

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
JANUARY 21, 2010
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, January 21, 2010, 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 withdrawing item #2 – receive report on sinkhole floodplain study from Dr. Hart of Tennessee Tech University. 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
1-07-10**

Vice-Mayor Davis 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.

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #009-12-21,
AMENDING THE COOKEVILLE
ZONING CODE TO ESTABLISH
DENSITY BONUS PROVISIONS FOR
THE CONVERSION OF
NONCONFORMING USES IN THE
RM-8 DISTRICT**

**COOKEVILLE CITY COUNCIL
MINUTES
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Councilman Shelton made a motion, seconded by Councilman Williams, to approve on second and final reading Ordinance #O09-12-21. 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 #O09-12-23,
REZONING A PORTION OF 1227
NORTH WASHINGTON AVENUE
(TAX MAP #40K-E-8.01) FROM
RS10 (SINGLE-FAMILY
RESIDENTIAL) TO CN
(NEIGHBORHOOD COMMERCIAL)**

Councilman Anderson made a motion, seconded by Councilman Williams, to approve on second and final reading Ordinance #O09-12-23. 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 #O09-12-24,
AMENDMENTS TO THE
OFFICIAL STREET MAP**

Councilman Shelton made a motion, seconded by Vice-Mayor Davis, to approve on second and final reading Ordinance #O09-12-24. 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:

**CONSIDER AWARDING BID FOR
ASPHALT HOT/COLD MIX –
PUBLIC WORKS DEPARTMENT**

**COOKEVILLE CITY COUNCIL
MINUTES
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**CITY OF COOKEVILLE
BID TABULATION RECORD
ASPHALTIC HOT AND COLD MIX**

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

DATE OF BID OPENING: January 14, 2010
TIME OF BID OPENING: 10:00 am

CITY TO PICK UP

BIDDERS	411-E GRADE HOT MIX PER TON	COLD MIX PER TON	
HIGHWAYS, INC	\$64.00	\$72.00	

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM HIGHWAYS, INC

BE AWARDED FOR THE FOLLOWING REASON: ONLY BID

Greg Brown
RECOMMENDED: DEPT. DIRECTOR

Mark Sil
BUDGET AVAILABILITY: FINANCE DIRECTOR

Jan Alby
APPROVAL: CITY MANAGER

**CONSIDER AWARDED BID FOR
TRANSFORMERS - ELECTRIC
DEPARTMENT**

**CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 09122801**

DATE OF BID OPENING: 1-12-2010
BIDS OPENED BY: Glenn Greenwood
BIDS WITNESSED BY: Brandon Jones
DEPARTMENT: Electric

TIME: 2:00 PM CST

BIDDERS	QTY	75 Kva Pad. Transformer	2	evaluated cost					
HD Supply		\$ 4,269.50		\$ 6,596.11					
		\$ 8,539.00							
Utilicor		\$ 4,294.00							
		\$ 8,588.00		\$ 6,548.54					
Stuart Irby		\$ 4,604.00							
		\$ 9,208.00		\$ 6,910.71					
Power Supply		\$ 4,599.00							
		\$ 9,198.00		\$ 6,837.64					
Deco		\$ 4,149.00							
		\$ 8,298.00		\$ 6,457.56					

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Deco

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

Glenn Greenwood
RECOMMENDED: DEPT. HEAD

Jan Alby
APPROVAL: CITY MANAGER

**COOKEVILLE CITY COUNCIL
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**CONSIDER APPROVAL OF
PRICE PROPOSALS FOR
TTU FLOW MONITORING
STUDY**

CITY OF COOKEVILLE
DEPARTMENT OF WATER QUALITY CONTROL
PRICE PROPOSALS - TTU FLOW MONITORING

DATE OF PROPOSALS JANUARY, 2010

PRICE SUBMITTERS	PRICE				
ADS ENVIRONMENTAL SERVICES	\$7,953.68				
AUI	\$9,370.00				

WE, THE UNDERSIGNED, DO HEREBY RECOMMEND THE PRICE PROPOSAL FROM ADS
BE AWARDED FOR THE FOLLOWING REASON: LOWEST/BEST PRICE PROPOSAL


RECOMMENDED:
DEPARTMENT HEAD


APPROVAL:
CITY MANAGER


BUDGET AVAILABILITY:
FINANCE DIRECTOR

Councilman Anderson made a motion, seconded by Councilman Williams, to approve the consent agenda items 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.

