

BOARD OF COMMISSIONERS' MEETING

Minutes

November 20, 2018

7:00 p.m.

- I. **Call to Order** –Mayor Roberts called the meeting to order at 7:00 p.m.
- II. **Roll Call** – 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, Interim Police Chief John Wright, 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. **November 6, 2018 Agenda Work Session**
 - B. **November 6, 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 by outgoing Mayor John Roberts**

Mayor Roberts expressed his deep appreciation and gratefulness to Red Bank citizens for electing him in 2010 and for allowing him to continue to serve in 2014. He thanked God for allowing him the opportunity to serve the city. He thanked his wife and children for their support throughout his term of service. He expressed his appreciation for the Board of Commissioners, Department Heads and employees of the City. Mayor Roberts detailed several accomplishments, including property value increases, several residential developments and new economic developments that have taken place in the last several years. He encouraged current City Commission members and City Administration to continue moving the City forward in a positive direction. Mayor Roberts wished everyone well and advised that he is looking forward to spending more time at home with his wife and children.

Vice Mayor Pierce presented Mayor Roberts a plaque and gavel to demonstrate the the City's appreciation for his dedicated service to the City of Red Bank and its citizens.
- VII. **Installation of Newly Elected Commissioners**
 - A. **Election Commission Results**

City Attorney Stulce presented the certified election results of the November 6th, 2018 election. Elected to four year terms were: Ruth Jenó (At Large), Edward LeCompte (District 3) and Terry Pope (District 1)
 - B. **Oath of Office – Judge Gary Starnes**

Hamilton County Sessions Court Judge Gary Starnes administered the Oath of Office to the three newly elected commissers, Ruth Jenó (At Large), Edward LeCompte (District 3) and Terry Pope (District 1)
- VIII. **Election of Mayor – Temporary Chairman City Attorney Arnold Stulce**

After explaining the nominating and voting procedures, City Attorney Stulce opened the floor for nominations for the office of mayor. Commissioner Rose nominated Eddie Pierce. There were no other nominations. Commissioner Jenó made a motion to cease nominations, second by Commissioner Rose. Nominations ceased with all Commissioners voting “yes”. Roll Call Vote for election of Commissioner Eddie Pierce as Mayor: Commissioner LeCompte “yes”, Commissioner Pierce “yes”, Commissioner Pope “yes”, Commissioner Jenó “yes”, Commissioner Rose “yes”. Eddie Pierce was elected to the position of mayor for a period of two years by all Commissioners voting “yes”. Judge Starnes administered the Oath of Office to Mayor Pierce.
- IX. **Election of Vice Mayor - New Mayor Presiding**

After reminding all of the nominating and voting procedures, Mayor Pierce opened the floor for nominations for the office of vice mayor. Mayor Pierce nominated Commissioner Terry Pope. There were no other nominations. Commissioner Rose made a motion to cease nominations, second by Commissioner LeCompte. Nominations ceased with all Commissioners voting “yes”. Roll Call Vote for election of Commissioner Terry Pope as Vice Mayor: Mayor Pierce “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”, Commissioner Jenó “yes”, Commissioner Rose “yes”. Terry Pope was elected to the position of vice mayor for a period of two years by all Commissioners voting “yes”. Judge Starnes administered the Oath of Office to Vice Mayor Pope.

X. Communication from the Mayor

- Welcomed all.
- Thankful for the opportunity to serve as Mayor and will do his best to keep the city moving forward.

XI. Commissioners Report

- **Vice-Mayor Terry Pope**
 - Welcomed everyone
 - Thanked the citizens for voting.
 - Thanked the Commission for electing him to serve as Vice Mayor.
- **Commissioner Ruth Jenó**
 - Welcomed all.
 - Thanked the citizens for electing her to serve a third term.
 - Thanked Mayor John Roberts for his service to the city.
 - Thanked Judge Gary Starnes for administering the Oath of Office tonight.
 - Thanked her supporters and helpers at the polls on election night, especially Ed and Callie LeCompte and Joe Graham and his wife.
 - Thanked her husband, Mike, for all of his support.
- **Commissioner Ed LeCompte**
 - Welcomed all
 - Thanked everyone for voting, honored to serve again.
- **Commissioner Carol Rose**
 - Welcomed all
 - Welcomed Ruth Jenó to the Commission Board, grateful that Ed LeCompte and Terry Pope were re-elected.

XII. City Manager Report –

City Manager Thornbury congratulated new and re-elected Commissioners.

