**COOKEVILLE CITY COUNCIL**
**REGULAR MEETING**
**JUNE 4, 2015**
**5:30 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, June 4, 2015, at 5:30 p.m., in the Municipal Building, 45 East Broad Street. Pastor Jeremy Williams with Trinity Assembly gave the invocation, and led the audience in the Pledge of Allegiance. Mayor Shelton then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

Also present: Mike Davidson, Interim City Manager; Cathy McClain, City Clerk; and Dan Rader, City Attorney.

**CONSIDER APPROVAL OF AGENDA AS PRESENTED**

Councilman Womack made a motion, seconded by Councilman Woodford, to add item 7M – consider appointment of City Manager and approve the agenda as amended. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**APPOINTMENTS, PROCLAMATIONS, PRESENTATIONS OR AWARDS:**

**CONSIDER APPOINTMENT OF CITY ATTORNEY FOR A TWO (2) YEAR TERM**

Mayor Shelton made a motion, seconded by Councilman Womack, to appoint Daniel H. Rader III as City Attorney for a two (2) year term, effective July 1, 2015, and to authorize Mr. Rader to enlist the assistance of other attorneys in his law firm (Moore, Rader, Fitzpatrick & York, P.C.) to serve as Assistant City Attorneys on an as needed basis with the approval of the City Manager. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER APPOINTMENT OF CITY JUDGE FOR A TWO (2) YEAR TERM**

Mayor Shelton made a motion, seconded by Councilman Womack, to appoint David W. Ledbetter as City Judge and Joy Gothard as Substitute City Judge to serve due to illness, recusal, or other absence of the City Judge for two (2) year terms, effective July 1, 2015. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**OLD BUSINESS:**

**CONSIDER APPROVAL OF MINUTES OF COUNCIL MEETING HELD ON MAY 21, 2015**

Councilman Womack 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 Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSENT AGENDA:**

**SET A DATE (7-2-15) FOR A PUBLIC HEARING ON ORDINANCE #O15-06-17, REZONING 750 WHITSON AVENUE FROM RS15 (SINGLE-FAMILY RESIDENTIAL) TO PRD (PLANNED RESIDENTIAL DEVELOPMENT)**

**SET A DATE (7-2-15) FOR A PUBLIC HEARING ON ORDINANCE #O15-06-18, AMENDMENT TO ZONING CODE SECTION 208A.4, ARCHITECTURAL DESIGN STANDARDS, TO INSERT PROVISIONS IN SECTION 208A.4B (3) RELATING TO SCREENING FOR ADDITIONS UTILIZING PROHIBITED MATERIALS**

Councilman Womack made a motion, seconded by Councilman Woodford, to approve the consent agenda items (public hearings on 7-2-15 at 5:30 p.m.) as submitted. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**NEW BUSINESS – PUBLIC HEARINGS AND ACTION ITEMS:**

**CONSIDER RESOLUTION #R15-06-09, TO ACQUIRE THE NECESSARY RIGHTS-OF-WAY AND EASEMENTS FOR THE CONSTRUCTION OF THE BENNETT ROAD EXTENSION PROJECT**

Councilman Womack made a motion, seconded by Councilman Woodford, to adopt Resolution #R15-06-09. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER RESOLUTION #R15-06-08, TO ESTABLISH MANDATORY RETIREMENT AGE REQUIREMENT OF AGE 60 PURSUANT TO TCA 8-36-205, TO AUTHORIZE THE PAYMENT OF THE SUPPLEMENTAL BRIDGE BENEFIT PURSUANT TO TCA 8-36-211, AND TO AUTHORIZE GROUP 1 MEMBERS WITH CREDITABLE SERVICE IN A GROUP 1 POSITION COVERED BY SUCH MANDATORY AGE RETIREMENT TO RETIRE ON SERVICE RETIREMENT BENEFITS UPON ATTAINMENT OF AGE 55 WITH 25 YEARS OF CREDITABLE SERVICE**

Mike Davidson, Interim City Manager, gave the following report:

Public Safety Employee Mandatory Retirement Age
Requirement and
Supplemental Benefit -- "Bridge Bill"

