

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
JANUARY 20, 2011
5:30 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, January 20, 2011, at 5:30 p.m., in the Municipal Building, 45 East Broad Street. Mayor Swallows called for a moment of silent prayer, and led the audience in the Pledge of Allegiance. Mayor Swallows then called the meeting to order and asked the City Manager to call the roll. Present and answering roll call were:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

Also present: Jim Shipley, City Manager, serving for City Clerk; and Dan Rader, City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Councilman Anderson made a motion, seconded by Councilman Albrecht, to remove item #2 – consider approval of minutes of 1-6-11 and approve the agenda as amended. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Manager announced that the motion carried.

OLD BUSINESS:

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O10-12-15,
CLOSURE AND ABANDONMENT OF
AN UNDEVELOPED ALLEY RIGHT-
OF-WAY LOCATED BETWEEN
BYRNE AND LEE AVENUES
THROUGH PARCEL 7.00 ON
MAP 40G, GROUP C, AND
DECLARING IT AS SURPLUS**

Councilman Anderson made a motion, seconded by Councilman Woodford, to approve on second and final reading Ordinance #O10-12-15. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Manager announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
JANUARY 20, 2011**

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O10-12-16,
REZONING 580 & 600 CORA ROAD
FROM MS (MEDICAL SERVICES)
TO RD (SINGLE-FAMILY AND
DUPLEX RESIDENTIAL)**

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve on second and final reading Ordinance #O10-12-16.

Residents of the Cora Road area spoke in opposition to the rezoning.

Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Manager announced that the motion carried.

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O10-12-17,
AMENDMENT TO ZONING CODE
SECTION 230, FL (FLOODPLAIN
DISTRICT) TO REFLECT
REVISIONS TO THE FLOOD
INSURANCE RATE MAP (FIRM)
RESULTING FROM A LETTER OF
MAP REVISION (LOMR)**

Councilman Anderson made a motion, seconded by Councilman Woodford, to approve on second and final reading Ordinance #O10-12-17. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Manager announced that the motion carried.

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O10-12-18,
AMENDMENT TO ZONING
CODE RELATING TO PACKAGE
STORE LOCATIONS**

**COOKEVILLE CITY COUNCIL
MINUTES
JANUARY 20, 2011**

James Mills, City Planner, stated that in his opinion, as well as the City Attorney's and City Manager's opinion, the fact that when the Planning Commission previously reviewed this issue, the Planning Commission was under the impression that only four retail package stores would be permitted. Mr. Mills stated that since it was later determined by the City Council that there would be no limit on the number of stores, that this change is a substantial revision, and that the item should be sent back to the Planning Commission for further review.

Councilman Woodford made a motion, seconded by Councilman Albrecht, to disapprove on second and final reading Ordinance #O10-12-18, and to send this zoning amendment back to the Planning Commission for further review. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Manager announced that the motion carried.

NEW BUSINESS:

**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; EAST
HIGHWAY 70N/INTERSTATE 40; WEST
COOKEVILLE/INTERSTATE 40; SHAG
RAG ROAD; REBECCA PLACE/BUNKER
HILL ROAD; BUNKER HILL ROAD/
LOVELADY ROAD AND FREEHILL
ROAD/NORTH WASHINGTON
AVENUE 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 20, 2011 at 5:30 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
EAST HIGHWAY 70N/INTERSTATE 40 AREA, R00-09-24, effective January 7, 2001
WEST COOKEVILLE/INTERSTATE 40 AREA, R02-06-11, effective August 8, 2002
SHAG RAG ROAD AREA, R06-02-01, effective March 18, 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
FREEHILL ROAD/NORTH WASHINGTON AVENUE AREA, R09-08-11, effective October 17, 2009

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. Electric service and street lighting improvements are expected to be completed within 3 months.

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.

**COOKEVILLE CITY COUNCIL
MINUTES
JANUARY 20, 2011**

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, and electric service. 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, and that electric service will be provided within 3 years after the city acquires the service area. One additional fire hydrant remains to be installed in the area. Sewer is currently being installed in the Burton Estates Subdivision. Electric service has been provided with the exception of North Salem Road.

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 3/4 of the area. Contract has been awarded to provide water and sewer service to the Highlands Business Park.

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. 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.

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. The Plan of Services specifies that sanitary sewer will be provided within 20 years after the effective date of annexation.

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 and natural gas. The Plan of Services specifies that sanitary sewer will be provided within 20 years after the effective date of annexation and that natural gas service will be provided based upon customer demand and when economically feasible. Natural gas has been provided to 14 customers.

FREE HILL ROAD/NORTH WASHINGTON AVENUE AREA

All services have been provided to this area as specified in the Plan of Services with the exception of sanitary sewer, natural gas and water improvements. The Plan of Services specifies that sanitary sewer will be provided within 25 years after the effective date of annexation, that natural gas service will be provided based upon customer demand and when economically feasible and that required improvements to the existing water system will be completed within 10 years after the effective date of annexation. Some additional street lighting will be provided along North Washington Avenue with the approval of the State.

James Mills, City Planner, gave the progress report.

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve the progress report. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Manager announced that the motion carried.

**CONSIDER APPROVAL OF
PROPOSED AGREEMENT
COVERING ARRANGEMENTS
FOR THE ESTABLISHMENT
OF A NEW DELIVERY POINT
AT THE SOUTHWEST
COOKEVILLE 161 KV
SUBSTATION**

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve the agreement with TVA covering arrangements for the establishment of a new delivery point at the Southwest Substation. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Manager announced that the motion carried.

