

Frequently Asked Questions About Red Bank Central Park

(November 2021)

1. Doesn't Red Bank already have enough parks?

No, Red Bank is a park-deprived city.

Only a scant 0.87% (36 acres, total) of our city's area is in *developed, accessible parks*; the national median is 9.3% of cities' area dedicated to public parks. Only about 20 acres of Red Bank's 36 developed park acres are in typical city park; the remaining ~16 acres are limited to single uses, such as ball fields, tennis courts, a swimming pool and a boxing club. Few Red Bank residents are within a 10-minute walk of a developed park, and the city has no large, central gathering place for its residents.

Red Bank has 129.26 acres, total, of developed parks *plus* various undeveloped public green spaces, spread among 9 sites (including the old middle school site). This total acreage may create the false impression that we have lots of parks (even though that total acreage of parks plus public green space still is only 3.14% of our city's area). Fun fact: 63% of Red Bank's 129.26 total acres of parks and public green space are steep and wooded (or kudzu-covered), and are not accessible or developable as a typical city park. Thus, most of Red Bank's public green space is inaccessible and unusable.

This website provides a series of one-page illustrated descriptions of each Red Bank park or public green space, to help the citizens fully understand what our city does, and does not, have for public space.

2. How would Red Bank Central Park be beneficial to the city?

Every city needs a large, 1st-class, vibrant central park to define the city and provide for the enjoyment and benefit of its people.

Red Bank currently has no centrally located public commons capable of supporting large community-building events and gatherings. Most events in Red Bank are small, and are located on parking lots of churches or businesses. Red Bank citizens have to leave town to enjoy other communities' festivals, celebrations, concerts, and various large events. Further, Red Bank offers no central public gathering place that attracts citizens to just hang out, relax, and mingle with one another on a day-to-day basis.

Red Bank Central Park is ideally located and large enough to become *the internal destination* for the City's citizens. Once developed with myriad diverse features, it can offer something interesting to everyone. For example, some popular suggested features (in no particular order) include:

- Amphitheater/stage/playhouse
- Walking paths with native plant landscaping
- Arboretum
- Community garden
- Dog park
- Food trucks accommodation
- Historic monument to the old High School and Middle School
- Market pavilion
- Picnic sheds
- Public artwork
- Exercise equipment
- Pickleball courts
- Large, wide-open green space

3. **How can Red Bank afford to develop the park?**

It's not as hard as it seems to raise money for such a purpose, but in Red Bank's case the steps must be taken in order.

First, the people's land at the old middle school site must be taken off the Board of Commissioners' chopping block. Once the threat of selloff for private development is removed, all the energy and brainpower currently focused on saving Red Bank Central Park can be redirected to securing funding to create the 1st-class public commons of our dreams.

Second, Red Bank must resolve the unfulfilled 2011 land swap (see #4 below). Until that situation is resolved our city will remain on the National Park Service's and the Tennessee Department of Environment and Conservation's black list. Consequently, Red Bank will be ineligible (or uncompetitive) for numerous federal, state, and nongovernment grants that otherwise could be pursued to pay much of the cost of developing Red Bank Central Park. Red Bank's noncompliance situation cannot be resolved without devoting at least a large part of the old middle school site to a permanent public park. Devoting the *entire 12-acre* site to a permanent public park will enable the maximum long-term benefits to our city.

Third, all interested officials and citizens (including supporters of this website) could redirect our attention to soliciting and securing park development funding from myriad government and private sources. The City will have to invest some money to fulfill its land swap obligations, but the long-term Red Bank Central Park funding burden can be shared widely, and over a period of years, if necessary.

4. **What is the land swap?**

In 1970 the City of Red Bank applied for and received a federal grant totaling \$73,675.92 from the federal government, to develop Morrison Springs Park. This grant program requires *permanent* protection and maintenance of the park for public outdoor recreation.

