COOKEVILLE CITY COUNCIL
REGULAR MEETING
AUGUST 6, 2009
6:00 P.M.

The Council of the City of Cookeville met in regular session on Thursday, August 6, 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, IV, serving as City Attorney.

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 Ricky Shelton
Councilman Ryan Williams

The City Clerk announced that the motion carried.

OLD BUSINESS:

CONSIDER APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON JULY 16, 2009

Councilman Anderson 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 (9-3-09) FOR A PUBLIC HEARING ON ORDINANCE #O09-08-15, AMENDING THE ZONING CODE PERTAINING TO ELECTRONIC READER BOARDS IN THE CN (NEIGHBORHOOD COMMERCIAL) ZONE

COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 6, 2009

SET A DATE (9-3-09) FOR A PUBLIC HEARING ON ORDINANCE #O09-08-16, REZONING 1200 MIRACLE ROAD AND ADJACENT VACANT LOT (TAX MAP #66-73.05 & 73.06) FROM RS15 (SINGLE-FAMILY RESIDENTIAL) TO CG (GENERAL COMMERCIAL)

SET A DATE (9-3-09) FOR A PUBLIC HEARING ON ORDINANCE #O09-08-17, ANNEXATION OF FREEHILL ROAD - NORTH WASHINGTON AVENUE AREA AND RESOLUTION #R09-08-11, ADOPTING PLAN OF SERVICES FOR SAME

CONSIDER AWARDING BIDS FOR TRANSFORMERS – ELECTRIC DEPARTMENT

CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 09062201

DATE OF BID OPENING: 7-2-2009 **TIME:** 2:00 PM CST
BIDS OPENED BY: Brandon Jones
BIDS WITNESSED BY: Jeff Dilldine
DEPARTMENT: Electric

	item 1		item 2		item 3		item 4	
BIDDERS QTY	15 Kva Csp Transformer 12	evaluate cost	25 Kva Csp Transformer 16	evaluate cost	37.5 Kva Con Transformer 6	evaluate cost	25 Kva Pad Transformer 18	evaluate cost
Stuart Irby	$ 718.00 $ 8,616.00	$ 1,076.08	$ 915.00 $ 14,640.00	$ 1,499.15	$ 1,225.00 $ 7,350.00	$ 2,068.65	$ 1,137.00 $ 20,466.00	$ 1,742.24
Power Supply	$ 769.00 $ 9,228.00	$ 1,092.42	$ 960.00 $ 15,360.00	$ 1,475.82	$ 1,285.00 $ 7,710.00	$ 2,010.09	$ 1,194.00 $ 21,492.00	$ 1,734.76
Deco	**$ 648.00** **$ 7,776.00**	**$ 1,015.52**	**$ 833.00** **$ 13,328.00**	**$ 1,418.44**	$ 1,178.00 $ 7,068.00	$ 2,038.61	$ 1,159.00 $ 20,862.00	$ 1,784.84
Utilicor	$ 685.00 $ 8,220.00	$ 1,048.64	$ 844.00 $ 13,504.00	$ 1,443.53	**$ 1,221.00** **$ 7,326.00**	**$ 2,000.58**	**$ 998.00** **$ 17,964.00**	**$ 1,594.83**

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM items 1 & 2 **Deco** items 3 & 4 **Utilicor**

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

RECOMMENDED: DEPT. HEAD

APPROVAL: CITY MANAGER

CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 09062901

DATE OF BID OPENING: 7-8-2009 **TIME:** 2:00 PM CST
BIDS OPENED BY: Glenn Greenwood
BIDS WITNESSED BY: Brandon Jones
DEPARTMENT: Electric

