

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
MAY 21, 2009
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, May 21, 2009, at 6:00 p.m., in the Municipal Building, 45 East Broad 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 Ricky Shelton
Councilman Ryan Williams

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

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Vice-Mayor Davis made a motion, seconded by Councilman Shelton, to amend the agenda by adding item 13 – consider approval of proposal for auctioneering services to sell by public auction houses located at 925 Southgate Drive & 636 Fairground Street. Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

OLD BUSINESS:

**CONSIDER APPROVAL OF
MINUTES OF COUNCIL
MEETING HELD ON
MAY 7, 2009**

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

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

The City Clerk announced that the motion carried.

**CONSIDER ON SECOND AND
FINAL READING ORDINANCE
#009-04-04, AMENDMENTS
TO ZONING CODE SECTION
208 TO ESTABLISH
ARCHITECTURAL DESIGN
REQUIREMENTS**

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 21, 2009**

Councilman Williams made a motion, seconded by Councilman Anderson, to approve on second and final reading Ordinance #O09-04-04. Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

NEW BUSINESS:

**CONSIDER ON FIRST READING
ORDINANCE #O09-05-07,
RELATED TO AUTOMATED
TRAFFIC ENFORCEMENT**

Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to approve on first reading Ordinance #O09-05-07.

Bill Barnhart, local citizen, spoke to the council stating "is this good for Cookeville"?

Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

**CONSIDER RESOLUTION #R09-05-06,
AUTHORIZING THE CITY OF
COOKEVILLE TO SUBMIT AN
APPLICATION FOR GRANT
FUNDS THROUGH THE STATE
OF TENNESSEE FASTTRACK
PROGRAM FOR THE
HIGHLANDS BUSINESS/
INDUSTRIAL PARK**

Councilman Shelton made a motion, seconded by Councilman Anderson, to adopt Resolution #R09-05-06. Upon call for a vote, the following voted aye:

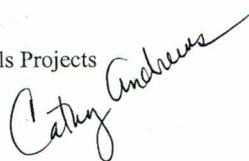
Mayor Sam Sallee
Vice-Mayor Jean Davis
Councilman Alma Anderson
Councilman Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
APPRAISAL SERVICES FOR
THE RAILS WITH TRAILS
PROJECT**

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 21, 2009**

To: Mr. Jim Shipley and City Council
From: Cathy Andrews, Project Manager for Rails with Trail Project
Subject: Appraisal Services for Rails with Trails Projects
Date: May 18, 2009



Statements of Qualifications were received and reviewed on May 15, 2009 for appraisal services for the Rails with Trails Project. Two statements were received and reviewed meeting requirements of the request.

My recommendation is **Standifer and Associates, Inc.** for the amount of \$6,500.

Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to approve the appraisal services for the Rails with Trails Project as recommended. Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

**CONSIDER APPOINTMENT TO
THE COOKEVILLE TREE
BOARD**



**COOKEVILLE
TREE BOARD**

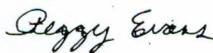
Cookeville Tree Board
45 East Broad Street
Cookeville TN 38501

TO: Mayor Sam Sallee and Cookeville City Council

The Cookeville Tree Board has one more candidate for the Tree Board that we would like appointed. This is the last open position for the time being. Please make this appointment effective May 2009. Below is the statement of the candidate, Mike Witt. Mike has met with the Tree Board and is very acceptable to the board members.

Please let me know as soon as possible about their appointments. Thank you very much.

Sincerely,



Peggy Evans, chair
Cookeville Tree Board

Mayor Sallee made a motion, seconded by Councilman Anderson, to appoint Mr. Mike Witt to the Cookeville Tree Board. Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 21, 2009**

**CONSIDER APPROVAL OF
CHANGE ORDER IN THE
CONTRACT FOR THE
DRAMA CENTER
RENOVATION**



May 5, 2009

Mr. Rick Woods, Director
City of Cookeville Leisure Services Department
45 East Broad Street
PO Box 998
Cookeville, TN 38503

Re: Cookeville Drama Center
Mid-State Construction
Change Order 003
Amount: \$26,160.00
Additional Contract Days: 24

Dear Rick,

Enclosed please find three copies of Change Order 003 in the amount of \$26,160.00 for Mr. Shipley's signature. Please return all three to our office for further processing. Once all signatures are obtained, we will send you a copy for your records.