- City participates in TN Consolidated Retirement System
  - Defined benefit plan
    - Retirement benefit based on years of service and salary
- TCA 8-36-205 provides that a municipality participating in TCRS may establish a mandatory retirement age for public safety employees
  - based on federal law
- Currently the city has a mandatory retirement age of 62 for public safety employees
- Change the mandatory retirement age from age 62 to age 60
- Public safety employee eligible to retire at age 55 with 25 years of service
  - No reduction in base retirement benefit
- Authorizes payment of supplemental bridge benefit until age 62
  - .75% per year of service up to 22.5% of average final compensation
  - Supplemental benefit ends once eligible for social security benefits (age 62)
- Police Chief and Fire Chief would be exempt from mandatory retirement
  - No other certified police officer or firefighter positions would be exempt from mandatory retirement at age 60
- City is responsible for all cost associated with the supplemental benefit
- TCRS contribution rate will increase 3.5% for the public safety employee group
  - Per TCRS the additional contribution rate will not increase or decrease
- Effective July 1, 2015 with a deferral date of October 1, 2015
  - 3 employees will be required to retire in October with 2 additional employees required to retire later during the FY
  - Possible that other employees (age 55 with 25 years of service) might retire
- Estimated Initial Cost directly for "Bridge Bill" - $250k
  - Long term financial impact is uncertain
- Public Safety Positions will not receive merit increase during FY 2015-2016
  - Estimated $180k to help offset cost to implement "Bridge Bill"

Councilman Womack made a motion, seconded by Vice-Mayor Epps, to adopt Resolution #R15-06-08 effective 7-1-15 with a deferral date of 10-1-15 as submitted. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE #O15-06-13, AMENDING THE BUDGETS OF THE GENERAL, STATE STREET AID, SOLID WASTE, ECONOMIC DEVELOPMENT, QUALITY OF LIFE, GENERAL IMPROVEMENT BOND & EMPLOYEE INSURANCE FUNDS OF THE CITY OF COOKEVILLE, TN, FOR THE FISCAL YEAR ENDED JUNE 30, 2015**

# FY 14/15 Budget Amendments

| GENERAL FUND | | | |
|---|---|---|---|
| INCREASE REVENUE: | | | |
| | Property Taxes - Current | $65,000 | |
| | Property Taxes - Delinquent | 20,000 | |
| | Local Sales Tax | 100,000 | |
| | GHSO Grant Revenues | 69,484 | |
| Total Increase in Budgeted Revenues - General Fund | | | $254,484 |
| INCREASE (DECREASE) EXPENDITURES: | | | |
| | Operating Expenses: | | |
| | Payroll, PR Taxes, TCRS – General Department | 59,552 | |
| | Payroll, PR Taxes, TCRS – Police Department | 45,048 | |
| | Payroll, PR Taxes, TCRS – Fire Department | 24,584 | |
| | Payroll, PR Taxes, TCRS – Public Works Department | 16,068 | |
| | Payroll, PR Taxes, TCRS – Leisure Services Department | 8,460 | |
| | Payroll, PR Taxes, TCRS – Maintenance Department | 8,136 | |
| | Payroll, PR Taxes, TCRS – Planning Department | 2,808 | |
| | Payroll, PR Taxes, TCRS - Codes Department | 4,944 | |
| | Public Works - Claims and Damages | 25,000 | |
| | Police - GHSO grant expenditures | 69,484 | |
| | Capital Expense: | | |
| | General Department – Capital | 44,000 | |
| | Public Works – Capital | 1,000 | |
| | Fire Department Capital | (45,000) | |
| Total Increase (Decrease) in Budgeted Expenditures - General Fund | | | $214,484 |

| STATE STREET AID FUND | | | |
|---|---|---|---|
| INCREASE REVENUE: | | | |
| | TDOT Grant Revenues (STP) | $105,096 | |
| Total Increase in Budgeted Revenue - SSA Fund | | | $105,096 |
| INCREASE EXPENDITURES: | | | |
| | TDOT Grant Expense | $131,371 | |
| | Insurance Premium | 1,651 | |
| | Brush Grinding Services | 22,500 | |
| Total Increase in Budgeted Expenditures -SSA Fund | | | $155,522 |

| SOLID WASTE FUND | | | |
|---|---|---|---|
| INCREASE IN REVENUE: | | | |
| | Commercial Collection Fees | $15,000 | |
| | Tipping fees | 14,500 | |
| | Pick-up/collection of roll offs | 6,500 | |
| | Sale of dumpsters | 8,000 | |
| | Sale of scrap | 6,700 | |
| Total Increase in Budgeted Revenue – Solid Waste Fund | | | $50,700 |
| INCREASE IN EXPENDITURES: | | | |
| | Repairs & Maintenance - Vehicles | $26,000 | |
| | Salaries & Wages, Taxes, TCRS – Commercial | 29,200 | |
| | Salaries & Wages, Taxes, TCRS - Residential | 6,700 | |
| | Salaries & Wages, Taxes, TCRS - Brush Collection | 5,700 | |
| | Landfill Services | 8,000 | |
| Total Increase in Budgeted Expenditures -Solid Waste Fund | | | $75,600 |

