

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
JULY 7, 2005
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, July 7, 2005, at 6:00 p.m., in the Municipal Building, 45 East Broad Street. Invocation was given by Mayor Womack. Pledge of Allegiance was led by Mayor Womack. Mayor Womack then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

Also present: Jim Shipley, City Manager; Cathy McClain, City Clerk and Mike O'Mara, City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to amend the agenda by adding item 12d – consider awarding bid for hardwood flooring system at the Recreation Center – Leisure Services Dept. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

OLD BUSINESS:

**CONSIDER APPROVAL OF MINUTES
OF COUNCIL MEETING HELD ON
JUNE 16 AND SPECIAL CALLED
COUNCIL MEETING ON JUNE
30, 2005**

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

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

NEW BUSINESS:

**HOLD A PUBLIC HEARING AND
CONSIDER ON FIRST READING
ORDINANCE #005-06-07,
REZONING PROPERTY AT 1918
& 1928 NORTH WASHINGTON
AVENUE FROM RS-10
(SINGLE-FAMILY
RESIDENTIAL) TO CL
(LOCAL COMMERCIAL)**

**COOKEVILLE CITY COUNCIL
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Councilman Sallee said he couldn't vote to approve the rezoning from residential to commercial at this time.

Vice-Mayor Qualls made a motion, seconded by Councilman Davis, to approve on first reading Ordinance #O05-06-07. Upon call for a vote, the following voted aye:

Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Ricky Shelton

NAY: Mayor Charles Womack
Councilman Sam Sallee

The City Clerk announced that the motion carried.

**HOLD A PUBLIC HEARING AND
CONSIDER ON FIRST READING
ORDINANCE #O05-06-08,
AMENDING THE COOKEVILLE
ZONING CODE FOR THE
PURPOSE OF ESTABLISHING
STANDARDS FOR THE
LOCATION OF METHADONE
TREATMENT FACILITIES**

Roger & Nikie Payne spoke in opposition to Ordinance #O05-06-08.

Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to approve on first reading Ordinance #O05-06-08. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**HOLD A PUBLIC HEARING AND
CONSIDER ON FIRST READING
ORDINANCE #O05-06-09,
AMENDING SECTION 207
GENERAL SIGN REGULATIONS
OF THE COOKEVILLE
ZONING CODE**

Councilman Davis made a motion, seconded by Councilman Shelton, to approve on first reading Ordinance #O05-06-09.

Considerable discussion ensued about language contained in the Ordinance, extending the moratorium, and the Attorney General's opinion. Comments were heard by David Day & Larry Leivowitz, representing Lamar Advertising; Gregory Isaacs, representing Flynn Outdoor; Danny Frye, of Frye Advertising; and David Roland, of East-West Media, Inc.

City Planner James Mills expressed the need for some action to be taken in order for the Planning Department to operate.

City Attorney Mike O'Mara urged the council to adopt the ordinance, or enact a moratorium and adopt the ordinance.

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Mayor Womack made a motion, seconded by Councilman Sallee, to approve Ordinance #O05-06-09 by adding a provision that a moratorium on off-premise signs continue in effect until 30 days after the Attorney General's opinion is received. Upon call for a vote on the amendment to the motion, the following voted aye:

Mayor Charles Womack
Councilman Sam Sallee

NAY: Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Ricky Shelton

The City Clerk announced that the amendment to the motion failed.

Mayor Womack made a motion, seconded by Councilman Sallee, to approve Ordinance #O05-06-09 by deleting Section 207.6 P & Q & send back to the Planning Commission for clarification.

Vice-Mayor Qualls made a motion, seconded by Mayor Womack, to table (postpone) Ordinance #O05-06-09 for two (2) weeks. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**SET A DATE FOR A PUBLIC
HEARING ON ORDINANCE
#O05-07-17, AMENDING
THE COOKEVILLE ZONING
CODE TO ALLOW AS A
PERMITTED USE ASSISTED
LIVING/RESIDENTIAL CARE
FACILITY IN THE CR,
REGIONAL COMMERCIAL
DISTRICT, AND CG, GENERAL
COMMERCIAL**

Mayor Womack set the date for August 4, 2005, at 6:00 p.m.

