

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
FEBRUARY 2, 2012
5:30 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, February 2, 2012, 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
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

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 Anderson made a motion, seconded by Councilman Woodford, to approve the agenda as submitted. 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 Clerk announced that the motion carried.

OLD BUSINESS:

**CONSIDER APPROVAL OF
MINUTES OF COUNCIL
MEETING HELD ON
JANUARY 19, 2012**

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
Councilman Connie Albrecht
Councilman Alma Anderson
Councilman Jim Woodford

ABSENT: Vice-Mayor Larry Epps

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2012**

**CONSIDER ON SECOND AND FINAL
READING ORDINANCE #O11-12-22,
REZONING 1710 WHITE ROAD (TAX
MAP #83J-D PORTION OF PARCEL
4.00) FROM CG (GENERAL
COMMERCIAL) TO RS10 (SINGLE-
FAMILY RESIDENTIAL) & REZONING
A PORTION OF THE ADJOINING
PROPERTY (TAX MAP #83J-D
PORTION OF PARCEL 11.01)
FROM RS10 (SINGLE-FAMILY
RESIDENTIAL) TO CG (GENERAL
COMMERCIAL)**

Councilman Anderson made a motion, seconded by Councilman Woodford, to approve on second and final reading Ordinance #O11-12-22. 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 Clerk announced that the motion carried.

CONSENT AGENDA:

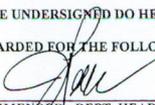
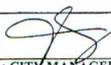
**SET A DATE (3-1-12) FOR A
PUBLIC HEARING ON
ORDINANCE #O12-02-01,
REZONING 423 NORTH
PEACHTREE AVENUE FROM
MS (MEDICAL SERVICES) TO
UNV (UNIVERSITY) REQUEST
SUBMITTED BY CRMC**

**CONSIDER AWARDED BIDS FOR
WIRE & TRANSFORMERS –
ELECTRIC DEPARTMENT**

**CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 12011001 (Wire)**

DATE OF BID OPENING: 1-24-2012
BIDS OPENED BY: Glenn Greenwood
BIDS WITNESSED BY: Scottie Roberts
DEPARTMENT: Electric
TIME: 2:00 PM CST

| BIDDERS | QTY | item 1 | item 2 | | | | | |
|-----------------|-----|----------------------------|---------------------------|--|--|--|--|--|
| | | 795 AL | 336 AL | | | | | |
| | | 25,000' | 10,000' | | | | | |
| Power Supply | | \$1.225/ft \$ 30,625.00 | \$0.75/ft \$ 7,500.00 | | | | | |
| Wesco | | \$1.22/ft \$ 30,500.00 | \$1.08/ft \$ 10,800.00 | | | | | |
| Stuart Irby | | \$1.32/ft \$ 33,000.00 | \$0.736/ft \$ 7,360.00 | | | | | |
| Harris Electric | | \$1.31/ft \$ 32,750.00 | \$0.87/ft \$ 8,700.00 | | | | | |
| HD Supply | | \$1.37/ft \$ 34,250.00 | \$0.92/ft \$ 9,200.00 | | | | | |
| | | | | | | | | |
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| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Wesco item 1 Stuart Irby item 2
BE AWARDED FOR THE FOLLOWING REASON: low bid meeting specs
RECOMMENDED: DEPT. HEAD  APPROVAL: CITY MANAGER 

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2012**

**CITY OF COOKEVILLE
ELECTRIC DEPT.
BID TABULATION SCHEDULE
BID NOTICE # 12011102**

DATE OF BID OPENING: 1-24-2012 TIME: 2:00 PM CST
 BIDS OPENED BY: Glenn Greenwood
 BIDS WITNESSED BY: Scottie Roberts
 DEPARTMENT: Electric

| BIDDERS | QTY | 37.5 Kva Con. Transformer | 6 | evaluated cost | | | | | |
|--------------|-----|---------------------------|---|----------------|--|--|--|--|--|
| HD Supply | | \$1092.00 | | | | | | | |
| | | \$ 6,552.00 | | \$1842.29 | | | | | |
| Power Supply | | \$1295.00 | | | | | | | |
| | | \$ 7,770.00 | | \$2013.32 | | | | | |
| Stuart Irby | | \$1159.00 | | | | | | | |
| | | \$ 6,954.00 | | \$1941.89 | | | | | |
| Stuart Irby | | \$1145.00 | | | | | | | |
| | | \$ 6,870.00 | | \$1787.33 | | | | | |
| Deco | | \$1172.00 | | | | | | | |
| | | \$ 7,032.00 | | \$1979.04 | | | | | |
| Utilicor | | \$1017.00 | | | | | | | |
| | | \$ 6,102.00 | | \$1799.13 | | | | | |

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Stuart Irby
 BE AWARDED FOR THE FOLLOWING REASON: low evaluated bid meeting specs.
 RECOMMENDED BY: [Signature] DEPT. HEAD APPROVAL: [Signature] CITY MANAGER