NEW BUSINESS:

**CONSIDER ON FIRST READING
ORDINANCE #O10-01-01,
AMENDING THE COOKEVILLE
MUNICIPAL CODE BY
REPEALING TITLE 9, CHAPTER
8, ADULT ESTABLISHMENTS
AND REPLACING WITH A
NEW CHAPTER 8, SEXUALLY
ORIENTED BUSINESSES**

Councilman Shelton made a motion, seconded by Councilman Williams, to approve on first reading Ordinance #O10-01-01, replacing Title 9, Chapter 8 of the Cookeville Municipal Code and that we enter into the record of this meeting all of the secondary effects information that we have previously received, in both hard copy & electronic format, relative to the sexually oriented business ordinances under consideration.

**COOKEVILLE CITY COUNCIL
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Attorney Scott Birdthow, of Chattanooga, TN, shared his great knowledge of the current laws pertaining to the Sexually Oriented Businesses. He expressed how important it is for cities to update their ordinances regarding Sexually Oriented Businesses.

Dan Rader, City Attorney, stated that he felt we are very fortunate to have the assistance from Attorney Birdthow. He further advised that the existing businesses would be grandfathered.

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 AND
CONSIDER ON FIRST READING
ORDINANCE #O09-12-25,
AMENDMENTS TO THE
COOKEVILLE ZONING CODE
CONCERNING REGULATIONS
FOR SEXUALLY ORIENTED
BUSINESSES**

Councilman Anderson made a motion, seconded by Councilman Shelton, to approve on first reading Ordinance #O09-12-25. 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
MUNICIPAL PLANNING
COMMISSION**

MEMORANDUM

TO: CITY COUNCIL MEMBERS
FROM: JAMES MILLS, PLANNING DIRECTOR
DATE: JANUARY 7, 2010
SUBJECT: PLANNING COMMISSION APPOINTMENT

The current term of Mr. Aaron Bernhardt for service on the Planning Commission has expired. Members of the Planning Commission serve five-year terms and are appointed by the City Council. Mr. Bernhardt has indicated that he would like to continue to serve if reappointed and the Planning Department recommends he be reappointed

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

**COOKEVILLE CITY COUNCIL
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Councilman Anderson made a motion, seconded by Councilman Shelton, to reappoint Mr. Aaron Bernhardt to the Cookeville Planning Commission 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 REAPPOINTMENT
TO THE BOARD OF ZONING
APPEALS**

MEMORANDUM

TO: CITY COUNCIL MEMBERS
FROM: JAMES MILLS, PLANNING DIRECTOR
DATE: JANUARY 7, 2010
SUBJECT: BOARD OF ZONING APPEALS MEMBERSHIP

The current term of Jane Flatt as a member of the Board of Zoning Appeals expired on January 1, 2010. Members of the Board of Zoning Appeals serve three-year terms and are appointed by the Council.

Ms. Flatt has been contacted and has agreed to continue to serve if reappointed by the City Council. The Planning Department recommends for her reappointment.

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

Vice-Mayor Davis made a motion, seconded by Councilman Shelton, to reappoint Ms. Jane Flatt to the Cookeville Board of Zoning Appeals 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.