**CONSIDER A REQUEST FOR
SURPLUS PROPERTY
DECLARATION ON A
PORTION OF THE RIGHT-
OF-WAY OF BUNKER
HILL ROAD ADJACENT
TO (KFC) KENTUCKY
FRIED CHICKEN
RESTAURANT**

**COOKEVILLE CITY COUNCIL
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May 24, 2005

City of Cookeville, TN
Jim Shipley, City Manager
45 East Broad Street
Cookeville, TN 38503-0998

Dear Jim,

It was a pleasure talking to you this week. Pursuant to our conversation, please accept this letter as JRN INC's formal request to purchase the .319 acre or 13,912 Ø square feet of excess (ROW) right of way adjacent to the (KFC) Kentucky Fried Chicken Restaurant located on Bunker Hill Road. Further to our conversation and City's request, enclosed please find the following information:

- Boundary line survey of the subject property prepared by Helton and Associates dated May 3, 2005
- Legal Description of the subject property (.319 acres or 13,912 Ø square feet) prepared by Helton and Associates dated May 3, 2005
- Schematic Site Plan illustrating the JRN INC/KFC tract combined with the subject excess Bunker Hill ROW prepared by Steve Dearing dated May 24, 2005
- Appraisal of the subject excess Bunker Hill ROW in the amount of \$62,500.00 prepared by Norman Hall and Associates dated May 20, 2005
- Copy of Trustee's Deed dated November 19, 1984 along with a copy of case # 83-03880A approving the sale of debtors property dated November 8, 1984 which provides evidence that JRN INC formally known as JRN Chicken Stores INC is the fee simple owner of the KFC tract

To this end, thank you for your assistance with this project. Please provide JRN with a schedule of dates outlining all required planning, city, county and council meetings related to this matter.

In closing, I look forward to working with you throughout this process. If I can provide any further information, please feel free to contact me anytime.

Sincerely,



Clay Neal
Vice President.

Councilman Shelton made a motion, seconded by Councilman Sallee, to approve the request for declaring surplus a portion of the right-of-way of Bunker Hill Road as requested. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER ON FIRST
READING ORDINANCE
#O05-07-16, AMENDING
TITLE 18, CHAPTER 2,
ESTABLISHING
LANGUAGE TO ALLOW
SANITARY SEWER LINE
COST-SHARING PROJECTS**

Councilman Sallee made a motion, seconded by Councilman Shelton, to approve on first reading Ordinance #O05-07-16. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
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**CONSIDER APPROVAL OF
WATER CONTRACT
AMENDMENT WITH
THE CITY OF ALGOOD
AND THE TOWN OF
BAXTER**

MEMORANDUM

TO: Jim Shipley, City Manager
City Council

FROM: Ronnie J. Kelly, Director *RJK*

DATE: July 1, 2005

SUBJ: Amendments to the City of Algood's and the Town of Baxter's Water Contract

The City of Algood has requested (see attached memo) that their water allocation be increased from 30million gallons of water per month to 42 million gallons per month and an increase in the amount of sanitary sewer they deliver to Cookeville for treatment. These increases are necessitated due to their continued growth and the growth of their wholesale water customers.

The Town of Baxter has also requested (see attached memo) that their water allocation be increased from 20 million gallons of water per month to 30 million gallons per month.

I will present water contract amendments for the City of Algood and the Town of Baxter to the City Council during the next Council meeting. Our department needs more time to evaluate the City of Algood's sanitary sewer increase request. Please review the proposed water contract amendments and call me with any questions that you may have.

Councilman Davis made a motion, seconded by Vice-Mayor Qualls, to approve the Algood & Baxter Water Contract Amendments as requested. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
WATER TREATMENT
FACILITY ENGINEERING
CONTRACT**

MEMORANDUM

TO: City Council
City Manager

FROM: Ronnie J. Kelly, Director *RJK*

DATE: June 30, 2005

SUBJ: Engineering Contract – Land Use and Water Plant Expansion Report

During the next City Council meeting I will be seeking approval of an engineering contract with Consolidated Technologies, Inc. (CTI) Consulting Engineers. This contract will provide our department with a detailed report on our current Water Treatment Facility. The report will make recommendations concerning land use and expansion plans. The report will cover the following; 1) Inventory Existing Conditions, 2) Identify Constraints, 3) Plant Performance Assessment, 4) Performance Limiting Factors, 5) Examination of Treatment Alternatives, 6) Develop Feasible Alternatives for 22.5 MGD and 30 MGD plants, 7) Evaluate Alternatives with cost estimates, 8) Make recommendations and provide a written report.

We have negotiated a price of \$35,000 and would recommend Council approval.

If you have any questions or comments please feel free to give me a call.

**COOKEVILLE CITY COUNCIL
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Councilman Sallee made a motion, seconded by Vice-Mayor Qualls, to approve the Water Treatment Facility Engineering Contract as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
PROPERTY ACQUISITION
LOCATED AT 253 WEST
6TH STREET FOR
COOKEVILLE
REGIONAL MEDICAL
CENTER**

Officers of the Board of Trustees
Larry E. Nunn
Chairman of the Board
John Story
Vice-Chairman of the Board
Bernard Mattingly
Chief Executive Officer

 **COOKEVILLE REGIONAL
MEDICAL CENTER**
Growing for You
142 West Fifth Street • Cookeville, TN 38501
931.528.2541

Medical Staff Officers
Craig Maltman, M.D.
President of Medical Staff
Vaughn Barnard, M.D.
Vice-President of Medical Staff
Dale Douglas, M.D.
Secretary of Medical Staff

June 24, 2005

Jim Shipley
City Manager
City of Cookeville
45 East Broad Street
Cookeville, TN 38501

Dear Jim:

The hospital Board of Trustees approved the purchase of property located at 253 West 6th Street. The total purchase price is \$170,000 and is included in the FY 2006 budget.