**CONSIDER AWARDED BIDS FOR
TRANSFORMERS FOR THE
SOUTHWEST SUBSTATION;
TRANSFORMERS & LUMINAIRES**

**COOKEVILLE CITY COUNCIL
MINUTES
JANUARY 20, 2011**

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

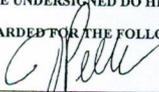
DATE OF BID OPENING: 12-7-2010
 BIDS OPENED BY: Joe Nims
 BIDS WITNESSED BY: T. Peek, G. Greenwood, C. Haney, D. Varner, B. Craver
 DEPARTMENT: Electric

TIME: 2:00 PM CST

BIDDERS	QTY	161/13 KV Substation Transformer							
		2	evaluated cost						
Yoder Sales		\$821,600							
		\$1,643,200							
Stansberry & Associates		\$740,044							
		\$1,480,088							
Ashby Company		\$762,430							
		\$1,524,860							

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Stansberry & Associates

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


 RECOMMENDED BY: DEPT. HEAD


 APPROVAL: CITY MANAGER

**CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 10122001**

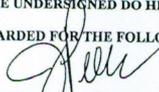
DATE OF BID OPENING: 1-11-2011
 BIDS OPENED BY: Glenn Greenwood
 BIDS WITNESSED BY: Jeff Dillidine
 DEPARTMENT: Electric

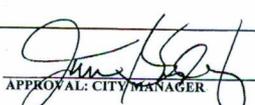
TIME: 2:00 PM CST

BIDDERS	QTY	25 Kva Csp Transformer							
		16	evaluated cost						
Stuart Irby		\$ 986.50							
		\$ 15,944.00		\$ 1,586.30					
		\$ 1,083.00							
Power Supply		\$ 17,328.00		\$ 1,624.07					
		\$ 903.40							
HD Supply		\$ 14,454.40		\$ 1,492.96					
		\$ 889.00							
Deco		\$ 14,224.00		\$ 1,473.07					
		\$ 964.00							
Harris Electric		\$ 15,424.00		\$ 1,576.21					

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Deco

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


 RECOMMENDED BY: DEPT. HEAD


 APPROVAL: CITY MANAGER

**CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 10122801**

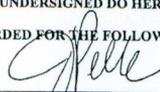
DATE OF BID OPENING: 1-11-2011
 BIDS OPENED BY: Glenn Greenwood
 BIDS WITNESSED BY: Jeff Dillidine
 DEPARTMENT: Electric

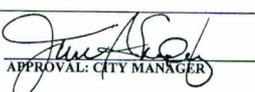
TIME: 2:30 PM CST

BIDDERS	QTY	250/400 WHPS Off Rd. Luminaire							
		24	evaluated cost						
Wesco		\$ 393.00							
		\$ 9,432.00							
Stuart Irby		\$ 392.59							
		\$ 9,422.16							

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

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


 RECOMMENDED BY: DEPT. HEAD


 APPROVAL: CITY MANAGER

**COOKEVILLE CITY COUNCIL
MINUTES
JANUARY 20, 2011**

Councilman Anderson made a motion, seconded by Councilman Woodford, to award the transformer & luminaire bids as recommended. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Manager announced that the motion carried.

**CONSIDER AWARDING BID FOR
SIX (6) MONTH PAVING AND
ASPHALT – PUBLIC WORKS
DEPARTMENT**

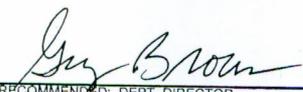
CITY OF COOKEVILLE
BID TABULATION RECORD
PAVING AND ASPHALT SIX MONTH CONTRACT

DEPARTMENT: Public Works
BIDS OPENED BY: Tracy Meggs
OPENING WITNESSED BY: Mike Netherton
DATE OF BID OPENING: January 10, 2011
TIME OF BID OPENING: 2:00 PM

BIDDERS	COMPLETE IN PLACE					CITY PICK UP	
	GRADE D	E	A	C-W	B-MOD	411 E	COLD MIX
HIGHWAYS, INC	\$ 70.00	\$ 62.00	\$ 52.00	\$ 62.00	\$ 56.00	\$ 60.00	\$ 72.00
LOJAC	\$ 79.75	\$ 67.90	\$ 57.80	\$ 67.25	\$ 65.95	\$ 65.00	\$ 78.00
SEABOARD ASPHALT	NA	NA	NA	NA	NA	NA	\$ 125.00

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

BE AWARDED FOR THE FOLLOWING REASON: LOW BIDDER


RECOMMENDED: DEPT. DIRECTOR


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

Councilman Anderson made a motion, seconded by Councilman Woodford, to award the paving/asphalt bid as recommended. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Manager announced that the motion carried.

**HOLD A PUBLIC HEARING AND
CONSIDER ON FIRST READING
ORDINANCE #011-01-01,
RETAIL PACKAGE
STORES**

**COOKEVILLE CITY COUNCIL
MINUTES
JANUARY 20, 2011**

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve on first reading Ordinance #O11-01-01.

Several residents spoke in opposition to the section of the ordinance that does not limit the number of retail package stores, and the section that allows the sale and/or consumption of alcoholic beverages at special events.

Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Manager announced that the motion carried.

HEARING OF CITIZENS AND/OR DELEGATIONS:

No one spoke at this time.

There being no further business to discuss, Councilman Anderson made a motion, seconded by Councilman Albrecht, to adjourn the meeting at 6:59 p.m. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Manager announced that the motion carried.

Matt Swallows, Mayor

ATTEST:

Cathy McClain, City Clerk