserves below which bids will be rejected, set bidding increments, group items for sale by lots, and the right to accept or reject any bids submitted;

(7) The City Manager or his agent is authorized to destroy or otherwise dispose of any property that is deemed unsellable for security or other purposes and/or because of age, condition and/or lack of reasonable recoverable economic value.

Resolved this 6th day of November 2018

Mayor

City Recorder

Resolution No. 18- 1257 (EXHIBIT A)

Seizures awarded to Agency

2015 Toyota Solara – VIN#4T1CE30P45U546762

2005 Ford Mustang – VIN#1ZVFT84N655257399

1999 Ford Ranger – VIN#1FTZR15XTB13218

Abandoned / Unclaimed

2013 Nissan Altima – VIN#1N4AL3AP1DN585601

2008 Kia Spectra – VIN#KNADE123786329512

1983 Chevrolet El Camino – VIN#1GCCW80J5CR194480

City Equipment

Garrett Super Scanners metal detector – Serial #21171717

Garrett Super Scanners metal detector – Serial #21171705

Garrett Super Scanners metal detector – Serial #20047022

RESOLUTION NO. 18-1258

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE APPROVING AN INTERLOCAL AGREEMENT AMONG THE CITY OF RED BANK, TENNESSEE, THE HAMILTON COUNTY TRUSTEE, AND HAMILTON COUNTY RELATIVE TO THE COLLECTION OF THE CITY'S HOTEL, MOTEL AND SHORT TERM RESIDENTIAL RENTAL UNIT OCCUPANCY TAX AUTHORIZED AND PURSUANT TO T.C.A. §68-14-302 AND/OR 68-14-502.

WHEREAS, T.C.A §§ 5-1-1131, 5-1-114 and 12-9-101 et seq. provides for Interlocal agreements by and between units of state and local government, such as City of Red Bank, Tennessee and Hamilton County and for in general, Interlocal cooperation with respect to various tasks that can be more economically or more efficiently accomplished via Interlocal cooperation; and,

WHEREAS, the City of Red Bank, Tennessee has levied a privilege tax on the occupancy of hotel and motel rooms, and bed and breakfast room establishments and as the same is codified in the Red Bank City Code at Title 5, Chapter 7, Sections 7-101, et. seq., and which incorporate the newly emergent short term rental residential units usages (commonly known as "Airbnb" type establishments) by various transient persons and/or bed and breakfast patrons and/or short term rental unit users and occupants; and,

WHEREAS, the County Trustee presently collects the privilege taxes which the County levies on the occupancy of hotel and motel rooms, bed and breakfast establishments and short term residential units by various transients and/or bed and breakfast patrons and/or short term residential unit users and occupants; and

WHEREAS, the County assists the City of Red Bank, Tennessee in the collection of those taxes; and

WHEREAS, it would be mutually beneficial to all parties, and to the hotel and motel industries, bed and breakfast owners and operators, and to owner/operators and or other persons operating short term residential unit establishments to file those tax returns, to make those payments and to make those returns through the Hamilton County Trustee's Office.

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

That the City of Red Bank, Tennessee, acting by and through the Mayor is hereby authorized specifically to enter into a INTERLOCAL AGREEMENT with the Hamilton County Trustee and Hamilton County with the form and format thereof to be approved by the City Attorney and to authorize the Hamilton County Trustee to undertake, levy and collect, and give good receipt for and later to disburse the privilege taxes authorized by T.C.A. § 67-4-1401 et. seq., of and with respect to (a) hotel rooms in the City of Red Bank, (b) motel rooms in the City of Red Bank, (c) bed and breakfast establishments operating in the City of Red Bank and (d) short term residential units (as defined and regulated by Red Bank City Code Section 9-16-101 et. seq.,) and to enter into and sign an agreement, and any ancillary documentation necessary, appropriate and required in order to carry out the general intent of this Resolution.

THIS RESOLUTION APPROVED BY A ROLL CALL VOTE OF ____ TO ____ AT THE
REGULAR MEETING OF THE RED BANK CITY COMMISSION ON THE ____ DAY OF
_____, 2018.

