

**COOKEVILLE CITY COUNCIL  
REGULAR MEETING  
JULY 2, 2009  
6:00 P.M.**

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

Councilman Shelton made a motion, seconded by Councilman Anderson, to amend the agenda by adding item 14 – Consider Resolution #R09-07-10, supports & promotes the 2010 Federal Census. 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  
JUNE 18, 2009**

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 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.

**CONSENT AGENDA:**

**SET A DATE (8-6-09) FOR A PUBLIC  
HEARING ON ORDINANCE #O09-07-13,  
AMENDING SECTION 230 OF THE  
COOKEVILLE ZONING CODE TO  
ADOPT REVISED FLOODPLAIN  
REGULATIONS AS MANDATED BY  
FEMA (FEDERAL EMERGENCY  
MANAGEMENT AGENCY)**

**COOKEVILLE CITY COUNCIL  
MINUTES  
JULY 2, 2009**

**CONSIDER AWARDING BID FOR  
ANNUAL & SEMI-ANNUAL  
MATERIALS - PUBLIC  
WORKS DEPARTMENT**

**CITY OF COOKEVILLE  
BID TABULATION RECORD  
ANNUAL & SEMI-ANNUAL CONTRACTS**

DEPARTMENT Public Works  
BIDS OPENED BY: Greg Brown  
OPENING WITNESSED BY Debbie Swallows

DATE OF BID OPENING: June 23, 2009  
TIME OF BID OPENING: 10:00 am

BIDDERS	BID ITEM
BUILDERS SUPPLY COMPANY	CONCRETE MIX
MIDDLE TENNESSEE CURB	EXTRUDED CURB
PLATEAU PIPE COMPANY	METAL PIPE
NO BID - WILL RE-BID	CONCRETE PIPE
BESTONE TIRE	RECAPPING TIRE SERVICE
HIGHWAYS, INC (6 MONTHS CONTRACT)	PAVING AND ASPHALT
HIGHWAYS, INC.	ASPHALT MILLING
CKVL LIMESTONE & ROGERS GROUP (6 MONTHS CONTRACT)	ROCK
ENGLAND STRIPING	STRIPING / PAVEMENT MARKING
UNIFIRST CORPORATION	UNIFORM RENTAL SERVICE

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM THE COMPANIES LISTED ABOVE  
(SEE ATTACHED DETAIL BID SHEET)

BE AWARDED FOR THE FOLLOWING REASON: LOWEST EVALUATED BIDDER

*Greg Brown*  
RECOMMENDED: DEPT. DIRECTOR

*Debbie Swallows*  
BUDGET AVAILABILITY: FINANCE DIRECTOR

*John Shroy*  
APPROVAL: CITY MANAGER

METAL PIPE PLATEAU PIPE CO			
12"	\$6.29	48"	\$20.89
	\$6.79		\$26.99
16"	\$6.49		\$38.29
	\$8.19	64"	\$26.49
18"	\$7.89		\$30.89
	\$9.79		\$42.89
24"	\$10.49	60"	\$27.89
	\$13.29		\$36.99
	\$18.89		\$48.19
30"	\$13.09	66"	\$29.99
	\$16.49		\$40.89
	\$23.79		\$54.79
36"	\$16.49	72"	\$38.49
	\$19.89		\$42.89
	\$28.29		\$56.89
42"	\$18.99		
	\$24.79		
	\$32.49		

CONCRETE MIX BUILDERS SUPPLY			
WITHOUT FIBER	WITH FIBER	WITH SLUMP	DELIVERY CHRG
\$87.00 PER CY	\$93.00 PER CY	\$90.00 PER CY	\$75.00 LESS 6 YDS

**ROCK**

	ROGERS GROUP	COOKEVILLE LIMESTONE	VULCAN MATERIALS
CRUSHER RUN	\$4.99	\$4.95	\$5.00
#67 STONE	\$6.49	\$6.50	\$6.75
2 - INCH ROCK	\$6.99	\$6.25	\$6.50
3 - INCH ROCK	\$6.99	\$6.00	NO BID
CLEAN RIPRAP	\$7.49	\$7.95	\$8.45
PUG MIX	\$4.99	\$5.18	\$5.20
SHOT ROCK	\$5.74	\$5.75	\$6.00
DELIVERY COST	\$2.74	\$2.75	\$2.75

