

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
JANUARY 3, 2013
5:30 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, January 3, 2013, at 5:30 p.m., in the Municipal Building, 45 East Broad Street. Mayor Swallows called for a moment of silent prayer, and led the audience in the Pledge of Allegiance. Mayor Swallows then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Jim Woodford

ABSENT: Councilman Alma Anderson

Also present: Jim Shipley, City Manager; Cathy McClain, City Clerk; and Dan Rader IV, serving as City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Councilman Woodford made a motion, seconded by Councilman Albrecht, to approve the agenda as submitted. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Jim Woodford

ABSENT: Councilman Alma Anderson

The City Clerk announced that the motion carried.

OLD BUSINESS:

**CONSIDER APPROVAL OF
MINUTES OF COUNCIL
MEETING HELD ON
DECEMBER 20, 2012**

Councilman Woodford made a motion to dispense with the reading of the minutes and approve said minutes as submitted. The motion was seconded by Vice-Mayor Epps. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Jim Woodford

ABSENT: Councilman Alma Anderson

The City Clerk announced that the motion carried.

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NEW BUSINESS:

**HOLD A PUBLIC HEARING AND
CONSIDER ON FIRST READING
ORDINANCE #O12-12-22,
AMENDMENTS TO THE ZONING
CODE RELATIVE TO ASSISTED
LIVING/RESIDENTIAL CARE
FACILITIES AS PERMITTED
USES IN THE PRD & CL
DISTRICTS**

James Mills, Planning Director, reported the following:

- Assisted Living/Residential Care Facilities would be added as permitted uses in the PRD, Planned Residential Development and CL, Local Commercial zoning districts
- Assisted Living/Residential Care Facilities would be allowed as special exceptions or permitted uses in the RD, RM-8, RM-14, PRD, CL, CG, CR, and MS zoning districts

Councilman Woodford made a motion, seconded by Councilman Albrecht, to approve on first reading Ordinance #O12-12-22. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Jim Woodford

ABSENT: Councilman Alma Anderson

The City Clerk announced that the motion carried.

**HOLD A PUBLIC HEARING AND
CONSIDER ON FIRST READING
ORDINANCE #O12-12-23, AMEND-
MENTS TO THE ZONING CODE
SECTION 205, PARKING
REQUIREMENTS, RELATIVE TO
MODIFYING THE MINIMUM
PARKING REQUIREMENTS FOR
CERTAIN USES AND INSERTING
PROVISIONS FOR DEFERRED
PARKING**

James Mills, Planning Director, reported the following:

- Reduces off-street parking requirements for manufacturing, industrial and warehousing uses from 1 space per 500 square feet of areas other than office areas to 1 space per 1,500 square feet or areas other than office areas.
- Establishes provisions for "Deferred Parking". Subject to the approval of the Planning Director and to compliance with specific conditions, industrial or manufacturing uses would be allowed to provide only the parking they believe necessary for their operation.

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Councilman Woodford made a motion, seconded by Vice-Mayor Epps, to approve on first reading Ordinance #O12-12-23. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Jim Woodford

ABSENT: Councilman Alma Anderson

The City Clerk announced that the motion carried.

**CONSIDER ON FIRST READING
ORDINANCE #O13-01-01,
AMENDING TITLE 14, CHAPTER
5, OF THE COOKEVILLE
MUNICIPAL CODE, PERTAINING
TO EROSION AND SEDIMENT
CONTROL REGULATIONS**

Greg Brown, Public Works Director, reported the following:

- The City's permit with TDEC requires us to modify our Erosion and Sediment Control Ordinance to be consistent with the Tennessee Construction General Permit
- The Qualified Local Program (QLP) pilot program requires us to revise our ordinance to provide rules for the City to begin providing coverage under the Construction General Permit (CGP) for development within the City Limits
- Once our ordinance is in effect developers and contractors will be able to obtain coverage under the State and City Construction Permits without dealing with two agencies (TDEC and Public Works). This will save time and money for the developer
- Due to the QLP program there will also be required changes to our Buffer Zone Ordinance. This will be brought to you later this year

Councilman Woodford made a motion, seconded by Councilman Albrecht, to approve on first reading Ordinance #O13-01-01. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Jim Woodford

ABSENT: Councilman Alma Anderson

The City Clerk announced that the motion carried.

