

WORK SESSION AGENDA

December 4, 2018

12:00 p.m.

1. Planning Commission Appointments
2. Public Hearing – 2nd Reading Set Back in C-1 and C3
3. Ordinance 1st Reading – Changing the time of the Commission Meetings
4. Resolution – Bank Signature cards (Drug Fund and all other Funds)
5. Resolution – Certificate of Compliance, My Discount Liquor and Tobacco, 2105 Dayton Blvd.
6. Approval of \$285,000 Capital Outlay Equipment Acquisition Note
7. Resolution - Municipal Code Update - MTAS
8. Any other business

City of Red Bank

Eddie Pierce
Mayor

Tim Thornbury
City Manager

BOARD OF COMMISSIONERS' MEETING

Agenda
December 4, 2018
7:00 p.m.

- I. **Call to Order – Mayor Eddie Pierce**
- II. **Roll Call – City Manager**

Mayor Pierce ____, Vice-Mayor Pope ____, Commissioner Jenó ____, Commissioner LeCompte ____,
Commissioner Rose ____
- III. **Invocation –**
- IV. **Pledge of Allegiance –**
- V. **Consideration of the Minutes for approval or correction:**
 - A. **November 20, 2018 Agenda Work Session**
 - B. **November 20 2018 Commission Meeting**
- VI. **Communication from the Mayor**
- VII. **Commissioner's Report**
 - A. **Vice Mayor Pope**
 - B. **Commissioner Ruth Jenó**
 - C. **Commissioner Ed LeCompte**
 - D. **Commissioner Carol Rose**
- VIII. **City Manager Report**

Public Hearings

The purpose of the Public Hearing is to consider an ordinance to amend 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

- IX. **Unfinished Business**
 - A. **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 (SECOND AND FINAL READING)**
 - B. **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 (SECOND AND FINAL READING)**
 - C. **ORDINANCE NO. 18-1140 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND TITLE 16, CHAPTER 1, SECTION 16-116 (AA) IN ORDER TO PERMIT, UNDER CERTAIN LIMITED CIRCUMSTANCES AND CONDITION OF THE UTILIZATION OF THE PUBLIC RIGHT OF WAY FOR PRIVATE OR QUASI-PRIVATE PURPOSES (SECOND AND FINAL READING)**

- X. New Business**
 - A. AGENDA ITEM 18-840 – PRESENTATION OF THE FISCAL YEAR 2018 AUDIT BY BRIAN WRIGHT OF JOHNSON MURPHY AND WRIGHT**
 - B. AGENDA ITEM 18-841 – APPOINTMENTS TO THE RED BANK PLANNING COMMISSION**
 - C. ORDINANCE NO. 18-1141 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING TITLE 1, CHAPTER 1, SECTION 1-103, TIME AND PLACE OF REGULAR MEETINGS (FIRST READING)**
 - D. RESOLUTION NO. 18-1265 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, ADOPTING BANK FORM RESOLUTION AND AUTHORIZING SIGNORS FOR BANK SIGNATURE CARDS**
 - E. RESOLUTION NO. 18-1266 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, ADOPTING BANK FOR RESOLUTIONS AND AUTHORIZING SIGNORS FOR BANK SIGNATURE CARDS**
 - F. RESOLUTION NO. 18-1267 – A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATE OF COMPLIANCE FOR MY DISCOUNT LIQUOR AND TOBACCO, 2105 DAYTON BOULEVARD, RED BANK, TENNESSEE**
 - G. RESOLUTION NO. 18-1268 – RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING EQUIPMENT ACQUISITION CAPITAL OUTLAY NOTE, SERIES 2018, IN AN AMOUNT NOT TO EXCEED \$285,000, AND PROVIDING FOR THE PAYMENT OF SAID NOTES**
 - H. RESOLUTION NO. 18-1269 – A RESOLUTION AUTHORIZING THE MUNICIPAL TECHNICAL ADVISORY SERVICE TO PERFORM A COMPREHENSIVE STUDY, REVIEW AND UPDATE OF THE RED BANK CITY CODE BOOK AND AUTHORIZING FOR THE PAYMENT OF SUCH SERVICE**
 - I. RESOLUTION NO. 18-1270 – A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, APPOINTING MARTY HAWKINS AS THE CITY OF RED BANK REPRESENTATIVE TO THE MANAGEMENT COMMITTEE OF THE HAMILTON COUNTY WATER QUALITY PROGRAM**
- XI. Citizen Comments from Red Bank Citizens about Red Bank business (3 minute limit)**
- XII. Adjournment**