When Hamilton County needed to replace the old Red Bank Middle School at 3715 Dayton Boulevard, the City of Red Bank chose to build the new school at the Morrison Springs Park. The City negotiated a *legally-binding* 2011 settlement with the National Park Service and its state-level partner agency, the Tennessee Department of Environment and Conservation.

Under the settlement agreement, Hamilton County and Red Bank would be allowed to convert 14.63 acres of Morrison Springs Park, *in exchange for* Red Bank creating equivalent publicly accessible outdoor recreation opportunity at two 5-acre tracts on Stringer's Ridge plus a 3-acre portion of the old middle school site. This land swap and replacement park had to be completed and developed by the City of Red Bank within three years, by 2014. It was not. Even in 2021, it still is not.

5. **Why is Red Bank out of compliance with the federal government?**

The City of Red Bank failed to fulfill its end of the land swap settlement within three years (by 2014). Even today (in 2021), Red Bank still has not fulfilled its 10 year-old legal obligation.

In 2020, the National Park Service (NPS) determined Red Bank had failed to fulfill its obligation, and took two actions. First, NPS declared Red Bank to be *out of compliance* with its continuing legal obligation, until such time as the obligation had been satisfactorily fulfilled. Second, NPS revisited the original 2011 settlement agreement, found it to be insufficient, and voided it. The ball now is in Red Bank's court to make a new offer to replace the fair market value and recreational usefulness of the converted 14.63 acres.

6. **Why hasn't Red Bank fulfilled its land swap obligation?**

Either oversight, incompetence, wishful thinking, or stubbornness.

Red Bank had an opportunity during the 2012–2014 period to fulfill its land swap obligation by the 2014 deadline. *Instead*, the city chose to spend its recreational development funds to rebuild and expand the Norma Cagle Park ball fields at Memorial Drive and James Avenue during that same period ... actions that *were not* part of the settlement agreement with NPS as replacement for the converted acres at Morrison Springs Park.

IF Red Bank had spent that same money at that same time to develop three acres of public park at the old middle school site, as promised in the NPS settlement agreement, the entire land swap would be complete and there would be no problematic “out of compliance” issue today.

7. What does “out of compliance” mean?

The full legal ramifications are unclear, because defaults on a binding land-swap settlement with the National Park Service (NPS) are rare. However, “out of compliance” basically means the City of Red Bank has not fulfilled its requirements under a legal obligation. Red Bank now is required to either (1) negotiate and fulfill a new settlement agreement, or (2) relent to a solution forced upon it by the NPS and the Tennessee Department of Environment and Conservation (TDEC). TDEC is the state-level implementation partner with NPS for this grant program, and is authorized to enforce compliance.

In the meantime, Red Bank is blacklisted with important state and federal government grant programs, a problematic position for a small town that is highly dependent on outside grants. If Red Bank’s default continues, then TDEC, in turn, could be determined to be out of compliance with NPS, and the State of Tennessee also could be blacklisted and penalized with reduced federal appropriations. TDEC does not want its status with NPS to be tarnished by Red Bank’s negligence, and instead would impose a solution onto Red Bank, if necessary.

8. Why can’t Red Bank just pay back the \$73,675.92 and be done with the NPS?

There are two main reasons Red Bank cannot simply pay back the grant and get out of trouble.

First:

Inflation adjustment: \$73,675.92 in 1970 is equivalent to \$518,395.55 in summer 2021

Second, payback of the grant is not authorized under federal law, which *requires permanent* protection of the funded park, or substitution with an approximately equivalent park:

Land and Water Conservation Fund Act (Public Law 88-578)
54 U.S.C. § 200301 – 200310

§ 200305. Financial assistance to States
Paragraph (f)(3) (in part):

CONVERSION TO OTHER THAN PUBLIC OUTDOOR RECREATION USE. – “*No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation use.* The Secretary shall approve a conversion only if the Secretary finds it to be in accordance with the then-existing comprehensive statewide outdoor recreation plan and only on such conditions as the Secretary considers necessary *to ensure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.*”

9. What is the “bait-and-switch” I’ve heard about, and why does it matter for the old middle school property?

Red Bank is witnessing at this very moment (2021) that (1) the City has little power over developers, (2) promises that developers make initially, during their marketing phase and permitting process, may be unenforceable, and (3) developers can and will break their promises and do something different, that the City and its citizens may not like.