MAYOR

Attest:

Ruthie Rohen, City Recorder

INTERLOCAL AGREEMENT
AMONG
THE CITY OF RED BANK, THE HAMILTON COUNTY TRUSTEE,
AND HAMILTON COUNTY

THIS INTERLOCAL AGREEMENT (hereinafter referred to as "Agreement") made and entered into by and between the CITY OF RED BANK, TENNESSEE, (hereinafter referred to as "City"), and HAMILTON COUNTY, TENNESSEE, acting through its County Trustee and County Executive, (hereinafter referred to as "County").

W I T N E S S E T H:

WHEREAS, T.C.A. §§5-1-113, 5-1-114 and 12-9-101 et seq. provides for and authorizes Interlocal agreements and Interlocal cooperation; by and between units of sale and local governments in the State of Tennessee and,

WHEREAS, the County is authorized by law and has levied taxes on the occupancy of hotel and motel rooms, bed and breakfast type establishments and short term residential units (commonly referred to as "AirBNB" establishments) by transients, pursuant to the Private Acts of 1980, Chapter 905 as amended; and

WHEREAS, the City is authorized by law and has levied taxes on the occupancy of hotel and motel rooms, bed and breakfast type establishments and short term residential units (commonly referred to as "AirBNB" type establishments) by transients and occupants of bed and breakfast and short term residential unit establishments, pursuant to T.C.A § 67-4-1401, et seq. and City Ordinance No. 782; and

WHEREAS, the County Trustee presently collects the taxes levied on the occupancy of hotel and motel rooms, bed and breakfast type establishments and short term residential units (commonly referred to as "AirBNB" type establishments) by transients for the County; and

WHEREAS, it would be mutually beneficial to all parties, and to the members of the hotel, motel rooms, bed and breakfast and short term residential unit owners, operators and industries to file tax returns, collect such taxes and make those tax returns available through the County Trustee's Office;

NOW, THEREFORE, in consideration of the premises, and the mutual obligations assumed herein, the parties hereby agree as follows:

1. General Purpose. The general purpose of this Agreement is to provide for the joint collection of hotel, motel, bed and breakfast and short term residential unit owners, operators and

disburse such taxes that are separately levied by the City of Red Bank and by the County.

2. Definition of Terms. For the purposes of this Agreement, the terms defined in this article shall have the meanings given them.

- a) City - The City of Red Bank, Tennessee, a municipal corporation.
- b) Finance Director - The person then occupying the Office of Finance Director for the City of Red Bank.
- c) County – Hamilton County, a constitutional county of the State of Tennessee.
- d) County Trustee - The person then occupying the Office of Hamilton County Trustee.
- e) County Hotel Motel tax –The tax authorized by the Private Acts of 1980, Chapter 905 as amended and adopted by the Board of Commissioners of Hamilton County (referred to herein as the County Hotel Motel Tax).
- f) City Hotel Motel tax – The tax authorized by T.C.A. §67-4-1401, et seq. and adopted by the Red Bank City Commission through City Ordinance No. 782. The hotel motel tax is more completely defined by the provisions of T.C.A. § 67-4-1401, et seq. as the same may be amended, and which is incorporated herein by reference (referred to herein as the City Hotel Motel Tax).

3. Collection of Tax. The County Trustee shall administer the hotel motel tax collection on behalf of the City. Administration shall include, but is not limited to, accepting and reviewing monthly returns filed by hotels and motels, bed and breakfast establishments and short term residential unit owner and operators, checking returns for mistakes, and pursuing collection of delinquent returns. The City hotel motel tax collection program shall be in compliance with T.C.A. § 67-4-1401, et seq. and any applicable state regulations or procedures which may be subsequently enacted or adopted. The County Trustee shall be responsible for the collection of all hotel motel taxes and shall place the proceeds of each such tax in a separate bookkeeping account. The County Trustee shall remit to the Finance Director by the tenth (10th) day of the month all City hotel motel taxes, which were collected the preceding month. Nothing herein shall preclude the application of debits or credits necessary to correct any errors as to any tax payments, which were previously remitted to the City.

4. Term. The initial term of this Agreement shall be for a period of _____ () months beginning with the operative date of _____, ____, 2018 and ending June 30, 2020.