| ECONOMIC DEVELOPMENT FUND | | | |
|---|---|---|---|
| INCREASE EXPENDITURES: | | | |
| | Professional Services | $13,500 | |
| | Legal Services | 11,500 | |
| | Land, ROW, Easements | 42,794 | |
| Total Increase in Budgeted Expenditures | | | $67,794 |

| QUALITY OF LIFE FUND | | | |
|---|---|---|---|
| INCREASE EXPENDITURES: | | | |
| | Non profit contributions – City Scape | $5,000 | |
| Total Increase in Budgeted Expenditures | | | $5,000 |

| GENERAL IMPROVEMENT BOND FUND | | | |
|---|---|---|---|
| INCREASE IN REVENUE: | | | |
| Contributions (Animal Shelter) | | $12,512 | |
| Total Increase in Budgeted Revenue | | | $12,512 |
| INCREASE EXPENDITURES: | | | |
| Animal Shelter construction | | $407,000 | |
| CPAC Renovations (roof) | | 65,000 | |
| Total Increase in Budgeted Expenditures | | | $472,000 |
| **EMPLOYEE INSURANCE FUND** | | | |
| INCREASE EXPENDITURES: | | | |
| Health Claims | | $575,000 | |
| Total Increase in Budgeted Expenditures | | | $575,000 |

Councilman Woodford made a motion, seconded by Councilman Womack, to approve on first reading Ordinance #O15-06-13. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE #O15-06-14, PROVIDING A TAX LEVY FOR THE 2015-2016 FISCAL YEAR**

**General Fund Property Tax**

**Proposed Property Tax Rate**

| Fund | 2014 Tax Rate | 2015 Proposed | Revenue |
|---|---|---|---|
| General Fund | $0.79 | $0.79 | $5,798,934 |
| G.O. Debt Service Fund | 0.06 | 0.06 | 440,425 |
| Economic Development Fund | 0.04 | 0.04 | 293,617 |
| Quality of Life Fund | 0.01 | 0.01 | 73,404 |
| Total | $0.90 | $0.90 | $6,606,381 |

One Penny on the tax rate is projected to generate $.01 on Tax Rate $73,404

Councilman Woodford made a motion, seconded by Councilman Womack, to approve on first reading Ordinance #O15-06-14. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

## HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE #O15-06-15, AUTHORIZING APPROPRIATIONS FOR FINANCIAL AID TO PUBLIC SERVICE, NONPROFIT, AND CHARITABLE ORGANIZATIONS FOR THE 2015-2016 FISCAL YEAR

SECTION 1 that $325,000 be appropriated to the Putnam County Library to assist with the operational expenses of the library.

SECTION 2 that $47,530 be appropriated to Cookeville Senior Citizens to promote the general welfare of the citizens of the city.

SECTION 3 that $28,000 be appropriated to the Upper Cumberland Regional Airport to promote the general welfare of the citizens of the city.

SECTION 4 that $130,000 be appropriated to the Cookeville-Putnam County Chamber of Commerce to promote the economic welfare of the citizens of the city with $50,000 designated for the Highlands Initiative, Phase III and $50,000 designated for Convention & Visitors Bureau Sports Council.

SECTION 5 that $25,400 be appropriated to the Emergency Management Agency to promote disaster assistance and emergency protection for the citizens of the city.

SECTION 6 that $32,417 be appropriated to CityScape to promote the general welfare of the citizens of the city with $15,306 to be used in support of the annual Cookeville Fall FunFest.

SECTION 7 that $18,608 be appropriated to the Cookeville Arts Council to promote the arts and to help educate the public.

SECTION 8 that $1,900 be appropriated to the Cumberland Arts Society to promote the arts and to help educate the public.

SECTION 9 that $53,589 be appropriated to the Tennessee Rehabilitation Center to promote training of the handicapped for employment.

SECTION 10 that $9,000 be appropriated to the Cookeville-Putnam County Clean Commission to promote a beautification program in the city.

SECTION 11 that $11,407 be appropriated to Genesis House (Alliance Against Domestic Violence) to promote the general welfare of the citizens of the city.

