

COOKEVILLE HISTORIC ZONING COMMISSION

BYLAWS

(Adopted May 8, 2001; Revised and re-adopted June 11, 2019)

ARTICLE I: OFFICERS

Section 1. Officers.

The officers of the Commission shall a Chairperson, a Vice-Chairperson, and a Secretary.

Section 2. Elections.

The Chairperson and Vice-Chairperson shall be elected at the regular April meeting of the Commission. All elected officers of the Commission shall serve a term of one (1) year beginning May 1 or until a successor has been elected, and shall be eligible for re-election.

Section 3. Chairperson.

The Chairperson shall preside at all meetings of the Commission and shall perform such duties as the Commission shall authorize. The Chairperson may participate in all discussions and shall vote as a member of the Commission.

Section 4. Vice-Chairperson.

In the absence of the Chairperson, the Vice-Chairperson shall perform the duties of the Chairperson.

Section 5. Secretary.

The staff of the Cookeville Historic Zoning Commission shall serve as Secretary and shall be responsible for maintaining a full record of all proceedings of the Commission. The Secretary shall also perform such other duties in regard to records as the Commission may direct.

Section 6. Vacancies.

Should the office of Chairperson or Vice-Chairperson become vacant, the Commission shall elect successors to these positions. The newly elected Chairperson or Vice Chairperson shall serve for the unexpired term of said office.

ARTICLE II: MEETINGS

Section 1. Regular Meetings.

Regular meetings of the Commission shall be held on the second Tuesday of each month at 5:00 p.m. at the Cookeville City Hall. When conflicts arise, such as holidays or inclement weather, the regular meeting shall be held at such other time and place as may be designated by the Chairperson.

Section 2. Special Meetings.

The Chairperson of the Commission may, and shall upon the request of two (2) members, call a special meeting of the Commission for the purpose of transacting any business designated in the call. Five (5) days notice of the meeting shall be given to members.

Section 3. Quorum.

A quorum shall consist of four (4) members. A quorum shall be present to transact official business of the Commission. Approval of a simple majority of those present shall be required to pass a motion unless otherwise provided for in these bylaws.

Section 4. Vote.

a. Manner of Voting.

All matters to be voted on by the Commission shall be put in the form of a motion by any of the Commissioners and seconded by a Commissioner, neither of whom may be conducting the meeting. A motion may be amended in accordance with Robert's Rules of Order. The Chairperson shall conduct the voting by asking those in favor to signify by saying "Yes" and those opposed by saying "No". The Chairperson shall inform the recording secretary of the number of "Yes" and "No" votes. The Chairperson shall have a roll call if there is any question about the results of the vote or if any Commissioner so requests, and the record of such roll call votes shall be recorded by the recording secretary in the minutes.

b. Record of Action.

All motions that are voted on shall be recorded in the Minutes of the meeting. The names of the Commissioners making motions and seconds shall be recorded. The number of "Yes" and "No" votes shall be recorded. Any votes to pass shall be

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recorded as no votes. The record shall include the name of any Commissioner abstaining from discussion and voting.

Section 5. Conflict of Interest.

Any Commissioner having a conflict of interest in a proposal before the Commission shall inform the Chairperson prior to the meeting that he will abstain from any discussions and voting on the matter. The Commissioner shall abstain from all discussions and voting on the proposal, and will not be considered present for purposes of establishing a quorum. A conflict of interest shall exist under the following conditions:

- a. When a Commissioner has a financial investment in property that is being considered by the Commission.
- b. When a Commissioner has a financial investment in property that is contiguous or closely associated with property that is being considered by the Commission.
- c. When a Commissioner has a financial investment in a company that is seeking consideration by the Commission or is actively working for or against a proposal that is before the Commission.
- d. When a Commissioner determines in his or her own mind that there are compelling reasons that will prohibit him from acting in the best interests of the greater community.

The above shall not include proposals relative to a Commissioner's place of residence including his neighborhood, or plans of general community significance except when a Commissioner has a financial interest in property that is the subject of an amendment to a plan of general community significance in which case a conflict of interest shall exist as to that amendment only.

Section 6. Attendance.