**CONSIDER AWARDED BIDS FOR
ASPHALT MILLING, PAVING/
ASPHALT & MINERAL
AGGREGATE SIX (6) MONTH
CONTRACT – PUBLIC WORKS
DEPARTMENT**

**CITY OF COOKEVILLE
BID TABULATION RECORD
ASPHALT MILLING
6 MONTH CONTRACT**

DEPARTMENT: Public Works DATE OF BID OPENING: January 19, 2012
 BIDS OPENED BY: Greg Brown TIME OF BID OPENING: 10:00 AM
 OPENING WITNESSED BY: Debbie Swallows

| BIDDERS | PER L.S. | PER SQUARE YARD | | | |
|---------------|-------------------------|-----------------|--------------|----------|--------------|
| | MOBILIZATION AND SET UP | 1" DEPTH | 1 1/2" DEPTH | 2" DEPTH | 2 1/2" DEPTH |
| HIGHWAYS, INC | \$1,500.00 | \$1.45 | \$1.95 | \$2.45 | \$2.95 |
| LOJAC | \$2,000.00 | \$1.95 | \$2.95 | \$3.95 | \$4.95 |

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM HIGHWAYS
 BE AWARDED FOR THE FOLLOWING REASON: LOW BIDDER

RECOMMENDED BY: [Signature] DEPT. DIRECTOR BUDGET AVAILABILITY: [Signature] FINANCE DIRECTOR
 APPROVAL: [Signature] CITY MANAGER

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

DEPARTMENT: Public Works DATE OF BID OPENING: January 19, 2012
 BIDS OPENED BY: Greg Brown TIME OF BID OPENING: 10:00 AM
 OPENING WITNESSED BY: Debbie Swallows

| BIDDERS | COMPLETE IN PLACE | | | | | CITY PICK UP | |
|---------------|-------------------|----------|----------|----------|----------|--------------|----------|
| | GRADE D | E | A | C-W | B-MOD | 411 E | COLD MIX |
| HIGHWAYS, INC | \$ 79.90 | \$ 72.90 | \$ 62.90 | \$ 72.90 | \$ 69.90 | \$ 63.00 | \$ 78.00 |
| LOJAC | \$ 87.00 | \$ 80.50 | \$ 68.50 | \$ 78.50 | \$ 77.50 | \$ 68.00 | \$ 78.00 |

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM HIGHWAYS FOR ALL - (HIGHWAYS & LOJAC FOR COLD MIX)
 BE AWARDED FOR THE FOLLOWING REASON: LOW BIDDER

RECOMMENDED BY: [Signature] DEPT. DIRECTOR BUDGET AVAILABILITY: [Signature] FINANCE DIRECTOR
 APPROVAL: [Signature] CITY MANAGER

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2012**

**CITY OF COOKEVILLE
BID TABULATION RECORD
ROCK**

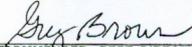
DEPARTMENT Public Works
BIDS OPENED BY: Greg Brown
OPENING WITNESSED BY: Blake Herren

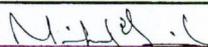
DATE OF BID OPENING: January 27, 2012
TIME OF BID OPENING: 10:00 am

| BIDDERS | CRUSHER RUN | #57 STONE | 2 INCH ROCK | 3 INCH ROCK | CLEAN RIPRAP | PUG MIX | SHOT ROCK | DELIVERY COST |
|------------------|----------------|--------------|----------------|----------------|-----------------|------------|--------------|-----------------------|
| CKVL LIMESTONE | \$7.75 | \$10.50 | \$9.70 | No Bid | \$10.75 | \$8.10 | \$8.00 | \$4.00 Shot \$3.50 |
| VULCAN MATERIALS | \$8.50 | \$10.50 | \$10.00 | No Bid | \$11.50 | \$8.75 | \$10.00 | \$3.25 |
| ROGERS GROUP | \$8.00 | \$10.50 | \$10.00 | No Bid | \$12.00 | \$8.50 | \$8.50 | \$3.00 |

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Cookeville Limestone

BE AWARDED FOR THE FOLLOWING REASON: LOW BIDDER


RECOMMENDED: DEPT. DIRECTOR


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

Councilman Woodford made a motion, seconded by Councilman Anderson, to approve the consent agenda items 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 Clerk announced that the motion carried.

NEW BUSINESS:

**CONSIDER RESOLUTION #R12-02-03,
AMENDING THE COOKEVILLE
CITY CHARTER ARTICLE XIV,
SECTION 14.05 – PERSONAL
INTEREST**

- From time to time, we have issues with the section of our charter that prohibits us from buying goods and/or services from a local business that is owned by an employee, or an employee's family, even though that employee has no influence over the department that is making the purchase. Many times the city has to pay more for those goods/services from another vendor. State law governing conflicts is not this restrictive.
- TCA 12-4-101 (a) (1) It is unlawful for any officer, committee member, director, or other person whose duty it is to vote for, let out, overlook, or in any manner to superintend any work or any contract in which any municipal corporation, shall or may be interested, to be directly interested in any such contract.
- 6-54-107. Interest of officer in municipal contracts prohibited.
 - (a) No person holding office under any municipal corporation shall, during the time for which such person was elected or appointed, be capable of contracting with such corporation for the performance of any work that is to be paid for out of the treasury.

