

## WORK SESSION AGENDA

November 20, 2018

5:00 p.m.

1. Planning Commission Appointments (12/04/2018)
2. Resolution – Flexible Spending Account
3. Resolution – Temporary Labor Services
4. Resolution – Extend TDOT Contract Sidewalk Project
5. Ordinance – Limitations with Respect to Pavement Width
6. Ordinance – Temporary Use Agreement
7. Ordinance – Solar Panels (second reading)
8. Appointment to the Stormwater Quality Board (12/04/2018)
9. Any other business

# *City of Red Bank*

John Roberts  
Mayor

Tim Thornbury  
City Manager

## **BOARD OF COMMISSIONERS' MEETING**

Agenda  
November 20, 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. November 6, 2018 Agenda Work Session**
  - B. November 6, 2018 Commission Meeting**
- VI. Installation of Newly Elected Commissioners**
  - A. Election Commission Results**
  - B. Oath of Office – Judge Gary Starnes**
- VII. Election of Mayor – Temporary Chairman City Attorney Arnie Stulce**
- VIII. Election of Vice-Mayor - New Mayor Presiding**
- IX. Communication from the Mayor**  
(In lieu of report from one of the Commissioners below)
- X. Commissioner's Report**
  - A. Commissioner Ruth Jenó**
  - B. Commissioner Ed LeCompte**
  - C. Commissioner Eddie Pierce**
  - D. Commissioner Terry Pope**
  - E. Commissioner Carol Rose**
- XI. City Manager Report**
- XII. Unfinished Business**
  - A. 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 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, ENACTING CERTAIN REGULATIONS AND PROVISIONS RELATED TO SOLAR ENERGY SYSTEMS (SECOND AND FINAL READING)**

- 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, SUBJECT TO CONDITIONS (SECOND AND FINAL READING)**
- C. **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 DISTRICT (SECOND AND FINAL READING)**
- D. **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 AND 405.08, AMENDING THE PERMITTED AND PROHIBITED USES AND SET BACK REQUIREMENTS IN THE C-3 COMMERCIAL ZONE (SECOND AND FINAL READING)**
- E. **ORDINANCE NO. 18-1138 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE RED BANK ZONING ORDINANCE 15-1020, CHAPTER 14-402, 14-404 AND 14-405 WITH RESPECT TO OUTDOOR DISPLAY, STORAGE OR SALE OF MERCHANDISE IN THE COMMERCIAL ZONES (SECOND AND FINAL READING)**

**XIV. New Business**

- A. **ORDINANCE NO. 18-1139 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING TITLE 7, CHAPTER 2, SECTION 201 AND 205 OF THE RED BANK CITY CODE IN ORDER TO CLARIFY AND FURTHER ESTABLISH CERTAIN LIMITATIONS WITH RESPECT TO THE WIDTH OF PAVEMENT AS CONTAINED HEREIN (FIRST READING)**
- B. **ORDINANCE NO. 18-1140 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND TITLE 16, CHAPTER 1, SECTION 16-116 (11) IN ORDER TO PERMIT, UNDER CERTAIN LIMITED CIRCUMSTANCES AND CONDITIONS OF THE UTILIZATION OF THE PUBLIC RIGHT OF WAY FOR PRIVATE OR QUASI-PRIVATE PURPOSES (FIRST READING)**
- C. **RESOLUTION NO. 18-1262 – A RESOLUTION ADOPTING THE CITY OF RED BANK, TENNESSEE, SECTION 125 CAFETERIA PLAN FOR CALENDAR YEAR 2019 THAT INCLUDES A DEPENDENT CARE EXPENSE ACCOUNT AND A HEALTH FLEXIBLE SPENDING ACCOUNT**
- D. **RESOLUTION NO. 18-1263 – A RESOLUTION AUTHORIZING AN AGREEMENT WITH TOTAL RESOURCE INC. IN AN AMOUNT NOT TO EXCEED \$18,000.00 FOR TEMPORARY LABORER I SERVICES DURING LEAF PICK-UP SEASON**
- E. **RESOLUTION NO. 18-1264 – A RESOLUTION TO AMEND CONTRACT #C-1778 BETWEEN THE CITY OF RED BANK AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION IMPROVEMENT SIDEWALK INSTALLATION GRANT**

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

**XVI. Adjournment**

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

Minutes  
November 6, 2018  
12:00 p.m.