5. Renewal. After the initial term, the Agreement shall automatically renew annually for successive one (1) year terms from year to year thereafter for the term July 1 through June 30.
6. Right to Terminate. Notwithstanding the provisions defining the term and renewal of this Interlocal Agreement, either party may terminate this agreement upon giving a one hundred twenty (120) days written notice to the other party, such notice to be via US certified mail, and addressed to the Chief Executive Officer, i.e., the Mayor of Hamilton County or the City Manager for the City of Red Bank.
7. Compensation. The County's compensation for these services under the Agreement shall be one percent (1%) of all hotel-motel taxes collected for the City of Red Bank. Collection fees shall be paid monthly and withheld from the County's disbursement of hotel motel truces to the City of Red Bank. The County's compensation shall be subject to annual negotiation following the initial term, above referenced; provided that such compensation shall not exceed that percentage or formula charged by the County to any other City or political subdivision of the State of Tennessee for the same or essentially similar, collection and remittance services.
8. Notice to the City. The County shall give immediate notice to the City in the event that a claim is made by any party, which in any manner challenges the collection of the City's hotel motel tax. The County shall also forward to the then City Manager for the City of Red Bank any correspondence from any party, which suggests that such a lawsuit might be contemplated or any City Hotel Motel tax is paid under protest. The County Trustee shall notify the City of any adjustment or settlement with any taxpayer, who has paid the City hotel motel tax.

The County Trustee shall notify the City immediately upon receiving any notice that an owner or operator subject to the City hotel motel tax has filed for protection under the federal bankruptcy laws, or in event there is any filing for receivership or action in state court indicating the possibility of insolvency or otherwise affecting the payment of any hotel motel taxes due or payable.

9. Audit. The County shall audit each motel, hotel, bed and breakfast and short term residential unit operator in the City in accordance with state requirements and report the findings of the audits on a regular basis to the Finance Director and, as to City of Red Bank operating entities subject to the hotel-motel tax, shall likewise report to the City Manager for the City of Red Bank.

The City shall have the right during normal business hours to review all the returns by

hotel motel, bed and breakfast and short term residential unit operators and to review and/or audit the books of the County with respect to accounting for any revenues received or payments made with respect to the City hotel motel tax.

IN WITNESS WHEREOF, the parties have caused their respective names to be affixed by their duly authorized officers to be effective as of the ____ day of _____, 2018.

HAMILTON COUNTY, TENNESSEE

BY: _____
MAYOR

Attest:

Authorized by the County Commission
this ____ day of _____, 2018.

County Commission Clerk (date)

CITY OF RED BANK, TENNESSEE

BY: _____
MAYOR

Attest:

Authorized by the County Commission
this ____ day of _____, 2018.

County Commission Clerk (date)

Ruthie Rohen (date)
City Recorder

RESOLUTION NO. 18-1259

A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL PROPERTY CONSERVATION MATCHING GRANT PROGRAM

WHEREAS, the citizens of the City of Red Bank have entrusted this administration with the care and custody of city-owned property; and

WHEREAS, all efforts shall be made to protect city-owned property from various perils that may arise for the City of Red Bank; and

WHEREAS, the TML Risk Management Pool seeks to encourage members with property coverage to develop and implement a property conservation program by offering the Property Conservation 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 the Property Conservation Matching Grant Program through the Loss Control Department of 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 6th day of November in the year of 2018

Mayor

City Recorder

RESOLUTION NO. 18-1260

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE AND THE MAYOR TO SIGN THE RELEASE OF LIABILITY FOR THE STATE OF TENNESSEE RELATING TO ACCESS TO DEPARTMENT OF DEFENSE PROPERTY TRANSFER

WHEREAS, the Red Bank City Commission approved Ordinance No. 18-1126, on August 7, 2018, authorizing the Red Bank Police Department to participate in the Department of Defense “LESO Program”; and,

WHEREAS, the Department of General Services for the State of Tennessee has enacted its State Plan Of Operation, to govern such programs and transfers and that the same has been proposed, in contract form, between the State of Tennessee, and the City of Red Bank; and

WHEREAS, in order for the City of Red Bank to participate in such program, it is necessary for the Chief of Police and the Mayor to sign, on behalf of the City of Red Bank, the “Release of Liability” form relating to receipt of equipment.

NOW, THEREFORE, BE IT RESOLVED, by the City Commission of the City of Red Bank, Tennessee that the Chief of Police and the Mayor are authorized to sign, on behalf of the City of Red Bank, the “Release of Liability” , upon approval of the form by the City Attorney.