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

Minutes
November 20, 2018
5:00 p.m.

The Board of Commissioners met in a public and advertised Agenda Work Session on November 20, 2018 at 5:00 p.m. The purpose of the meeting was to receive information on upcoming business items. Those in attendance were Vice Mayor Eddie Pierce, Commissioners Ed LeCompte, Terry Pope, and Carol Rose. Also present were Commissioner Elect Ruth Jenó, City Manager Tim Thornbury, Interim Police Chief John Wright, Finance Director John Alexander, Fire Chief Mark Mathews, City Recorder Ruth Rohen. There were no citizen attendees.

1. City Manager Thornbury advised that three Planning Commission members term date will be expiring in December. These expiration dates coincide with the terms of the City Commissioners that made the appointments. He advised that there will be a resolution on the agenda on December 4th for appointments by Commissioner Jenó, Commissioner LeCompte and Commissioner Pope.
2. City Manager Thornbury advised that there is a resolution on the agenda tonight to approve the city's participation in a Section 125 Cafeteria Plan for employee Flexible Spending Accounts. He explained that this will allow employees to contribute, on a pre-tax basis, into a Flexible Spending Account that can be used for medical and child care purposes. He advised that the City benefits from employee participation in regard to lower Social Security and Medicare expenses.
3. City Manager Thornbury advised that there is a resolution on the agenda tonight to approve an agreement with Total Resource Inc. for temporary labor services during leaf pick-up season. He advised that the agreement is for an amount not to exceed \$18,000.00 which was budgeted in the FY 2019 Solid Waste budget.
4. City Manager Thornbury advised that there in an agreement on the agenda tonight to approve an extension to the agreement between the City and TDOT in regard to the Ashland Terrace sidewalk project. He explained that the new expiration date of the agreement is June 30, 2019.
5. City Manager Thornbury advised that there is an ordinance on the agenda tonight in regard to allowing the City Commission, under very limited conditions and upon a written request for a variance, to grant a variance to reduce roadway width to no less than 20 feet. He advised that written approval from the Fire Chief would accompany each variance request for roads less than 22 feet.
6. City Manager Thornbury advised that there is an ordinance on the agenda tonight for first reading that would adopt regulations that would allow the City Commission to approve a Temporary Use Agreement for private and quasi-private use of City owned right of way. He explained that the party requesting use of right of way would be solely responsible for maintaining it and removal of any structures if the City needed the right of way for public purposes.
7. City Manager Thornbury advised that second reading on an ordinance to regulate Solar Energy Systems in on the agenda tonight. He advised that the Red Bank Planning Commission reviewed this ordinance and recommended approval.
9. City Manager Thornbury advised that after the election of Mayor tonight that a representative to the Storm water Quality Board.

10. City Manager Thornbury presented information to the Commission in regard to having the Municipal Technical Advisory Service conduct a comprehensive review and update of the City Code.
11. City Manager Thornbury advised that he plans to wait until after the first of the year to start the search for a new Police Chief and that he is in the process of reviewing and possibly restructuring the Public Works Department.
12. City Manager Thornbury presented a draft of a Request for Proposals for development of the old middle school property. He advised that he is working with City Attorney Stulce and will be advertising for RFQ's in the near future.
13. City Manager Thornbury gave a Christmas Festival and Parade Update. .
14. Commissioner Elect Ruth Jenó suggested moving the Commission Meetings to 6:00 p.m. She explained that she felt that there would be more citizens' attend the meetings if they were held earlier in the evening.
15. City Manager Thornbury gave an update on the Ashland Terrace, City Hall and Pedestrian Island projects.

