**COOKEVILLE CITY COUNCIL**
**REGULAR MEETING**
**APRIL 2, 2015**
**5:30 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, April 2, 2015, at 5:30 p.m., in the Municipal Building, 45 East Broad Street. Pastor Bobby Sabastian with Life Church gave the invocation, and led the audience in the Pledge of Allegiance. Mayor Shelton then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

Also present: Mike Davidson, Interim City Manager; Cathy McClain, City Clerk; and Lane Moore, serving as City Attorney.

**CONSIDER APPROVAL OF AGENDA AS PRESENTED**

Councilman Womack made a motion, seconded by Councilman Woodford, to add item #7J – consider rescinding action of long-arm brush truck bid on 12-4-14, and consider awarding bid to the 3rd lowest bidder; change sponsor for item 7F to Mike Davidson and approve the agenda as amended. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS OR AWARDS:**

No business to consider.

**OLD BUSINESS:**

**CONSIDER APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON MARCH 19, 2015**

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

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

COOKEVILLE CITY COUNCIL
MINUTES
APRIL 2, 2015

CONSENT AGENDA:

SET A DATE (5-7-15) FOR A PUBLIC HEARING ON ORDINANCE #O15-04-08, AMENDMENTS TO THE ZONING CODE RELATING TO BANNERS AND OTHER TEMPORARY NON-PREMISE SIGNS

SET A DATE (5-7-15) FOR A PUBLIC HEARING ON ORDINANCE #O15-04-09, AMENDMENTS TO THE ZONING CODE RELATING TO ACCESSORY STRUCTURES

SET A DATE (5-7-15) FOR A PUBLIC HEARING ON ORDINANCE #O15-04-10, AMENDMENTS TO THE ZONING CODE RELATING TO REAL ESTATE OFFICES IN THE UNV (UNIVERSITY) DISTRICT

SET A DATE (5-7-15) FOR A PUBLIC HEARING ON ORDINANCE #O15-04-11, RAO (REDEVELOPMENT AREA OVERLAY) DISTRICT ZONING FOR PROPERTIES LOCATED AT 319, 339 & 349 WEST 8TH STREET AND 340 & 346 WEST 9TH STREET (TAX MAP #'S 40O-A-8.00, 10.00, 15.00, 16.00 & 17.00)

SET A DATE (5-7-15) FOR A PUBLIC HEARING ON ORDINANCE #O15-04-12, CLOSURE AND ABANDONMENT OF A PORTION OF LAUREL AVENUE LOCATED BETWEEN WEST 8TH & WEST 9TH STREETS AND DECLARING IT AS SURPLUS

Councilman Womack made a motion, seconded by Councilman Woodford, to approve the consent agenda items (public hearings set for 5-7-15 at 5:30 p.m.) as recommended. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

## NEW BUSINESS – PUBLIC HEARINGS AND ACTION ITEMS:

### HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE #O15-03-05, AMENDMENTS TO THE ZONING CODE TO ALLOW BY RIGHT OR SPECIAL EXCEPTION A COLUMBARIUM IN THE CBD (CENTRAL BUSINESS DISTRICT)

Proposed Definition

COLUMBARIUM: A place for the public storage of cinerary urns. Columbaria can be either freestanding units, part of mausoleum or another structure.

Proposed amendments

SECTION 206.4 CHURCHES AND SIMILAR PLACES OF WORSHIP

The following additional standards shall apply to all churches and similar places of worship:

206.4A In the RS-20, RS-15, RS-10, RS-5, and RD Districts a minimum lot area of two (2) acres shall be provided plus an additional one (1) acre per every additional fifty (50) seats exceeding 250 seats to seating capacity.
206.4B When adjacent to lots zoned or used for single or two-family residential purposes a Type 2 Screen/Buffer Yard as specified in Section 208 of this Zoning Code shall be provided along all shared lot lines.
206.4C Cemeteries, with or without mausoleums and/or columbaria, shall be permitted as an accessory use provided the provisions of Section 206.5 of this Zoning Code are met.
206.4D Mausoleums and columbaria not located within a cemetery shall be permitted as accessory uses to churches and similar places of worship not located in the RS-20, RS-15, RS-10, RS-5, and RD Districts provided the provisions of Section 206.5 of this Zoning Code are met.
206.4E Childcare centers shall be permitted as an accessory use only when the church structure is located on a street with a classification of no less than major collector status. The provisions of Section 206.7 of this Zoning Code shall also be met.
206.4F Private and parochial schools shall be permitted as accessory uses only when the church structure is located on a street with a classification of no less than major collector status. The provisions of Section 206.8 of this Zoning Code shall also be met.
206.4G All play areas and other areas of outside activity shall be setback a minimum of 100 feet from all adjacent properties zoned or used for single-family residential purposes except when in the opinion of the Building Official said adjacent properties are uninhabitable the setback shall only be twenty (20) feet.

