

**COOKEVILLE CITY COUNCIL  
REGULAR MEETING  
MARCH 3, 2011  
5:30 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, March 3, 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**

Vice-Mayor Epps made a motion, seconded by Councilman Anderson, to add item #10 – consider Resolution #R11-03-05, expressing support for Senate Bill 396 and House Bill 457 relative to products containing certain drugs and 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  
FEBRUARY 17, 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.

**NEW BUSINESS:**

**CONSIDER ON FIRST READING  
ORDINANCE #O11-03-03,  
AMENDING TITLE 9, CHAPTER  
4 OF THE COOKEVILLE  
MUNICIPAL CODE, PERTAINING  
TO TAXI REGULATIONS**

Major Randy Evans, of Cookeville Police Department, presented the following taxi revisions:

**COOKEVILLE CITY COUNCIL  
MINUTES  
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**SYNOPSIS OF CHANGES TO TAXI ORDINANCE**

Under "**Application for taxi business**," taxi business applicants and all partners shall meet the following qualifications:

- Be at least twenty-one (21) years of age at the time of application.
- Be a U.S citizen.
- Be of good character and not have been convicted of, pled guilty to or entered a plea of "no contest" to a felony within the preceding ten (10) years.
- Is not listed on the Tennessee Bureau of Investigation Sex Offender Registry.

Removed the requirement for business applicants to have affidavits from two reputable citizens of the City of Cookeville who are not related to the applicant but have been acquainted with the applicant at least two years.

Added the requirement to have a current business license for any taxi business that conducts **regular** business within the city limits of the City of Cookeville and to have the office located in an area zoned for a taxi business.

Under "**Fee to be charged for each vehicle**," changed the fee for adding additional vehicles from "prorated" to "non-prorated."

Under "**Mechanical condition of vehicles**," each taxi is required to be equipped with a State of Tennessee approved rear-facing child passenger restraint system for any child weighing twenty (20) pounds or less, a State of Tennessee approved forward-facing child passenger restraint system for any child one (1) to three (3) years of age weighing greater than twenty (20) pounds, and a belt positioning booster seat system for any child four (4) to eight (8) years of age measuring less than four feet, nine inches (4'9") in height as required by current state law.

Under "**Fee to be charged for background investigation**," added a nonrefundable applicable fee to cover to the cost of the background investigation prior to the issuance of a permit to operate a taxi. The fees shall not exceed the fee levied by the Tennessee Applicant Processing Services (TAPS).

Under "**Qualifications for driver's permit**," added no felony convictions within the previous 10 years and cannot be listed on the TBI Sex Offender Registry but removed conviction of "any drug related charge." It also added the requirement for a background investigation.

Under "**Fee for driver's permit**," added that the applicant will also be responsible for any other fees that are associated with the application or background investigation process.

Under "**Rules of driver/passenger conduct**," added that drivers and passengers shall comply with Tennessee Code Annotated 39-17-1802 "Non-Smoker Protection Act" which explicitly prohibits smoking in public and private transportation including taxicabs.

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve on first reading Ordinance #O11-03-03.

Bobby Shane Flanigan, brother & employee of Steven Flanigan, voiced complaint about the new restrictions that do not allow owners of a taxi business to have a felony. He stated that this would put his brother out of the taxi business, due to his felony record.

After discussion, Councilman Anderson made a motion, seconded by Councilman Albrecht, to withdraw the original motion & postpone this item for two (2) weeks to do further study. Upon call for a vote, the following voted aye:

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

NAY: Vice-Mayor Larry Epps

The City Clerk announced that the motion carried.

**CONSIDER RESOLUTION #R11-03-03,  
AMENDING PRIVATE CHAPTER  
49, PRIVATE ACTS OF 1999 &  
PRIVATE CHAPTER 115, PRIVATE  
ACTS OF 2000, RELATIVE TO  
ELIGIBILITY TO BE A MEMBER  
OF THE BOARD OF TRUSTEES  
OF THE HOSPITAL BOARD**

**COOKEVILLE CITY COUNCIL  
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Councilman Anderson made a motion, seconded by Councilman Woodford, to adopt Resolution #R11-03-03.

Vice-Mayor Epps stated that he supports this resolution, but will abstain due to being under contract with CRMC working with Upper Cumberland Anesthesia Group.

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.

**CONSIDER RESOLUTION #R11-03-04,  
EXPRESSING SUPPORT IN  
REQUESTING COMMITMENTS  
FROM THE STATE OF TENNESSEE  
AND DESIGNATION OF CUMMINS  
FALLS AS A STATE PARK OR  
NATURAL AREA**

Councilman Anderson made a motion, seconded by Councilman Albrecht, to adopt Resolution #R11-03-04.

Vice-Mayor Epps stated that he strongly supports this resolution.

A student from Tennessee Tech University voiced his support for this resolution.

