

**BOARD OF COMMISSIONERS' MEETING**

Minutes

October 18, 2016

7:07 p.m.

- I. **Call to Order** – Mayor Roberts called the meeting to order at 7:07 p.m.
- II. **Roll Call** – City Manager Smith called the roll. Mayor Roberts, Commissioners Causer, LeCompte and Pope were present. Vice Mayor Pierce was absent. Also present was City Attorney Arnold Stulce Jr., Fire Chief Mark Mathews, Public Works Director Tim Thornbury, Finance Director John Alexander, City Recorder Ruth Rohen and those listed on Exhibit “A”.
- III. **Invocation** – Commissioner Causer gave the Invocation.
- IV. **Pledge of Allegiance** – Fire Chief Mark Mathews led the Pledge of Allegiance.
- V. **Consideration of the Minutes for approval or correction:**
  - A. **October 4, 2016 Agenda Work Session**
  - B. **October 4, 2016 Commission Meeting**Commissioner Pope made a motion to approve the minutes, second by Commissioner Causer. The minutes of the meetings were approved with all Commissioners voting “yes”.
- VI. **Communication from the Mayor**
  - Welcomed all.
  - Advised that former Red Bank Baptist pastor, Bert Jones, passed away today. Asked everyone to keep his family in their prayers.
  - Trunk or Treat is scheduled on October 26<sup>th</sup> at 6:30 p.m. at Red Bank Calvary Church.
- VII. **Commissioners Report**
  - **Vice-Mayor Eddie Pierce**
    - Absent
  - **Commissioner Rick Causer**
    - Welcomed everyone.
    - Offered condolences to Pastor Bert Jones’s family.
  - **Commissioner Ed LeCompte**
    - Advised that there is an Open House at White Oak United Methodist Church on October 19<sup>th</sup> between 5:30 – 7:00 for the Family Justice Center satellite office located in Red Bank.
  - **Commissioner Terry Pope**
    - Welcomed all.
    - Announced a Trunk or Treat event at Red Bank United Methodist Church on October 30<sup>th</sup> between 4:00 – 6:00 p.m.
- VIII. **City Manager Report**
  - A natural spring that caused water to run across Morrison Springs Rd. has been addressed and the road surface has been repaired.
  - Public Works is constructing a sidewalk at Kids Corner Park to allow access to the park and pavilion area by persons with limited mobility issues.
- IX. **Awards and Recognition**

Commissioner Causer explained that he will be stepping down from the Board of Commissioners after the upcoming election. He advised that during his time on the board he appointed Kevin Banas to the Red Bank Planning Commission and Beverly Causer to the Zoning Board of Appeals. Commissioner Causer expressed his appreciation to both parties and presented Mr. Banas and Mrs. Causer with certificates in the form of a resolution to express the City’s appreciation to them for their service on the respective Boards.

Commissioner Causer made a motion to approve Resolution No. 16-1135 in appreciation to Beverly Causer for serving on the Board of Zoning Appeals , second by Commissioner LeCompte, Resolution No. 16-1135 was approved with all Commissioners Voting “yes”.

Commissioner Causer made a motion to approve Resolution No. 16-1136 in appreciation to Kevin Banas for serving on the Red Bank Planning Commission, second by Commissioner Pope. Resolution No. 16-1136 was approved with all Commissioners voting “yes”.

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## Public Hearing

The purpose of the Public Hearing was to consider citizen comments in regard to items on the agenda:

**1) Planned Unit Development Ordinance No.16-1073 – Amend the zoning ordinance to provide certain flexibility and discretion in regard to Planned Unit Developments**

City Attorney Stulce explained that due to the special nature of planned unit development (PUD) housing developments and zoning uses allowed by the zoning regulations and the proposed ordinance, the Planning Commission may recommend, with or without application or approval of an owner or developer, and subject to subsequent approval or rejection by the City Commission, special considerations, variances, easements or other arrangements due to topography and/or other considerations unique to the land itself contemplated to be developed exclusive of the convenience of the developer, in order to provide for adequate circulation of traffic, parking, and servicing of the structures even though such considerations, variances, easements, and provisions might not normally be allowed or specified in the Red Bank Subdivision Ordinance, the Red Bank Zoning Ordinance or regulations pertinent to either of them. More particularly, strict adherence to any other provisions of this Zoning Ordinance now or hereafter enacted, or to any other provisions of the Red Bank City Code as relates to separation distances or configurations of “flag lots” may be, in appropriate circumstances and whether or not recommended by the Planning Commission, waived or varied as necessary or appropriate in the judgment of the Planning Commission and as affirmed or rejected by the City Commission if this ordinance is adopted. Such accommodations, variances, considerations, easements or other arrangements may be recommended by the Planning Commission and/or approved by the City Commission even if the Planning Commission shall not recommend same.

