

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
AUGUST 5, 2010
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, August 5, 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, IV, serving as City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Councilman Shelton made a motion, seconded by Councilman Anderson, to amend the agenda by adding item 7a – hold a public hearing and consider on first reading Ordinance #O10-08-10, amending the budgets of the General and Economic Development funds of the City of Cookeville, TN, for the fiscal year ended June 30, 2011. 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 7-15-10**

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 Shelton. 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 BIDS FOR
WIRELESS MICROPHONE SYSTEM
& MOWER – LEISURE SERVICES
DEPARTMENT**

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 5, 2010**

Memo

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

From: Rick Woods, Director 

CC: Jim Shipley, City Manager

Date: 8/2/2010

Re: Microphones and Mower bids

The Department of Leisure Services will have two items on the agenda for Thursday, August 5, 2010.

Wireless Microphones

In January of this year the FCC restricted use of the 700MHZ band width which had previously been available for public use. That ruling became effective in June at which time it became illegal to utilize our wireless microphone system at the Performing Arts Center. We budgeted \$16,000 to replace those mics and we wrote specifications with three different options in an effort to get the most for our money. I am recommending we award the bid to M&L Sound from Knoxville, and that we go with Option 3, which includes 16 wireless microphone and receivers and includes a \$1,900 rebate for trading in our unusable mics. With the rebate, the total will be \$15,783.16.

Mower

Two weeks ago the motor of our 1999 X Mark, 18hp, 48" cut mower seized up and is not repairable. The mower is 11 years old and has 2128 hours on it. A new motor could be purchased, but the cost would exceed the value of the mower. We have advertised for bids for a new, commercial grade mower of similar size (48" deck) with bagger attachment. Bids will be opened Tuesday, August 3, and I will be recommending we award the bid to the lowest bidder meeting specifications. We anticipate these bids to be in the \$7,000 range. We do not have money budgeted specifically for this purchase, but we have an immediate need to replace the mower. We will purchase this out of operating budget and hope to find savings in the budget throughout the fiscal year to make up for this purchase.

If you have any questions, please let me know. Thank you.

**CITY OF COOKEVILLE
BID TABULATION SCHEDULE**

Wireless Microphone System – Performing Arts Center

DATE OF BID OPENING: Monday, July 26, 2010

TIME: 10:00 a.m.

BIDS OPENED BY: Rick Woods and Chad McDonald

DEPARTMENT: Leisure Services & Public Facilities

	Option 1 12 mics with accessories	Option 2 16 mics with accessories	Option 3 16 mics without accessories	Rebate (deduction)
1. M & L Sound, Knoxville	\$14,970.81	\$18,552.60	\$17,683.16	\$1,900.00
2. Clair Brothers Audio, Nashville	\$15,244.65	\$18,515.35	\$17,071.83	NA
4. Full Compass, WI	\$14,571.16	\$18,013.56	\$17,269.80	NA

We, the undersigned, do hereby recommend the bid from M & L Sound Option 3 for the following reason:

Low bid after deducting rebate (\$15,783.16)


RECOMMENDED: DEPARTMENT HEAD


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

Memo

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

From: Rick Woods, Director 

CC: Jim Shipley, City Manager

Date: 8/3/2010

Re: Mower bids

This morning we opened bids for a commercial grade mower with bagger attachment. Three companies submitted bids for seven different mowers.

Gentry's Power Equipment bid three different sized X-Mark mowers. Upper Cumberland Rental and Sales also bid three different sizes, two were World Lawn brand, and one was Bob Cat. Southern Landscape Supply bid one Bad Boy brand mower.

The Upper Cumberland Rental and Sales mowers did not meet minimum specifications as none had a bagging attachment.

Our specifications called for a 20 plus horsepower engine. Gentry's offers an X-Mark 20 horsepower engine priced at \$6,646.95. This mower does not meet all of the specifications exactly as written, (tire size is a little different, and the charging system is smaller than specs), but are close and could be argued "equivalent" based on their brand. This mower has a fuel capacity of 8 gallons.

The Bad Boy brand mower offered by Southern Landscape Supply is a 23 horsepower mower that meets all specifications and also has a fuel capacity of 14.5 gallons. The price is \$6,996.25 for this mower, \$349.30 more than the smaller engine offered by Gentry. Gentry also offers a comparable 23 horsepower engine at a price of \$8,141.15.

After evaluating these bids and the specifications, we believe the best value is the Bad Boy brand mower from Southern Landscape Supply.

If you have any questions, please let me know. Thank you.