HEARING FROM OFFICERS, COUNCILMEN AND CITY MANAGER:

**COOKEVILLE CITY COUNCIL
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**HOLD A PUBLIC HEARING ON THE
ANNUAL PROGRESS REPORT ON
THE PLAN OF SERVICES FOR THE
FOLLOWING ANNEXATION AREAS:
OLD SPARTA ROAD/HORACE LEWIS
ROAD; OLD BRIDGE ROAD/FALLING
WATER RIVER; BUCK MOUNTAIN
ROAD/DRY VALLEY ROAD; SHIPLEY
ROAD; EAST HIGHWAY 70N/
INTERSTATE 40; MATHENEY/CORA
ROAD; WEST COOKEVILLE/
INTERSTATE 40; O'NEILL/WEST 12TH
STREET; PRESLEY/WEST 12TH STREET;
SHAG RAG ROAD; GAW/DODSON
BRANCH ROAD; REBECCA PLACE/BUNKER
HILL ROAD AND BUNKER HILL ROAD/
LOVELADY ROAD AREAS**

**NOTICE OF PUBLIC HEARING
CITY OF COOKEVILLE
ANNUAL PROGRESS REPORTS
PLANS OF SERVICES FOR ANNEXATION AREAS**

Notice is hereby given that the Cookeville City Council will hold a Public Hearing at its meeting on Thursday, January 21, 2009 at 6:00 p.m. in the Council Room at City Hall. The purpose of this Hearing is to present Annual Progress Reports on the status of extending services to areas annexed by the City of Cookeville as specified in the Plans of Services for each of the areas. All interested citizens are invited to attend this Hearing. The Progress Reports for these annexation areas are as follows:

**ANNUAL PROGRESS REPORT
PLANS OF SERVICES**

Tennessee Code Annotated, Section 6-51-108 requires that annual reports be prepared and published on the progress of extending the services to annexed areas as specified in the Plans of Services. The areas annexed by the City of Cookeville requiring annual progress reports are as follows:

OLD SPARTA ROAD/HORACE LEWIS ROAD AREA, R00-02-06, effective June 15, 2000
OLD BRIDGE ROAD/FALLING WATER RIVER AREA, R00-03-10, effective June 15, 2000
BUCK MOUNTAIN ROAD/DRY VALLEY ROAD AREA, R00-03-11, effective July 19, 2000
SHIPLEY ROAD AREA, R00-04-13, effective August 16, 2000
EAST HIGHWAY 70N/INTERSTATE 40 AREA, R00-09-24, effective January 7, 2001
MATHENEY/CORA ROAD AREA, R02-02-01, effective April 21, 2002
WEST COOKEVILLE/INTERSTATE 40 AREA, R02-06-11, effective August 8, 2002
O'NEILL/WEST 12TH STREET AREA, R02-07-14, effective August 31, 2002
PRESLEY/WEST 12TH STREET AREA, R02-07-18, effective November 3, 2002
SHAG RAG ROAD AREA, R06-02-01, effective March 18, 2006
GAW/DODSON BRANCH ROAD AREA, R06-10-19, effective December 17, 2006
REBECCA PLACE/BUNKER HILL ROAD AREA, R06-11-23, effective January 21, 2007
BUNKER HILL ROAD/LOVELADY ROAD AREA, R07-06-06, effective September 2, 2007

The Plans of Services for these areas each address the following services: police protection, fire protection, water service, sanitary sewer service, solid waste collection and disposal, street maintenance, street name signs, planning and zoning, inspection services, electrical service, street lighting, recreational facilities, and natural gas service. According to the Directors of the applicable City Departments, the following progress has been made toward extending the services specified in the Plans of Services for the above Annexation Areas:

OLD SPARTA ROAD/HORACE LEWIS ROAD AREA

All services have been provided to this area as specified in the Plan of Services with the exception of sanitary sewer service. The Plan of Services specifies that sanitary sewer is not anticipated until approximately 15 years after the effective date of annexation.

OLD BRIDGE ROAD/FALLING WATER RIVER AREA

All services have been provided to this area as specified in the Plan of Services with the exception of sanitary sewer and electric service. The Plan of Services specifies that sanitary sewer will be provided based upon the same criteria, standards and policies used to determine the expansion of sanitary sewer service in the unserved portions of the present corporate limits and that electric service will be provided within 3 years after the city acquires the service area. Most of the area has been provided with electric service.

BUCK MOUNTAIN ROAD/DRY VALLEY ROAD AREA

All services have been provided to this area as specified in the Plan of Services with the exception of sanitary sewer and electric service. The Plan of Services specifies that sanitary sewer will be provided based upon the same criteria, standards and policies used to determine the expansion of sanitary sewer service in the unserved portions of the present corporate limits and that electric service will be provided within 3 years after the city acquires the service area. Most of the area has been provided with electric service.