BIDDERS	item 1 10 Kva Csp Transformer QTY 6	evaluate cost	item 2 15 Kva Con. Transformer 12	evaluate cost	item 3 37.5 Kva Pad Transformer 8	evaluate cost	item 4 112.5 Kva Pad Transformer 2	evaluate cost
Wesco	$ 593.00 $ 3,558.00	$ 856.81	$ 743.00 $ 8,916.00	$ 1,160.59	No Bid		No Bid	No Bid
Deco	**$ 567.00** **$ 3,402.00**	**$ 801.34**	$ 692.00 $ 8,304.00	$ 1,060.31	$ 1,458.00 $ 11,664.00	$ 2,325.47	$ 4,437.00 $ 8,874.00	$ 7,713.06
Power Supply	$ 624.00 $ 3,744.00	$ 854.56	$ 590.00 $ 7,080.00	$ 967.86	**$ 1,102.00** **$ 8,816.00**	**$ 2,016.28**	$ 4,840.00 $ 9,680.00	$ 7,750.82
Stuart Irby	$ 666.00 $ 3,996.00	$ 954.27	$ 752.00 $ 9,024.00	$ 1,121.34	$ 1,395.00 $ 11,160.00	$ 2,259.30	$ 5,071.00 $ 10,142.00	$ 8,057.21
HD Utilities	$ 545.00 $ 3,270.00	$ 832.97	**$ 539.00** **$ 6,468.00**	**$ 963.31**	$ 1,321.00 $ 10,568.00	$ 2,245.11	**$ 4,414.00** **$ 8,828.00**	**$ 7,686.62**
HD Utilities	$ 622.00 $ 3,732.00	$ 863.92	$ 643.00 $ 7,716.00	$ 985.90	$ 1,383.00 $ 11,064.00	$ 2,262.48	No Bid	No Bid

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM item 1 **Deco** items 2 & 4 **HD Utilities** item 3 **Power Supply**

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

RECOMMENDED: DEPT. HEAD **APPROVAL: CITY MANAGER**

Vice-Mayor Davis made a motion, seconded by Councilman Shelton, 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 #O09-07-13, AMENDING SECTION 230 OF THE COOKEVILLE ZONING CODE TO ADOPT REVISED FLOODPLAIN REGULATIONS AS MANDATED BY FEMA (FEDERAL EMERGENCY MANAGEMENT AGENCY)

Councilman Shelton made a motion, seconded by Councilman Anderson, to approve on first reading Ordinance #O09-07-13. 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 FIRST READING ORDINANCE #O09-08-14, AMENDING TITLE 18, CHAPTER 1 OF THE COOKEVILLE MUNICIPAL CODE, PERTAINING TO WATER STORAGE RATES

TO: City Manager
City Council

FROM: Ronnie J. Kelly, Director RJK

DATE: July 29, 2009

SUBJ: Water Storage Fee Ordinance Correction

During the August 6th City Council meeting I will be presenting a correction/addition to our Water Storage Fee Ordinance. The change is necessary due to an omission that I made during my presentation during the June City Council Meetings. I inadvertently omitted the language that increased the Water Storage Fees for water users outside the corporate limits of the City of Cookeville.

My proposed language will change the effective date of the Water Storage Fee increase to August 1, 2009, for both the inside and outside water customers of the City of Cookeville.

If you have any questions concerning this item I would be happy to sit down with you and discuss the item. Please give me a call if you would like to sit up a time to discuss this item.

Councilman Anderson made a motion, seconded by Councilman Williams, to approve on first reading Ordinance #O09-08-14. 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 #R09-07-08, TO OPT OUT OF PUBLIC CHAPTER 428 AS ADOPTED BY 106TH GENERAL ASSEMBLY (GUNS IN PARKS & ETC.)

- 106th General Assembly adopted Public Chapter 428 which removed the state prohibition of carrying guns in parks.
- Public Chapter 428 does allow local governments to opt out the new law.
- This resolution opts out of that law.

- T.C.A. 39-17-1311 currently prohibits carrying guns in parks, and would be the prevailing statute if the City opts out of the amendments made by Public Chapter 428.

- Title 16, Chapter 7, Section 16-703 of our Municipal Code already prohibits carrying any weapon in our parks.
- ***"16-703. Rules and Regs for city parks. (ff) It shall be unlawful for any person to carry in any manner whatever, with the intent to go armed, any razor, dirk, knife, blackjack, brassknucks, pistol, revolver, air rifle, air gun, BB gun…."***

At this time, City Attorney Dan Rader entered the meeting.

Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to adopt Resolution #R09-07-08.

Mayor Sallee opened the floor for discussion & public comments.

Vice-Mayor Davis advised that we have prohibited guns & etc. in the city parks, recreation areas & Leisure Services Facilities since 1995.

Councilman Anderson expressed the need to maintain our current rules & regulations.

Citizens from Cookeville/Putnam County & surrounding cities spoke for protecting their Second Amendment Rights to the United States Constitution. A handout was provided to the council with FBI statistics after the adoption of the RTC Laws & etc. A total of 35 people (some active NRA Members/handgun carry permit holders) spoke in opposition to this resolution & 2 people spoke in favor.

