

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
FEBRUARY 19, 2009
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, February 19, 2009, at 6:00 p.m., in the Municipal Building, 45 East Broad Street. Vice-Mayor Davis announced a moment of silent prayer. Pledge of Allegiance was led by Vice-Mayor Davis. Vice-Mayor Davis then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

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

ABSENT: Mayor Sam Sallee

Also present: Jim Shipley, City Manager; Cathy McClain, City Clerk; and Dan Rader, City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Councilman Shelton made a motion, seconded by Councilman Anderson, to amend the agenda by adding item #10 – consider approval of change order to contract with Mid-State Construction Company & item #11 - consider approval of revised master plan for the Highlands Business Park. Upon call for a vote, the following voted aye:

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

ABSENT: Mayor Sam Sallee

The City Clerk announced that the motion carried.

OLD BUSINESS:

**CONSIDER APPROVAL OF
MINUTES OF COUNCIL
MEETING HELD ON
FEBRUARY 5, 2009**

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

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

ABSENT: Mayor Sam Sallee

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 19, 2009**

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #009-02-01,
AMENDING THE COOKEVILLE
MUNICIPAL CODE TITLE 12,
CHAPTER 1, 2, 4, 7, 8 & TITLE 7,
CHAPTER 2, RELATIVE TO
ADOPTING THE 2006
INTERNATIONAL CODES**

Councilman Williams made a motion, seconded by Councilman Anderson, to approve on second and final reading Ordinance #009-02-01. Upon call for a vote, the following voted aye:

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

ABSENT: Mayor Sam Sallee

The City Clerk announced that the motion carried.

CONSENT AGENDA:

**CONSIDER AWARDED BID FOR
UNIFORMS & WIRE – ELECTRIC
DEPARTMENT**

**CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 09012101**

DATE OF BID OPENING: 2-3-2009 TIME: 2:00 PM CST
BIDS OPENED BY: Glenn Greenwood
BIDS WITNESSED BY: Brandon Jones
DEPARTMENT: Electric

BIDDERS	item 1 item 2 item 3 item 4 item 5 item 6						100% Cotton T-Shirts		
	Flame Resist Shirts	Flame Resist Pants	Flame Resist Jacket	Flame Resist Coveralls	Flame Resist Coverall Jkt.	QTY			
Wesco	\$58.00/ea.	\$61.00/ea.	\$163.00/ea.	\$190.00/ea.	\$163.00/ea.	No Bid			
Stuart Irby	\$49.40/ea.	\$44.35/ea.	\$148.05/ea.	\$215.95/ea.	\$179.20/ea.	\$19.50/ea.			
Unifirst	\$41.67/ea.	\$44.38/ea.	\$148.83/ea.	\$229.35/ea.	\$161.20/ea.	\$6.50/ea.			
Perfect Fit	\$37.50/ea.	\$41.50/ea.	\$128.50/ea.	\$179.50/ea.	\$152.00/ea.	\$10.80/ea.			

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Perfect Fit items 1 - 5 Unifirst item 6

BE AWARDED FOR THE FOLLOWING REASON: low bid meeting specs.


RECOMMENDED BY: DEPT. HEAD


APPROVAL: CITY MANAGER

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 19, 2009**

**CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 09012901**

DATE OF BID OPENING: 2-10-2009
BIDS OPENED BY: Glenn Greenwood
BIDS WITNESSED BY: Brandon Jones
DEPARTMENT: Electric

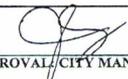
TIME: 2:00 PM CST

BIDDERS	QTY	336	795					
		Aluminum 15,000'	Aluminum 10,000'					
Utilicor		\$1.56/ft \$ 23,400.00	\$.95/ft \$ 9,500.00					
HD Utilities		\$.60/ft \$ 9,000.00	\$1.05/ft \$ 10,500.00					
Wesco		\$.69/ft \$ 10,350.00	\$1.15/ft \$ 11,500.00					
Harris Electric		\$.58/ft \$ 8,700.00	\$1.03/ft \$ 10,300.00					
Power Supply		\$.55/ft \$ 8,250.00	\$.94/ft \$ 9,400.00					

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Power Supply

BE AWARDED FOR THE FOLLOWING REASON: low bid meeting specs


RECOMMENDED: DEPT. HEAD


APPROVAL: CITY MANAGER

**CONSIDER AWARDED BID FOR
ODORANT – GAS DEPARTMENT**

**CITY OF COOKEVILLE
BID TABULATION SCHEDULE**

Item for Bid: Natural Gas Odorant

DATE OF BID OPENING: February 12th, 2009
BIDS OPENED BY: Jeff Mills
BIDS WITNESSED BY: Linda Savage
DEPARTMENTS: Gas

TIME: 10:00a.m.