At the ongoing Hartman Hills development beside the Department of Motor Vehicles, the developer initially promised to build 70+ owner-occupied homes. But once all the permits were approved, the developer announced it was going to build rental houses instead, which are more profitable. The City of Red Bank is powerless to enforce the initial promises for owner-occupied homes.

This *bait-and-switch tactic* proves that any grand promises made in the future by any aspiring developers regarding the old middle school site will be unenforceable and thus untrustworthy.

10. Why would the City want to sell such an important public asset for private profit?

In their own words:

The former middle school property will definitely be developed, as Red Bank already has a large amount of green space for a city of its size, and some sort of development would add to city coffers in property and sales tax dollars.

John Roberts, former Mayor of Red Bank

Chattanooga Times Free Press; January 1, 2017

“IT WOULD BRING IN NOT JUST \$3,770,000, IT WOULD BRING YOU PROPERTY TAX FOR WHATEVER THE DEVELOPMENT IS. IT WOULD BRING SOME SALES TAX REVENUE FOR WHATEVER BUSINESS IS THERE.”

CURRENT RED BANK COMMISSIONER

(WTVC NEWS CHANNEL 9; 8/13/2021)

11. Why is selling the old middle school property such a bad idea?

Selling the people's land at the old middle school site is a bad idea for many reasons:

A. The old Red Bank Middle School property at 3715 Dayton Boulevard is already in public ownership, as a public asset. Selling *the people's* land for private profit would be a sellout of a public trust.

B. The City is unlikely to get the free market value of the property (\$3,770,000 in summer 2021). When Red Bank attempted to hastily sell the property in September 2020, the August 2020 appraised value then was \$3,075,000. Yet two of the developers that responded to the City's Request for Proposals (RFP) were only willing to offer 1/3 of that value. The third developer was willing to offer a fair price, but only if they could build **at least 149** housing units.

C. The City remains under a sewer moratorium because current housing in the City already overtaxes our nearly century-old system, resulting in Stringer's Branch being identified by the Tennessee Department of Conservation and Environment as polluted (mostly by E. coli bacteria from untreated sewage). The addition of so many proposed new housing units at the old middle school site is unauthorized by the state until/unless major improvements are made to our city's sewer system.

D. The people and the City will lose our last chance for a large, 1st-class central public commons. The intention of some Commissioners and developers to minimize/trivialize public green space at the site has been exposed. Based on responses to the City's RFP, the maximum area any developer was willing to devote to "public" green space was **1.7 acres**, and even that token amount was fragmented into three smaller pieces, some situated within the high-density housing.

E. Now that all of Red Bank knows how easy it is for developers to get away with a bait-and-switch (see #8, above), none of the glitzy promises made by aspiring developers regarding the old middle school site can be trusted.

F. Development of the site will not be designed to create a downtown renaissance. The maximum commercial space any of the three RFP respondents offered was **~1 acre**, hardly enough to turn around Red Bank's stubborn economic malaise.

G. Evidence from the three RFP proposals makes it clear: development of the people's land will be focused on maximizing high-density housing and private profits.

In sum, if the Red Bank Board of Commissioners sells out the public trust, the City will lose, and the people will lose, but the developer will win. And Red Bank will have lost its last chance for a special public commons and central park.