The meeting was adjourned at 5:43 p.m.

Mayor

City Recorder

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 Pierce.

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 place 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 depended 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 John Roberts

City Recorder Ruth Rohen

ORDINANCE NO. 18 – 1135

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

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

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

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

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

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

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

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

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

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

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

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

Mayor

City Recorder

November 6, 2018

Passed on First Reading

Passed on Second and Final Reading

Approved as to form:

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

November 20, 2018

Passed on First Reading

Passed on Second and Final Reading

Approved as to form:

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 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.

Mayor

City Recorder

November 20, 2018

Passed on First Reading

Passed on Second and Final Reading

Approved as to form:

City Attorney

ORDINANCE NO. 18-1141

AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING TITLE 1, CHAPTER 1, SECTION 1-103, TIME AND PLACE OF REGULAR MEETINGS

WHEREAS, the Board of Commissioners has held its regular semi-monthly meetings beginning at 7:00 p.m. on the first and third Tuesdays of each month at Red Bank City Hall for many years; and

WHEREAS, because of the varying schedules of the several present members of the Board of Commissioners, a 6:00 p.m. meeting time is more convenient; and

WHEREAS, in the opinion of the present Board of Commissioners, greater citizen participation and attendance at the regular semi-monthly meetings of the Board will likely occur in the event that the beginning time for the meeting is moved to 6:00 p.m.

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

1. That the provisions of Title 1, Chapter 1, Section 1-103 be amended by deleting it in its entirety and substituting the following in its place and stead:

1-103. TIME AND PLACE OF REGULAR MEETINGS. The Board of Commissioners shall hold regular semi-monthly meetings at 6:00 p.m. on the first and third Tuesdays of each month at the City Hall, 3117 Dayton Boulevard, Red Bank, Tennessee.

2. Every section, sentence, clause, or 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.

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

MAYOR

CITY RECORDER

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL READING

APPROVED AS TO FORM:

CITY ATTORNEY

RESOLUTION NO. 18-1265

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, ADOPTING BANK FORM RESOLUTIONS AND AUTHORIZING SIGNORS FOR BANK SIGNATURE CARDS

Be it resolved by the Board of Commissioners of the City of Red Bank, Tennessee as follows:

Section 1. In order to change the signatory parties on all bank accounts of the City, so as to authorize execution and withdrawals by the Mayor or Vice-Mayor and the City Manager, City Recorder or the Finance Director, and by not less than two of the Officers of the City, hereinafter named:

1. Eddie Pierce, Mayor
2. Terry Pope, Vice-Mayor
3. Tim Thornbury, City Manager
4. Ruth Rohen, City Recorder
5. John Alexander, Finance Director

and to further require that at least one of the signatures on any check or draft shall be one of the elected officials. The Bank Resolution form, copies of which are attached hereto as Exhibit A, are hereby adopted and passed by this Commission as Resolutions of this body

Resolved this 4th day of December in the year of 2018

Mayor

ATTEST:

City Recorder

RESOLUTION NO. 18-1266

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE, ADOPTING BANK FORM RESOLUTIONS AND AUTHORIZING SIGNORS FOR BANK SIGNATURE CARDS

Be it resolved by the Board of Commissioners of the City of Red Bank, Tennessee as follows:

Section 1. In order to change the signatory parties on the Drug Fund Confidential Funds bank account of the City, so as to authorize execution and withdrawals by the Officers of the City, and by not less than two of the Officers of the City, hereinafter named:

1. Eddie Pierce, Mayor
2. Terry Pope, Vice Mayor
3. John Wright, Interim Police Chief
4. Steve Hope, Police Sergeant

and to further require that at least one of the signatures on any check or draft shall be one of the elected officials. The Bank Resolution form, copies of which are attached hereto as Exhibit A, are hereby adopted and passed by this Commission as Resolutions of this body

Section 2. All transactions for the Drug Fund Confidential Fund bank account shall require two signatures.

