

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
AUGUST 4, 2005
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, August 4, 2005, at 6:04 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**

Councilman Shelton made a motion, seconded by Councilman Sallee, to amend the agenda by adding – recognition of Soap Box Derby winners. 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.

**RECOGNITION OF
SOAP BOX DERBY
WINNERS**

Lt. Mike Lee, Director of the Cookeville Soap Box Derby, recognized the following winners: 2005 - Lucas Gunnels (Stock Division), Carley Roland (Superstock Division), and Brenda Reeder (Masters Division), 2004 winners- Aubrey Sims (Superstock Division) and the only Cookeville winners in the Akron Ohio World Championship Ben Shelton (Stock Division), Brandon Lee (Masters Division).

Mayor Womack presented the 2005 winners with keys to the city.

The winners presented a plaque to Lt. Mike Lee for his support.

OLD BUSINESS:

**CONSIDER APPROVAL OF
MINUTES OF COUNCIL
MEETING HELD ON
JULY 21, 2005**

Councilman Davis made a motion to dispense with the reading of the minutes and approve said minutes as submitted. The motion was seconded by Councilman Shelton. 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
MINUTES
AUGUST 4, 2005**

**CONSIDER ON SECOND AND
FINAL READING ORDINANCE
#O05-06-09, AMENDING
SECTION 207 GENERAL
SIGN REGULATIONS OF
THE ZONING CODE**

Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to approve on second and final reading Ordinance #O05-06-09 as revised on first reading.

Councilman Sallee made a motion, seconded by Mayor Womack, to amend the motion to have Ordinance #O05-06-09 go into effect in sixty (60) days. Upon call for a vote, 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.

Rebecca Bond and David Day, representing Lamar Advertising, voiced their concerns.

Vice-Mayor Qualls called to question, seconded by Councilman Shelton. 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.

Upon call for a vote on the original motion, 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 original motion carried.

NEW BUSINESS:

**HOLD A PUBLIC HEARING
AND CONSIDER ON FIRST
READING 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**

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 4, 2005**

Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to approve on first reading Ordinance #O05-07-17. 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 RESOLUTION
#R05-08-13, AUTHORIZING
THE CITY OF COOKEVILLE
TO PARTICIPATE IN THE
TML RISK MANAGEMENT
POOL "SAFETY PARTNERS"
LOSS CONTROL MATCHING
GRANT PROGRAM**

Councilman Sallee made a motion, seconded by Councilman Davis, to adopt Resolution #R05-08-13. 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
#O05-08-18, CLOSURE
AND ABANDONMENT OF
AN ALLEY LOCATED
BETWEEN 5TH & 6TH
STREETS AND NORTH
WHITNEY/NORTH
HICKORY AVENUES**

Mayor Womack set the date for September 1, 2005, at 6:00 p.m.

**CONSIDER APPROVAL OF
PROPERTY ACQUISITION
FOR COOKEVILLE
REGIONAL MEDICAL
CENTER LOCATED AT
204 NORTH HICKORY,
438 NORTH WHITNEY,
423/433 PEACHTREE
AVENUE, 165 WEST 6TH
STREET & APPROVAL TO
PROCEED WITH
CONDEMNATION OF
PROPERTY AT 212
NORTH HICKORY**

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 4, 2005**

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

July 28, 2005

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

Dear Jim:

The hospital Board of Trustees are scheduled to approve the purchase of properties located at 204 North Hickory, 438 North Whitney, 423 and 433 Peachtree Avenue and 165 West 6th Street. They will also recommend the Council to proceed with condemnation of property located at 212 North Hickory. The total purchase price is \$1,568,500.00.

All properties are located within the Medical District and will be used for parking and office space. Properties will be purchased from various individuals and is included in the FY 2006 capital budget. Please add this to the August 4, 2005 City Council Agenda for approval.

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

Sincerely,



Paul Korth
Chief Financial Officer

Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to approve the purchase of property for CRMC & proceed with condemnation of property (due to city employee owning) 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 APPROVAL OF
CONTRACT WITH FRONTIER
COMMUNICATIONS**

MEMORANDUM

TO: City Council
FROM: Jim Shipley, City Manager
DATE: August 4, 2005
RE: Telephone Contract

Our current contract with Frontier has expired, and the proposed contract reflects an annual savings of \$51,501.60. The new contract is for three (3) years.

Councilman Sallee made a motion, seconded by Councilman Davis, to approve the telephone contract 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.

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 4, 2005**

**CONSIDER APPROVAL OF
EASEMENT AGREEMENT
WITH CITY OF COOKEVILLE
AND JRN, INC. (KENTUCKY
FRIED CHICKEN)**

JRN, INC.
REAL ESTATE
MEMORANDUM

TO: Michael O' Mara
FROM: Clay Neal
DATE: July 28, 2005
RE: Cookeville, TN

It was a pleasure talking to you today. Pursuant to our conversation, enclosed please find a copy of the Deed and a draft Easement Agreement between the City of Cookeville, TN and JRN INC. As we discussed, the deed is in acceptable form to JRN INC. Further to our conversation and discussions with James Mills, JRN is requesting an easement to utilize the unimproved surplus right-of-way adjacent to our property on Bunker Hill Rd. Please review the draft easement and let me know if the form is acceptable to the City of Cookeville.