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 CONTRACT AMENDMENT  
FOR PEAK DAY GAS SUPPLY**

Mike Davidson, Gas Department Director, reported the following:

**Natural Gas Peak Supply Contract**

- **Atmos Energy Marketing**
  - Extends existing supply contract been in place since July 1996
  - Terms July 1, 2011 – June 30, 2016 with subsequent annual renewal
  - Provides peak day supply of 3,000dth
  - Cost \$16,500 per month

**COOKEVILLE CITY COUNCIL  
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Councilman Anderson made a motion, seconded by Councilman Woodford, to approve the contract amendment with Atmos Energy Marketing, LLC 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 CONTRACT FOR  
NATURAL GAS STORAGE**

Mike Davidson, Gas Department Director, reported the following:

**Natural Gas Storage Contract**

- Atmos Energy Marketing
  - 90,000dth cycled storage capacity
  - increases total storage capacity to approximately 25% of average annual usage
  - replaces storage capacity we lost in 2009
  - Terms April 1, 2011 – March 31, 2016
  - Monthly contract cost \$5,015.83

Councilman Anderson made a motion, seconded by Councilman Woodford, to approve the contract for natural gas storage with Atmos Energy Marketing, LLC 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 AGREEMENT  
BETWEEN THE CITY OF  
COOKEVILLE AND  
TENNESSEE VALLEY  
AUTHORITY PROVIDING  
FOR THE IMPLEMENTATION  
OF NEW WHOLESALE AND  
RETAIL RESALE SCHEDULES**

Tony Peek, Electric Department Director, reported the following changes to the commercial & industrial customers only:

- April 1, 2011 retail rate change
- Rates changing to seasonal demand & energy
- Pricing based on TVA's cost to provide power during the different seasons
- Designed to be revenue neutral for TVA
- TVA moving Cookeville Electric to calendar month billing

**COOKEVILLE CITY COUNCIL  
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Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve the TVA agreement 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 BIDS FOR  
TRANSFORMERS & LUMINAIRES  
- ELECTRIC DEPARTMENT**

**CITY OF COOKEVILLE  
ELECTRIC DEPT.  
BID TABULATION SCHEDULE  
BID NOTICE # 11020801**

DATE OF BID OPENING: 2-22-2011  
BIDS OPENED BY: Glenn Greenwood  
BIDS WITNESSED BY: Jeff Dilldine  
DEPARTMENT: Electric

TIME: 2:00 PM CST

BIDDERS	QTY	37.5 Kva Pad Transformer 10	evaluated cost						
Harris Electric		\$ 1,326.00 \$ 13,260.00	\$ 2,188.23						
Power Supply		\$ 1,319.00 \$ 13,190.00	\$ 2,144.58						
Gresco		\$ 1,436.00 \$ 14,360.00	\$ 2,324.04						
Deco		\$ 1,389.00 \$ 13,890.00	\$ 2,244.78						
Utilicor		\$ 1,182.00 \$ 11,820.00	\$ 2,024.53						

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Utilicor

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

Glenn Greenwood  
RECOMMENDED: DEPT. HEAD

Jim Woodford  
APPROVAL: CITY MANAGER

**CITY OF COOKEVILLE  
ELECTRIC DEPT.  
BID TABULATION SCHEDULE  
BID NOTICE # 11021101**

DATE OF BID OPENING: 2-22-2011  
BIDS OPENED BY: Glenn Greenwood  
BIDS WITNESSED BY: Jeff Dilldine  
DEPARTMENT: Electric

TIME: 2:30 PM CST

BIDDERS	QTY	1000 WMH Luminaire 24							
Stuart Irby		\$ 291.67 \$ 7,000.08							
Wesco		\$ 290.85 \$ 6,980.40							

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM Wesco

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

Glenn Greenwood  
RECOMMENDED: DEPT. HEAD

Jim Woodford  
APPROVAL: CITY MANAGER

**COOKEVILLE CITY COUNCIL  
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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  
Vice-Mayor Larry Epps  
Councilman Connie Albrecht  
Councilman Alma Anderson  
Councilman Jim Woodford

The City Clerk announced that the motion carried.

**CONSIDER RESOLUTION #R11-03-05,  
EXPRESSING SUPPORT FOR SENATE  
BILL 396 AND HOUSE BILL 457  
RELATIVE TO PRODUCTS  
CONTAINING CERTAIN DRUGS**

Vice-Mayor Epps read Resolution #R11-03-05.

Vice-Mayor Epps made a motion, seconded by Councilman Anderson, to adopt Resolution #R11-03-05. 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:**

No one spoke at this time.

There being no further business to discuss, Councilman Anderson made a motion, seconded by Councilman Woodford, to adjourn the meeting at 6:45 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.

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Matt Swallows, Mayor

ATTEST:

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Cathy McClain, City Clerk