The Board of Commissioners met in a public and advertised Agenda Work Session on November 6, 2018 at 12:00 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, City Recorder Ruth Rohen and those listed on Exhibit A

1. Charlie Hunt and Steven Blackshear returned to renew a request that the Commission consider amendments to the scenic corridor sign ordinance that would allow digital signage at key exit ramps from Highway 27 to Red Bank. Mr. Hunt explained that the City of Cleveland adopted a similar ordinance along their scenic corridor. Mr. Hunt explained that he owns property on Lullwater Road that he would like to place a digital sign on that could be viewed from Highway 27.
2. Interim City Manager Thornbury advised that due the recent election, several appointments would need to be made to the Red Bank Planning Commission. A resolution will be on the December 4<sup>th</sup> agenda to make the appointments.
3. Mayor Roberts advised that there is a resolution on the agenda tonight authorizing the sale of surplus vehicles and outdated surplus equipment on GOVDEALS.COM
4. Mayor Roberts advised that there is a Public Hearing and first reading of an ordinance on the agenda tonight to rezone property at 918 Lullwater Road. From R-1 to R-T/Z. He advised that the owner plans to build 6 single family dwellings and that the Red Bank Planning Commission recommended approval of the rezoning, subject to conditions recommended by the Planning Commission.
5. Interim City Manager Thornbury advised that there is a Public Hearing and first reading of an ordinance on the agenda tonight in regard to front yard setbacks in the C-1 and C-3 zones. He explained that this change to the Zoning Ordinance would make it consistent with the Design Review Standards. He explained that this item was reviewed by the Red Bank Planning Commission and they recommended approval. If approved tonight, this matter will require a Public Hearing prior to second reading.
6. Interim City Manager Thornbury advised that there is a Public Hearing and first reading of an ordinance on the agenda tonight to amend the zoning ordinance to clarify intent statements of the C-1, C-2 and C-3 Commercial Zones. He explained that this item was reviewed by the Red Bank Planning Commission and they recommended approval.
7. Interim City Manager Thornbury advised that there is a Public Hearing and first reading of an ordinance on the agenda tonight to amend the zoning ordinance in regard to permitted and prohibited uses in the C-3 Commercial Zones. He explained that this item was reviewed by the Red Bank Planning Commission and they recommended approval.
8. Mayor Roberts advised that there is a resolution on the agenda tonight authorizing him to sign a Certificate of Compliance for UMA Partnership, located at 3603-C Dayton Blvd. He advised that this is the bi-annual certificate required by the State Alcoholic Beverage Commission in regard to liquor sales.

9. Finance Director Alexander advised that the "Report on Debt Obligation" is on the agenda tonight. He explained that this is a necessary part of the recently closed 2018 General Obligation Note Issue. The City Commission previously approved the Note and funding in the amount of \$478,400.00, which will be used for paving and the purchase of a side arm mower. He advised that these items were budget in the FY 2019 budget and the loan will be paid back using State Street Aid funds. The documentation to be approved tonight is required by the comptroller's office as evidence that the loan has been closed and the funds have been received.
10. Mayor Roberts advised that there is a resolution on the agenda tonight to approve and agreement with Hamilton County to collect the City of Red Bank's hotel/motel and short term residential rental occupancy tax. He advised that Hamilton County will charge a 1% fee to collect these taxes.
11. Interim City Manager Thornbury advised that there is a resolution on the agenda tonight authorizing the city to apply for a property conservation grant through TML. He advised that this is a 50/50 grant in the amount of \$2,500.00 and will be used towards the purchase and installation of a camera monitoring system at the new City Hall building.
12. Mayor Roberts advised that there is a resolution on the agenda tonight authorizing him and the Chief of Police to sign a release of liability relating to participation in the LESO program, whereby the city can receive surplus equipment from the Department of Defense.
13. Mayor Roberts advised that there is a resolution on the agenda to appoint Tim Thornbury to the position of City Manager and to approve an agreement in regard to the appointment. No budget amendment will be required in that compensation is already budgeted for the current fiscal year.
14. Interim City Manager Thornbury gave updates in regard to the Ashland Terrace box culvert, pedestrian Island and City Hall projects.
15. Interim City Manager Thornbury informed the Commission of a new Short Term Rental Property located at 2008 Dayton Blvd.

The meeting was adjourned at 1:21 p.m.