Mayor Roberts advised that the Planning Commission reviewed this ordinance and recommended that it not be approved. Mayor Roberts invited citizen comments:

- **David Hafley, 4721 Hunter Trail**, Advised that he sits on the Red Bank Planning Commission and they recommended against approving the ordinance because they feel the current zoning ordinance already address the issues that are contained in this ordinance.

After some further discussion by and between Commissioners and Attorney Stulce, this item was closed.

**2) Ordinance No. 16-1074 - Rezone property located at 4708 Dayton Blvd. from C-1 Commercial to L-1 Light Manufacturing, subject to conditions**

Mayor Roberts advised that this item is in regard to a request to rezone property at 4708 Dayton Blvd. from C-1 Commercial to L-1 Light Manufacturing. Mayor Roberts called the applicant, Richard Carmack, forward. Mr. Carmack advised that he is the owner of RMJ Tactical and that he will lease the building for the purpose of manufacturing tomahawks and knives. It was noted that the Planning Commission reviewed this request and recommended approving the rezoning with the restriction that cutlery manufacturing only will be allowed and that if the building is vacant over a year or if the permitted L-1 use ceases for over a year, that the zoning will revert back to C-1 Commercial. Mr. Carmack acknowledged and agreed to these conditions. There were no further comments from the Board and there were no citizen comments.

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**X. Unfinished Business –**

**A. ORDINANCE NO. 16-1069 – THE OMNIBUS BUILDING, PLUMBING, ELECTRICAL, GAS, MODEL ENERGY, SWIMMING POOL, LIFE SAFETY, HANDICAPPED ACCOMMODATIONS AND MECHANICAL CODES AMENDMENTS ORDINANCE OF 2016 AMENDING TITLE 12, SECTIONS 12-101, 12-201, 12-301, 12-401, 12-601, 12-701, 12-801, AND 12-10-101 AND ADDING CHAPTER 14 WITH RESPECT TO THE ENFORCEMENT AND CIVIL PENALTY PROVISIONS RELATED TO ALL THE VARIOUS REGULATORY CODES FOUND IN TITLE 12 OF THE RED BANK CITY CODE (SECOND AND FINAL READING)**

Commissioner Pope made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Commissioner Causer “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”.** Ordinance No. 16-1069 was approved on second and final reading with all Commissioners voting “yes”.

**B. ORDINANCE NO. 16-1070 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING TITLE 7, CHAPTER 2, SECTION 7-201 AND 7-202 OF THE RED BANK CITY CODE AND ADOPTING THE PROVISIONS OF THE INTERNATIONAL FIRE CODE, 2012, AS THE FIRE CODE FOR THE CITY OF RED BANK, TENNESSEE (SECOND AND FINAL READING)**

Mayor Roberts made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Commissioner Causer “yes”, Commissioner LeCompte “yes”, Commissioner Pope**

**“yes”**. Ordinance No. 16-1070 was approved on second and final reading with all Commissioners voting **“yes”**.

**C. ORDINANCE NO. 16-1071 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING TITLE 12 OF THE RED BANK CITY CODE BY ADDING CHAPTER 13, SECTION 101 ET. SEQ., AND ADOPTING THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, AS THE PROPERTY MAINTENANCE CODE FOR THE CITY OF RED BANK, TENNESSEE (SECOND AND FINAL READING)**

Commissioner LeCompte made a motion to approve the ordinance, second by Commissioner Pope. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Commissioner Causer “abstain”, Commissioner LeCompte “yes”, Commissioner Pope “yes”**. Ordinance No. 16-1071 was approved on second and final reading.