12. Won't all the money from selling the old middle school site be good for the city budget?

Red Bank had 3715 Dayton Blvd appraised in August 2020, immediately before the City issued the September 2020 Request for Proposals to completely sell off the people's property to a developer. The property appraised then for **\$3,075,000**. The table below summarizes the three development proposals subsequently submitted to the City by January 2021:

JANUARY 2021 PROPOSALS TO DEVELOP 3715 DAYTON BLVD				
		#	Public	
	Purchase	Housing	Green	Developed
Developer	Offer (\$)	Units	Space (ac)	Space
Empire Communities	3,500,000	149	1.7	9.4
Thousand Hills Company	1,150,000	96	2	9.1
Town Center Development Group	1,125,000	56	1.2	9.9

The only proposal to offer a fair purchase price also insisted on building the most housing units, at least 149. The other two proposals (including the one apparently preferred by the Board of Commissioners at the time) attempted to low-ball our City with purchase offers of about 1/3 the value of the property. Those two developers wanted to build "only" 96 or ~56 housing units, on about 9 acres.

Some city leaders also claim selling Red Bank Central Park will pad the city budget with a flow of new property taxes. In reality, any property taxes would make less than a 2% impact on the city budget. For example, the City has estimated that the big Hartman Hills development beside the DMV will generate **only \$116,760 per year** in property taxes from about 70 rental houses (and that amount is based on the *higher commercial tax rate* due to the houses being rentals). That is about all that can be expected from a high-density housing development at the old middle school site... hardly enough to pad a city budget.

13. How can Red Bank get more good restaurants and shops, if we don't sell and develop the old middle school site?

The paucity of good restaurants and interesting retail shops in Red Bank has **zero** to do with the undeveloped status of the old Red Bank Middle School site. Red Bank already offers abundant empty, vacant or rundown commercial sites in downtown, ready and waiting for investment and rejuvenation. Two other city shortcomings have been the main barriers.

First, the City's antiquated alcohol ordinance long has been a well-known preventative to the establishment of more unique restaurants, brew pubs, taverns, and sports bars. Under this ordinance, alcohol would have been prohibited at any restaurants that might want to build at the old middle school site, because the site is surrounded by churches which block any private entrepreneur's desire to serve alcohol.

On November 2, 2021, the Red Bank Board of Commissioners voted 4-1 to approve the proposed modernized beer ordinance. The modernized ordinance eliminates the distance restriction and the visibility screen requirements, and removes the prohibitions against dancing and billiards where alcohol is served. Thus, the long-term opportunity is improved for interesting new restaurants and social establishments throughout Red Bank.

Second, Red Bank does not offer a reliable, concentrated customer base for additional restaurants and interesting retail shops. Red Bank is a **service economy**; thus our citizens have become accustomed over decades to do our retail shopping in Hixson or Chattanooga. Red Bank currently offers little to attract, concentrate and hold an interactive customer base year-round.

Our *Save Red Bank Central Park* movement contends that creating a 12-acre 1st-class central park and public commons at the old middle school site will become the **downtown anchor** that draws and sustains an unprecedented customer base and fuels increased attractiveness to retail investors in the Red Bank city center.

14. Can we compromise, with some mix of development and public green space at the old middle school site?

Theoretically, yes. However, what do people mean by “development” at the old middle school site? High-density houses? Apartments? “Interesting” retail? Restaurants? More impervious surfaces such as parking lots and roads? While there is broad interest in having additional unique restaurants and retail shops, few Red Bank citizens want to see more high-density housing, especially along Dayton Boulevard. Yet, high-density housing is precisely what developers have shown they want to build on the People’s old middle school property.

Fragmenting the People’s land into developed areas and tiny pieces of green space will result in two unsatisfactory results – undesired development plus dysfunctional green space. There is no good reason to settle for dissatisfaction when larger overall excellence is within reach!

15. **Is this debate just about the old middle school property? Or should it be bigger?**

Our movement to Save Red Bank Central Park is thinking much bigger.