Mayor Sallee stated that there are risks in everything we do such as driving a vehicle & etc., but feels that guns & kids in the parks are not a good idea. He acknowledged that a majority of the people expressed concern about safety, but over the last three (3) years in the Cane Creek Park, we have only had twelve (12) non-violent crimes reported.

Councilman Shelton stated that he supports gun owner's rights & sees both sides of the issue. He explained that he understands that this is an emotional issue, but this resolution does not take away the right to own a handgun/rifle. He advised that if the council approves to opt out of Public Chapter 428, we have the right to opt in at a later date. If we do not pass this resolution, we can never opt out after 9-1-09 effective date.

Councilman Williams stated that he supports gun owner's rights. He expressed concern that this difficult decision was placed upon the local jurisdictions from the State Legislature by granting the cities the right to opt out of Public Chapter 428.

Councilman Anderson explained that the council delayed action (previously on 7-2-09 council agenda) on this item in order to receive public comments. She expressed her personal feeling that the local parks are safe.

Mayor Sallee thanked everyone for their comments.

Upon call for a vote on the motion to opt out of Public Chapter 428 by adopting Resolution #R09-07-08, the following voted aye:

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

NAY: Councilman Ryan Williams

The City Clerk announced that the motion carried.

CONSIDER RESOLUTION #R09-08-12, AUTHORIZING THE PARTICIPATION IN THE TML RISK MANAGEMENT POOL "SAFETY PARTNERS" LOSS CONTROL MATCHING GRANT PROGRAM

Vice-Mayor Davis made a motion, seconded by Councilman Williams, to adopt Resolution #R09-08-12. 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.

HOLD A PUBLIC HEARING RELATIVE TO THE "EDWARD BYRNE' MEMORIAL JUSTICE ASSISTANCE PROGRAM"

Edward Byrne Memorial Justice Assistance Grant Program
2009 Local Solicitation

Grant Amount: $11,450

No match

Program Requirements: Public hearing to inform the public that the City has applied for funds.

Purpose Areas
Law enforcement programs
Prosecution and court
Prevention and education programs
Corrections programs
Drug treatment and enforcement programs
Planning, evaluation and technology improvement
Crime victim and witness programs

CONSIDER APPROVAL OF INTERGOVERNMENTAL AGREEMENT FOR FIBER OPTIC CABLE INSTALLATION

Jim Shipley, City Manager, recommended the following:

- Joint Agreement with Putnam County and Putnam County Emergency Services
- Total Estimated Cost = $60,000; City's share = $20,000
- Total Fiber Optic Strands = 72; City gets 32, the other parties get 20 each.
- Will greatly enhance our traffic signal capabilities, as well as our computer network.
- The city will also have the ability to lease some of the strands.

Councilman Williams made a motion, seconded by Councilman Anderson, to approve the Intergovernmental Agreement for fiber optic cable 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 APPOINTMENTS TO THE COOKEVILLE TREE BOARD

COOKEVILLE TREE BOARD

Cookeville Tree Board
45 East Broad Street
Cookeville TN 38501

July 27, 2009

TO: Mayor Sam Sallee and Cookeville City Council

The Cookeville Tree Board is reappointing Mike Witt to the Tree Board; he was appointed in May to complete the term of Calvin Dickinson, who left before his term expired. Please make this appointment effective during an August 2009 Council meeting. I am again including Mike's statement. Mike has been meeting with the Tree Board.

Please let me know as soon as possible about this reappointment. Thank you very much.

Sincerely,

Peggy Evans

Peggy Evans, chair
Cookeville Tree Board

COOKEVILLE
TREE BOARD

Cookeville Tree Board
45 East Broad Street
Cookeville TN 38501

July 27, 2009

TO: Mayor Sam Sallee and Cookeville City Council

The Cookeville Tree Board is requesting that the Council appoint Linda Carlen to replace me, Peggy Evans. My second term expires in August 2009. It has been a privilege to serve on the Tree Board. Please make this appointment effective during an August 2009 Council meeting. I am including Ms. Carlen's statement below.

Please let me know about this appointment Thank you very much.

