

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
FEBRUARY 2, 2006
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, February 2, 2006, 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**

Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to amend the agenda by adding item 17 – consider approval of contract extension with Geotek Engineering Company to complete the investigation of property relative to the extension of Commerce Avenue and adding item 18 – consider authorizing the City Manager to negotiate an option to acquire the Carlen property for a downtown park. 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
JANUARY 19, 2006**

Councilman Shelton made a motion to dispense with the reading of the minutes and approve said minutes as submitted. The motion was seconded by Vice-Mayor Qualls. 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 SECOND AND
FINAL READING ORDINANCE
#005-12-23, CLOSURE AND
ABANDONMENT AS CITY
STREET A PORTION OF
DACC0 DRIVE**

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2006**

Councilman Sallee made a motion, seconded by Councilman Davis, to approve on second and final reading Ordinance #O05-12-23. 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 SECOND AND
FINAL READING ORDINANCE
#O05-12-24, REZONING
PROPERTIES AT 5320 OLD
SPARTA ROAD AND
ADJOINING VACANT LOT,
5454, 5496 & 5502 SOUTH
JEFFERSON AVENUE
(TAX MAP #96.00, PARCELS
76.00, 77.00, 78.02, 78.04 &
78.05) FROM RS-20 (SINGLE-
FAMILY RESIDENTIAL) TO
CL (LOCAL COMMERCIAL)**

Councilman Davis made a motion, seconded by Councilman Sallee, to approve on second and final reading Ordinance #O05-12-24. 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
#O06-01-01, REZONING
PROPERTY AT 625, 645 &
665 E. 22ND STREET & 2140
DENTON AVENUE (TAX MAP
#40C-F-1.00, 15.00, 24.00 & 26.00)
FROM RS-10 (SINGLE-FAMILY
RESIDENTIAL) TO RM8 (MULTI-
FAMILY RESIDENTIAL)**

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2006**

Mayor Womack reported that we currently have 11,899 apartments built in Cookeville & expressed concern about approving this request.

Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to approve on first reading Ordinance #O06-01-01, rezoning to RM8. 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
#O06-01-02, REZONING
PROPERTY AT 2223 NORTH
WASHINGTON AVENUE
FROM LM (LIGHT
MANUFACTURING) TO
CL (LOCAL COMMERCIAL)**

Vice-Mayor Qualls made a motion, seconded by Councilman Shelton, to approve on first reading Ordinance #O06-01-02. 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
#O06-01-03, REZONING
PROPERTY ON WEST
JACKSON STREET (TAX
MAP #54, PORTION OF
PARCEL 86.00) FROM
RS-10 (SINGLE-FAMILY
RESIDENTIAL) TO CR
(REGIONAL COMMERCIAL)**

Councilman Shelton made a motion, seconded by Councilman Sallee, to approve on first reading Ordinance #O06-01-03. 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
FEBRUARY 2, 2006**

**HOLD A PUBLIC HEARING
AND CONSIDER ON FIRST
READING ORDINANCE
#O06-01-04, ANNEXATION
OF SHAG RAG ROAD
AREA, AND RESOLUTION
#R06-02-01, ADOPTING
PLAN OF SERVICES/
ZONING**

Councilman Sallee made a motion, seconded by Councilman Shelton, to approve on first reading Ordinance #O06-01-04, and adopt Resolution #R06-02-01.

Victor Jones, owner in this area and speaking for Mrs. H. H. Ward, stated that she wishes to keep her property RS5 zone even though the current use is grandfathered.

Mayor Womack made a motion, seconded by Vice-Mayor Qualls, to amend the motion to keep map #41, parcel 39.00 as RS5 zone. Upon call for a vote, on the amendment to the 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 amendment to the motion carried.

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

**CONSIDER RESOLUTION
#R06-02-02, AUTHORIZING
THE APPLICATION FOR
COMMUNITY
DEVELOPMENT BLOCK
GRANT FUNDS FOR A
SEWER SYSTEM REHAB
PROJECT & COMMITTING
TO THE REQUIRED MATCH**

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2006**

Vice-Mayor Qualls made a motion, seconded by Councilman Shelton, to adopt Resolution #R06-02-02. 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
#R06-02-03, AUTHORIZING
THE APPLICATION FOR
LOCAL PARKS &
RECREATION FUNDS
AND COMMITTING TO
THE REQUIRED MATCH**

Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to adopt Resolution #R06-02-03.

After a long discussion, Councilman Sallee made a motion, seconded by Mayor Womack, to table this item until we have further information on the Carlen property. 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 motion to table failed.

Councilman Shelton called for question. Upon call for a vote, the following voted aye:

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

NAY: Mayor Charles Womack

The City Clerk announced that the motion carried.