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Mayor

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City Recorder

**BOARD OF COMMISSIONERS' MEETING**

Minutes

November 6, 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, 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 16, 2018 Agenda Work Session**
  - B. **October 16, 2018 Commission Meeting**Commissioner LeCompte made a motion to approve both sets of minutes as printed, second by Vice Mayor Pierce. Both sets of minutes were approved with all Commissioners voting “yes”.
- VI. **Communication from the Mayor**
  - Welcomed all.
  - Hoped everyone was able to vote today.
  - Advised that if the City receives the certified election result in the next two weeks, his last meeting will be November 20th.
- VII. **Commissioners Report**
  - **Vice-Mayor Eddie Pierce**
    - Welcomed everyone.
    - Advised that he has received several positive remarks from motorists about the smooth flow of traffic being rerouted around the Ashland Terrace project.
  - **Commissioner Ed LeCompte**
    - Welcomed all.
    - Enjoyed attending the Red Bank High School's ROTC Awards Ceremony.
    - Advised that Red Bank United Methodist Church erected a screen at the Red Bank City Park this past week-end to show a film for their youth group.
    - Enjoyed volunteering and attending President Trump's rally in support of Marsha Blackburn.
  - **Commissioner Terry Pope**
    - Welcomed all
    - Announced that Red Bank United Methodist Church will have their Holiday Market on December 1<sup>st</sup> between the hours of 11:00 – 3:00.
  - **Commissioner Carol Rose**
    - Welcomed all
    - Encouraged everyone to attend the Red Bank United Methodist Church's Holiday Market.
    - Advised that the second pedestrian island is being installed around Meadowbrook Dr.
    - Was glad to see the temporary red light at Dayton Blvd. and Woodrow Avenue.

## VIII. City Manager Report –

Advised that the Ashland Terrace box culvert replacement project continues and is on schedule.

### Public Hearings

Mayor Roberts advised that there are four separate Public Hearings on items that will be considered for first reading later in the meeting tonight.

**1) Rezoning request for property located at 918 Lullwater Road, Hamilton County Map Tax Parcel Number 117K C 010 from R-1 Residential to R-T/Z Residential Townhouse Zero Lot line.**

Mayor Roberts called the property owner/applicant, Kenneth Brewer, forward. Mr. Brewer advised that he would like to rezone the property consisting of 1.3 acres so that he can construct six single family homes. He advised that each home would consist of between 1500 and 1800 square feet and that he plans to build the homes and sell them. It was noted that the Red Bank Planning Commission recommended approving the ordinance with the condition that no more than six homes be constructed on the property. Mayor Roberts invited citizen comments.

- Carlos Gonzalez, 1001 Lullwater Road, Advised that he is in favor of the rezoning.

After no inquiries by any of the Commissioners and no further comments from the public, this Public Hearing was closed.

**2) Amend the Red Bank Zoning Ordinance in regard to Intent Statements of the Commercial Zones**

Interim City Manager Thornbury advised that this ordinance will clarify the intent, interrelationship, and purposes of the various Commercial Zoning Districts within the city. Mayor Roberts advised that the Red Bank Planning Commission reviewed this amendment and recommended approval. Mayor Roberts invited citizen comments, of which there were none. After no inquiries by any of the Commissioners and no further comments from the public, this Public Hearing was closed.

**3) Amend the Red Bank Zoning Ordinance in regard to Permitted and Prohibited Uses in the C-3 Commercial Zone**

Mayor Roberts explained that the City Administration and the Red Bank Planning Commission have been reviewing the Permitted and Prohibited uses of the C-3 Commercial Zone for several months in an effort to create a zone that will have less density and impact on surrounding residential neighborhoods. He explained that the Red Bank Planning Commission has recommended approval of this ordinance. Mayor Roberts invited citizen comments, of which there were none. After no inquiries by any of the Commissioners and no further comments from the public, this Public Hearing was closed.

**4) Amend the Red Bank Zoning Ordinance with respect to outdoor display, storage and sale of merchandise in the Commercial Zones**

Interim City Manager Thornbury advised that this ordinance sets out the times that businesses are allowed to display and store items outside of the business. He advised that the times would be from 8:00 a.m. to 8:00 p.m. and that such display, storage or sale shall not occupy more than 33 1/3 percent of the business frontage space of the street facing the façade of the building. Mayor Roberts advised that the Red Bank Planning Commission recommended approval of this ordinance. Mayor Roberts invited citizen comments, of which there were none. After no inquiries by any of the Commissioners and no further comments from the public, this Public Hearing was closed.

## IX. Unfinished Business – None

**X. New Business –**

**A. AGENDA ITEM 18-839 – REPORT ON DEBT OBLIGATION CAPITAL OUTLAY NOTE SERIES 2018**

Interim City Manager Thornbury advised that the City recently closed on a Capital Outlay Note in the amount of \$478,400.00. He explained that this is a four year note and that the funding will be used for street paving and to purchase a side arm mower. He also explained that the Note was budgeted in the FY 2019 Budget and will be paid back using State Street Aid funds. Upon motion and second Agenda Item 18-839 was approved with all Commissioners voting “yes”.