The Bank Resolution form, copies of which are attached hereto as Exhibit A, are hereby adopted and passed by this Commission as Resolutions of this body

Resolved this 4th day of December in the year of 2018

Mayor

City Recorder

RESOLUTION NO. 18-1267

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATE OF COMPLIANCE FOR MY DISCOUNT LIQUOR AND TOBACCO, 2105 DAYTON BOULEVARD, RED BANK, TENNESSEE

WHEREAS, Jayantibhai L. Patel and Shakuntlabahen J. Patel has made application for a Certificate of Compliance to sell retail alcoholic beverages in the City of Red Bank, Tennessee, at 2105 Dayton Boulevard,; and

WHEREAS, an investigation has been undertaken of the applicant's criminal record and of the compliance of said business with local laws, ordinances, and resolutions; and

WHEREAS, the Certificate of Compliance verifies the following conditions:

(1) That the applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application; and

(2) That the applicant or applicants have secured a location for the business which complies with all restrictions of any local law, ordinance, or resolution, duly adopted by the local jurisdiction, as to the location of the business; and

(3) That the applicant or applicants have complied with any local law, ordinance or resolution duly adopted by the local authorities regulating the number of retail licenses to be issued within the jurisdiction.

(4) That the applicant or applicants have complied with the residency provisions.

NOW, THEREFORE BE IT RESOLVED by the Commission of the City of Red Bank, Tennessee that the Mayor is authorized to sign the Certificate of Compliance for My Discount Liquor and Tobacco, 2105 Dayton Boulevard, Red Bank, Tennessee.

Resolved this 4th day of December 2018

Mayor

City Recorder

RESOLUTION NO 18-1268

RESOLUTION OF THE CITY OF RED BANK, TENNESSEE, AUTHORIZING THE ISSUANCE OF INTEREST BEARING EQUIPMENT ACQUISITION CAPITAL OUTLAY NOTES, SERIES 2018, IN AN AMOUNT NOT TO EXCEED \$285,000, AND PROVIDING FOR THE PAYMENT OF SAID NOTES

WHEREAS, the Board of Commissioners (the "Board"), of the City of Red Bank, Tennessee (the "Municipality" or the "City"), has determined that it is necessary and desirable to authorize, issue, sell, and provide for the payment of its interest bearing capital outlay notes to finance certain public works projects, consisting of the acquisition of equipment for the Police and Fire Departments of the City, including police vehicles for the Police Department and breathing apparatus and a new air filling station and air bottles for the Fire Department, and to pay all legal, fiscal, administrative, and engineering costs, incident thereto (collectively, the "Project");

WHEREAS, the Municipality estimates that the economic life of the Project exceeds three (3) years;

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

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

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

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

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

Section 2. Authorization. For the purpose of providing funds to finance the costs of the Project, there shall be issued pursuant to, and in accordance with, the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended, and other applicable provisions of law, the interest bearing capital outlay notes of the Municipality, in the aggregate principal amount of not to exceed \$285,000, or such lesser amount as may be determined by the Mayor of the Municipality (the "Mayor") at the time of sale (collectively, the "Notes", individually, the "Note).

Section 3. Terms of the Notes. The Notes shall be designated "Equipment Acquisition Capital Outlay Notes, Series 2018". The Notes shall be issued in registered form, without coupons. The Notes shall be numbered from 1 upwards, shall be dated the date of issuance and delivery, shall be sold at not less than the par amount thereof, shall bear interest at a rate or rates not to exceed 4% per annum, such interest being payable at such times as agreed upon with the purchaser of such Notes, but in no event less than semiannually each year commencing six months from the dated date or such date as shall be designated by the Mayor (the "Interest Payment Date"), The Notes shall mature not later than the end of the third fiscal year following the fiscal year in which the Notes are issued with principal payable annually; provided, however, that each year the Notes are outstanding no less than one-ninth (1/9) of the original principal amount of the Notes shall mature without renewal, but subject to prior redemption. The Notes shall contain such terms, conditions, and provisions other than as expressly provided or limited herein as may be agreed upon by the Mayor of the Municipality and the purchaser of the Notes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 14. Sale of Notes. The Notes herein authorized are authorized to be sold by the Mayor by private negotiated sale at a price of not less than par, upon such terms and conditions as shall be agreed to by the Mayor and the purchaser of such Notes.