This Change Order reflects the cost of 436 feet of additional steel pilings. Also included, at no charge, is the addition of hose bib installed adjacent to fountain.

It will be necessary to add four additional days to the Contract for the installation of pilings and hose bib and 20 due to inclement weather up to and including March 31, 2009, for a total of 24 to date. (see back-up documents attached)

Please call me if you have any questions.

Best regards,

J. Greg Stamps, AIA
President

Councilman Anderson made a motion, seconded by Councilman Williams, to approve the change order for the Drama Center renovation as submitted. Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
A PROPOSED EXPANDED
TVA GENERATION
PARTNERS AGREEMENT**



Tennessee Valley Authority, Post Office Box 292409, Nashville, Tennessee 37229-2409

April 13, 2009

Mr. Joseph (Tony) A. Peek
Director
Cookeville Electric Department
55 West Davis Road
Cookeville, Tennessee 38506-4249

Dear Tony:

We have enclosed two duplicate originals each of a proposed expanded Generation Partners Agreement, Contract No. 00076350. This contract provides for your participation in the expanded pilot.

Note that the Generation Partners Agreement will be dated by us at the time it is presented for TVA's execution to specify a mutually acceptable effective date of the agreement.

This Generation Partners Agreement combines the previous Generation Partners and Demand Generation Partners arrangements. The existing Generation Partners and Demand Generation Partners agreements will terminate upon execution of this new agreement. If you elect not to execute this agreement, your current participation in Generation Partners and Demand Generation Partners will expire on June 30, 2009.

Upon execution of the Generation Partners Agreement by you, the two duplicate originals of the agreement should be returned to me for further handling within TVA. A fully executed agreement will be returned to you for your files. If you have any questions concerning these matters, please let me know.

Sincerely,

Michael L. Green
Manager
Nashville Customer Service

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 21, 2009**

Councilman Shelton made a motion, seconded by Councilman Anderson, to approve the expanded TVA Generation Partners Agreement as recommended. Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
A LICENSE AGREEMENT
AND PROPOSED BILL
OF SALE FOR A SECTION
OF THE TVA EAST
COOKEVILLE-ALGOOD
69-KV LINE**



Tennessee Valley Authority, Post Office Box 292409, Nashville, Tennessee 37229-2409

January 29, 2009

Mr. Joseph A. Peek
Director
Cookeville Electric Department
55 West Davis Road
Cookeville, Tennessee 38506-4149

Dear Tony:

We have enclosed for your review a copy of a draft proposed bill of sale by which TVA plans to convey a section of the TVA's East Cookeville-Algood 69-kV Line to you for \$1. Since the rights-of-way associated with the line sections will be retained by TVA, also enclosed for your execution, are two duplicate originals of a proposed license agreement covering your use of the rights-of-way.

Following execution of the license agreement, please return both duplicate originals to me for completion by TVA. A fully executed copy of the license agreement, together with the executed bill of sale, will subsequently be sent to you following their execution by TVA for your use to complete the sale of the line sections to you. If you have any questions concerning these matters, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Michael L. Green".

Michael L. Green
Manager
Nashville Customer Service

Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to approve the license agreement & proposed bill of sale for a section of the TVA East Cookeville-Algood 69-KV line as submitted. Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 21, 2009**

**CONSIDER APPROVAL OF
DESIGN CONTRACT FOR
THE FIRE PROTECTION
SYSTEMS AT THE
FIRE STATIONS**

TO: Jim Shipley, City Manager
FROM: John Kendrick, Fire Chief *JK*
DATE: May 15, 2009
SUBJECT: Fire Protection System for the Fire Stations

The Cookeville Fire Department is the recipient of an Assistance to Firefighter Grant that will fund 90% of the cost to install sprinkler systems in all stations.

Purpose:
Provide Life Safety to personnel
Provide protection to City assets
Provides protection 24 hours a day 7 days a week should an incident occur, the installation of these systems would lessen the financial impact of this loss to our community and citizens.

The State of Tennessee requires design drawings be prepared by a licensed engineer dealing in fire protection services. Maffett Loftis Engineering is the only local firm meeting these requirements.