**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)**

Mayor Roberts advised that this item was discussed during a Public Hearing earlier in the meeting. He advised that the Red Bank Planning Commission recommended approval of the rezoning with the condition that density be limited to no more than six single family units. Mayor Roberts made a motion to approve the ordinance, including the stated condition, 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. 18-1134 was approved on first reading with all Commissioners voting “yes”.

**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 OF THE DESIGN REVIEW ORDINANCE NO. 17-1090 (FIRST READING)**

Interim City Manager Thornbury advised that this ordinance will change the front yard set-backs in the Zoning Ordinance for the C-1 and C-3 zoning districts so that they are the same set-backs that are required in the Design Review Ordinance. Vice Mayor Pierce made a motion to approve the ordinance, second by Commissioner LeCompte. 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. 18-1135 was approved on first reading with all Commissioners voting “yes”.

**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)**

Mayor Roberts advised that this item was discussed during a Public Hearing earlier in the meeting. He advised that this amendment will better define and clarify the zoning intent statements in the C-1, C-2 and C-3 Commercial zoning districts. He noted that the Red Bank Planning Commission studied the changes and recommended approval. 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. 18-1136 was approved on first reading with all Commissioners voting “yes”.

**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, 405.06 AND 405.08 AMENDING THE PERMITTED AND PROHIBITED USES AND SET BACK REQUIREMENTS IN THE C-3 COMMERCIAL ZONE (FIRST READING)**

Mayor Roberts advised that this ordinance was discussed during a Public Hearing earlier in this meeting. He advised that the Red Bank Planning Commission reviewed the proposed permitted and prohibited uses of the C-3 Commercial zone and recommended approval. It was also explained that this ordinance will amend the side a rear yard set-back requirements of the C-3 Commercial Zone. 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. 18-1137 was approved on first reading with all Commissioners voting “yes”.

**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)**

Mayor Roberts advised that this item was discussed during a Public Hearing earlier in the meeting. He advised that the Red Bank Planning Commission reviewed this ordinance and recommended approval. Mayor Roberts made a motion to approve the ordinance, second by Vice Mayor Pierce. 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. 18-1138 was approved on first reading with all Commissioners voting “yes”.

**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**

Mayor Roberts called Rikta Patel, the store owner forward. Ms. Patel advised that she has been operating this store at this location for the past several years. City Attorney Stulce advised that this Certificate of Compliance is required by the Alcoholic Beverage Commission as a condition of renewing the store’s liquor license. It was explained that the city has very limited authority in the issuance of liquor licenses. Police Chief Simpson verified the setback distances, the background check for the permit holder and the lack of any alcohol related offences at the location. Mayor Roberts made a motion to approve the Certificate of Compliance, second by Commissioner Rose. There were no citizen comments. Resolution No. 18-1256 was approved with all Commissioners voting “yes”.

**H. RESOLUTION NO. 18-1257 – A RESOLUTION DECLARING SEIZED, FOUND, UNCLAIMED PROPERTY AS SURPLUS AND AUTHORIZING FOR THE SALE, TRADE, OR DESTRUCTION THEREOF**

Mayor Roberts advised that this resolution declares as surplus certain unusable property and will authorize the city to sell the surplus equipment and surplus vehicles, as listed on Exhibit A of this resolution, on GOVDEALS.COM. Mayor Roberts made a motion to approve the resolution, second by Vice Mayor Pierce. There were no citizen comments. Resolution No. 18-1257 was approved with all Commissioners voting “yes”.

**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**

Mayor Roberts advised that this resolution approves an agreement with Hamilton County that will authorize Hamilton County to collect the City of Red Bank hotel, motel and short term residential rental occupancy tax. He explained that for performance of these services, the City will pay Hamilton County 1% of the taxes collected. Mayor Roberts made a motion to approve the resolution, including authority to sign the agreement upon approval by the City Attorney second by Commissioner Pope. There were no citizen comments. Resolution No. 18-1258 was approved with all Commissioners voting “yes”.

**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**

Interim City Manager Thornbury advised that this resolution will authorize the City to participate in this grant program. He explained that this is a \$2,500.00 matching grant and that, if awarded, funds will be used towards the purchase of security cameras for the new City Hall building. Mayor Roberts made a motion to approve the resolution, second by Commissioner Rose. There were no citizen comments. Resolution No. 18-1259 was approved with all Commissioners voting “yes”.