SECTION 12 that $11,407 be appropriated to the Helping Hands of Putnam County to promote the general welfare of the citizens of the city.

SECTION 13 that $10,000 be appropriated to WCTE-TV Public Television to promote the general welfare of the citizens of the city.

SECTION 14 that $2,377 be appropriated to the H.J. Stephens Center for Child Abuse to promote the general welfare of the citizens of the city.

SECTION 15 that $6,000 be appropriated to Kids, Putnam to promote the general welfare of the citizens of the city.

SECTION 16 that $10,000 be appropriated to Putnam County Imagination Library Program to promote the general welfare of the citizens of the city.

SECTION 17 that $1,901 be appropriated to the Upper Cumberland Human Resources Agency to be used exclusively for the Meals on Wheels program.

SECTION 18 that $7,500 be appropriated to the 13th Judicial District Adult Drug Court Program to be used exclusively for drug court treatment programs.

SECTION 19 that $1,500 be appropriated to Upper Cumberland Human Resources Agency to be used exclusively for the Court Appointed Special Advocates Program (CASA).

SECTION 20 that $1,500 be appropriated to Cookeville Children's Museum, Inc. to promote the general welfare of the citizens of the city.

SECTION 21 that $4,000 be appropriated to Upper Cumberland Child Advocacy Center to promote the general welfare of the citizens of the city.

SECTION 22 that $9,025 be appropriated to TN Central Heritage Rail Trail to promote the general welfare of the citizens of the city.

SECTION 23 that $6,000 be appropriated to Putnam County Veterans Organization to promote the general welfare of the citizens of the city.

SECTION 24 that $2,000 be appropriated to The Veterans Honor Guard to promote the general welfare of the citizens of the city.

Councilman Woodford made a motion, seconded by Vice-Mayor Epps, to approve on first reading Ordinance #O15-06-15. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

## HOLD A PUBLIC HEARING AND CONSIDER ON FIRST READING ORDINANCE #O15-06-16, MAKING APPROPRIATIONS FOR THE VARIOUS FUNDS, DEPARTMENTS, AND AGENCIES OF THE CITY OF COOKEVILLE, TENNESSEE FOR THE 2015-2016 FISCAL YEAR

Mike Davidson, Interim City Manager, gave a detailed report of the budget for the 2015-2016 fiscal year.

Councilman Woodford made a motion, seconded by Councilman Henry, to approve on first reading Ordinance #O15-06-16. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE CONTRACT FOR STOP LOSS INSURANCE COVERAGE**

2015 – 2016
Health Insurance
Stop Loss Renewal Summary

- Self Insured Health Plan since 1998
- Stop Loss policy protects against large claims
  - $150,000 specific deductible
- Expiring Policy:
  - BlueRe of TN - (BCBS)
    - Provided stop loss coverage for 2014-2015
    - Expiring Premiums
      - $20.07 single
      - $51.13 family
      - Approximately $227,738 annually
- Renewal
  - BlueRe
    - $18.19 single contract (217)
    - $44.73 family contract (286)
    - Basis of Coverage 36/12
    - Approximately $200,880
  - Approximately $26,858 annual savings over expiring rates

Councilman Woodford made a motion, seconded by Councilman Womack, to authorize the Interim City Manager to execute a contract for the Stop Loss Insurance Coverage as recommended. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER APPROVAL TO AUTHORIZE THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT TO ASSIGN RAIL TRAIL BID FROM HIGHWAYS, INC. TO ROGERS GROUP, INC.**

AGREEMENT

This Agreement made and entered into by and between the City of Cookeville; Highways, Inc.; and Rogers Group, Inc., with the effective date of the Agreement being the date it is approved by the Cookeville City Council.

WHEREAS, as Highways, Inc. intends to enter into an Asset Purchase Agreement with Rogers Group, Inc.; and

WHEREAS, as part of this transaction, Highways, Inc. wishes to assign its rights acquired by receiving the bid to perform the construction work associated with the Rails & Trails Project, TDOT Pin: 106578.00, SPN: 71LPLM-F3-003; and

WHEREAS, Rogers Group, Inc. accepts the assignment of the obligations pursuant to said bid; and

WHEREAS, Rogers Group, Inc. agrees to assume all obligations for the bid and enter into a contract with the City of Cookeville to perform the obligations under the contract pursuant to the bid, including providing the City of Cookeville with all performance bonds and other bonds necessary; and

WHEREAS, providing Rogers Group, Inc. agrees to perform the contract as specified in the bid documents and provide the City of Cookeville satisfactory performance bonds and other documents necessary to perform this project, the City of Cookeville agrees to this assignment and agrees to enter into a contract with Rogers Group, Inc. rather than Highways, Inc. to perform the above mentioned project.

