

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
AUGUST 4, 2011
5:30 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, August 4, 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 Clerk to call the roll. Present and answering roll call were:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

Also present: Jim Shipley, City Manager; Cathy McClain, City Clerk; and Dan Rader IV, serving as City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

City Manager Jim Shipley requested to add item #14 – consider approval of design fees with BWSC to relocate the sewer pump station in the Highlands Industrial Park & add item #15 – consider approval of easement swap relative to the Cookeville Hyundai property on South Willow Avenue.

Vice-Mayor Epps made a motion, seconded by Councilman Anderson, to add items 14 & 15 and to approve the agenda as amended. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

OLD BUSINESS:

**CONSIDER APPROVAL OF MINUTES
OF COUNCIL MEETING HELD ON
JULY 21, 2011**

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 Woodford. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

CONSENT AGENDA:

**CONSIDER AWARDING BIDS FOR
SEMI-ANNUAL MINERAL
AGGREGATE – PUBLIC WORKS
DEPARTMENT**

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 4, 2011**

**CITY OF COOKEVILLE
BID TABULATION RECORD
ROCK**

DEPARTMENT: Public Works
BIDS OPENED BY: Greg Brown
OPENING WITNESSED BY: Tracy Meggs

DATE OF BID OPENING: July 26, 2011
TIME OF BID OPENING: 10:00 am

BIDDERS	CRUSHER RUN	#57 STONE	2 INCH ROCK	3 INCH ROCK	CLEAN RIPRAP	PUG MIX	SHOT ROCK	DELIVERY COST
CKVL LIMESTONE	\$5.75	\$7.45	\$6.75	NO BID	\$8.00	\$6.50	\$7.00	\$2.75
VULCAN MATERIALS	\$8.25	\$10.50	\$10.00	NO BID	\$11.25	\$8.50	\$10.00	\$3.00
ROGERS GROUP	\$8.25	\$11.75	\$10.00	NO BID	\$12.85	\$8.50	\$8.00	\$3.00

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM COOKEVILLE LIMESTONE

BE AWARDED FOR THE FOLLOWING REASON: LOW BIDDER

Greg Brown
RECOMMENDED: DEPT. DIRECTOR

Nick D...
BUDGET AVAILABILITY: FINANCE DIRECTOR

Jim Anderson
APPROVAL: CITY MANAGER

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

**CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 11071101**

DATE OF BID OPENING: 7-26-2011
BIDS OPENED BY: Glenn Greenwood
BIDS WITNESSED BY: Brandon Jones
DEPARTMENT: Electric

TIME: 2:00 PM CST

BIDDERS	75 Kva Pad Transformer	2	evaluated cost					
HD Supply	\$ 6,600.00		\$ 13,200.00	\$ 9,201.93				
Power Supply	\$ 5,459.00		\$ 10,918.00	\$ 7,812.92				
Gresco	\$ 6,270.00		\$ 12,540.00	\$ 8,822.50				
Deco	\$ 4,421.00		\$ 8,842.00	\$ 6,741.85				

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

Jim Anderson
APPROVAL: CITY MANAGER

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve the consent agenda items as submitted. Upon call for a vote, the following voted aye:

- Mayor Matt Swallows
- Vice-Mayor Larry Epps
- Councilman Connie Albrecht
- Councilman Alma Anderson
- Councilman Jim Woodford

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
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NEW BUSINESS:

**HOLD A PUBLIC HEARING AND
CONSIDER ON FIRST READING
ORDINANCE #O11-07-13,
REZONING FROM RD (SINGLE
-FAMILY & DUPLEX RESIDENTIAL)
TO CL (LOCAL COMMERCIAL)
PROPERTIES LOCATED ON
WEST 7TH STREET, WEST 8TH
STREET & LAUREL AVENUE
(TAX MAP #'S 400-A-19.00, 20.00,
22.00, 23.00 & 24.00)**