**D. ORDINANCE NO. 16-1072 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND TITLE 8, CHAPTER 2 OF THE RED BANK CITY CODE DEFINING THE TERM “BEER” TO BRING THE CODE INTO COMPLIANCE WITH THE DEFINITION OF “BEER” IN THE TENNESSEE CODE (SECOND AND FINAL READING)**

Commissioner Causer made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Commissioner Causer “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”**. Ordinance No. 16-1072 was approved on second and final reading with all Commissioners voting **“yes”**.

**XI. New Business –**

**A. AGENDA ITEM 16-820 – CONDEMNATION HEARING 435 BANK STREET**

Mayor Roberts explained that the property owner could not be in attendance and that this item will be rescheduled for the November 15<sup>th</sup> Commission Meeting at the request of the property owner and upon recommendation of the city attorney. It was noted that a notice of the new date was sent by certified mail to the property owner.

**B. AGENDA ITEM 16-821 – CONDEMNATION HEARING 443 BANK STREET**

Mayor Roberts explained that the property owner could not be in attendance and that this item will be rescheduled for the November 15<sup>th</sup> Commission Meeting at the request of the property owner and upon recommendation of the city attorney.. It was noted that a notice of the new date was sent by certified mail to the property owner.

**C. RESOLUTION NO. 16-1130 – A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATE OF COMPLIANCE FOR UMA PARTNERSHIP, 3603 C DAYTON BOULEVARD, RED BANK, TENNESSEE**

Mayor Roberts advised that this resolution will authorize him to sign a Certificate of Compliance for the applicant’s package store/liquor license at this location. He explained that the owners of this business are applying for a liquor license and that this Certificate of Compliance is required by the State Alcoholic Beverage Commission. City Manager Smith advised that a certificate of compliance is the city’s accretion that the applicant meets the minimum standards to hold a liquor license and that a legal advertisement was placed in the newspaper by the State informing anyone opposed to the liquor license to send notice to the City and that the City received no correspondence from anyone. Commissioner Causer made a motion to approve the resolution, second by Commissioner LeCompte. There were no citizen comments. Resolution No. 16-1130 was approved with all Commissioners voting **“yes”**.

**D. RESOLUTION NO. 16-1133 – A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE STATE OF TENNESSEE, OFFICE OF CRIMINAL JUSTICE PROGRAMS GRANT**

It was explained that this is a grant in the amount of \$15,000 that, if awarded, will be used to purchase portable radios for the Police Department. It was explained that this is a 100% grant that requires no local matching funds. Commissioner Causer made a motion to approve the resolution including authorizing the City Manager to sign the application, contract and any accompanying forms upon approval by the City Attorney. Motion was seconded by Commissioner Pope. There were no citizen comments. Resolution No. 16-1133 was approved with all Commissioners voting **“yes”**.

**E. RESOLUTION NO. 16-1134 – A RESOLUTION AUTHORIZING THE CITY OF RED BANK TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL PROPERTY CONSERVATION MATCHING GRANT PROGRAM**

City Manager Smith explained that this is a grant program that assists with city owned property loss due to theft, vandalism, etc. He advised that this is a \$2,500 grant that requires a 50% matching sum. Commissioner LeCompte made a motion to approve the resolution, second by Commissioner Pope. There were no citizen comments. Resolution No. 16-1134 was approved with all Commissioners voting **“yes”**.

**F. ORDINANCE NO. 16-1073 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 15-1020, THE RED BANK ZONING ORDINANCE, CODIFIED AT RED BANK CITY CODE TITLE 14, CHAPTER 3, SECTION 307.08 THEREOF IN ORDER TO PROVIDE CERTAIN FLEXIBILITY AND DISCRETION WITH RESPECT TO PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATIONS AND DEVELOPMENT REGULATIONS (FIRST READING)**

Mayor Roberts explained that this ordinance was discussed in detail in the earlier Public Hearing. The City Manager read the caption of the ordinance. Commissioner Causer made a motion not to approve the ordinance. Motion failed due to no second. Commissioner Pope made a motion to approve the ordinance, second by Mayor Roberts. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Commissioner Causer “no”, Commissioner LeCompte “yes”, Commissioner Pope “yes”.** Ordinance No. 16-1073 was approved on first reading by a 3 to 1 vote with Commissioner Causer voting “no”.