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2012**

Councilman Anderson made a motion, seconded by Councilman Woodford, to adopt Resolution #R12-02-03. 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 Clerk announced that the motion carried.

**CONSIDER APPROVAL OF
DECLARATION OF
PROTECTIVE COVENANTS
AND RESTRICTIVE
COVENANTS RUNNING
WITH LAND FOR THE
HIGHLAND INDUSTRIAL-
BUSINESS PARK**

At this time, Vice-Mayor Epps entered the meeting.

Councilman Woodford made a motion, seconded by Councilman Anderson, to approve the covenants for the Highland Industrial-Business Park as recommended. 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

Vice-Mayor Epps stated that he abstained due to missing discussion of this item.

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL OF LAND
USE RESTRICTIONS FOR
WETLAND MITIGATION AT
THE HIGHLANDS INDUSTRIAL-
BUSINESS PARK**

Councilman Anderson made a motion, seconded by Councilman Woodford, to approve the land use restrictions for the wetland mitigation (five acres) at the Highlands Industrial-Business Park 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
MINUTES
FEBRUARY 2, 2012**

**CONSIDER APPOINTMENTS
TO THE SEWER REGULATIONS
APPEALS BOARD**

MEMORANDUM

TO: City Council
City Manager

FROM: Ronnie J. Kelly, Director *ROK*

DATE: January 26, 2012

SUBJ: Sewer Regulations Appeals Board

During the February 2nd City Council meeting, the City Council will need to appoint two members to the Sewer Regulations Appeals Board. The terms of Dan Eich and Martha Wells have expired. Dan Eich with Dixie Imperial Plating has agreed to be reappointed to serve another term on the board ending in December 2014. Dennis George has agreed to serve on the board in the position recently held by Martha Wells. Dennis is the Director of the Water Resources Center for Tennessee Tech University.

The Board was established by Ordinance #88126 in 1988. The Board is made up of five members appointed to three-year terms who shall not serve more than two full, three-year terms without a one-year break. The Board is set up to conduct hearings on appeals of decisions of the Director in actions taken under and pursuant to the Sewer Use Ordinance. Since being established the Board has yet to meet to hear an appeal.

It is my recommendation that Dennis George be appointed to the vacated position on the Board and that Dan Eich be reappointed to an additional term on the Board.

If you have any questions concerning this appointment please give me a call.

Councilman Anderson made a motion, seconded by Councilman Woodford, to reappoint Dan Eich & appoint Dennis George to the Sewer Regulations Appeals 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 AWARDING BID FOR
SANITARY SEWER MANHOLE
REHABILITATION PROJECT
- WATER QUALITY CONTROL
DEPARTMENT**

CITY OF COOKEVILLE
DEPARTMENT OF WATER QUALITY CONTROL
SANITARY SEWER MANHOLE REHABILITATION PROJECT

DATE OF BID OPENING 24-Jan-12
BIDS OPENED BY BARRY K. TURNER
BIDS WITNESS BY STEVE SMITH

TIME: 2:00 P.M.

| CONTRACTOR | AMOUNT OF BID | PRODUCT | | |
|-------------------------------------|--|----------------------|--|--|
| ADVANCED UNDERGROUND INSPECTION LLC | CONTRACTOR LICENSE NUMBER NOT ON OUTSIDE OF ENVELOPE | | | |
| BOATMAN CONST | DNB | | | |
| BOBBY LUTTRELL & SONS, LLC | \$110,831.00 | MAINSTAY | | |
| CK MASONRY CO., INC. | \$106,280.00 | WARREN ENVIRONMENTAL | | |
| CONCO SPRAY SOLUTIONS | \$144,980.00 | SPRAYROO | | |
| CTR COATINGS | \$91,400.00 | SPECTRA SHIELD | | |
| CURLY CONST & EXCAVATING | DNB | | | |
| MECHANICAL JOBBERS | \$125,145.00 | PERPETUWALL | | |
| | | | | |

DNB - DID NOT BID

WE, THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM --CTR COATINGS-- BE AWARDED FOR THE FOLLOWING REASON:
LOW BID MEETING SPECIFICATIONS.

Ron Kelly

DIRECTOR

Jim Anderson

APPROVAL
CITY MANAGER

Mike Sil

FINANCE DIRECTOR

**COOKEVILLE CITY COUNCIL
MINUTES
FEBRUARY 2, 2012**

Councilman Anderson made a motion, seconded by Councilman Woodford, to award the Sanitary Sewer Manhole Rehabilitation Project 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.

HEARING OF CITIZENS AND/OR DELEGATIONS:

David Vandercook, local resident, requested a vehicle & truck be removed from his neighbor's yard (violation in city code).

Mayor Swallows proudly announced in the ACCRA Cost of Living Index for year 2011- Cookeville is featured as #6 ranking least expensive urban area out of 314.

There being no further business to discuss, Councilman Albrecht made a motion, seconded by Councilman Anderson, to adjourn the meeting at 6:00 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