**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**

Interim City Manager Thornbury advised that this resolution will authorize the Chief of Police and the Mayor to sign a Release of Liability in regard to participation in the LESO Program, which will allow the Police Department to acquire surplus equipment through the program. Mayor Roberts explained that any and all equipment requested requires pre-approval of the Commission before acquiring it. Mayor Roberts made a motion to approve the resolution, including authority to sign the Release of Liability upon approval by the City Attorney, second by Commissioner LeCompte. There were no citizen comments. Resolution No. 18-1260 was approved with all Commissioners voting "yes".

**L. RESOLUTION NO. 18-1261 – A RESOLUTION AUTHORIZING AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF RED BANK, TENNESSEE, AND TIMOTHY R. THORNBURY**

Mayor Roberts advised that since he has been on the Commission and served as Mayor that Tim Thornbury has been instrumental in helping the Mayor and Commissioners achieve several goals that they have envisioned for the City. He advised that he feels that Mr. Thornbury cares for the City and has a strong connection to its citizen's. Mayor Roberts made a motion to appoint Tim Thornbury to the position of City Manager and to enter into an employment agreement with Timothy Thornbury, subject to approval of the agreement by the City Attorney, second by Commissioner Pope. There were no citizen comments. Resolution No. 18-1261 was approved with all Commissioners voting "yes".

**XI. Citizen Comments – None**

**XII. Adjournment**

The meeting was adjourned at 7:35 p.m.

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Mayor John Roberts

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City Recorder Ruth Rohen

## 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 re-arrange in alphabetical order these added definitions and 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 any solar energy system in the City of Red Bank shall be subject to the following development, design and operational 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 either an accessory use or 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 or the gratuitous transfer 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 or intended to be connected to the utility grid shall at the time of application for the electrical permit 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 except for Solar Canopies. 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 mounted system, including the solar panels, may exceed ten (10') feet of height above ground level.
- 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). In 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 not attached to the structure 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) and shall also require an electric permit from the City prior to installation. 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 more, 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.

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Mayor

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City Recorder

October 2, 2018

Passed on First Reading

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Passed on Second and Final Reading

Approved as to form:

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City Attorney

**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

November 6, 2018

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.

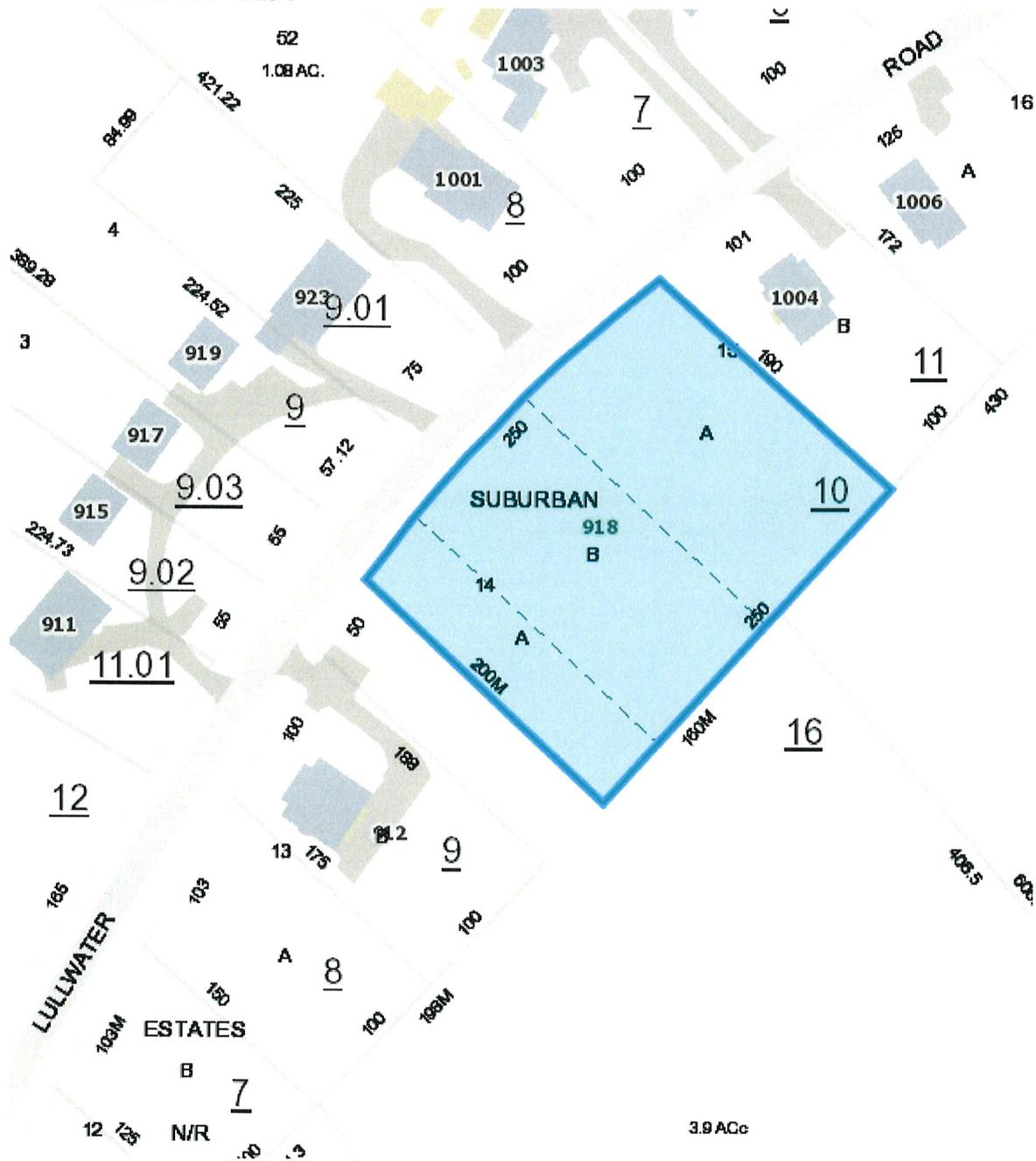
Any governmental zoning and subdivision ordinances in effect thereon.