PAVING - ASPHALT IN PLACE, HOT AND COLD MIX HIGHWAYS, INC										
COMPLETE IN PLACE - PRICE PER TON					CITY PICK UP					
GRADE	D	E	F	A	B	C	C-W	B-MOD	411 E	COLD MIX
	\$64.90	\$53.90	\$64.90	\$54.90	\$54.90	\$49.90	\$59.90	\$49.90	\$48.00	\$64.00

LOJAC										
COMPLETE IN PLACE - PRICE PER TON					CITY PICK UP					
GRADE	D	E	F	A	B	C	C-W	B-MOD	411 E	COLD MIX
	60.00	53.00	61.00	49.50	49.50	51.00	52.00	51.00	50.00	78.00

\*\* LOJAC STATED PRICES ARE SUBJECT TO CHANGE AS OIL PRICES INCREASE.

ASPHALT MILLING HIGHWAYS, INC	
MOBILIZATION & SET UP	\$600.00
MILLING 1" DEPTH	\$0.38
1 1/2" DEPTH	\$0.47
2" DEPTH	\$0.91
2 1/2" DEPTH	\$1.19
LOJAC ENTERPRISES	
MOBILIZATION & SET UP	\$1200.00
MILLING 1" DEPTH	\$1.00
1 1/2" DEPTH	\$1.25
2" DEPTH	\$1.65
2 1/2" DEPTH	\$2.05

STRIPING ENGLAND STRIPING		
UNDR 1500	UNIT	OVR 1500
THERMOPLASTIC	PRICE	PRICE
DESCRIPTION		
24" STOP BAR	\$20.00	\$16.00
TURN ARROW	\$175.00	\$150.00
STRAIGHT ARROW	\$175.00	\$150.00
COMB. ARROW	\$250.00	\$200.00
8" CROSSWALK	\$20.00	\$15.00
CONT CROSSWALK	\$25.00	\$20.00
RAILROAD CROSSING	\$500.00	\$450.00
SCHOOL CROSSING	\$500.00	\$450.00
ONLY	\$250.00	\$200.00
STOP AHEAD	\$550.00	\$500.00
YIELD	\$250.00	\$200.00
4" DOTTED LINE	\$2.00	\$2.00
6" DOTTED LINE	\$4.00	\$4.00
12" CHANNELIZATION	\$36.00	\$30.00

THERMOPLASTIC PAVEMENT MARKINGS			
	0-2 MILES	2-4 MILES	4 MILES & UP
4" LINE PLASTIC - LM	\$ 5,500.00	\$ 4,500.00	\$ 3,000.00
4" SKIP PLASTIC - LM	\$ 6,500.00	\$ 5,500.00	\$ 3,500.00
4" SPRY THERMO 40 MIL	\$ 5,500.00	\$ 4,500.00	\$ 2,800.00
6" SPRY THERMO 40 MIL	\$ 6,500.00	\$ 5,500.00	\$ 3,000.00

PAINTED PAVEMENT MARKINGS			
	0-2 MILES	2-4 MILES	4 MILES & UP
4" PAINTED LINE	\$700.00	\$600.00	\$500.00
6" PAINTED LINE	\$900.00	\$800.00	\$600.00

\*\* ADDITIONAL FEES: \$500.00 CHARGE IF JOB IS UNDER \$1500.00 PER TRIP

EXTRUDED CURB MIDDLE TN CURB	
PRICE PER FOOT	\$3.90
HIGHWAYS, INC.	\$5.00

RECAPPING / RETREADING TIRE SERVICE	
BEST ONE TIRE SERVICE	BID PRICE PER TIRE \$134.00
MAGGART TIRE CO	\$145.00

UNIFORM RENTAL SERVICE UNIFIRST CORPORATION	
APPROXIMATE COSTS	
\$3.02	PER WEEK W/OUT LAUNDRY SERVICE INCLUDES: 10-SHIRTS, 5 PANTS, 1 JACKET
\$4.65	PER WEEK W/LAUNDRY SERVICE INCLUDES: 22 SHIRTS, 11 PANTS, 2 JACKETS
\$9.18	PER WEEK W/LAUNDRY SERVICE - MECHANICS INCLUDES: 22 SHIRTS, 11 PANTS, 2 JACKETS, 11 UNLINED COVERALLS