Councilman Anderson made a motion, seconded by Vice-Mayor Davis, to approve the design contract for the Fire Stations as recommended. Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

**CONSIDER AWARDING BID FOR
HYDRAULIC RESCUE
EQUIPMENT – FIRE
DEPARTMENT**

CITY OF COOKEVILLE
BID TABULATION SCHEDULE

ONE (1) RESCUE HYDRAULIC TOOL SYSTEM

DATE OF BID OPENING: 05/13/09 TIME: 3:00 P.M.
BIDS OPENED BY: John Kendrick
BIDS WITNESSED BY: Bob Lynch
DEPARTMENT: Fire

BIDDERS	SPREADER WITH ACCESSORIES	CUTTER	MINI CUTTER	SMALL RAM	MEDIUM RAM	RAM ACCESSORIES	PUMP HOSE REELS	TOTAL
G & C Supply Co., Inc.	\$7,340.00	\$4,855.00	\$3,060.00	\$2,400.00	\$2,650.00	\$1,459.00	\$9,623.00	\$31,387.00
NAFECO	\$7,657.00	\$5,226.00	No Bid	\$2,828.00	\$3,355.00	\$1,118.00	\$13,161.00	\$33,345.00
Keeble Rescue Systems, LLC	\$8,148.00	\$6,329.00	\$3,543.00	\$3,390.00	\$3,621.00	\$637.00	\$10,264.00	\$35,295.00

This will be purchased through AFG Grant Funds

WE, THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM KEEBLE RESCUE SYSTEMS, LLC BE AWARDED FOR THE FOLLOWING REASON: LOWEST EVALUATED BIDDER MEETING SPECIFICATIONS

John Kendrick
RECOMMENDED: DEPARTMENT HEAD

Jim Shipley
APPROVAL: CITY MANAGER

Michael D. ...
BUDGET AVAILABILITY: FINANCE DIRECTOR

**COOKEVILLE CITY COUNCIL
MINUTES
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Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to award the bid for hydraulic rescue equipment as recommended. Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
PROPOSAL FOR
AUCTIONEERING
SERVICES TO SELL
BY PUBLIC AUCTION
HOUSES LOCATED AT
925 SOUTHGATE DRIVE
& 636 FAIRGROUND
STREET**

If both properties do not sell:			
	<u>Advertising</u>	<u>Admin Fee</u>	
McWilliams	\$ 800	\$ 500	\$ 1,300
Monte Gaw (Advertising not disclosed)	\$ 800	\$ 1,000	\$ 1,800
Total			

If both properties do sell:			
		<u>Advertising</u>	<u>Commission</u>
Assume:			
\$125,000 for Southgate house	\$ 125,000		
\$80,000 for Fairground house	\$ 80,000		
Total Sales	\$ 205,000		
McWilliams (Comm. On highest only)	2.75%	\$ 800	\$ 3,438
Monte Gaw (Advertising not disclosed)		\$ 800	\$ -
Buyer's commission on both prop. (Buyer's will probably bid 5% less on houses because they are paying the commission.)	5.00%		\$ 800
Therefore, the reduction in sales prices is \$205,000 less 5% which is a total reduction of in sales receipts of:	\$ 10,250		

Final Analysis:	
<u>McWilliams:</u>	
Total Sales Receipts	\$ 205,000
Less:	
Advertising	\$ 800
Commission	\$ 3,438
Net Sales Receipts	\$ 200,763
<u>Monte Gaw:</u>	
Total Sales Receipts	\$ 205,000
Less:	
Advertising	\$ 800
Commission	\$ 10,250
Net Sales Receipts	\$ 193,950

There is really no way to know if the buyer's commission will actually reduce the total sales receipts, but my guess is that with this economy, it probably will. The other factor in McWilliams favor is that he is only charging a 2.75% commission on one property; the one that sells for a higher price.

If neither house should sell, McWilliams base charges are lower, assuming that Monte's advertising will run about the same as McWilliams.

Based on this analysis, I am recommending McWilliams.

Councilman Anderson made a motion, seconded by Councilman Shelton, to approve the proposal from McWilliams Realty for auctioneering services as recommended. Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 21, 2009**

HEARING OF CITIZENS AND/OR DELEGATIONS:

Councilman Anderson recognized her student council present at the meeting.

There being no further business to discuss, Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to adjourn the meeting at 6:55 p.m. Upon call for a vote, the following voted aye:

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

The City Clerk announced that the motion carried.

Sam Sallee, Mayor

ATTEST:

Cathy McClain, City Clerk