Vice-Mayor Epps made a motion, seconded by Councilman Anderson, to approve on first reading Ordinance #O11-07-13. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**HOLD A PUBLIC HEARING AND
CONSIDER ON FIRST READING
ORDINANCE #O11-07-14, CLOSURE
AND ABANDONMENT OF A
PORTION OF AN UNDEVELOPED
ALLEY RIGHT-OF-WAY LOCATED
BETWEEN NORTH WHITNEY
AVENUE & ARMSTRONG AVENUE
AND DECLARING IT AS SURPLUS**

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve on first reading Ordinance #O11-07-14 – closing, abandoning & declaring as surplus per ordinance. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER RESOLUTION
#R11-08-09, AUTHORIZING
THE ISSUANCE, SALE
AND PAYMENT OF THREE-
YEAR CAPITAL OUTLAY
NOTES NOT-TO-EXCEED
\$500,000**

Mike Davidson, Finance Director, submitted a list of expenditures:

**COOKEVILLE CITY COUNCIL
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**FY 2011-2012
3 Yr Capital Outlay Note**

• Note Not to Exceed	\$500,000
– Traffic Court Software	\$35,000
– Backhoe	\$90,000
– Tractor w Side mower	\$55,000
– Service Vehicles	\$172,500
– Police Radio Repeater	\$20,000
– Police Special Operations Equipment	\$24,000
– Mowers (4)	\$35,000
– All Terrain Utility Vehicles (1)	\$8,000
– Paddle Boats	\$8,000
– Computer Server, Network Equipment	\$20,000
– GIS Format Scanner	\$10,000

Councilman Anderson made a motion, seconded by Councilman Woodford, to adopt Resolution #R11-08-09. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
CHANGE ORDER FOR THE
DRY VALLEY ROAD GAS
LINE PROJECT**

MEMORANDUM

TO: City Council
City Manager, Jim Shipley

FROM: Michael Davidson, Finance Director *MTD*

DATE: July 29, 2011

RE: Dry Valley Rd Gas Line Project – Bush Construction Change Order

In March 2011 we opened bids on our Dry Valley Rd gas line project. This project extended an eight inch gas line along Dry Valley Rd between Buck Mountain Rd and East Spring St/Hwy 70. As part of the project we installed this gas line under the creek near the Booger Swamp sewer pump station. In order to preserve the creek and not alter its flow, we had to install this line deeper than originally anticipated. This resulted in additional cost associated with the directional bore to get the line under the creek at a depth that would not disturb the creek. I'm requesting a change order be approved for this contract in the amount of \$13,259.32.

Original Contract	\$266,636.00
Change Order #1	\$13,259.32
Revised Contract Total	\$279,895.32

If you have any questions please give me a call. My office number is 931-502-5292.

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve the change order for the Dry Valley Road Gas Line Project as requested. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
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**CONSIDER APPROVAL OF
LEASE FOR TWO (2) 2012
MOTORCYCLES – POLICE
DEPARTMENT**

M E M O R A N D U M

To: Cathy McClain, City Clerk
From: Major Mark Maxwell
Date: July 27, 2011
Re: New Motorcycle Leases (Council Agenda)

The Cookeville Police Department is requesting approval to Lease two 2012 Birch White Harley Davidson Motorcycles at a cost of \$3,399.48 per bike per year.

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve the lease of two (2) additional motorcycles as requested (will make a total of 6 motorcycles on street patrol). Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER APPOINTMENT
TO THE COOKEVILLE
REGIONAL MEDICAL
CENTER BOARD OF
TRUSTEES**

Mayor Swallows made a motion, seconded by Councilman Anderson, to appoint Dr. Bob Bell to the Cookeville Regional Medical Center Board of Trustees (replacing Gail Stearman, RN, FNP due to term expired). Upon call for a vote, the following voted aye:

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

ABSTAINED: Vice-Mayor Larry Epps

The City Clerk announced that the motion carried.

Vice-Mayor Epps abstained, due to being contracted with CRMC.