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

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2006**

**CONSIDER APPROVAL OF
PROPERTY ACQUISITION
FOR COOKEVILLE
REGIONAL MEDICAL
CENTER LOCATED AT
1440 N. WASHINGTON
AVENUE**

Officers of the Board of Trustees

John Story
Chairman of the Board

Jim Martin
Vice-Chairman of the Board

Bernard Mattingly
Chief Executive Officer



142 West Fifth Street • Cookeville, TN 38501
931.528.2541

Medical Staff Officers

Vaughn Barnard, M.D.
President of Medical Staff

Timothy Fournet, M.D.
Vice-President of Medical Staff

Dale Douglas, M.D.
Secretary of Medical Staff

January 27, 2006

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

Dear Mr. Shipley:

On Thursday, January 26, 2006, the CRMC Board of Trustees approved the purchase of the property located at 1440 North Washington Avenue. The total purchase price is \$500,000 and is included in the FY 2006 budget.

The Board also approved to recommend that the Cookeville City Council commence condemnation proceedings for the following property:

- 128 West 6th Street
- 132 West 6th Street
- 134 A and B West 6th Street
- 144 West 6th Street
- 152 West 6th Street

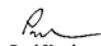
The Board also approved to recommend that the Cookeville City Council commence condemnation proceedings for the property located at:

- 520 North Whitney Avenue

All of these properties are necessary for the completion of the North Tower project.

Please add this to the February 2, 2006 City Council Agenda for approval.

Sincerely,


Paul Korth
Chief Financial Officer

Vice-Mayor Qualls made a motion, seconded by Councilman Shelton, to approve the purchase of property for CRMC at 1440 N. Washington Avenue 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 TO
COMMENCE WITH
CONDEMNATION
PROCEEDINGS FOR 128,
132, 134A & B, 144 & 152
W. 6TH STREET & 520
N. WHITNEY AVENUE
FOR COOKEVILLE
REGIONAL MEDICAL
CENTER**

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2006**

Vice-Mayor Qualls made a motion, seconded by Councilman Davis, to approve condemnation proceedings for the properties 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 FOR
EXTENSION OF FLOW
MONITORING PROPOSAL**

MEMORANDUM

TO: City Council
City Manager

FROM: Ronnie J. Kelly, Director *RJK*

DATE: January 26, 2006

SUBJ: Flow Monitoring Proposals

During the next City Council meeting I will be seeking authorization to use a prior City Council approved flow monitoring bid to provide flow monitoring services in the Booger Swamp Drainage Basin. This prior City Council approved proposal provided flow monitors and data analysis per unit prices. The company that provided the low proposal has agreed to hold their prices for this additional project. I have included the proposals for your review.

The City of Algood has requested additional capacity in this drainage basin. We know during periods of heavy rain our flows increase significantly in this basin. This project will allow us to gather information, within this basin, to determine if we have additional capacity to give during these storm events. We are also in the process of adding additional metering equipment to Algood's sewer pumping stations. This will allow us to determine Algood's peak flow to our system during a storm event. Current equipment only allows us to record total flows and not the peak flow and its duration.

We are requesting that the City Council allow us to use the proposal's unit prices up to and not to exceed \$50,000 without prior City Council approval.

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

Vice-Mayor Qualls made a motion, seconded by Mayor Womack, to approve the extension of the current Flow Monitoring Proposal 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.

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2006**

**CONSIDER APPROVAL OF
ENGAGEMENT LETTER WITH
BILL PENNY, ATTORNEY, FOR
WASTEWATER TREATMENT
PLANT PERMIT**

MEMORANDUM

TO: City Manager
City Council

FROM: Ronnie J. Kelly, Director

RJK

DATE: January 26, 2006

SUBJ: Request to engage legal representation concerning Wastewater
Treatment Plant permit

During the next City Council Meeting I will be presenting a request for legal representation and to sign an Engagement Letter with Bill Penny who is now with the firm of Stites & Harbison. Bill has previously worked on our wastewater permit issues while he was with the firm of WYAT, TARRANT & COMBS.

Our NPDES Permit has been put out on public notice for comment but has not officially been sent to us for our comments. Once it is officially sent to our office the clock will start ticking and we will have 30 days to respond. If you fail to respond you have no standing and we would be unable to appeal certain provisions of the permit. It is very important for us to have all resources available for our use once our comment period begins.

Bill has the experience and understanding of the issue and I am comfortable that he is the most qualified to help us put together our comments and then file our appeal if necessary.

If you have any questions concerning this matter please feel free to give me a call.

Councilman Davis made a motion, seconded by Councilman Shelton, to approve the engagement letter with Attorney Bill Penny for legal representation on the Wastewater Treatment Plant Permit issues. 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.

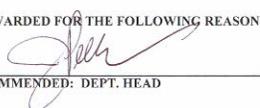
**CONSIDER RESCINDING
ACTION OF REGULATOR
BID ON 12-1-05, AND
AWARD NEW REGULATOR
BID OF 1-24-06 – ELECTRIC
DEPARTMENT**

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2006**

CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 06010301

DATE OF BID OPENING: 1/24/2006
 BIDS OPENED BY: Glenn Greenwood
 BIDS WITNESSED BY: Brian Bohannon
 DEPARTMENT: Electric
 TIME: 2:00 PM CST

BIDDERS	500 Kva Regulator	QTY						
	\$ 12,384.00	3						
Utilicor	\$ 37,152.00							
	\$ 14,741.00							
Stuart Irby	\$ 44,223.00							
	\$ 13,035.00							
Tennessee Valley Electric Supply	\$ 39,105.00							
	\$ 12,294.00							
Utility Sales Agency	\$ 36,882.00							

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Utility Sales Agency
 BE AWARDED FOR THE FOLLOWING REASON: low bid meeting specs.
 RECOMMENDED: DEPT. HEAD  APPROVAL: CITY MANAGER 

Tony Peek, Electric Department Director, stated that the bid approved on 12-1-05 was not approved within the price quote period good for thirty (30) days; therefore, Stuart Irby requested to be excused from the bid.

Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to rescind the action of the regulator bid on 12-1-05, and award the new regulator bid 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 BID FOR
TRANSFORMERS – ELECTRIC
DEPARTMENT**

CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 06010901

DATE OF BID OPENING: 1/24/2006
 BIDS OPENED BY: Glenn Greenwood
 BIDS WITNESSED BY: Brian Bohannon
 DEPARTMENT: Electric
 TIME: 1:30 PM CST

BIDDERS	15 Kva Csp Transformer	QTY	evaluated cost	150 Kva Pad Transformer	QTY	evaluated cost			
	\$ 620.00	8		\$ 5,494.00	1				
Tennessee Valley Electric Supply	\$ 4,960.00		\$ 971.96	\$ 5,494.00		\$ 9,295.22			
	\$ 629.00			\$ 5,152.00					
Wesco	\$ 5,032.00		\$ 972.52	\$ 5,152.00		\$ 9,023.94			
	\$ 760.00			\$ 5,458.00					
Power Supply (Ermco)	\$ 6,080.00		\$ 1,154.53	\$ 5,458.00		\$ 9,384.38			
	\$ 693.00			\$ 5,463.00					
Power Supply (Howard)	\$ 5,544.00		\$ 1,076.71	\$ 5,463.00		\$ 10,092.66			
	\$ 680.00			\$ 5,365.00					
Stuart Irby	\$ 5,440.00		\$ 1,061.77	\$ 5,365.00		\$ 9,979.98			
	\$ 439.00			\$ 4,944.00					
Deco	\$ 3,512.00		\$ 820.09	\$ 4,944.00		\$ 8,576.99			

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Deco
 BE AWARDED FOR THE FOLLOWING REASON: low evaluated bid meeting specs.
 RECOMMENDED: DEPT. HEAD  APPROVAL: CITY MANAGER 

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2006**

Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to award the transformer 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 BID FOR
BANKING SERVICES – ALL DEPTS.**

CITY OF COOKEVILLE
BID TABULATION SCHEDULE

Banking Services

DATE OF BID OPENING: 10/31/2005 TIME: 2:00pm
BIDS OPENED BY: Mike Davidson
BIDS WITNESSED BY: Cathy McClain, Brenda Imel
DEPARTMENTS: All

BIDDERS							
	net interest earnings / all accounts						
AmSouth Bank	\$32,786.99						
First Tn Bank	29,828.74						
U.S. Bank	28,003.60						
Bank of Putnam County	27,566.39						
Regions Bank	27,206.85						

WE THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM AmSouth Bank BE AWARDED
FOR THE FOLLOWING REASON: Meeting Specifications and Highest Net Interest Earnings


RECOMMENDED: DEPT. HEAD


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

Councilman Shelton made a motion, seconded by Councilman Davis, to award the banking services bid (3 year period) 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
CONTRACT EXTENSION
WITH GEOTEK
ENGINEERING COMPANY
TO COMPLETE INVESTIGATION
OF PROPERTY RELATIVE TO
THE EXTENSION OF
COMMERCE AVENUE**

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2006**

MEMORANDUM

TO: Jim Shipley
City Council Members

FROM: Greg Brown *GB*

DATE: January 31, 2006

SUBJ: February 2, 2006, City Council Agenda Item

Geotek Engineering Company of Nashville, TN. has been hired to do the geotechnical investigation for the extension of Commerce Street from Whitson Avenue to E. Veterans Drive. Their main objective was to verify the depth of the caves in the area to minimize the risk of a collapse during construction and to make recommendations for construction methods to avoid any damage to the caves and have a road that is stable. They were instructed to notify the city when the cost of their work approached \$5,000. Geotek has completed their field investigations. The total cost to compile the data and prepare a report for the city will not exceed \$7,500. I will be requesting the City Council's approval for this amount.

If you should have any questions concerning this, please contact me.

Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to approve the contract extension with Geotek Engineering Company 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 AUTHORIZING
THE CITY MANAGER TO
NEGOTIATE AN OPTION
TO ACQUIRE THE
CARLEN PROPERTY
FOR A DOWNTOWN
PARK**

Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to authorize the City Manager to negotiate an option to acquire the Carlen property on Broad Street. 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.

Mayor Womack recognized Judy Titsworth, CityScape Director, who spoke in support of the purchase of the Carlen property for the extension of the Dogwood Park.

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2006**

HEARING OF CITIZENS AND/OR DELEGATIONS:

No one spoke at this time.

There being no further business to discuss, Councilman Davis made a motion, seconded by Councilman Shelton, to adjourn the meeting at 7:18 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