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 5, 2010**

**CITY OF COOKEVILLE
BID TABULATION SCHEDULE**

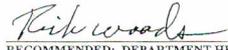
Commercial Grade Mower with Bagger Attachment

DATE OF BID OPENING: Tuesday, August 3, 2010 TIME: 10:00 a.m.
 BIDS OPENED BY: Rick Woods and Janice Myers
 DEPARTMENT: Leisure Services & Public Facilities

	19 hp	20 hp	21 hp	22 hp	23 hp
1. Gentry's Power Equipment		\$6,646.95		\$7,169.92	\$8,141.15
2. UC Rental & Sales	\$6,3000.00		\$5,700.00		\$5,900.00
4. Southern Landscape Supply					\$6,996.25

We, the undersigned, do hereby recommend the bid from Southern Landscape Supply for the following reason:

Lowest evaluated bid


RECOMMENDED: DEPARTMENT HEAD


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

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

**CITY OF COOKEVILLE
BID TABULATION SCHEDULE**

Item for Bid: 2010 42hp Trencher

DATE OF BID OPENING: July 26th, 2010 TIME: 10:00a.m.
 BIDS OPENED BY: Jeff Mills
 BIDS WITNESSED BY: Wayne Dulworth, CGD; Douglas Champion, Ditch Witch; Ken Hartman, Vermeer; Steve Johnson, Thompson Machinery
 DEPARTMENTS: Gas

BIDDERS	PRICE						
Thompson Machinery	\$48,254.00						
Ditch Witch of TN	\$44,999.58						
Vermeer Heartland	\$43,448.00						

WE THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM Vermeer BE AWARDED
 FOR THE FOLLOWING REASON: low bid meeting specifications


RECOMMENDED: DEPT. HEAD


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

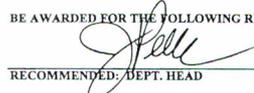
**CONSIDER AWARDED BID FOR
CABLE – ELECTRIC DEPARTMENT**

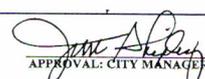
**CITY OF COOKEVILLE
ELECTRIC DEPT
BID TABULATION SCHEDULE
BID NOTICE # 10070601**

DATE OF BID OPENING: 7-20-2010 TIME: 2:00 PM CST
 BIDS OPENED BY: Glenn Greenwood
 BIDS WITNESSED BY: Jeff Dilldine
 DEPARTMENT: Electric

BIDDERS	1/0 Underground Primary Cable 10,000'	4/0 Underground Primary Cable 2,500'					
Stuart Irby	\$2.09/ft. \$ 20,900.00	\$2.73/ft. \$ 6,825.00					
Wesco	\$1.79/ft. \$ 17,900.00	\$1.82/ft. \$ 4,550.00					
Power Supply	\$1.83/ft. \$ 18,300.00	\$1.86/ft. \$ 4,650.00					

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Wesco
 BE AWARDED FOR THE FOLLOWING REASON: low bid meeting specs.


RECOMMENDED: DEPT. HEAD


APPROVAL: CITY MANAGER

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 5, 2010**

Councilman Shelton made a motion, seconded by Vice-Mayor Davis, to award 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:

**CONSIDER AUTHORIZING THE
PURCHASE & FULFILLING THE
AGREEMENTS OF THE
PURCHASE OF THREE (3)
PROPERTIES IN FRONT OF
THE REHAB CENTER ON
7TH STREET NOT-TO-EXCEED
\$300,000 FOR THE
COOKEVILLE REGIONAL
MEDICAL CENTER**



July 22, 2010

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

Dear Jim:

The hospital Board of Trustees approved to purchase the three remaining properties located in front of the Rehab Center on 7th Street at a price of \$ 287,625. Twelve months of rental income as well as relocation of the tenants were a part of the negotiated agreement with the owner. We request approval of NTE \$300,000 to purchase the properties and fulfill the agreements of the purchase. These properties will be purchased with cash reserves.

The property is located within the Medical District and will be used by CRMC for parking. Please add this to the August 5, 2010 City Council Agenda for approval.

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

Sincerely,


Paul Korth
Chief Financial Officer

Councilman Williams made a motion, seconded by Councilman Anderson, to authorize the purchase & fulfill the agreements of the purchase of 224, 228 & 232 West 7th Street as requested. 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 5, 2010**

**CONSIDER RESOLUTION #R10-08-05,
AUTHORIZING THE PARTICIPATION
IN THE TML RISK MANAGEMENT
POOL "SAFETY PARTNERS" LOSS
CONTROL MATCHING GRANT
PROGRAM**

Councilman Shelton made a motion, seconded by Councilman Anderson, to adopt Resolution #R10-08-05. 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 #O10-08-10,
AMENDING THE BUDGETS OF
THE GENERAL AND ECONOMIC
DEVELOPMENT FUNDS OF THE
CITY OF COOKEVILLE, TN
FOR THE FISCAL YEAR
ENDED JUNE 30, 2011**

Councilman Williams made a motion, seconded by Councilman Anderson, to approve on first reading Ordinance #O10-08-10. 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.