Now, therefore, as evidenced by the signatures of the parties below, Highways, Inc. agrees to assign all of its rights, title, and interest into the bid which was awarded to it for the project, TDOT Pin: 106578.00, SPN: 71LPLM-F3-003, and

Rogers Group, Inc. agrees to assume all obligations pursuant to the specifications set forth in said bid and enter into valid contracts with the City of Cookeville for the full and faithful performance of all obligations pursuant to said bid, including providing all performance bonds and other instruments necessary.

Upon Rogers Group, Inc. making such agreement, the City of Cookeville agrees to the assignment and agrees to enter into a contract with Rogers Group, Inc. for the performance of the project as aforesaid.

IN WITNESS WHEREOF, the Parties have set their hands this _____ day of _____, 2015.

Mayor Shelton made a motion, seconded by Councilman Henry, to authorize the Interim City Manager to execute the agreement for the Rail Trail Project as submitted. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

## CONSIDER AWARDING BID FOR AUCTIONEER SERVICES (SALE OF SEIZED FIREARMS) – POLICE DEPARTMENT

CITY OF COOKEVILLE
BID TABULATION SCHEDULE
(SALE OF SEIZED FIREARMS)

DATE OF BID OPENING: 5/22/15, 10am
BIDS OPENED BY: Tallas McNett, USD Assistant
BIDS WITNESSED BY: Cathy McClain, City Clerk
DEPARTMENT: Police

| BIDDERS | Commission | Marketing Expense | In Compliance with TCA 39-17-137 |
|---|---|---|---|
| Tays Realty & Auction LLC | 20% Seller<br>10% Buyer | $1,561.53 | yes |
| | | | |

WE, THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM: Tays Realty & Auction LLC

BE AWARDED FOR THE FOLLOWING REASON: GOOD BID

RECOMMENDED: DEPARTMENT HEAD

BUDGET AVAILABILITY: INTERIM FINANCE DIRECTOR

APPROVAL: INTERIM CITY MANAGER

Councilman Woodford made a motion, seconded by Councilman Henry, to award the auctioneer services bid as recommended. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER BID FOR SALE OF CRMC PROPERTY AT WEST BROAD, CHESTNUT AVENUE & WEST 3RD STREETS**

BERNHARDT LLC

received 4/17/15 9:30 am

Attention: City of Cookeville

Date: 4/16/2015

Bernhardt, LLC bids $170,000 on vacant land owned by the City of Cookeville. This is Tract 1, 2, and 4 of Tax Map 538 Group P Parcel 5.01. Enclosed is a check for the amount of $17,000. This will Act as the earnest money for this bid.

Earnest Money:

1. The Earnest Money to be returned to Buyer if (2),(3) and (4) are not fulfilled.
2. Contingent on clean warranty deed, and no liens or encumbrances on the property other than what is shown.
3. Contingent on the ability to build 17 townhomes on These Parcels. They will be 17 Single Family zero Lot line Houses. These Houses would be very similar to St. James North and or The Cottages on West Broad. The boxes shown on the site plan are building envelopes needed for all 17 units. They are single-level houses made of brick, stone, and Hardi-plank.
4. Currently the zoning is split between RD and Medical. The zoning would need to be changed to allow townhomes. We suggest overlaying these Zones with an RAO and change tract 4 to commercial. This would allow townhomes to be built.

In this bid we would remove the white house on Tract 3 for the City. We would want to remove this house for the esthetics of our development and the betterment of the City.

We have talked with Tim Stover to build Townhomes on book 380 page 721. This is contingent on the price of the property and the ability for another RAO on that parcel. It also is contingent on the purchase of this City Property.

Thank you for your time and consideration,

Aaron Bernhardt

Aaron Bernhardt, CM

Councilman Woodford made a motion, seconded by Councilman Womack, to reject the bid received from Bernhardt, LLC for the purchase of Cookeville Regional Medical Center property (per CRMC bid too low). Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

## CONSIDER APPROVAL OF FINAL PAYMENT ON THE BOOGER SWAMP PUMPING STATION REHAB PROJECT

### MEMORANDUM

**TO:** City Council
City Manager

**FROM:** Ronnie J. Kelly, Director RJK

**DATE:** May 28, 2015

**SUBJ:** Approval of Final Payment to J. Cumby Construction – Booger Swamp Pumping Station Rehab Project

During the next City Council meeting I will be seeking authorization to make final payment to J. Cumby Construction Inc., for completion of the Booger Swamp Pumping Station Rehab Project.

