

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
MAY 3, 2007
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, May 3, 2007, at 6:00 p.m., in the Putnam County Courthouse, 300 E. Spring Street. Mayor Sallee announced a moment of silent prayer. Pledge of Allegiance was led by Mayor Sallee. Mayor Sallee then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ryan Williams
Councilman Ricky Shelton

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

Mayor Sallee announced the death of Sgt. Alex Van Aalten, former resident of Monterey, while serving in Afghanistan.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Councilman Shelton made a motion, seconded by Councilman Anderson, to approve the agenda as submitted. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ryan Williams
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

OLD BUSINESS:

**CONSIDER APPROVAL OF MINUTES
OF COUNCIL MEETING HELD ON
APRIL 19, 2007**

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 Anderson. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ryan Williams
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 3, 2007**

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O07-04-10,
AMENDING TITLE 1, CHAPTER
1 OF THE COOKEVILLE
MUNICIPAL CODE, ADOPTING
A CODE OF ETHICS**

Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to approve on second and final reading Ordinance #O07-04-10. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ryan Williams
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O07-03-07,
AMENDING THE ZONING CODE
SECTION 230 FL, FLOOD
PLAIN DISTRICT, FOR THE
PURPOSE OF MAINTAINING
THE ELIGIBILITY OF THE
CITY OF COOKEVILLE IN
THE NATIONAL FLOOD
INSURANCE PROGRAM**

Councilman Anderson made a motion, seconded by Councilman Williams, to approve on second and final reading Ordinance #O07-03-07. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ryan Williams
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

NEW BUSINESS:

**HOLD A PUBLIC HEARING AND
CONSIDER ON FIRST READING
ORDINANCE #O07-04-09, CLOSURE
AND ABANDONMENT OF THE
UNDEVELOPED STREET RIGHT-
OF-WAY OF WALL AVENUE
ADJACENT TO 1281
WINTERHILL DRIVE**

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 3, 2007**

Councilman Shelton made a motion, seconded by Councilman Anderson, to approve on first reading Ordinance #O07-04-09. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ryan Williams
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**SET A DATE FOR A PUBLIC HEARING
ON ORDINANCE #O07-05-11, REZONING
A PORTION OF THE PROPERTY AT
699 SOUTH WILLOW AVENUE FROM
RS-10 (SINGLE-FAMILY RESIDENTIAL)
TO CG (GENERAL COMMERCIAL)**

Mayor Sallee set the date for Thursday, July 5, 2007, at 6:00 p.m.

**CONSIDER APPOINTMENT
TO THE HISTORIC ZONING
COMMISSION**

MEMORANDUM

TO: CITY COUNCIL MEMBERS
FROM: JAMES MILLS, ^{YN} PLANNING DIRECTOR
DATE: MAY 1, 2007
SUBJECT: HISTORIC ZONING COMMISSION APPOINTMENT

The term of Mrs. Mary Jean Delozier on the Historic Zoning Commission has expired. Mrs. Delozier has indicated that she does not wish to be reappointed. She served as representative of a local patriotic organization on the Commission. Members of the Historic Zoning Commission serve five-year terms and are appointed by the Mayor with confirmation by a majority vote of the City Council.

Ms. Julia Woodford, a member of a local patriotic organization, has been contacted and has agreed to serve if appointed. The Planning Department recommends for the appointment of Ms. Woodford.

If you have any questions or need further information please contact me at your convenience.

Mayor Sallee made a motion, seconded by Councilman Anderson, to appointment Mrs. Julia Woodford to the Historic Zoning Commission. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ryan Williams
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER AUTHORIZING THE
CITY MANAGER TO EXECUTE
AN AGREEMENT WITH
TELECOMMUNICATIONS
CONSULTING ASSOCIATES
TO CONDUCT A CABLE
TELEVISION AUDIT**

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 3, 2007**

**The Howell Group, LLC. dba
Telecommunications Consulting Associates
Service Agreement**

The City of Cookeville, Tennessee (Local Franchising Authority, LFA) hereby agrees to hire Telecommunications Consulting Associates (TCA) for the purposes set forth below in the attached letter and incorporated herein.