**CONSIDER REAPPOINTMENTS
TO THE INDUSTRIAL
DEVELOPMENT BOARD**

COOKEVILLE CITY COUNCIL
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August 1, 2011

Mr. Jim Shipley, City Manager
City of Cookeville
45 East Board Street
P.O. Box 998
Cookeville, TN 38503

RE: City of Cookeville Industrial Development Board Recommendations

Dear Jim:

The Cookeville-Putnam County Chamber of Commerce respectfully recommends the re-appointments of Bob Duncan and Jim Martin to the City of Cookeville Industrial Development Board. Their terms expired in May 2011. Both have agreed to serve another term if approved by the City of Cookeville.

Sincerely,

George F. Halford, CCE, CEcD
President/CEO

Councilman Woodford made a motion, seconded by Councilman Anderson, to reappoint Bob Duncan & Jim Martin to the Industrial Development Board as recommended. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER RATIFICATION OF PRIVATE
CHAPTER NO. 24, SENATE BILL NO. 2103,
PRIVATE ACTS OF 2011 ENACTED BY
THE 107TH GENERAL ASSEMBLY,
WHICH AMENDS CHAPTER 49 OF THE
PRIVATE ACTS OF 1999, AS AMENDED
BY CHAPTER 31 OF THE PRIVATE ACTS
OF 2007, AND ANY OTHER ACTS
AMENDATORY THERETO, RELATIVE
TO THE BOARD OF TRUSTEES OF THE
COOKEVILLE REGIONAL MEDICAL
CENTER AUTHORITY**



State of Tennessee
PRIVATE CHAPTER NO. 24

SENATE BILL NO. 2103

By Burks

Substituted for: House Bill No. 2145

By Ryan Williams

AN ACT to amend Chapter 49 of the Private Acts of 1999, as amended by Chapter 31 of the Private Acts of 2007, and any other acts amendatory thereto, relative to the board of trustees of Cookeville Regional Medical Center Authority.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 49 of the Private Acts of 1999, as amended by Chapter 31 of the Private Acts of 2007, and any other acts amendatory thereto, is amended by deleting Section 4 and by substituting instead the following:

SECTION 4. Subject to Sections 5 and 11, and other provisions relative to removal from office, the term of office for members of the board of trustees shall be for seven (7) years, and no member shall serve more than one (1) full term without a three (3) year break. One (1) trustee shall be a member of the active medical staff of Cookeville Regional Medical Center who will serve a seven (7) year term, one (1) trustee shall be the person who is holding the office of mayor of the City of Cookeville, or the mayor's designee from the city council, who shall serve during the mayor's term of office, and one (1) trustee shall be the person holding the position of chief of staff of Cookeville Regional Medical Center, who shall serve during the chief of staff's term of office. The terms of office of all members of the board of trustees of Cookeville Regional Medical Center, except the mayor of the City of Cookeville and the hospital chief of staff, shall expire on July 31 of the year in which their term of office ends, and each new trustee shall take office on August 1 after the election for trustees. The membership of the board of trustees of Cookeville Regional Medical Center shall at no time include more than three (3) physicians, and no more than four (4) licensed healthcare providers. If a physician or a licensed healthcare provider is elected mayor of the City of Cookeville, and the membership of the board of trustees already includes three (3) physicians or four (4) licensed healthcare providers, the mayor shall appoint another city councilman to serve as the mayor's designee.

SECTION 2. Chapter 49 of the Private Acts of 1999, and any other acts amendatory thereto, is amended by deleting Section 13 and substituting instead the following:

SECTION 13. No member of the board of trustees shall sell merchandise or contract for services with the Cookeville Regional Medical Center Authority, or in any way engage in financial transactions with the said authority, directly or indirectly, except as provided herein. Nor shall an employee of the City of Cookeville, except as provided in Sections 4 and 14 of this act, or an employee of the Cookeville Regional Medical Center be eligible to serve on the board of trustees of Cookeville Regional Medical Center Authority. Professional services agreements between Cookeville Regional Medical Center and members of its medical staff to provide medical director services or to provide medical services at Cookeville Regional Medical Center for patients served by the hospital shall not be considered to be contracts for services within the meaning of this section;

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Cookeville City Council. Its approval or nonapproval shall be proclaimed by the presiding officer of the Cookeville City Council and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.