In closing thank you for your assistance with this matter. If I can provide any further information please feel free to contact me anytime. My contact information is as follows:

Councilman Sallee made a motion, seconded by Vice-Mayor Qualls, to approve the easement agreement with KFC 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
ANNUAL VEHICLE SERVICING
- ALL DEPARTMENTS**

CITY OF COOKEVILLE
BID TABULATION SCHEDULE

VEHICLE SERVICING (1 YEAR)

DATE OF BID OPENING: JULY 28, 2005 TIME: 10:00 A.M.
BIDS OPENED BY: MIKE DAVIDSON, FINANCE DIRECTOR
BIDS WITNESSED BY: CATHY MCCLAIN, CITY CLERK
DEPARTMENT: ALL

| BIDDERS | 5 QUARTS OIL & 1 FILTER | | | | | | |
|--------------------|-------------------------|---|--|--|--|--|--|
| XPRESS LUBE | \$14.95 | * | | | | | |
| CLASS A II | \$14.98 | | | | | | |
| J & S CONSTRUCTION | \$14.99 | | | | | | |
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WE, THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM XPRESS LUBE BE AWARDED FOR THE FOLLOWING REASON: LOW BIDDER

RECOMMENDED: n/a DEPT. HEAD

APPROVAL:  CITY MANAGER

BUDGET AVAILABILITY: Michael David FINANCE DIRECTOR

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 4, 2005**

Councilman Sallee made a motion, seconded by Vice-Mayor Qualls, to award the vehicle servicing 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.

**CONSIDER AWARDING BID FOR
FILL DIRT FOR LEMON FARRIS
ROAD EXTENSION PROJECT -
PUBLIC WORKS DEPARTMENT**

CITY OF COOKEVILLE, TENNESSEE
BID TABULATION RECORD

**TOP SOIL - South Jefferson - Whitson Ave. Connector Road
FILL DIRT - Lemon Farris Road**

DEPARTMENT: PUBLIC WORKS
BID DATE: August 2, 2005
BID TIME: 10:00 AM
BIDS OPENED BY: GREG BROWN
OPENING WITNESSED BY: Debbie Swallows

PRICE PER LOAD

| BIDDERS | TOP SOIL | FILL DIRT |
|--------------------|----------|-----------|
| MCCLAIN EXCAVATING | \$115.00 | NO BID |
| ELK MOUNTAIN | \$124.00 | NO BID |
| SWIFT CONSTRUCTION | \$150.00 | \$52.50 |

WE THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM McCLAIN EXCAVATING & SWIFT CONST. BE

AWARDED FOR THE FOLLOWING REASON: LOW BIDDER AND ONLY BIDDER


RECOMMENDED: DEPT. DIRECTOR


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

Vice-Mayor Qualls made a motion, seconded by Councilman Shelton, to award the fill dirt 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.

**CONSIDER AWARDING BID FOR
TOP SOIL FOR CONNECTOR
ROAD BETWEEN SOUTH
JEFFERSON/WHITSON
AVENUES - PUBLIC WORKS
DEPARTMENT**

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 4, 2005**

Councilman Sallee made a motion, seconded by Councilman Davis, to award the top soil bid (shown on previous page) 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
RHEA AVENUE & RACHEL LANE
SANITARY SEWER PROJECT –
WATER QUALITY CONTROL
DEPARTMENT**

CITY OF COOKEVILLE
DEPARTMENT OF WATER QUALITY CONTROL
RHEA AVE & RACHEL LANE SANITARY SEWER PROJECT

DATE OF BID OPENING 28-Jul-05 TIME: 10:00 A.M.
BIDS OPENED BY BARRY TURNER
BIDS WITNESS BY BONNIE TINCH

| BIDDERS | TOTAL BID | | | | |
|----------------|--------------|--|--|--|--|
| ELK MOUNTAIN | DNB | | | | |
| J & H CONST CO | \$142,392.00 | | | | |
| J & S CONST CO | \$225,206.00 | | | | |
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DID NOT BID

WE, THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM - J & H CONSTRUCTION COMPANY
BE AWARDED FOR THE FOLLOWING REASON: LOW BID MEETING SPECIFICATIONS


RECOMMENDED:
DEPARTMENT HEAD


APPROVAL:
CITY MANAGER


BUDGET AVAILABILITY:
FINANCE DIRECTOR

Councilman Shelton made a motion, seconded by Councilman Sallee, to award the sewer project 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.

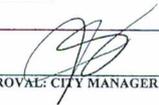
**CONSIDER AWARDED BIDS FOR
SOCCER FIELD LIGHTING,
TRANSFORMERS, CABLE
AND UTILITY VEHICLE –
ELECTRIC DEPARTMENT**

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 4, 2005**

**CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 05061401**

DATE OF BID OPENING: 6/28/2005 TIME: 2:00 PM CST
 BIDS OPENED BY: Glenn Greenwood
 BIDS WITNESSED BY: Donald Stockton
 DEPARTMENT: Electric

| BIDDERS | 2006 Utility Vehicle 4 x 4 | | | | | | | | |
|-------------------------|----------------------------|--|--|--|--|--|--|--|--|
| QTY | | | | | | | | | |
| Heritage Ford | \$ 23,879.53 | | | | | | | | |
| Carlen Chevrolet | \$ 23,397.48 | | | | | | | | |
| Cumberland Chrysler | No bid | | | | | | | | |
| Cookeville GMC | No bid | | | | | | | | |
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WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Carlen Chevrolet
 BE AWARDED FOR THE FOLLOWING REASON: low bid meeting specs.
 RECOMMENDED: DEPT. HEAD  APPROVAL: CITY MANAGER 

Councilman Davis made a motion, seconded by Councilman Sallee, to award the Electric Department 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.

HEARING OF CITIZENS AND/OR DELEGATIONS:

No one spoke at this time.

There being no further business to discuss, Councilman Shelton made a motion, seconded by Councilman Sallee, to adjourn the meeting at 6:38 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