**COOKEVILLE CITY COUNCIL  
MINUTES  
JULY 2, 2009**

**CONSIDER AWARDDING BID  
FOR FEEDTHRU CABINET -  
ELECTRIC DEPARTMENT**

CITY OF COOKEVILLE  
ELECTRIC DEPT.  
BID TABULATION SCHEDULE  
BID NOTICE # 09060301

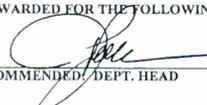
DATE OF BID OPENING: 6-10-2009  
BIDS OPENED BY: Glenn Greenwood  
BIDS WITNESSED BY: Brandon Jones  
DEPARTMENT: Electric

TIME: 2:00 PM CST

BIDDERS	QTY	3 ph. Feedthru Cabinet							
			10						
Wesco		\$ 985.00							
		\$ 9,850.00							
Stuart Irby		\$ 895.30							
		\$ 8,953.00							

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Stuart Irby

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

 RECOMMENDED, DEPT. HEAD

 APPROVAL: CITY MANAGER

Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to approve the consent agenda items 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.

**NEW BUSINESS:**

**HOLD A PUBLIC HEARING AND  
CONSIDER ON FIRST READING  
ORDINANCE #O09-06-08,  
REZONING PROPERTIES  
BETWEEN WEST 5<sup>TH</sup> & 7<sup>TH</sup>  
STREETS AND NORTH CEDAR/  
MAHLER AVENUES FROM MS  
(MEDICAL SERVICES) AND CL  
(LOCAL COMMERCIAL) TO  
UNV (UNIVERSITY)**

Councilman Shelton made a motion, seconded by Councilman Anderson, to approve on first reading Ordinance #O09-06-08. 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  
JULY 2, 2009**

**CONSIDER RESOLUTION #R09-07-08,  
TO PROHIBIT HANDGUNS IN PUBLIC  
MUNICIPAL PARKS, NATURAL AREAS,  
HISTORIC PARKS, NATURE TRAILS,  
CAMPGROUNDS, FORESTS,  
GREENWAYS, WATERWAYS, OR  
OTHER SIMILAR PUBLIC PLACES**

Councilman Shelton advised that due to the overwhelming public comments on this issue, the council would like to open the floor for further public comment.

Several local citizens spoke for prohibiting guns & some were in support of the new State Gun Law (effective 9-1-09).

Councilman Shelton made a motion, seconded by Councilman Williams, to defer this item for further study until 8-6-09 council meeting. 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 #R09-07-09,  
COMMITTING TO ERECTING BERMS  
AND PLANTING TREES TO SERVE AS  
A BUFFER FOR RESIDENTS  
ADJACENT TO WEST CEMETERY  
ROAD**

Councilman Shelton made a motion, seconded by Councilman Williams, to adopt Resolution #R09-07-09. 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  
OF THE CITY ATTORNEY  
FOR A TWO (2) YEAR TERM**

Councilman Williams made a motion, seconded by Councilman Anderson, to reappoint Daniel H. Rader, III & Associates as City Attorney for a two (2) year term. 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  
JULY 2, 2009**

**CONSIDER APPOINTMENT  
OF THE CITY JUDGE FOR  
A TWO (2) YEAR TERM**

Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to reappoint David W. Ledbetter as City Judge for a two (2) year term.

Councilman Williams made a motion, seconded by Vice-Mayor Davis, to reappoint Joy Gotthard as substitute City Judge to serve in the absence of the City Judge for a two (2) year term.

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 motions carried.

**CONSIDER APPROVAL FOR  
GEO-TECHNICAL SERVICES  
RELATIVE TO HIGHLANDS  
BUSINESS PARK WITH  
BARGE, WAGGONER,  
SUMNER & CANNON**

BARGE WAGGONER SUMNER & CANNON, INC.

**PROFESSIONAL SERVICES AGREEMENT**

This agreement is made as of June 23, 2009, by and between City of Cookeville, Tennessee (Client) and Barge Waggoner Sumner & Cannon, Inc. (BWSC) for professional services for the assignment described as follows:

Project: Highlands Business Park

Location: Cookeville, Putnam County, Tennessee

Description of Project: Provide a geotechnical investigation and report for the road through the Highlands Business Park and a limited amount of investigation related to the widening of Lee Seminary Road from Holladay Road to Burgess Falls Road.