SECTION 206.5 CEMETERIES, MAUSOLEUMS AND COLUMBARIA

The following additional standards shall apply to all cemeteries, mausoleums and columbaria:

206.5A Cemeteries shall be located on sites of at least ten (10) acres and shall have direct access to a public street. When located as an accessory use to a church or similar place of worship this minimum lot area requirement shall be in addition to any minimum lot area requirement for said church or similar place of worship.
206.5B A mausoleum not located in a cemetery shall be located on a site of at least two (2) acres
206.5C The site proposed for a cemetery shall not interfere with the development of any major streets as proposed on the Cookeville Major Street Plan.
206.5D All structures located in a cemetery of a height of six (6) feet or over, including, but not limited to mausoleums, columbaria, monuments, and buildings shall be set back at least one hundred (100) feet from any property line or street right-of-way line. Mausoleums and columbaria not located within a cemetery shall comply with the applicable building setback lines for the zoning district it which they are located.
206.5E All graves or burial lots shall be set back at least thirty (30) feet from any property line or street right-of-way line.
206.5F Cemeteries, mausoleums and columbaria shall be developed and operated in accordance with the applicable provisions of the Tennessee Code.

Councilman Henry made a motion, seconded by Councilman Woodford, to approve on first reading Ordinance #O15-03-05. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL**
**MINUTES**
**APRIL 2, 2015**

**HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE #O15-03-06, REZONING 20.5 ACRES LOCATED AT 1400 WEST 12TH STREET FROM CL (LOCAL COMMERCIAL) AND RS10 (SINGLE-FAMILY RESIDENTIAL) TO RM8 (MULTI-FAMILY RESIDENTIAL)**

Mack Jones, developer from Austin Texas, spoke about his experience with building student housing & showed a preliminary site layout (140 units) to be built/privately managed.

Jackie Burks, resident, spoke in opposition to more local rental property.

Councilman Woodford made a motion, seconded by Vice-Mayor Epps, to approve on first reading Ordnance #O15-03-06. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE #O15-03-07, REZONING 726 WEST END STREET FROM RS10 (SINGLE-FAMILY RESIDENTIAL) TO RD (SINGLE-FAMILY AND DUPLEX RESIDENTIAL)**

James Mills, Planning Department Director, stated that the rezoning will allow flexibility in housing types for the proposed Habitat Project (60 units) & presented a concept master plan.

Councilman Woodford made a motion, seconded by Councilman Henry, to approve on first reading Ordinance #O15-03-07. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER RESOLUTION #R15-04-06, AUTHORIZING THE ACCEPTANCE OF THE "WORKERS' COMPENSATION ACT" OF TENNESSEE BY EXEMPTED EMPLOYER**

Councilman Womack made a motion, seconded by Councilman Woodford, to adopt Resolution #R15-04-06. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER RESOLUTION #R15-04-07, GRANTING AUTHORITY TO THE UPPER CUMBERLAND REGIONAL AIRPORT BOARD TO SELL CERTAIN WETLAND MITIGATION PROPERTIES**

Upper Cumberland
REGIONAL AIRPORT
750 Airport Rd. • Sparta, TN 38583
(931) 739-7000

March 16, 2015

City of Cookeville, Putnam County, City of Sparta & White County

In 2005 as a part of an Federal Aviation Administration (FAA) funded Airport Improvement Project at the Upper Cumberland Regional Airport, two wetland mitigation sites were purchased by the Airport with Tennessee Department of Environment and Conservation (TDEC) approval to mitigate the proposed filling of wetlands east of the Airport Terminal area for planned expansion of the Airport. All Airport land is owned by the four governments who own the Upper Cumberland Regional Airport. The planned filling of the wetlands was abandoned after an environmental group promised to tie the entire improvement project up in court for years.

The Airport does not and will not need the mitigation sites. The Airport Board has unanimously voted to ask the FAA to release the Airport from Grant Obligations allowing the Airport to request the Property owner governments to sell the two mitigation sites at the approved current appraised fair market price. TDEC is in favor of this sale and a purchaser wants to buy the two sites as wetland mitigation sites which will remain protected wetlands in the future. Since the mitigation sites were purchased with FAA AIP Grant Funds, the Airport must apply the proceeds from the sale to an AIP eligible project at the Airport in the future.

The Upper Cumberland Regional Airport Board hereby requests approval from the four owner governments to sell the two mitigation sites per FAA regulations which will provide Grant funding for future Airport Improvements.