XIII. 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 A NEW CHAPTER X11, 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 AND PROVISIONS RELATED TO SOLAR ENERGY SYSTEMS (SECOND AND FINAL READING)

City Manager Thornbury advised that this ordinance is in regard to the regulation of Solar Panel Systems, including placement, size and use of Solar Energy Systems. He noted that the Planning Commission reviewed and recommended approval of the ordinance. Commissioner LeCompte made a motion to approve the ordinance, second by Commissioner Rose. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1133 was approved on second and final reading 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 (SECOND AND FINAL READING)

Mayor Pierce called the property owner, Elliott Brewer, Forward. Mayor Pierce advised that there was a Public Hearing on this item on November 6th, during the regularly scheduled Commission Meeting, where one citizen spoke in favor of the rezoning. Mr. Brewer explained that he plans to construct six single family homes on the property. It was noted that the Planning Commission reviewed and recommended granting the request to rezone the property. Commissioner Rose made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1134 was approved on second and final reading with all Commissioners voting “yes”.

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 DISTRICTS (SECOND AND FINAL READING)

Mayor Pierce advised that this item was discussed during a Public Hearing on November 6th. 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. Vice Mayor Pope made a motion

to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1136 was approved on second and final reading with all Commissioners voting “yes”.

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

Mayor Pierce advised that this ordinance was discussed during a Public Hearing on November 6th. 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 and rear yard set-back requirements of the C-3 Commercial Zone to correspond to the Design Review Standards. Commissioner LeCompte made a motion to approve the ordinance, second by Commissioner Rose. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1137 was approved on second and final reading with all Commissioners voting “yes”.

E. 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

Mayor Pierce advised that this item was discussed during a Public Hearing on November 6th. He advised that the Red Bank Planning Commission reviewed this ordinance and recommended approval. Commissioner Rose noted that outdoor sales are limited to the hours between 8:00 a.m. and 8:00 p.m. Commissioner Rose made a motion to approve the ordinance, second by Commissioner Jenó. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1138 was approved on second and final reading with all Commissioners voting “yes”.

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)

City Manager Thornbury explained that this ordinance will create a mechanism for the City Commission to grant, in certain limited conditions, roadway pavement width variances, but would allow for roadway widths of not less than 20 feet. He advised that the Red Bank Planning Commission reviewed this ordinance and recommended approval. Commissioner LeCompte made a motion to approve the ordinance, second by Vice Mayor Pope. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1139 was approved on first reading with all Commissioners voting “yes”.

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 LIMITED CIRCUMSTANCES AND CONDITIONS OF THE UTILIZATION OF THE PUBLIC RIGHT OF WAY FOR PRIVATE AND QUASI-PRIVATE PURPOSES (FIRST READING)

City Manager Thornbury explained that this ordinance will allow for private use of city owned public right of way for private and quasi-private purposes. He explained that all request for right of way use would go through an application and approval process. He advised that the Red Bank Planning Commission reviewed the ordinance and recommended approval. Commissioner Rose noted that use of public right of way for personal purposes can be revoked at any time and that removal of any equipment or structures that are placed in the right of way is the responsibility of the property owner. Commissioner Rose made a motion to approve the ordinance, second by Commissioner Jenó. There were no citizen comments. **Roll Call Vote: Mayor Pierce “yes”, Vice Mayor Pope “yes”, Commissioner Jenó “yes”, Commissioner LeCompte “yes”, Commissioner Rose “yes”.** Ordinance No. 18-1140 was approved on first reading with all Commissioners voting “yes”.

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

City Manager Thornbury explained that this resolution will allow city employees to participate in a health savings account that can be used for medical, dental and vision purposes and also a dependent care account that can be used for child care, adult care and mental or physically impaired adult care. He explained that the plan is administered through pre-tax payroll deductions. Commissioner LeCompte made a motion to approve the resolution, second by Vice Mayor Pope. Resolution No. 18-1262 was approved with all Commissioners voting “yes”.

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

City Manager Thornbury advised that the city received quotes for temporary labor service during leaf pick-up season. He explained that the best price was from Total Resource Inc. It was noted that this is a budgeted item and contract amount will not exceed \$18,000.00. Mayor Pierce made a motion approve the resolution, including authorizing the City Manager to sign the agreement upon approval of the form by the City Attorney, second by Commissioner Rose. Resolution No. 18-1263 was approved with all Commissioners voting “yes”.

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

City Manager Thornbury explained that this resolution will extend the agreement that the city has with TDOT in regard to sidewalk installation on Dayton Blvd. and Ashland Terrace. He advised that due to unforeseen issues and issues that are not under the control of the city, it has become necessary to extend the agreement with a new completion date of June 30, 2019. Commissioner LeCompte made a motion to approve the resolution, Second by Commissioner Jenó. Resolution No. 18-1264 was approved with all Commissioners voting “yes”.

XV. Citizen Comments – None

XVI. Adjournment

The meeting was adjourned at 7:48 p.m.

Mayor

City Recorder Ruth Rohen