**I. PROFESSIONAL SERVICES: BWSC agrees to perform the following Basic Services under this contract:**

See the attached Scope of Services listing the work to be included in the geotechnical investigation and Report. Fee is divided in the following manner:

Internal Road within Pyles property	\$19,000.00
Internal Road across balance of project	\$109,200.00
Pavement cores on Lee Seminary Road	<u>\$4,220.00</u>
Total	\$132,420.00

**II. COMPENSATION: Client shall compensate BWSC for the Basic Services as follows:**

Cost Plus in accordance with the hourly rate schedule attached as Exhibit "A" to this Agreement plus applicable reimbursable expenses

Estimated Fee \$ \_\_\_\_\_ or Maximum Fee \$ 132,420.00

Lump Sum \$ \_\_\_\_\_

Percentage of Construction Cost \_\_\_\_\_ % Estimated Fee \$ \_\_\_\_\_

Other (specify) \_\_\_\_\_

In addition, Client shall pay BWSC for additional services performed beyond the Basic Services in accordance with the hourly rate schedule attached as Exhibit "A" to this Agreement.

**III. PAYMENTS: Invoices for services rendered will be issued monthly, and payment is due upon receipt of each invoice. Unless special arrangements are made, a finance charge of 1½% per month shall be added to unpaid balances more than thirty (30) days old. In the event legal action is necessary to enforce the payment terms of this agreement, BWSC shall be entitled to a judgment for its attorneys' fees, court costs, and other collection expenses.**

**IV. TIME: Unless agreed otherwise in writing, BWSC will commence its services a reasonable time after receipt of an executed copy of this Agreement. BWSC will perform its services in a timely manner commensurate with the exercise of due professional care. Time for performance shall be extended as necessary for delays or**

Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to approve the Geo-Technical Services Agreement for the Highlands Business Park 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  
JULY 2, 2009**

**CONSIDER AUTHORIZING  
THE CITY MANAGER TO  
ACQUIRE PROPERTY,  
BY NEGOTIATION OR  
EMINENT DOMAIN,  
FOR THE WEST  
CEMETERY ROAD  
EXTENSION PROJECT**

Councilman Williams made a motion, seconded by Councilman Anderson, to authorize the City Manager to acquire property, by negotiation or eminent domain, for the West Cemetery Road Extension Project. 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 AUTHORIZING  
THE CITY MANAGER TO  
ACQUIRE PROPERTY FOR  
THE TENNESSEE CENTRAL  
HERITAGE TRAIL PROJECT**

Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to authorize the City Manager to acquire property for the Tennessee Central Heritage Trail Project. 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 #R09-07-10,  
SUPPORTS & PROMOTES THE 2010  
FEDERAL CENSUS**

RESOLUTION NUMBER R09-07-10

A RESOLUTION TO SUPPORT AND PROMOTE THE 2010 UNITED STATES CENSUS OF THE CITY OF COOKEVILLE, TENNESSEE

RESOLUTION NUMBER: R09-07-10  
REQUESTED BY: Planning Department  
PREPARED BY: Planning Department  
APPROVED-FORM/CORRECTNESS:  
\_\_\_\_\_  
(City Attorney)  
ADOPTED: \_\_\_\_\_  
MINUTE BOOK \_\_\_\_\_, PAGE \_\_\_\_\_

WHEREAS, in 2010 the United States Census Bureau will conduct a constitutionally mandated census to determine the number of people living within the United States; and

WHEREAS, in March of 2010 Census questionnaires will be delivered to the citizens of Cookeville; and

WHEREAS, the population totals from the Census are used for many important purposes including the determination of federal, state and county legislative districts and the allocation of federal and state funding; and

WHEREAS, the data collected from the Census is an invaluable planning tool for local governments and businesses; and

WHEREAS, an accurate and complete 2010 Census is vital to the future of the City of Cookeville.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COOKEVILLE, TENNESSEE THAT the 2010 Census will be supported and promoted by the City of Cookeville.

ADOPTED AND EFFECTIVE THIS 2<sup>ND</sup> DAY OF JULY, 2009.

THE CITY OF COOKEVILLE, TENNESSEE

\_\_\_\_\_  
Sam Sallee, Mayor

ATTEST:

\_\_\_\_\_  
Cathy McClain, City Clerk

**COOKEVILLE CITY COUNCIL  
MINUTES  
JULY 2, 2009**

Councilman Shelton made a motion, seconded by Councilman Anderson, to adopt Resolution #R09-07-10. 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.

**HEARING OF CITIZENS AND/OR DELEGATIONS:**

Councilman Anderson thanked Judy Duke for a great job with the Depot & upcoming Celebration of the 100<sup>th</sup> Anniversary of the Depot!!!!!!

There being no further business to discuss, Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to adjourn the meeting at 6:50 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.

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Sam Sallee, Mayor

ATTEST:

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Cathy McClain, City Clerk