BIDDERS	QUANTITY	PRICE	TOTAL					
GPM Equipment Sales Inc	500 gallon @	\$23.50/gallon =	\$11,750 total					
Odorization Solutions Inc	500 gallon @	\$23.66/gallon =	\$11,830 total					

WE THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM GPM Equipment Sales Inc BE AWARDED
FOR THE FOLLOWING REASON: Low Bid


RECOMMENDED: DEPT. HEAD


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

**CONSIDER AWARDED BIDS FOR
CHEMICALS – WATER QUALITY
CONTROL DEPARTMENT**

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 19, 2009**

CITY OF COOKEVILLE
DEPARTMENT OF WATER QUALITY CONTROL
PALL MEMBRANE FILTRATION SYSTEM
WATER PLANT
CHEMICAL - BID FORM

DATE OF BID OPENING February 12, 2009
BIDS OPENED BY RODGER PHILLIPS TIME: 10:00 A.M.
BIDS WITNESS BY BONNIE TINCH

BIDDER - NAME	PRICE IF AWARDED SEPARATE			PRICE IF AWARDED TO ONE VENDER		
	\$/lb	\$/Gallon	\$/lb.	\$/lb	\$/Gallon	\$/lb
	CAUSTIC	SODIUM HYPOCHLORITE	CITRIC ACID	CAUSTIC	SODIUM HYPOCHLORITE	CITRIC ACID
BRENNTAG MID SOUTH	\$.23/LB	\$1.45/GAL	\$.835/LB	\$.23/LB	\$1.45/GAL	\$.835/LB
DPC ENTERPRISES	NO BID	NO BID	NO BID	\$0.46/LB	\$2.25/GAL	\$1.19/LB
THE DYCHO COMPANY INC	NO BID	NO BID	NO BID	\$0.27/LB	\$1.70/GAL	\$.98/LB
UNIVAR USA	\$.39/LB	\$2.43/GAL	\$.98/LB	NO BID	NO BID	NO BID

WE, THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM - **BRENNTAG MID SOUTH** - BE AWARDED FOR THE FOLLOWING REASON: LOW BID SUBMITTED.


RECOMMENDED
DEPARTMENT HEAD


BUDGET AVAILABILITY:
FINANCE DIRECTOR


APPROVAL:
CITY MANAGER

Councilman Anderson made a motion, seconded by Councilman Williams, to approve the consent agenda items as recommended. Upon call for a vote, the following voted aye:

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

ABSENT: Mayor Sam Sallee

The City Clerk announced that the motion carried.

NEW BUSINESS:

**CONSIDER APPROVAL OF
PROPERTY ACQUISITION
FOR COOKEVILLE REGIONAL
MEDICAL CENTER AT 128
NORTH WHITNEY AVENUE**



January 23, 2009

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

Dear Jim:

The hospital Board of Trustees approved the purchase of property and medical office building located at 128 North Whitney Avenue. The total purchase price is \$1,225,000 and will be purchased with cash reserves.

The property is located within the Medical District and will be used by CRMC as physician offices for employed physicians. Please add this to the February 19, 2009 City Council Agenda for approval.

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

Sincerely,


Paul Korth
Chief Financial Officer

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 19, 2009**

Councilman Shelton made a motion, seconded by Councilman Anderson, to approve the purchase of property for CRMC at 128 North Whitney Avenue as recommended. Upon call for a vote, the following voted aye:

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

ABSENT: Mayor Sam Sallee

The City Clerk announced that the motion carried.

**CONSIDER EMERGENCY
REPAIR AT DEBERRY
HEIGHTS SEWER PUMP
STATION – WATER
QUALITY CONTROL
DEPARTMENT**

MEMORANDUM

TO: City Council
City Manager

FROM: Ronnie J. Kelly, Director *RJK*

DATE: February 12, 2009

SUBJ: Deberry Heights Sewer Pump Station Emergency Repair

During the next City Council meeting I will be requesting authorization of payment for an electrical motor and impeller for the Deberry Heights Pump Station.

The 40 hp motor is past the point of rebuilding with structural damage to both end frames. The impeller is needed to replace a worn and broken impeller at the station. We had to contact the manufacture to purchase the parts. The cost of the parts total \$9,139.65. This is a sole source purchase and would recommend your approval for payment.

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

Councilman Williams made a motion, seconded by Councilman Anderson, to approve the emergency repair at Deberry Heights Sewer Pump Station as recommended. Upon call for a vote, the following voted aye:

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

ABSENT: Mayor Sam Sallee

The City Clerk announced that the motion carried.