The property is located within the Medical District and will be used by CRMC for parking. Please add this to the July 7, 2005 City Council Agenda for approval.

If you have any questions, please contact me at any time.

Sincerely,



Paul Korth
Chief Financial Officer

Mayor Womack made a motion, seconded by Councilman Sallee, to approve the purchase of property for CRMC at 253 West 6th Street as submitted. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER AWARDED BIDS
FOR 10 KVA CSP, 37.5 KVA CON.,
25 KVA CSP, 50 KVA CONV. &
25 KVA PAD. TRANSFORMERS
- ELECTRIC DEPARTMENT**

**COOKEVILLE CITY COUNCIL
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**CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 05060201**

DATE OF BID OPENING: 6/20/2005 TIME: 2:00 PM CST
 BIDS OPENED BY: Glenn Greenwood
 BIDS WITNESSED BY: Brian Bohannon
 DEPARTMENT: Electric

BIDDERS	QTY	item 1		item 2				
		50 Kva Conv. Transformer	6 evaluated cost	25 Kva Pad. Transformer	12 evaluated cost			
Hughes Supply		\$ 1,071.00 \$ 6,426.00	\$ 2,050.41	\$ 869.00 \$ 10,428.00	\$ 1,430.28			
Power Supply		\$ 868.00 \$ 5,208.00	\$ 1,811.55	\$ 885.00 \$ 10,620.00	\$ 1,442.62			
Harris Electric Supply		\$ 877.00 \$ 5,262.00	\$ 1,892.63	\$ 1,026.00 \$ 12,312.00	\$ 1,650.30			
Wesco		\$ 801.00 \$ 4,806.00	\$ 1,875.94	\$ 1,070.00 \$ 12,840.00	\$ 1,671.35			
Tennessee Valley Electric Supply		\$ 826.09 \$ 4,956.54	\$ 1,774.75	\$ 919.63 \$ 11,035.56	\$ 1,490.31			
Utilicor		\$ 917.00 \$ 5,502.00	\$ 1,874.80	\$ 798.00 \$ 9,576.00	\$ 1,429.21			

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM item 1 Tennessee Valley item 2 Utilicor
 BE AWARDED FOR THE FOLLOWING REASON: low evaluated bid meeting specs.
 RECOMMENDED: DEPT. HEAD [Signature] APPROVAL: CITY MANAGER [Signature]

Councilman Sallee made a motion, seconded by Councilman Davis, to award the transformer bids as recommended. Upon call for a vote, the following voted aye:

- Mayor Charles Womack
- Vice-Mayor Steve Qualls
- Councilman Jean Davis
- Councilman Sam Sallee
- Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER AWARDED BID
FOR HARDWOOD FLOORING
SYSTEM AT THE RECREATION
CENTER – LEISURE SERVICES
DEPARTMENT**

**CITY OF COOKEVILLE
TABULATION SCHEDULE**

Hardwood Flooring System
for Cane Creek Recreation Center

DATE OF BID OPENING: Wednesday, June 15, 2005 Time: 10:00 a.m.
 BIDS OPENED BY: Rick Woods
 BIDS WITNESSED BY: Janice Myers
 DEPARTMENT: Leisure Services & Public Facilities

1. Covington Flooring Company	\$51,935.00				
2. Connor Brothers Flooring	No Bid				
3. Flooring World	No bid				

We, the undersigned, do hereby recommend the bid from Covington Flooring Company for the following reason: Only bid – meeting specifications.

[Signature]
RECOMMENDED: DEPARTMENT HEAD

[Signature]
BUDGET AVAILABILITY: FINANCE DIRECTOR

[Signature]
APPROVAL: CITY MANAGER

**COOKEVILLE CITY COUNCIL
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Rick Woods, Leisure Services Department Director, stated that this is the same bid presented to the council previously & further research determined this to be the lowest/best bid.

Councilman Sallee made a motion, seconded by Vice-Mayor Qualls, to award the hardwood flooring system bid as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

HEARING OF CITIZENS AND/OR DELEGATIONS:

Ms. Megan Davis, CityScape Director, announced that July 31st will be a family festival downtown “Cream City Cranking” with sponsor Mayfield Dairy Farms serving ice cream sandwiches & inviting anyone who wants to make their favorite homemade ice cream.

There being no further business to discuss, Councilman Davis made a motion, seconded by Councilman Sallee, to adjourn the meeting at 8:14 p.m. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

Charles Womack, Mayor

ATTEST:

Cathy McClain, City Clerk