Scope of Work-Included in my Scope of Work are the following activities:

- Review the enabling ordinance, if one exists, and existing franchise agreement(s) with Charter Communications and any other mutually selected cable companies.
- I will conduct a franchise fee audit of Charter and any other mutually selected cable company for six (6) years, unless prohibited by the City's franchise agreement. Once the fee audit is completed, the data will be presented in spreadsheet form and will detail any payment discrepancies and penalties.
- I will draft all correspondence to Charter and any other mutually selected cable company for you to place on your letterhead. This correspondence will detail the findings and make demand for any restitution, including a Settlement Agreement.
- After this work is complete, I will draft a Summary Report detailing all of my findings.

Terms of Payment

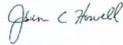
Audit Fee: This audit Scope of Work will be billed at 50% of any funds that are recovered by the LFA as a result of our audit. This audit scope of work is delineated in a letter from John Howell, which is attached hereto and incorporated by reference.

Payment to TCA of the Percentage Compensation shall be due 20 days following LFA's receipt of any monies recovered either as settlement, refund, credit, trade out, service in kind or as an award from the franchised cable operator.

DATE _____

On behalf of The City of Cookeville, Tennessee

DATE April 19, 2007



John C. Howell, TCA

TCA, 101 Flat Rock Gap Road, Waynesville, NC 28785 (PHONE) 828-627-8415 (FAX) 828-627-8505

Councilman Shelton made a motion, seconded by Councilman Anderson, to authorize the City Manager to execute an agreement with Telecommunications Consulting Associates as submitted. Upon call for a vote, the following voted aye:

Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ryan Williams
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER APPOINTMENT TO
THE PUTNAM COUNTY RAIL
TRAIL AUTHORITY**

Mayor Sallee nominated Mr. Sam Glasgow to be appointed to the Putnam County Rail Trail Authority. Councilman Shelton moved that nominations cease and that Sam Glasgow be elected by acclamation.

**CONSIDER AWARDED BID FOR
FAIRGROUND STREET
IMPROVEMENT PROJECT**

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 3, 2007**

CITY OF COOKEVILLE
BID TABULATION RECORD

St
FAIRGROUND LANE IMPROVEMENT PROJECT

DEPARTMENT: PUBLIC WORKS
BIDS OPENED BY: GREG BROWN
OPENING WITNESSED BY: CLYDE PRESLEY

DATE OF BID OPENING: APRIL 27, 2007
TIME OF BID OPENING: 2:00 PM

BIDDERS	SCHEDULES TOTAL			TOTAL PROJECT BID
	A	B	C	
ELK MOUNTAIN	1,191,198.00	218,652.00	170,050.00	\$1,579,900.00
HIGHWAYS, INC.	1,703,531.00	235,400.00	198,134.00	\$2,137,065.00
PUTNAM CONTRACTING	1,568,890.00	247,550.00	224,015.00	\$2,040,455.00

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM ELK MOUNTAIN
BE AWARDED FOR THE FOLLOWING REASON: LOW BIDDER

Greg Brown
RECOMMENDED: DEPT. DIRECTOR

N. Sallee
BUDGET AVAILABILITY: FINANCE DIRECTOR

[Signature]
APPROVAL: CITY MANAGER

Councilman Shelton made a motion, seconded by Councilman Anderson, to award the Fairground Street Improvement Project bid as recommended. Upon call for a vote, the following vote aye:

- Mayor Sam Sallee
- Vice-Mayor Jean Davis
- Councilman Alma Anderson
- Councilman Ryan Williams
- Councilman Ricky Shelton

The City Clerk announced that the motion carried.

HEARING OF CITIZENS AND/OR DELEGATIONS:

Jim Shipley, City Manager, announced that the next council meeting on 5-17-07 will be in the newly remodeled Council Chambers.

Vice-Mayor Davis announced that the Railroad Rendezvous event will be on Saturday, May 5th on the Westside Downtown Area.

There being no further business to discuss, Mayor Sallee made a motion, seconded by Councilman Anderson, to adjourn the meeting at 6:21 p.m. Upon call for a vote, the following voted aye:

- Mayor Sam Sallee
- Vice-Mayor Jean Davis
- Councilman Alma Anderson
- Councilman Ryan Williams
- Councilman Ricky Shelton

The City Clerk announced that the motion carried.

Sam Sallee, Mayor

ATTEST:

Cathy McClain, City Clerk