Sincerely,

Peggy Evans

Peggy Evans, chair
Cookeville Tree Board

Mayor Sallee made a motion, seconded by Councilman Shelton, to reappoint Mike Whitt & appoint Linda Carlen, to the Cookeville Tree Board for a three (3) year term 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 AWARDING BID FOR FIRE SPRINKLER PROTECTION SYSTEMS – FIRE DEPARTMENT

CITY OF COOKEVILLE
BID TABULATION SCHEDULE

FIRE SPRINKLER PROTECTION FOR ALL FIRE STATIONS

DATE OF BID OPENING: 07/24/09 TIME: 10:00 A.M.
BIDS OPENED BY: Brian Maffett
BIDS WITNESSED BY: John Kendrick
DEPARTMENT: Fire

BIDDERS	AMOUNT		
AE Fire Protection	$87,450.00		
Fire Team	No Bid		
S.C.C. Sprinklers, Inc.	No Bid		
Eagle Fire Protection	No Bid		

WE, THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM AE FIRE PROTECTION BE AWARDED
FOR THE FOLLOWING REASON: ONLY BID RECEIVED. BID WILL BE PURCHASED THROUGH GRANT FUNDS

RECOMMENDED: DEPARTMENT HEAD

BUDGET AVAILABILITY: FINANCE DIRECTOR

APPROVAL. CITY MANAGER

Councilman Anderson made a motion, seconded by Vice-Mayor Davis, to award the fire sprinkler protection system bid 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
AUGUST 6, 2009

CONSIDER AWARDING BID FOR ONE (1) NEW SIDE LOAD SANITATION TRUCK – PUBLIC WORKS DEPARTMENT

CITY OF COOKEVILLE
BID TABULATION RECORD
NEW SIDE LOADING REFUSE TRUCK

DEPARTMENT: Public Works
BIDS OPENED BY: Tom Dyer
OPENING WITNESSED BY: Greg Brown

DATE OF BID OPENING: July 10, 2009
TIME OF BID OPENING: 10:00 am

BIDDERS	BID AMOUNT	TYPE	DELIVERY TIME
STRINGFELLOW, INC	$229,874.00	MACK / HEIL	60 - 90 DAYS
STRINGFELLOW, INC	$227,941.00	MACK / HEIL	10 MONTHS
CMI EQUIPMENT SALES	$221,413.00	BRIDGEPORT / MACK	9 MONTHS

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM STRINGFELLOW, INC. (229,874)

BE AWARDED FOR THE FOLLOWING REASON: LOWEST EVALUATED BID

RECOMMENDED: DEPT. DIRECTOR

BUDGET AVAILABILITY: FINANCE DIRECTOR

APPROVAL: CITY MANAGER

Councilman Williams made a motion, seconded by Councilman Anderson, to award the side load sanitation truck bid to the high bidder, due to an earlier delivery date of 60 to 90 days (replacing 2004 model). 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 #R09-08-13, AUTHORIZING & PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT & EXECUTION OF NECESSARY DOCUMENTS/ PLEDGES OF CERTAIN REVENUE

Ronnie Kelly, Water Quality Control Director, gave the following report:

- S1 Approves creation of indebtedness in principal amount of $3,500,000
- S2 Approves Mayor Sallee to sign loan application form
- S3 Forgives $1,400,000 of loan principal
- S4 To qualify for ARRA Act Funds, construction must have begun or all contracts signed by February 17, 2010. Failure to comply results in immediate termination of the loan agreement. Funds are to be repaid within 90 days.
- S5 Agrees to honor and accept method of financing.
- S6 Agrees to make monthly payments
- S7 Agrees to levy fees, rates or charges and/or to levy ad valorem taxes sufficient to pay back the loan and the operational and maintenance costs.

- S8 Agrees to assign City's State-shared taxes to the State and consents to the withholding of the State-shared taxes to repay the loan.
- S9 Agrees that there are no local pledges of State-shared taxes other than those disclosed.
- S10 Agrees to obtain alternative financing for all costs necessary to complete the project in excess of the loan amount.
- S11 Authorizes Mayor to execute loan agreement and any amendments on behalf of the City of Cookeville.
- S12 Repeals all orders, resolutions, or ordinances in conflict with this resolution and becomes effective upon its passage.

Councilman Anderson made a motion, seconded by Vice-Mayor Davis, to adopt Resolution #R09-08-13. 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 Williams reminded everyone of the events, starting 8-7-09, to benefit the expansion of the "Dogwood Park".

Dan Rader, City Attorney, quoted (by request from citizen) the penalty of $50.00 civil penalty for a violation of carrying a gun in the park with the intent to go armed per city ordinance, or if cited by State Statute it would be up to eleven (11) months, twenty-nine (29) days or a fine not to exceed two thousand five hundred dollars ($2,500), and the confiscation of the weapon.

There being no further business to discuss, Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to adjourn the meeting at 8:25 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