SHIPLEY ROAD AREA

All services have been provided to this area as specified in the Plan of Services. This is the final progress report for this annexation area.

**COOKEVILLE CITY COUNCIL
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EAST HIGHWAY 70N/INTERSTATE 40 AREA

All services have been provided to this area as specified in the Plan of Services with the exception of water service, sanitary sewer, electric service and natural gas. The Plan of Services specifies that water service improvements will be completed within 15 years after the effective date of annexation, that sanitary sewer will be provided based upon the same criteria, standards and policies used to determine the expansion of sanitary sewer service in the unserved portions of the present corporate limits, that electric service will be provided within 3 years after the city acquires the service area, and that natural gas service will be provided to the portion of the area north of Interstate 40 within 5 years after the effective date of annexation and within 10 years to the portion located south of Interstate 40. One additional fire hydrant remains to be installed in the area. Electric service has been provided with the exception of North Salem Road. Natural gas has been provided to the portion of the area north of Interstate 40 and is expected to be provided to the portion south of Interstate 40 within 60 days.

MATHENEY/CORA ROAD AREA

All services have been provided to this area as specified in the Plan of Services. This is the final progress report for this annexation area.

WEST COOKEVILLE/INTERSTATE 40 AREA

All services have been provided to this area as specified in the Plan of Services with the exception of water service, sanitary sewer, street lighting, electric service and natural gas. The Plan of Services specifies that water service will be provided within 5 years after the city acquires the service areas, that sanitary sewer will be provided based upon the same criteria, standards and policies used to determine the expansion of sanitary sewer service in the unserved portions of the present corporate limits, that street lighting and electric service will be provided within 1 year after the city acquires the service area, and that natural gas will be provided to the portion of the area north of Interstate 40 within 5 years after the effective date of annexation and to the portion south of Interstate 40 when the level of development economically justifies installation. Existing natural gas customers have had their rates reduced to the city rate. Electric service and street lighting have been provided to approximately half of the area.

O'NEILL/WEST 12TH STREET AREA

All services have been provided to this area as specified in the Plan of Services. This is the final progress report for this annexation area.

PRESLEY/WEST 12TH STREET AREA

All services have been provided to this area as specified in the Plan of Services. This is the final progress report for this annexation area.

SHAG RAG ROAD AREA

All services have been provided to this area as specified in the Plan of Services with the exception of sanitary sewer, street lighting and electric service. The Plan of Services specifies that sanitary sewer will be provided based upon the same criteria, standards and policies used to determine the expansion of sanitary sewer service in the unserved portions of the present corporate limits and that street lighting and electric service will be provided within 1 year after the city acquires the service area. Electric service and street lighting are expected to be provided within 60 days.

GAW/DODSON BRANCH ROAD AREA

All services have been provided to this area as specified in the Plan of Services. This is the final progress report for this annexation area.

REBECCA PLACE/BUNKER HILL ROAD AREA

All services have been provided to this area as specified in the Plan of Services with the exception of sanitary sewer and electric service. The Plan of Services specifies that sanitary sewer will be provided within 20 years after the effective date of annexation and that electric service will be provided within 1 year after the city acquires the service area. The provision of electric service is expected to be completed within 60 days.

BUNKER HILL ROAD/LOVELADY ROAD AREA

All services have been provided to this area as specified in the Plan of Services with the exception of sanitary sewer, street lighting and natural gas. The Plan of Services specifies that sanitary sewer will be provided within 20 years after the effective date of annexation, that street lighting will be provided within 1 year after the city acquires the service area and that natural gas service will be provided based upon customer demand and when economically feasible. Street lighting is expected to be completed within 60 days. Natural gas has been provided to 14 customers.

James Mills
Planning Director

HEARING OF CITIZENS AND/OR DELEGATIONS:

No one spoke at this time.

There being no further business to discuss, Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to adjourn the meeting at 6:38 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