The City Council awarded a construction contract to J. Cumby Const. on April 3, 2014, in the amount of $289,000. The contract completion date was February 15, 2015. J. Cumby Construction reached substantial completion on March 3, 2015, which was sixteen (16) days beyond the days allowed in the contract. The contract states that $500 per day is due to the City of Cookeville for every calendar day beyond the completion date, which would equal $8,000. Our department has incurred $3,200 in extra costs due to the delay. I would recommend that the City Council accept the $3,200 deducted by the contractor on the final estimate, which covers our department's extra expense, and allow us to close out the project. The final contract cost would be $285,000.

If you have any questions or comments concerning this matter please feel free to give me a call.

Councilman Womack made a motion, seconded by Councilman Woodford, to approve the final payment on the Booger Swamp Pumping Station Rehab Project as submitted. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

## CONSIDER APPROVAL OF SETTLEMENT AGREEMENT WITH TDEC ON OUTSTANDING NPDES PERMIT ISSUES

**TO:** City Council
City Manager

**From:** Ronnie J. Kelly, Director RJK

**DATE:** May 28, 2015

**SUBJ:** Approval of Settlement with Tennessee Department of Environment and Conservation

I am requesting that the City Council approve a settlement that we have negotiated with the Tennessee Department of Environment and Conservation (TDEC). Our department has been in discussion and negotiations with TDEC regarding certain provisions in our Wastewater Treatment Plant's NPDES Permit for over fifteen years. Approval of the settlement will resolve most of our objections with the Permit leaving only a few issues to be resolved at a later date.

Our Wastewater Treatment Plant's discharge meets all water quality requirements and limits. We have performed multiple stream studies over the last fifteen years that we believe indicates that the plant's discharge is not having a negative impact upon the watershed. In the settlement we have agreed to participate in a study of the Falling Water River Watershed to access the status of the waters draining into the Falling Water River. By participating in a comprehensive study of the watershed with TDEC, we believe that it will help clarify our data that we have collected over the last fifteen years.

Our department will continue our ongoing sewer rehabilitation program to minimize overflows and provide TDEC updates and plans on that progress.

Our department is in the middle of a process optimization study at our Wastewater Treatment Plant, which we will continue thru the rest of the year. At the end of that study we will provide TDEC a copy of those findings.

Our department is in the process of evaluating some of our older pumping stations, which we do as part of our capital improvement planning process. Per the settlement we will compile our evaluation and maintenance procedures and provide TDEC a copy.

I recommend your approval and would be happy to answer any questions.

Councilman Womack made a motion, seconded by Councilman Woodford, to approve the settlement agreement with TDEC pursuant to the outstanding NPDES permit issues as recommended. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

## CONSIDER APPOINTMENT OF CITY MANAGER

Mayor Shelton announced that after careful consideration/nationwide search & formal interview process through Mr. Pat Hardy/MTAS, the City Council decided that the best fit for the position of City Manager is Mike Davidson (*currently serving as Interim City Manager*) who will provide our City with seamless transition and excellent management for the future!

Mayor Shelton made a motion, seconded by Councilman Henry, to appoint Mike Davidson as Cookeville City Manager, and authorize Mayor Shelton to negotiate an agreement to be submitted for approval by the City Council on 6-18-15. Upon call for a vote, the following voted aye:

Mayor Ricky Shelton
Vice-Mayor Larry Epps
Councilman Dwight Henry
Councilman Charles Womack
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL**
**MINUTES**
**JUNE 4, 2015**

## CITIZENS REQUEST FOR HEARING BEFORE CITY COUNCIL:

No citizens request.

## HEARING FROM OFFICERS, COUNCILMEN AND CITY MANAGER:

Councilman Henry invited everyone to join him as he volunteers to be Conductor at the Cookeville Depot after the meeting!

## MAYOR'S COMMENTS:

Mayor Shelton announced that the City will have a reception for the new City Manager on Thursday, June 18th after the City Council Meeting.

There being no further business, Mayor Shelton declared the meeting adjourned at 6:35 p.m.

_____
Ricky Shelton, Mayor

ATTEST:

_____
Cathy McClain, City Clerk