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 - 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 of 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.

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Mayor

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City Recorder

November 6, 2018

Passed on First Reading

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Passed on Second and Final Reading

Approved as to form:

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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 Commission in the City's 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) On Premise Signs Pursuant to the Sign Ordinance.
- (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) Mixed Use Developments
- (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.
- (E) There shall be a minimum house size of one thousand and four hundred (1,400) square feet.

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.

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Mayor

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City Recorder

November 6, 2018

Passed on First Reading

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Passed on Second and Final Reading

Approved as to form:

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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 6<sup>th</sup> 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.

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Mayor John Roberts

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City Recorder

November 6, 2018

Passed on First Reading

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Passed on Second and Final Reading

Approved as to form:

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City Attorney

ORDINANCE NO. 18 - 1139

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING TITLE 7, CHAPTER 2, SECTIONS 201 AND 205 OF THE RED BANK CITY CODE IN ORDER TO CLARIFY AND FURTHER ESTABLISH CERTAIN LIMITATIONS WITH RESPECT TO THE WIDTH OF PAVEMENT AS CONTAINED THEREIN.

WHEREAS, the City of Red Bank has previously adopted various iterations and editions of the International Fire Code, including appendices B through J and Appendix D thereof providing, in essence, that all fire access roads and easements must be at least twenty-two (22) feet in pavement width (Ordinance 16-1079, Oct. 2016); and

WHEREAS, the City, in the context of development and re-development of certain areas of the City and as necessitated and/or encouraged by the current Land Use Plan, including concepts related to higher population density and higher land use density issues, desires to provide flexibility in certain instances, with regard to minimum fire lane road width distances while at the same time maintaining the integrity of the protections afforded by the International Fire Code with respect to the protection of persons, property and the general health, safety and welfare of the citizens of Red Bank; and

WHEREAS, there exists, within the City, historical patterns of development of properties and surrounding areas appropriate for development and/or re-development which, in certain limited circumstances, render the absolute standards of the Fire Code with respect to pavement widths, unduly burdensome and un-necessarily wide, while maintaining the goal to protect the public health, safety and welfare; and

WHEREAS, professionals, such as engineers, and in general, the Fire Chief in particular are possessed of expertise in such matters of and related to the equipment utilized and most likely to be utilized by the Red Bank Fire Department in its fire protection activities; and

WHEREAS, certain limited leeway, discretion and authority with respect to variances for pavement width is necessary, desirable and appropriate as long as the health, safety and welfare of the citizens of the City of Red Bank continue to be protected in instances of development or re-development of properties within the City of Red Bank.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Red Bank, Tennessee that, Title 7, Chapter 2, Sections 201 and 205 are hereby amended as follows:

SECTION 201 – Fire Code Adopted.

Add sentence at the end of the presently existing section 201 as follows:

Upon express findings of undue hardship due to topography and narrowness of a suitable location for a roadway and existing patterns of development, the City Commission may, upon express written recommendation of the Fire Chief, grant on a case by case basis, initiated by written application of the land owner or developer, a VARIANCE To The Requirement Of This

Chapter and of The International Fire Code that fire access roads shall be at least twenty-two (22') feet in pavement width provided however that in no event any such pavement width be reduced to less than twenty (20') Feet.