**G. ORDINANCE NO. 16-1074 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, AMENDING THE ZONING ORDINANCE AND MAPS OF THIS CITY TO REZONE PROPERTY LOCATED AT 4708 DAYTON BOULEVARD FROM C-1 COMMERCIAL TO L-1 LIGHT MANUFACTURING, SUBJECT TO CERTAIN RESTRICTIONS (FIRST READING)**

Mayor Roberts advised that this item was discussed in detail in the earlier Public Hearing. The City Manager read the caption of the ordinance. Commissioner Causer made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Commissioner Causer “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”.** Ordinance No. 16-1074 was approved on first reading with all Commissioners voting “yes”.

**H. ORDINANCE NO. 16-1075 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND THE FISCAL YEAR 2017 OPERATING BUDGET TO APPROPRIATE DONATION FUNDING FOR THE POLICE DEPARTMENT (FIRST READING)**

Mayor Roberts explained that the city received a donation of \$300.00 from a private citizen with stipulations that the funds be used to further the Police Department’s “Backpack Program”. He explained that this ordinance will amend the budget so that the funds can be spent. Commissioner Causer made a motion to approve the ordinance, second by Commissioner LeCompte. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Commissioner Causer “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”.** Ordinance No. 16-1075 was approved on first reading with all Commissioners voting “yes”.

**I. ORDINANCE NO. 16-1076 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO AMEND ORDINANCE NO. 16-1036, THE RED BANK PERSONNEL POLICIES ORDINANCE ADOPTED AUGUST 4, 2015 TO CLARIFY CERTAIN PROVISIONS RELATED TO THE DRUG-FREE WORKPLACE POLICY, IN GENERAL, AND PROVISIONS RELATED TO “RANDOM” TESTING IN PARTICULAR, THE SAME BEING FOUND AT SUBSECTION 14.2 THEREOF AND TO ENHANCE EMPLOYEE INFORMATION PROTECTION POLICIES AS PROVIDED IN SECTION 1.67 (FIRST READING)**

City Attorney Stulce explained that the City currently has a drug-free workplace policy but that the policy should be amended to reflect current legal opinions in regard to random drug testing. He explained this ordinance also adds a section to the personnel policy that addresses confidentiality of employee information and records. Commissioner LeCompte made a motion to approve the ordinance, second by Commissioner Pope. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Commissioner Causer “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”.** Ordinance No. 16-1076 was approved on first reading with all Commissioners voting “yes”.

**J. ORDINANCE NO. 16-1077 – AN ORDINANCE OF THE CITY OF RED BANK, TENNESSEE, TO ACCEPT GRANT FUNDING AND TO AMEND THE FY 2017 OPERATING BUDGET TO APPROPRIATE FUNDING FOR THE GHSO “DISTRACTED DRIVING REDUCTION PROGRAM” TOTALING \$14,996.50 FOR THE POLICE DEPARTMENT (FIRST READING)**

City Manager Smith explained that the grant funding will be used towards overtime for police to reduce the number of distracted driving incidents in the city. He explained that this is a 100% funded grant that requires no local match. Commissioner Causer made a motion to approve the ordinance including authorizing the City Manager to sign the grant contract upon approval by the City Attorney. Commissioner LeCompte seconded the motion. There were no citizen comments. **Roll Call Vote: Mayor Roberts “yes”, Commissioner Causer “yes”, Commissioner LeCompte “yes”, Commissioner Pope “yes”.** Ordinance No. 16-1077 was approved on first reading with all Commissioners voting “yes”.

**XII. Citizen Comments –**

- **Jerry Steiner, 200 Martin Rd.,** Advised he is a member of Red Bank Baptist Church and thanked Mayor Roberts for his kind words about former pastor Bert Jones. Invited everyone to attend Red Bank Baptist Church’s Trunk or Treat on October 30<sup>th</sup> between 4:00 and 6:00 p.m.

**XIII. Adjournment**

The meeting was adjourned at 8:25 p.m.

October 18, 2016 Board of Commissioners Meeting Minutes