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

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

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

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

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

Section 18. Resolution a Contract. The provisions of this Resolution shall constitute a contract between the Municipality and the owner of the Notes, and after the issuance of the Notes, no change, variation, or alteration of any kind in the provisions of this Resolution shall be made in any manner, until such time as all installments of the principal of and interest on the Notes shall have been paid in full or the consent of the registered owner of the Notes has been obtained; provided, however, that the Municipality is hereby authorized to make such amendments to this Resolution as will not impair the rights or security of the owner of the Notes.

Section 19. No Action to be Taken Affecting Validity of the Notes. The Municipality hereby covenants and agrees that it will not take any action, that would in any manner affect the validity of the Notes or limit the rights and remedies of the owner from time to time of such Notes. The Municipality further covenants that it will not take any action that will cause the interest on the Notes to be subject to inclusion in gross income of the owner thereof for purposes of federal income taxation.

Section 20. Miscellaneous Acts. The Mayor, the City Recorder, and all other appropriate officials of the Municipality are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution; or any of the documents herein authorized and approved; or for the authorization, issuance, and delivery of the Notes.

Section 21. Failure to Present Notes. Subject to the provisions of Section 3 hereof, in the event any Note shall not be presented for payment when the principal becomes due at maturity and in the event monies sufficient to pay such Note shall be held by the Note Registrar for the benefit of the owner thereof, all liability of the Municipality to such owner for the payment of such Note shall forthwith cease, terminate, and be completely discharged. Thereupon, the Note Registrar shall hold such monies, without liability for interest thereon, for the benefit of the owner of such Note who shall thereafter be restricted exclusively to such monies for any claim under this Resolution or on, or with respect to, said Note, subject to escheat or other similar law, and any applicable statute of limitation.

Section 22. Payments Due on Saturdays, Sundays, and Holidays. Whenever the interest on or principal of any Note is due on a Saturday or Sunday or, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then the payment of the interest on, or the principal of, such Note need not be made on such date but must be made on the next succeeding day not a Saturday, Sunday, or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the date of maturity; and no interest shall accrue for the period after such date.

Section 23. No Recourse Under Resolution or on Notes. All stipulations, promises, agreements, and obligations of the Municipality contained in this Resolution shall be deemed to be the stipulations, promises, agreements, and obligations of the Municipality and not of any officer, director, or employee of the Municipality in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Notes or for any claim based thereon or under this Resolution against any officer, director, or employee of the Municipality or against any official or individual executing the Notes.

Section 24. Severability. If any section, paragraph, or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions hereof.

Section 25. Repeal of Conflicting Resolutions and Effective Date. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed, and this Resolution shall be in effect as of the date of its adoption the welfare of the Municipality requiring it.

Approved and adopted this 4th day of December, 2018.

Mayor

Attest:

City Recorder

STATE OF TENNESSEE)
COUNTY OF HAMILTON)

I, Ruth Rohen, hereby certify that I am the duly qualified and acting City Recorder of the City of Red Bank, Tennessee (the "Municipality"), and, as such official, I further certify as follows: (1) that attached hereto is a copy of a resolution excerpted from the minutes of the meeting of the Board of Commissioners (the "Board") of said Municipality held on December 4, 2018; (2) that I have compared said copy with the original minute record of said meeting in my official custody; (3) that said copy is a true, correct, and complete transcript from said original record insofar as said original record relates to, among other matters, the authorization of the issuance of not to exceed \$285,000 Equipment Acquisition Capital Outlay Notes, Series 2018, by said Municipality; (4) that the actions by said Board including the aforementioned, at said meeting were promptly and duly recorded by me in a book kept for such purpose; and, (5) that a quorum of the members of said Board was present and acting throughout said meeting.