**HOLD A PUBLIC HEARING AND
CONSIDER ON FIRST READING
ORDINANCE #O10-06-09,
REZONING 1100 OLD CALVARY
ROAD (TAX MAP 67-7.01) FROM
RS20 (SINGLE-FAMILY
RESIDENTIAL) TO QM (QUARRY
& MINING) AND REZONING
A PORTION OF 1805 EAST
SPRING STREET (TAX MAP
67-15.00) FROM RS20 (SINGLE-
FAMILY RESIDENTIAL) TO CL
(LOCAL COMMERCIAL)**

COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 5, 2010

O'MARA & JOHNSON, P.L.L.C.

Attorneys at Law
317 West Spring Road
Cookeville, Tennessee 38501

T. Michael O'Mara
Don O. Johnson

(931) 526-4812
FAX: (931) 372-0450

July 15, 2010

Mr. Jim Shipley
City Manager
City of Cookeville
45 E. Broad St.
Cookeville, TN 38501

Re: Cookeville Limestone Rezoning Request

Dear Mr. Shipley:

On behalf of Cookeville Limestone, LLC, and in connection with the applications to rezone the property of Cookeville Limestone, LLC (1100 Old Cavalry Road) and to rezone a portion of the property owned by Burch McCormick (1805 East Spring Street), on which the proposed new road is to be built, this letter will confirm the following:

1. Cookeville Limestone, LLC will construct, at its expense, a new access road from the quarry's property line through the McCormick property to East Spring Street at the intersection of Dry Valley Road.
2. Cookeville Limestone, LLC has been informed by the State that the State will permit the City to apply for a grant for the signalization of the intersection of the new road and East Spring Street/Dry Valley Road. To the extent any portion for the costs of signalization of the intersection falls to the City of Cookeville, Cookeville Limestone, LLC will contribute one-half (1/2) of the costs, not to exceed the total contribution of \$15,000.00 by Cookeville Limestone, LLC.
3. Cookeville Limestone, LLC, will construct the new access road to the normal standards required by the City of Cookeville for a city street.
4. Cookeville Limestone, LLC approves and authorizes the City to prohibit commercial truck traffic on Old Cavalry Road, but only after the City approves the rezoning of both properties, and the new access road has been completed so that commercial truck traffic is permitted by the State and City to enter East Spring Street where the new access road intersects with East Spring Street.
5. Cookeville Limestone, LLC understands that the City of Cookeville will not grant permits for any additional uses of the Cookeville Limestone property, such as an asphalt plant, concrete plant, brick plant, etc., until the new access road has been completed and truck traffic on Old Cavalry Road has become prohibited.
6. Any future uses of the Cookeville Limestone property that are in addition to the rock quarry use, must comply with the QM zoning. However, after the QM zoning is approved, the rock quarry operation, because it is "grandfathered in", shall continue to operate within the boundaries of its property as it has previously operated before the change to the QM zone, without regard to compliance with the requirements of QM zoning, and the City of Cookeville will provide a letter to Cookeville Limestone, LLC to acknowledge this right.

Respectfully yours,

O'MARA & JOHNSON, P.L.L.C.


Don O. Johnson

DOJ/dk
Cc: Cookeville Limestone, LLC

MEMORANDUM

TO: James Mills
FROM: Greg Brown 
DATE: July 21, 2010
SUBJ: Proposed Access Street to Quarry

The proposed location of the access street to the quarry is off East Spring Street, directly across from the South Dry Valley Road intersection. Sight distance at this location will be adequate in both directions, provided the trees on the west side of East Spring, to the north of the proposed street, are removed. A traffic signal will probably need to be installed as well.



STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION
DIVISION OF MAINTENANCE
P.O. BOX 2929
COOKEVILLE, TENNESSEE 38501
(931) 526-4522

GERALD E. NICELY
Commissioner

PHIL BREDFESEN
GOVERNOR

To: Mr. Donnie Elkins
From: Richard Howell
TDOT- Maintenance & Traffic Engineering
Date: July 22, 2010
Subject: Entrance to SR-024 @ LM-22.14

Your request for an entrance permit at this location will be approved under the following conditions. A formal letter of request, a sight plan that includes a traffic impact study and the sight distance issue to the west of the proposed entrance is addressed. If a signal is considered, this issue will be between you and the city. All Rules and Regulations for a highway entrance permit shall be followed when you apply.

Sincerely,



Richard Howell
TDOT-Region 2, Highway Maintenance

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 5, 2010**

Vice-Mayor Davis made a motion, seconded by Mayor Sallee, to approve on first reading Ordinance #O10-06-09.

Several long time residents of the rezoning area spoke in opposition to Ordinance #O10-06-09. They expressed concerns about safety/quality of life/decreased property values & presented photos of the rock quarry/information on asphalt plant pollution.

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:

There being no further business to discuss, Vice-Mayor Davis made a motion, seconded by Councilman Anderson, to adjourn the meeting at 7:30 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