Resolved this the 6th day of November 2018

Mayor John Roberts

Attest:

City Recorder Ruth Rohen

RESOLUTION NO. 18-1261

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE AND TIMOTHY R. THORNBURY

WHEREAS, the City of Red Bank, Tennessee desires to secure the services of current Interim City Manager Timothy R. Thornbury as the City Manager for the City of Red Bank, Tennessee, and to provide reasonable incentives for Timothy R. Thornbury to remain in that position for the term hereof and as hereafter provided; and

WHEREAS, Timothy R. Thornbury is willing to commit reasonable assurance to the City of Red Bank of his continued commitment and intent to act as City Manager for the term hereof; and

WHEREAS, the City therefore desires to continue to employ the services of Timothy R. Smith as the City Manager of the City of Red Bank in accordance with the provisions of the City Charter, the Red Bank Municipal Code and the laws of the State of Tennessee; and,

WHEREAS, it is the desire of the Red Bank City Commission to provide certain benefits, to establish certain conditions of employment and to set working conditions of the City Manager; and

WHEREAS, it is the desire of the Red Bank City Commission to (1) secure and retain the service of Timothy R. Thornbury and to provide inducement to him to remain in such employment. (2) to make possible full work productivity by assuring the city administrator's morale and peace of mind with respect to future security. (3) promote and foster trust between the City Commission and the City Manager. (4) to provide a just means for terminating the City Manager's services as such time as he may be unable to fully discharge his duties to the satisfaction of the Board and (5) to compensate Thornbury for losses and missed appointments he will likely incur in the event of termination by the City "other than for cause" and we the City and City Manager Thornbury desire to memorialize this agreement via a written employment agreement, which the City Commission has negotiated, reviewed and approved; and

WHEREAS, the Agreement, in its entirety, is incorporated herein by reference and is maintained in a separate file in the official records of the City of Red Bank.

NOW, THEREFORE BE IT RESOLVED, by the Commission of the City of Red Bank, Tennessee, that the Agreement between the City of Red Bank and Timothy R. Thornbury be and is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the agreement on behalf of the City of Red Bank upon approval by the City Attorney.

Resolved this 6th day of November in the year 2018 by the City Commission by a vote __ "Aye" and __ "Nay".

Mayor John Roberts

Attest:

Ruth Rohen, City Recorder

RESOLUTION NO. 18-1261

A RESOLUTION AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE AND TIMOTHY R. THORNBURY

WHEREAS, the City of Red Bank, Tennessee desires to secure the services of current Interim City Manager Timothy R. Thornbury as the City Manager for the City of Red Bank, Tennessee, and to provide reasonable incentives for Timothy R. Thornbury to remain in that position for the term hereof and as hereafter provided; and

WHEREAS, Timothy R. Thornbury is willing to commit reasonable assurance to the City of Red Bank of his continued commitment and intent to act as City Manager for the term hereof; and

WHEREAS, the City therefore desires to continue to employ the services of Timothy R. Thornbury as the City Manager of the City of Red Bank in accordance with the provisions of the City Charter, the Red Bank Municipal Code and the laws of the State of Tennessee; and,

WHEREAS, it is the desire of the Red Bank City Commission to provide certain benefits, to establish certain conditions of employment and to set working conditions of the City Manager; and

WHEREAS, it is the desire of the Red Bank City Commission to (1) secure and retain the service of Timothy R. Thornbury and to provide inducement to him to remain in such employment. (2) to make possible full work productivity by assuring the city administrator's morale and peace of mind with respect to future security. (3) promote and foster trust between the City Commission and the City Manager. (4) to provide a just means for terminating the City Manager's services as such time as he may be unable to fully discharge his duties to the satisfaction of the Board and (5) to compensate Thornbury for losses and missed appointments he will likely incur in the event of termination by the City "other than for cause" and we the City and City Manager Thornbury desire to memorialize this agreement via a written employment agreement, which the City Commission has negotiated, reviewed and approved; and

WHEREAS, the Agreement, in its entirety, is incorporated herein by reference and is maintained in a separate file in the official records of the City of Red Bank.

NOW, THEREFORE BE IT RESOLVED, by the Commission of the City of Red Bank, Tennessee, that the Agreement between the City of Red Bank and Timothy R. Thornbury be and is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the agreement on behalf of the City of Red Bank upon approval by the City Attorney.

Resolved this 6th day of November in the year 2018 by the City Commission by a vote ___ "Aye" and ___ "Nay".

Mayor John Roberts

Attest:

Ruth Rohen, City Recorder