WITNESS my official signature and the seal of said Municipality this 4th day of December, 2018.

City Recorder

(SEAL)

EXHIBIT A
FORM OF NOTE

Registered
No. _____

Registered
\$

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

Interest Rate:

Maturity Date:

Dated Date:

Registered Owner:

Principal Amount:

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

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

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

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

This note is one of a series of notes known as "Equipment Acquisition Capital Outlay Notes, Series 2018" (the "Notes"), issued by the Municipality in the aggregate principal amount of \$285,000. The Notes which are issued for the purpose of financing certain public works projects, consisting of the acquisition of equipment for the Police and Fire Departments of the City, including police vehicles for the Police Department and breathing apparatus and a new air filling station and air bottles for the Fire Department, and to pay all legal, fiscal, administrative, and engineering costs, incident thereto, are authorized by an appropriate resolution of the Board of Commissioners and particularly that certain Resolution of the Board of Commissioners adopted on December 4, 2018, as such resolution may be from time to time amended or supplemented in accordance with its terms (such resolution, as so amended or supplemented, being herein called, the "Resolution"), and are issued pursuant to, and in full compliance with, the Constitution and the statutes of the State of Tennessee, including, but not limited to, Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"). Copies of the Resolution are on file at the office of the City Recorder of the Municipality, and reference is hereby made to the Resolution and the Act, for a more complete statement of the terms and conditions upon which the Notes are issued thereunder, the rights, duties, immunities, and obligations of the Municipality, and the rights of the Registered Owner hereof.

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

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

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

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

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

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

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

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

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

RESOLUTION NO. 18-1269

A RESOLUTION AUTHORIZING THE MUNICIPAL TECHNICAL ADVISORY SERVICE TO PERFORM A COMPREHENSIVE STUDY, REVIEW AND UPDATE OF THE RED BANK CITY CODE BOOK AND AUTHORIZING FOR THE PAYMENT OF SUCH SERVICES

WHEREAS, the current Red Bank City Code comprehensive update was completed in January 1996; and

WHEREAS, since that time the City of Red Bank has updated the City Code on several occasions, but there have been numerous updates and revisions to state laws and regulations, some of which have not been incorporated into the City Code; and

WHEREAS, the City Commission feels that it is in the best interest of its citizens to perform a comprehensive review and update of the City Code; and

WHEREAS, the Municipal Technical Advisory Service is well trained and has vast knowledge of laws and regulations and have agreed to perform this City Code update, pursuant to the following:

- a) Municipal Technical Advisory Service will codify and revise the ordinances of the City of Red Bank, Tennessee, at the earliest possible date;
- b) The City of Red Bank agrees to pay the Municipal Technical Advisory Service \$9,300.00, 50% of the cost will be paid when ordinances are requested for codification and the remaining fifty percent (50%) will be paid upon delivery of the first draft of the City Code

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Red Bank, Tennessee that the Municipal Technical Advisory Services is authorized to codify and revise the ordinances and City Code for the City Of Red Bank, Tennessee

Resolved this 4th day of December 2018

Mayor

City Recorder

RESOLUTION NO. 18-1270

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF RED BANK, TENNESSEE APPOINTING MARTY HAWKINS AS THE CITY OF RED BANK REPRESENTATIVE TO THE MANAGEMENT COMMITTEE OF THE HAMILTON COUNTY WATER QUALITY PROGRAM

WHEREAS, the City of Red Bank has an appointed representative on the Management Committee of the Hamilton County Water Quality Program; and

WHEREAS, the City of Red Bank desires to appoint Marty Hawkins as their representative and Marty Hawkins desires to serve in that capacity.

NOW, THEREFORE BE IT RESOLVED by the Commission of the City of Red Bank, Tennessee that Marty Hawkins is hereby appointed as the City of Red Bank representative on the Management Committee to the Hamilton County Water Quality Program.

Resolved this 4th day of December 2018

Mayor

City Recorder