Respectfully submitted,

Daniel Coonce, Chairman
Upper Cumberland Regional Airport Board

Councilman Henry made a motion, seconded by Vice-Mayor Epps, to adopt Resolution #R15-04-07. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack

ABSTAINED: Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF YEAR 2 OF PROFESSIONAL SERVICES CONTRACT WITH RETAIL STRATEGIES**

Mike Davidson, Interim City Manager, reported the following:

**Renewal Year 2 - Retail Strategies**
**Retail Recruitment Services: $25,000**

- Updated quantitative research and on-demand reports and analysis
- Updating of Strategic Retail Recruitment Plan
- Continued execution of Strategic Retail Recruitment Plan
- Updating of Retail Prospect List
- Representation at national and regional retail real estate conferences

Councilman Woodford made a motion, seconded by Councilman Henry, to approve year 2 of professional services contract with Retail Strategies. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF PROPOSAL FOR BANKING SERVICES (ALL DEPTS.), AND AUTHORIZE THE INTERIM CITY MANAGER TO EXECUTE A FOUR (4) YEAR BANK SERVICES AGREEMENT WITH AN OPTION TO RENEW FOR TWO (2) ADDITIONAL ONE YEAR PERIODS**

**MEMORANDUM**

TO: City Council & Interim City Manager

FROM: Brenda Imel, Interim Finance Director

DATE: March 27, 2015

RE: Banking Services

We recently received proposals (RFP) for our banking service needs. We received proposals from Regions Bank, First Tennessee Bank and US Bank. Our current banking service provider is Regions Bank. We last received proposals for bank services in 2010.

There were several requirements in the request for proposals that we sent to each local bank. The more significant requirements we made were that the successful proposer must have a local branch in Cookeville, be a member of the state's bank collateral pool, provide secure online banking services and pay interest on funds deposited indexed to the Fed Funds rate. We also required each proposer to submit their proposed fees for bank services. Being a member of the state's collateral pool requires the bank to pledge securities to collateralize public funds and the state administers the program. We utilize online banking on a daily basis for various transactions such as cash transfers, ach debits, positive pay, wire transfers and remote deposit capture.

We reviewed the proposals and all three proposers met the requirements in the RFP. We compared interest rates and banking fees and used actual transactions from the past twelve months to determine which proposal would result in the greatest net interest earnings after subtracting service fees. Regions proposal would offer the highest net interest earnings to the City. In addition, their service level has been excellent and their account representatives are very responsive to our needs and issues. We are very comfortable with the online banking service that we have used the past few years and believe it is a secure online process. We are recommending that we continue to use Regions Bank for our banking needs and ask you to authorize the Interim City Manager to execute a four year bank services agreement with Regions Bank with an option to renew for two additional one year periods if both parties agree.

If you have any questions please stop by my office or you can reach me at 520-5211.

Councilman Womack made a motion, seconded by Councilman Woodford, to approve the Regions Bank proposal for banking services, and authorize the Interim City Manager to execute an agreement for four (4) years with an option to renew for two (2) additional one year periods. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO CONTRACT AMENDMENT #5 WITH WISER CONSULTANTS RELATIVE TO THE BENNETT ROAD EXTENSION PROJECT**

Greg Brown, Public Works Director, explained that this amendment is to streamline the payment structure for engineering services on the Bennett Road North Project.

Councilman Womack made a motion, seconded by Councilman Woodford, to authorize the Interim City Manager to enter into Contract Amendment #5 with Wiser Consultants as recommended. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER AUTHORIZING THE INTERIM CITY MANAGER TO SIGN AN AGREEMENT WITH NASHVILLE & EASTERN RAILROAD RELATIVE TO THE WATER LINE FOR THE BENNETT ROAD NORTH PROJECT**

- Agreement between the City of Cookeville and Nashville and Eastern Railroad to access railroad ROW
- Cost - One time fee of $800
- Project Objectives – Install new 12-inch water line along the new Bennett Road North road project crossing the railroad ROW

Mayor Shelton made a motion, seconded by Councilman Womack, to authorize the Interim City Manager to enter into an agreement with Nashville & Eastern Railroad, with the understanding that the City does not waive its immunities pursuant to the Tennessee Governmental Tort Liability Act. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL**
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**CONSIDER RESCINDING ACTION OF LONG-ARM BRUSH TRUCK/ EXTENDED WARRANTY BID ON 12-4-14, AND CONSIDER AWARDING BID TO 3RD LOWEST BIDDER**

Councilman Womack made a motion, seconded by Councilman Woodford, to rescind action on 12-4-14 for a long-arm brush truck/extended warranty, and award the bid to the 3rd lowest bidder Stringfellow for a 2016 Freightliner in the amount of $126,626.00, contingent upon receiving truck within thirty (30) to forty-five (45) days. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CITIZENS REQUEST FOR HEARING BEFORE CITY COUNCIL:**

Bill Abbott, of 410 Charleston Place Drive, spoke requesting help with his yard flooding & increased road traffic.

Mike Davidson, Interim City Manager, & Greg Brown, Public Works Director, will get with Mr. Abbott to review the water issue.

**HEARING FROM OFFICERS, COUNCILMEN AND INTERIM CITY MANAGER:**

No comments.

**MAYOR'S COMMENTS:**

Mayor Shelton invited everyone to the TTU Hooper Eblen Center for Easter Sunday!

There being no further business, Mayor Shelton declared the meeting adjourned at 6:25 p.m.

_____
Ricky Shelton, Mayor

ATTEST:

_____
Cathy McClain, City Clerk