**CONSIDER RESOLUTION #R09-02-02,
RELATIVE TO CHARTER
COMMUNICATIONS**

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 19, 2009**

Jim Shipley, City Manager, gave the following report:

- Charter Communications was granted a state franchise in October of 2008
- The company elected to obtain a state franchise under the provisions of the new state law that was passed by the state legislature in 2008
- The state franchise makes the city's franchise agreement with Charter NULL AND VOID.
- The new state law gives the city the option to require Charter to pay the franchise fee quarterly instead of annually, and allows us to increase the franchise fee from 3% to 5%.
- This resolution requires Charter to pay us quarterly, and to pay us the 5% franchise fee.

RESOLUTION

A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF
COOKEVILLE REGARDING T.C.A.
§7-59-301, ET SEQ., THE
COMPETITIVE CABLE AND VIDEO
SERVICES ACT, AS IT RELATES TO
FRANCHISE FEES

RESOLUTION NUMBER: R09-02-02
REQUESTED BY: JIM SHIPLEY
PREPARED BY: JIM SHIPLEY
APPROVED AS TO FORM &
CORRECTNESS:

(City Attorney)

ADOPTED:

MINUTE BOOK _____ PAGE _____

WHEREAS, the City of Cookeville approved a Cable Television Franchise agreement with Charter Communications in January, 1995; and

WHEREAS, On September 9, 2008, Charter Communications applied for a state issued cable and video franchise certificate with the Tennessee Regulatory Authority, which was issued on October 7, 2008; and

WHEREAS, an incumbent cable or video service provider who terminates its existing local franchise by obtaining a state-issued certificate of franchise authority shall continue to pay the franchise fee required under the terminated local franchise until the date upon which the local franchise would have naturally expired; and

WHEREAS, T.C.A. §7-59-303(11)(A)(1) requires a municipality to adopt a resolution that requires gross revenue to include, among other items, franchise fees, as part of the quarterly franchise fee payments and to provide such notice to the Tennessee Regulatory Authority in order for these amounts to be included in any state issued cable and video franchise.

WHEREAS, while the local Franchise Agreement approved between Charter Communications and the City of Cookeville in January, 1995, provides a franchise fee equal to three percent (3%) of gross revenues, the new State statute requires that a holder of a state-issued certificate of franchise authority shall be required to pay a franchise fee equal to five percent (5%) of such holder's gross revenues.

WHEREAS, the City of Cookeville is required by statute to approve by resolution raising the franchise fee from 3% to 5%.

NOW, THEREFORE, upon Motion duly made and seconded, the City of Cookeville, hereby resolves as follows:

1. All cable and video service providers operating in the City of Cookeville and using our public rights of way are required to include franchise fees in the definition

of "gross revenue", among other items, as part of the quarterly franchise fee payment to the City in accordance with T.C.A. §7-59-303(11)(A)(i).

2. As set forth in the provisions of TCA §7-59-306, a holder of a state-issued certificate of franchise authority shall be required to pay a franchise fee equal to five percent (5%) of such holder's gross revenues and although the local franchise agreement provides a franchise fee of 3%, this Resolution resolves to require Charter Communications to pay the new State franchise fee of 5%.

3. Additionally, the new State franchise fee is paid quarterly, rather than annually, as it is delineated under the City's original franchise. The franchise fee must be paid 45 days from the close of the quarter and must be accompanied by a statement showing the revenues attributable to Cookeville subscribers.

4. The City Recorder shall send a certified copy of this Resolution to the Tennessee Regulatory Authority as its notice, pursuant to T.C.A. §7-59-303(11)(A)(i) and Charter Communications.

5. This Resolution shall be effective immediately upon its passage and shall be implemented 45 days after a copy of the Resolution is delivered to the Tennessee Regulatory Authority and Charter Communications.

Adopted this the _____ day of _____, the public welfare requiring it.

(Mayor)

ATTEST:

(City Clerk)

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 19, 2009**

Councilman Shelton made a motion, seconded by Councilman Williams, to adopt Resolution #R09-02-02. Upon call for a vote, the following voted aye:

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

ABSENT: Mayor Sam Sallee

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
CHANGE ORDER TO
CONTRACT WITH MID-
STATE CONSTRUCTION**



695 E. 15th Street
Cookeville, TN 38501

Phone: (931) 526-7345 Fax: (931) 526-7899

TITLE: Reinforce Brick Wall - East Side

PROJECT: Cookeville Drama Center

TO: Attn: Greg Stamps
Stamps Design Group
41 North Cedar Ave
Cookeville, TN 38501
Phone: 931-526-7341 Fax: 931-526-7351

**PROPOSED CHANGE
ORDER**

No. 00003

DATE: 2/18/2009

JOB: 5341

CONTRACT NO: 11

RE: To: From: Number:

DESCRIPTION OF PROPOSAL

Below pricing reflects reinforcing existing brick wall on East side of Lobby / Plaza.