SECTION 205 – Variances.

Upon express findings of undue hardship due to topography and narrowness of a suitable location for a roadway and existing patterns of development, the City Commission may, upon express written recommendation of the Fire Chief, grant on a case by case basis, initiated by written application of the land owner or developer, a VARIANCE To The Requirement Of This Chapter and of The International Fire Code that fire access roads shall be at least twenty-two (22) feet in pavement width provided however that in no event any such pavement width be reduced to less than twenty (20') Feet.

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:

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City Attorney

ORDINANCE NO. 18 - 1140

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE TO AMEND TITLE 16, CHAPTER 1, SECTION 16-116 (11) IN ORDER TO PERMIT, UNDER CERTAIN LIMITED CIRCUMSTANCES AND CONDITIONS OF THE UTILIZATION OF THE PUBLIC RIGHT OF WAY FOR PRIVATE OR QUASI-PRIVATE PURPOSES.

WHEREAS, City Commission recognizes and declares that public rights of way are a public resource and an integral element in shaping and maintaining the community. Rights of way contain roads and other public services, allow access to and servicing of, individual properties alone, its frontages and provides shape and form to City neighborhoods and to commercial and industrial areas. It is the policy of the City of Red Bank, its City Commission and Planning Commission, and other public agencies to retain rights of way for public use and only to recommend closures, abandonments, and/or temporary usage permits when it is concluded that the public has no foreseeable needs to retain such rights of way and/or to portions thereof and that if abandonment, closure and/or issuance of temporary use permits to achieve a significant private and/or public interest is in the overall best interest of the City of Red Bank; and

WHEREAS, the City of Red Bank has long recognized and as provided by Ordinance and policy that it is unlawful for any person to obstruct any street, gutter, sidewalk or right of way within the City by placing or allowing thereon any material, by constructing or placing therein any structure, obstructing, landscaping or other material which may constitute an obstruction thereof and except for such temporary and reversible usage as may be expressly permitted by the City and;

WHEREAS, the City's Land Use Plan and continuing efforts to develop and re-develop the City in general and its rights of way, and those zoned properties, particularly in commercial zones necessitates and suggests added flexibility of and with respect to the temporary uses and temporary use permits for the City's rights of way by private and quasi-private public use entities and;

WHEREAS, the City Commission desires and deems it desirable and appropriate and useful in the overall Land Use Plan to enhance the livability of the citizens at the same time protecting the safety and welfare of the citizens and to avoid further reliance on right of way closings and abandonment procedures to enhance the interests of the City to facilitate such temporary use permits, with respect to certain isolated and separate areas, of the City rights of way;

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

That Title 16, Chapter 13, Section 116 (11) of the Red Bank City Code be and the same is hereby amended as follows:

SECTION 1. Strike and delete subsection eleven (11) Permit Required to Obstruct Street, Sidewalks and Gutters; in its entirety and substitute in place thereof the following:

(11) Temporary Use Permit

(a) It shall be unlawful for any person to place an obstruction, any construction and/or any material of any kind or nature on, under, or over any City street, road, right of way or on City property unless such person has obtained a Temporary Use Permit from the City and which Temporary Use Permit shall specify the time period therefore or, in the context of the absence of a specific time period specified, such permit shall contain an unequivocal agreement of applicant/property owner/Permittee, to REMOVE any such obstruction upon written notice from the City, at any time or from time to time and to restore said right of way or property to its former condition.

(b) Any such Temporary Use Permit shall be upon a form/application agreement form and which supplied by the City Manager, shall be accompanied by an application fee of \$250 a form/application shall contain such additional terms, provisions and conditions as shall be determined in the discretion of the City Manager but which shall include, at a minimum, the following:

Indemnity agreement by the owner; commitment to remove any such temporarily permitted obstructions in the discretion of the City Manager upon notice at the expense of the owner/applicant; a commitment to vacate the property and temporary use upon not less than thirty (30) day notice from the City to do so; commitment and obligation to restore the City right of way to the condition existing prior to the issuance of the Temporary Use Permit; a commitment to abide by all applicable environmental regulations and clear of statement that the City and affected utilities maintain easements for continued usage of the right of way as is otherwise subject to the Temporary Use Permit.