- a. In order to assure an attendance that is adequate to deal with the business of the Commission, attendance records of each member of the Commission shall be kept.
- b. If a Commissioner misses more than four (4) monthly meetings in one (1) calendar year, that Commissioner's name shall be submitted to the Mayor and the Commissioners of Cookeville Historic for removal from the Commission, and a request shall be made for the appointment of a replacement to fulfill the unexpired term of the Commissioner who was removed.

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- c. A Commissioner may be excused from attendance at a meeting by a decision of the Chairman of the Commission.

ARTICLE III: RESPONSIBILITY OF STAFF

The Cookeville Historic Zoning Commission shall be staffed by staff members of the City of Cookeville Department of Planning. It shall be the responsibility of staff to maintain the records of the Commission, to review all requests for HS Historic District designation or decertification of properties, to prepare designation reports and design guidelines when they are needed to accompany such designations, to examine all requests for Certificates of Appropriateness and to report on the completeness and consistency with design guidelines of applications for Certificates of Appropriateness.

The Cookeville Historic Zoning Commission specifically authorizes its staff to grant temporary approval for Certificates of Appropriateness where the proposal involves only repair work that will replace materials with like materials, and will not change any aspects of the design of the building. If, in the opinion of the staff, the work contemplated in the application for Certificate of Appropriateness will result in an undocumented change to the property, or is for new construction or demolition, the Cookeville Historic Zoning Commission will review and issue the Certificate. In addition, the Cookeville Historic Zoning Commission must review and approve the new construction of primary structure, outbuildings, and additions (including porch enclosures, dormers, etc.), any requests for demolition, parking lots and swimming pools. The Cookeville Historic Zoning Commission will also review all applications for Certificates approved by its staff since its last meeting.

ARTICLE IV: ADMINISTRATIVE RULES AND PROCEDURES

The Commission shall maintain a set of "Administrative Rules and Procedures" that will set forth requirements that must be met by the Commission, staff, applicants, and other groups and individuals having official business with the Commission. Each of these Rules and Procedures shall be adopted by the Commission in a public meeting with no fewer than four (4) members voting in favor.

ARTICLE V: ACTIONS OF THE COMMISSION

The Commission may execute the following actions in conducting its official business:

- a. Approval.

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A majority of a quorum voting in favor of a motion to approve shall constitute approval and all contents of the motion shall be approved.

b. Denial.

A majority of a quorum voting in favor of a motion to deny shall constitute denial and all parts of the motion shall be denied.

c. Modification and Approval.

The Commission may modify a proposal presented to it and a majority of a quorum voting in favor of the motion to modify and approve shall constitute approval and all contents of the motion to modify and approve shall be approved.

d. Table.

A majority of a quorum voting to table any proposal shall constitute removal of the proposal from the agenda indefinitely until the Chairperson or two (2) members of the Commission request that it be placed on the agenda. The requests must be made prior to the deadline for filing an original application for the same type consideration.

e. Postpone.

A majority of a quorum voting to postpone a proposal shall remove it from the agenda for further consideration at that meeting. The motion shall include the date of the meeting at which the proposal will be considered again. A proposal that has been postponed must be placed on the agenda of the meeting specified.

f. Permit Withdrawal.

A majority of a quorum voting to permit withdrawal of a proposal shall remove the proposal from the agenda. A withdrawal shall be considered a denial for the purpose of filing a new application on the same proposal.

ARTICLE VI: RULES OF ORDER

Section 1. Rules of Order.

When a parliamentary matter arises that is not covered by these bylaws, Robert's Rules of Order shall apply.

ARTICLE VII: AMENDMENTS

Section 1. Amendments.

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The bylaws of this Commission may be amended at regular or special meetings, but no amendment shall be adopted unless at least five (5) days notice has been given to all members of the Commission. A favorable vote of a majority of the entire membership of seven (7) members shall be required to effect a change in these bylaws.

ARTICLE VII: ADOPTION

THIS IS TO CERTIFY THAT THESE ARE THE OFFICIAL BYLAWS OF THE
COOKEVILLE HISTORIC ZONING COMMISSION AS ADOPTED ON
6-11-2019.

ATTEST:

Kenneth R. yjg 7-9-19
PLANNING STAFF

Cathy Lamb 7.9.19
Vice - CHAIRPERSON