Note: If pilings are required, cost will be \$60 per linear foot (per contract) in addition to this pricing.

Item#	Description	Stock#	Quantity	Units	Unit Price	Tax Rate	Tax Amount	Net Amount
00001	Concrete / Form Slab		1.000		\$200.00	0.00%	\$0.00	\$200.00
00002	Metal Stud Framing		1.000		\$260.00	0.00%	\$0.00	\$260.00
00003	Steel Angles / Thru bolts / Steel Plates		1.000		\$1,150.00	0.00%	\$0.00	\$1,150.00
00004	Install Thru bolts / Angles Labor		1.000		\$200.00	0.00%	\$0.00	\$200.00
00005	Insulation / Vapor Barrier		1.000		\$170.00	0.00%	\$0.00	\$170.00
Subtotal:							\$1,980.00	
					Description	Markup Percent	Markup Amount	
					Overhead	10.000%	\$198.00	
					Profit	5.000%	\$99.00	
Total Cost:							\$2,277.00	

Handwritten calculation: $1980 + 277 = 4554.00$

Councilman Shelton made a motion, seconded by Councilman Anderson, to approve the change order with Mid-State Construction (Drama Center repairs) in the amount of \$4,554.00 plus additional pilings for the east wall. Upon call for a vote, the following voted aye:

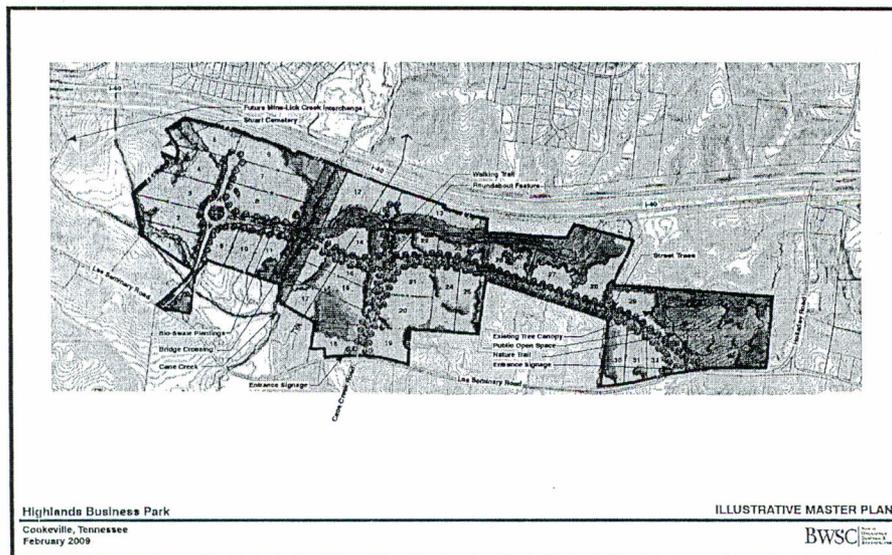
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

ABSENT: Mayor Sam Sallee

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 19, 2009**

**CONSIDER APPROVAL OF
REVISED MASTER PLAN
FOR THE HIGHLAND
BUSINESS PARK**



Jim Shipley, City Manager, advised that we will be omitting the 77 acre tract of the Pyles Property (in litigation) at this time & direct traffic to Lee Seminary Road. He recommended approving the Revised Rendering for the Business Park.

Councilman Shelton made a motion, seconded by Councilman Williams, to approve the Revised Master Plan for the Highland Business Park as recommended. Upon call for a vote, the following voted aye:

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

ABSENT: Mayor Sam Sallee

The City Clerk announced that the motion carried.

HEARING OF CITIZENS AND/OR DELEGATIONS:

Vice-Mayor Davis recognized & commended Jim Burchett, Human Resources Director, for his upcoming retirement after 20 years of excellent service with the City of Cookeville since 1989. She announced that Gail Fowler, currently Administrative Assistant, will be replacing him.

The Council recognized Alma Anderson's U.S. History Class for their attendance.

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 19, 2009**

There being no further business to discuss, Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to adjourn the meeting at 6:25 p.m. Upon call for a vote, the following voted aye:

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

ABSENT: Mayor Sam Sallee

The City Clerk announced that the motion carried.

Jean Davis, Vice-Mayor

ATTEST:

Cathy McClain, City Clerk