(c) The City Manager shall specifically be authorized, of and with respect to any Temporary Use Permit issued to require a bond, from the applicant/owner/permittee, suitable in amount and necessary and appropriate to cover costs (1) removal of the obstruction at the expiration or revocation of the Temporary Use Permit; (2) to restore the portion of the right of way permitted for temporary usage to the condition prior to the issuance of the temporary usage permit.

(d) Before approving any such permit, the City Manager shall require a full set of plans for the Temporary Usage applied for and, the same, shall include any request for construction of any sort or any other construction quasi-permanent in nature, the City Manager shall first submit the matter to the Red Bank Planning Commission for review and/or recommendation as otherwise relates to anticipated further usage and/or need for usage of the portion of the public right of way as to which any such Temporary Use Permit is requested.

SECTION 2. Every section, clause, and phrase of this Ordinance is separable and severable. Should any section, sentence, clause, or phrase be declared unconstitutional or invalid by a court of competent jurisdiction, said unconstitutionality or invalidity shall not effect or impair any other section, sentence, clause, or phrase.

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

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Mayor

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City Recorder

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Passed on First Reading

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Passed on Second and Final Reading

Approved as to form:

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City Attorney

**RESOLUTION NO. 18-1262**

**A RESOLUTION ADOPTING THE CITY OF RED BANK, TENNESSEE, SECTION 125 CAFETERIA PLAN FOR CALENDAR YEAR 2019 THAT INCLUDES A DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT AND A HEALTH FLEXIBLE SPENDING ACCOUNT**

**WHEREAS**, the City currently has in place a Cafeteria Plan that offers certain employee benefits on a pre-tax basis; and

**WHEREAS**, the City feels that it is in the best interest of the City and its employees to continue offering benefits covered under the Cafeteria Plan that include a Dependent Care Flexible Spending Account and a Health Flexible Spending Account; and

**WHEREAS**, U.S. Statute 125 states that pre-tax benefits are possible only when a written Plan Document is in place and has been officially adopted by the employer.

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Red Bank, Tennessee, that the City of Red Bank's Cafeteria Plan to include a Dependent Care Flexible Spending Account and a Health Flexible Spending Account is hereby adopted and approved.

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized and directed to execute all documents and perform all other acts necessary to implement and administer the aforementioned plan.

Resolved this 20<sup>th</sup> day of November 2018

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Mayor John Roberts

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City Recorder

**RESOLUTION NO. 17-1263**

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH TOTAL RESOURCE INC., IN AN AMOUNT NOT TO EXCEED \$18,000.00, FOR TEMPORARY LABORER I SERVICES DURING LEAF PICK-UP SEASON**

**WHEREAS**, the City of Red Bank solicited written quotes for temporary labor services during leaf pick-up season; and

**WHEREAS**, one (1) written quote and two (2) “no-bids” were received; and

**WHEREAS**, the quoted price for temporary labor services is \$13.80 an hour, per employee, for a total contract amount not to exceed \$18,000.00; and

**WHEREAS**, funds are budgeted and available in the FY 2019 operating budget.

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Red Bank, Tennessee that the contract with Total Resource, Inc. in an amount not to exceed \$18,000.00 for Temporary Laborer I services be and is hereby approved.

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

Resolved this 20<sup>th</sup> day of November 2018

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Mayor

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City Recorder

**RESOLUTION NO. 18-1264**

**A RESOLUTION TO AMEND CONTRACT #C-1778 BETWEEN THE CITY OF RED BANK AND THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION IMPROVEMENT SIDEWALK INSTALLATION GRANT**

**WHEREAS**, the City of Red Bank approved a contract with the Tennessee Department of Transportation, Contract #C-1778 on February 7, 2017 as Resolution No. 17-1142 for sidewalk installation along Dayton Boulevard from W. Newberry Street to Greenleaf Street and along Ashland Terrace from Bank Street to Knollwood Drive; and

**WHEREAS**, due to unforeseen delays in the progression of the sidewalk project and at no fault of the City it became necessary to seek a project completion deadline extension from the State of Tennessee; and

**WHEREAS**, the Tennessee Department of Transportation has approved a new completion deadline extension, but in order to move forward an amendment to the contract is required.

**NOW, THEREFORE BE IT RESOLVED** by the Commission of the City of Red Bank, Tennessee, that Contract #C-1778 between the City of Red Bank and the Tennessee Department of Transportation for a sidewalk installation project be amended to reflect a new completion date of June 30, 2019 be and is hereby approved.

**BE IT FURTHER RESOLVED** that the Mayor is authorized to sign the amendment upon approval by the City Attorney.

Approved this 20<sup>th</sup> day of November 2018

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Mayor John Roberts

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City Recorder