**CONSIDER RESOLUTION #R13-01-01,
AMENDING THE PERSONNEL
POLICIES AND PROCEDURES
MANUAL PERTAINING TO
THE USE OF CITY OWNED
VEHICLES**

Gail Fowler, Human Resources Director, reported the following:

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Chapter 5, Section 13.04 shall be deleted and replaced by:

The use of a city owned vehicle to commute to and from work is a taxable non-cash fringe benefit. The commuting use of a city owned vehicle shall be included in the employee's gross income and federal taxes deducted from the employee's check each pay period unless the commute is in a vehicle that meets the specific requirements in the federal tax regulations as a "qualified non-personal use vehicle". Personal use for commuting shall be valued based on the "commuting valuation rule" in the federal tax regulations.

Chapter 5, Section 13.04.01 and Section 13.04.02 shall be deleted.

Councilman Woodford made a motion, seconded by Councilman Albrecht, to adopt Resolution #R13-01-01. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Jim Woodford

ABSENT: Councilman Alma Anderson

The City Clerk announced that the motion carried.

**SET A DATE (2-7-13) FOR A
PUBLIC HEARING ON
ORDINANCE #O13-01-02,
AMENDING THE ZONING
CODE ESTABLISHING A
NEW ZONING DISTRICT
ENTITLED RAO,
REDEVELOPMENT
AREA OVERLAY**

Councilman Woodford made a motion, seconded by Vice-Mayor Epps, to set the public hearing date for 2-7-13 at 5:30 p.m. to consider on first reading Ordinance #O13-01-02. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Jim Woodford

ABSENT: Councilman Alma Anderson

The City Clerk announced that the motion carried.

**CONSIDER AUTHORIZING THE
CITY MANAGER TO EXECUTE
AN AGREEMENT FOR
BENNETT ROAD EXTENSION-
SUPPLEMENT 1 FOR BRIDGE
DESIGN OVER NASHVILLE
EASTERN RAILROAD AND
GEOTECHNICAL
EVALUATION**

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Bennett Road Extension-Contract Supplement 1:

Scope and fee for bridge over Nashville and Eastern Railroad and for geotechnical evaluation of proposed road alignment.

1. Florence & Hutcheson – structural design of bridge over NERR	\$85,000.00
2. TTL, Inc. – geotechnical evaluation	\$78,900.00
3. Clinton Engineering – center line staking and boring locates	\$5,500.00
4. Wisner Company – project management and coordination	\$10,500.00
Total supplement amount	\$179,900.00

Councilman Woodford made a motion, seconded by Councilman Albrecht, to authorize the City Manager to execute an agreement for the Bennett Road Extension as submitted. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Jim Woodford

ABSENT: Councilman Alma Anderson

The City Clerk announced that the motion carried.

**CONSIDER REAPPOINTMENTS
TO THE SEWER REGULATIONS
APPEALS BOARD**

MEMORANDUM

TO: City Council
City Manager

FROM: Ronnie J. Kelly, Director *RJK*

DATE: January 02, 2013

SUBJ: Sewer Regulations Appeals Board

During the January 3rd City Council meeting, the City Council will need to appoint two members to the Sewer Regulations Appeals Board.

The Board was established by Ordinance #88126 in 1988. The Board is made up of five members appointed to three-year terms who shall not serve more than two full, three-year terms without a one-year break. The Board is set up to conduct hearings on appeals of decisions of the Director in actions taken under and pursuant to the Sewer Use Ordinance. Since being established the Board has yet to meet to hear an appeal.

Current Board Members Gina Whitehead and Phil Staton's terms have expired. Gina Whitehead, who works with Metcom Incorporated, has agreed to serve another term if selected. Phil Staton, who owns Clinton Engineering, has also agreed to serve another term if selected.

It is my recommendation that Gina Whitehead and Phil Staton be reappointed to an additional term on the Board.

If you have any questions concerning this appointment please give me a call.

Councilman Woodford made a motion, seconded by Vice-Mayor Epps, to reappoint Gina Whitehead & Phil Staton to the Sewer Regulations Appeals Board for another three (3) year term. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Jim Woodford

ABSENT: Councilman Alma Anderson

The City Clerk announced that the motion carried.

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HEARING OF CITIZENS AND/OR DELEGATIONS:

No one spoke at this time.

There being no further business to discuss, Councilman Woodford made a motion, seconded by Councilman Albrecht, to adjourn the meeting at 5:52 p.m. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Jim Woodford

ABSENT: Councilman Alma Anderson

The City Clerk announced that the motion carried.

Matt Swallows, Mayor

ATTEST:

Cathy McClain, City Clerk