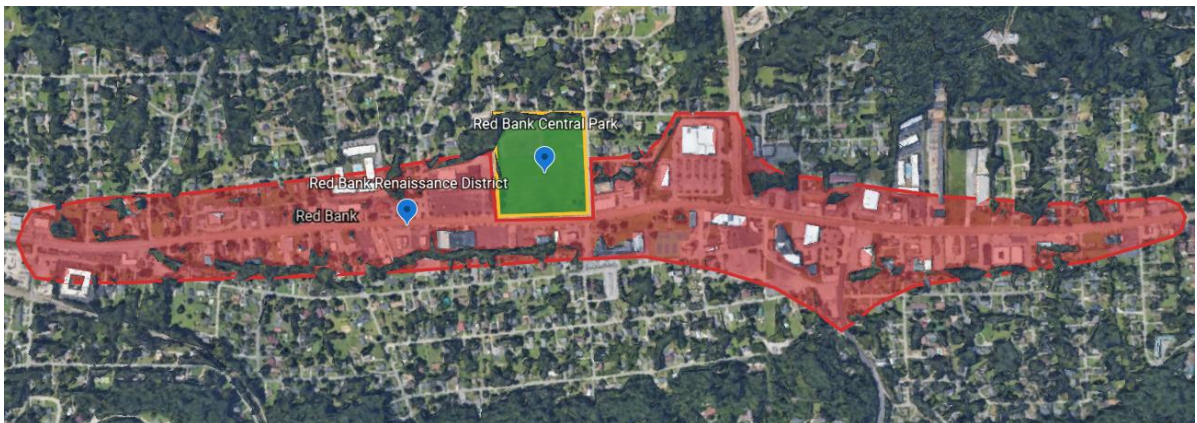
A. Small thinking.

If we restrict ourselves to thinking about and debating *only* the 12 acres at 3715 Dayton Blvd, then we restrict ourselves to having *only* a 12-acre civic impact that potentially could be comprised only of undersized, unsatisfactory pieces.

B. Bigger thinking, toward a better downtown Red Bank.

IF instead we broaden our vision and imagination to the *entire Red Bank city center*, the possibilities and potential magnitude of our civic impact increase. If we create a 1st-class, 12-acre Red Bank Central Park that is such an appealing destination it attracts a reliable customer base to the city center, it will become a **downtown anchor**. In turn, that anchor will raise the property values and investment desirability of many existing depreciated commercial properties nearby.

Within 3 blocks of Leawood Avenue are *more than a dozen* commercial properties – totaling more than 15 acres – that are empty, underutilized, rundown, or otherwise past their useful lives, and thus are potentially ripe for private investment and redevelopment. The total city center impact of such a broader strategy could exceed 25 acres, enough to launch a social and economic renaissance!



Red Bank Renaissance District

Our movement envisions a large *Red Bank Renaissance District* – stretching several blocks each direction along Dayton Boulevard from Red Bank Central Park – that eventually will be lifted and invigorated by the power of the Park’s anchor effect.

16. Wouldn't a public town center like Cambridge Square be a good mixed-use development at the old middle school site?

Cambridge Square in Ooltewah, Tennessee is *not* a public space. It is a private, for-profit commercial development. Building a copy of Cambridge Square at the old Red Bank middle school site would be selling off the people's land for private profit, converting a public asset into a private fortune.

As a private, for-profit development, Cambridge Square is merely a glorified strip mall. The commercial square is 9.4 acres total, including:

- **4.7 acres** (50%) of asphalt/concrete;
- **4.0 acres** (42.6%) of buildings;
- **0.4 acres** (4.3%) of a (privately owned) commons area for gatherings;
 - Only **0.16 acres** of the commons area is actual grass;
- **0.3 acres** (3.2%) of miscellaneous uses.

Even its supposedly unique, interesting retail is overhyped. Cambridge Square currently hosts 36 businesses:

- **18** (50% of the commercial spaces) are services and offices, such as health care, financial management, a bank, real estate sales and salons ... **not** the type of businesses that draw tourists;
- **13** restaurants (36% of the spaces);
- **5** (14%) retail shops, include boutiques, a butcher shop, flowers, and a creative crafts studio.