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Councilman Anderson made a motion, seconded by Councilman Woodford, to ratify Private Chapter No. 24, Senate Bill No. 2103, Private Acts of 2011 enacted by the 107th General Assembly. Upon call for a vote, the following voted aye:

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

ABSTAINED: Vice-Mayor Larry Epps

The City Clerk announced that the motion carried.

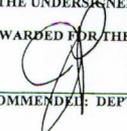
Vice-Mayor Epps abstained, due to being contracted with CRMC.

**CONSIDER AWARDED BID FOR
CONSTRUCTION OF SOUTHWEST
COOKEVILLE ELECTRIC
DEPARTMENT SUBSTATION**

**CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 11061401**

DATE OF BID OPENING: 7-13-2011
BIDS OPENED BY: Jody Cathey
BIDS WITNESSED BY: Carl Haney
DEPARTMENT: Electric
TIME: 2:00 PM CST

BIDDERS	Construction of Southwest Cookeville Substation		QTY	Price	Remarks	Bidder	Bid	Bid	Bid	Bid
	QTY	Price								
Aubrey Silvey Enterprises		\$1,100,000.00	1							
New River Electrical Corporation		\$954,755.93								
Service Electric Company		\$994,420.00								
Davis H. Elliot Co.					Bid did not comply with Tennessee Code					
William E. Groves Construction					Bid did not comply with Tennessee Code					

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM New River Electrical Corporation
BE AWARDED FOR THE FOLLOWING REASON: low evaluated bid meeting specs.
RECOMMENDED: DEPT. HEAD 
APPROVAL: CITY MANAGER 

Councilman Anderson made a motion, seconded by Councilman Woodford, to award the Southwest Cookeville Electric Substation bid as recommended. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
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**CONSIDER APPROVAL OF
DESIGN FEES WITH BWSC
TO RELOCATE THE SEWER
PUMP STATION IN THE
HIGHLANDS INDUSTRIAL
PARK**

City Manager Jim Shipley gave the following report:

- The city is currently in litigation with the owner of the property where the sewer pump station is to be located.
- We are concerned that the length of the litigation will cause problems with the contractor that is installing the sewer.
- We do have the option of moving the pump station to a temporary location on the city/county property.

- Barge, Waggoner, Sumner and Cannon is the engineering firm that designed all of the infrastructure in the park.
- This proposal from BWSC is to design the relocation of the pump station.
- The estimated fee is \$33,000, plus expenses.

The proposal includes:

Relocate the pump station
Relocate/modify 6,000 LF of force main to follow the access road and interior park road east to Lee Seminary Road
Modify 300 LF of gravity sewer
Modify the access road

The proposal does not include the redesign of the station (if needed), construction engineering and inspection, etc.

- We are requesting approval of the design fees, not to exceed \$40,000.

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve the design fees of not-to-exceed \$40,000 with Barge, Waggoner, Sumner & Cannon as requested. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
EASEMENT SWAP RELATIVE
TO THE COOKEVILLE
HYUNDAI PROPERTY ON
SOUTH WILLOW AVENUE**

**COOKEVILLE CITY COUNCIL
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Tony Peek, Electric Department Director, advised that the owners of the Cookeville Hyundai property (931 South Willow Avenue) are requesting to swap a 15' easement that the Electric Department does not use; it actually goes through the building, and the city receive another easement on the Hyundai property.

Councilman Anderson made a motion, seconded by Councilman Woodford, to approve the 15' easement swap as requested. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

HEARING OF CITIZENS AND/OR DELEGATIONS:

Mayor Swallows recognized his nephew, Wylie Lowe, attending the meeting.

Councilman Anderson announced that the "After Dark Run for the Dogwood Park" is tonight (will light up the fountain), Putnam County Fair starts tonight & the last community band concert will be on Monday night 8-8-11.

There being no further business to discuss, Councilman Albrecht made a motion, seconded by Councilman Anderson, to adjourn the meeting at 6:07 p.m. Upon call for a vote, the following voted aye:

Mayor Matt Swallows
Vice-Mayor Larry Epps
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

The City Clerk announced that the motion carried.

Matt Swallows, Mayor

ATTEST:

Cathy McClain, City Clerk