17. Is there a better way, so Red Bank can have it BOTH ways?

Yes, Red Bank *can* have it both ways: A large, 1st-class public central park at the old middle school site, AND a fancy town center-type development nearby, *without* sacrificing the public trust.

Four old, underutilized private shopping centers (ranging from 4.8 to 13.2 acres) sit along Dayton Boulevard. Any of these could be suitable sites for investment and redevelopment as a town square. Any developer that wanted to invest in Red Bank by building a private, for-profit town square could purchase and redevelop one of these old shopping centers.

18. Why did this “Save Red Bank Central Park” group form?

In autumn 2020, the Red Bank Board of Commissioners attempted to quickly sell the publicly owned old middle school site at 3715 Dayton Boulevard to developers. Fortunately, the November 2020 election and the new elected officials halted the disposal process for a while. However, the Board’s selloff attempt alarmed and awakened residents. Many citizens remember promises made years earlier by the Board to preserve a significant portion of the site as a public park. Many citizens recognize that Red Bank is a park-deprived city. Many citizens desire and see the benefit of a large, central commons for the people to gather, mingle and recreate together.

Meanwhile, Red Bank is suffering a stubborn decades-long economic and cultural malaise, causing many to search for new ideas to lift and energize the city.

Our group of concerned Red Bank residents believes a destination-worthy, 1st-class public park and commons in the city center would address these and other community needs. We formed with a mission to preserve the entire 12-acre public property at the old middle school site in public ownership in perpetuity, and to develop it as *Red Bank Central Park*, for the enjoyment and benefit of the people.

19. What is the GoFundMe campaign for?

Funds raised by our GoFundMe campaign will be used to enable the *Save Red Bank Central Park* citizen group to create and operate a website; print signs, t-shirts, bumper stickers, and banners; host public events; post advertisements; contract specialized services; and take other similar informational and awareness actions.

Our initial goal of \$1,000 enabled us to get organized and begin movement. After quickly meeting that goal and establishing momentum, we raised our game with higher aims, and increased our goal to \$2,500, to enable further progress.

Our mission is to protect all 12 acres of the old Red Bank Middle School property in public ownership in perpetuity, as a central community treasure for the common good.

Our purpose is to foster an informed public debate about the value of public space, the abundance of underutilized commercial properties in Red Bank, and the fate of the old Red Bank middle school property. Our website is *the go-to public clearinghouse* and comprehensive resource for information, documentation, factual analysis and perspective about the future of Red Bank Central Park.

Our strategy is to create a vigorous public awareness campaign that fosters an informed, visionary and energized citizenry to engage and encourage decision makers to act for the common good.

20. Won't new retail space at the old middle school site be good for the city?

No, for two reasons.

First, Red Bank and Dayton Boulevard are awash with empty, rundown, or underutilized retail space and commercial properties. Within an easy walk of the old middle school site are more than 20 retail sites and commercial properties that are old, vacant, underutilized and otherwise ripe for investment and redevelopment. Availability of commercial properties in Red Bank is not a limiting factor for more and better retail establishments.

Second, market demand for retail space is low, and declining. The site of a proposed 4-story, 42-unit condominium building at 1109 Dayton Boulevard (near the tunnel) is zoned C-1 for mixed use. That zoning requires that the ground level be dedicated to retail space. The developers of that proposed condo are pursuing a Special Use Permit from the City of Red Bank to be *exempted* from the requirement to provide any ground-level retail space, because demand for commercial retail space is declining, and will not be profitable.

According to the developer/applicant at the November 16, 2021 Board of Commissioners meeting, "I'd love to tell you that commercial is alive and well, but it's just not." He continued that, in the last 7-8 years that his company has been associated with the [1109 Dayton Blvd] site, no one has looked at the location for any sort of retail use. The demand simply does not exist.

Thus, if free-market demand for retail space is low and declining so much that developers in Red Bank are seeking an exemption from the City's requirement to provide retail space, WHY are so many people in Red Bank pushing for converting the Red Bank Central Park into yet more low-demand, soon-to-be-empty retail space?