

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
MAY 19, 2011
5:30 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, May 19, 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, City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Vice-Mayor Epps made a motion, seconded by Councilman Anderson, to approve the agenda 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.

OLD BUSINESS:

**CONSIDER APPROVAL OF MINUTES
OF COUNCIL MEETING HELD ON
MAY 5, 2011**

Councilman Woodford made a motion to dispense with the reading of the minutes and approve said minutes as submitted. The motion was seconded by Councilman Albrecht. 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 ON SECOND AND
FINAL READING ORDINANCE
#O11-04-05, AMENDMENTS
TO THE ZONING CODE
RELATING TO BED AND
BREAKFAST
ESTABLISHMENTS IN
RS ZONES**

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 19, 2011**

Councilman Anderson made a motion, seconded by Councilman Woodford, to approve on second and final reading Ordinance #O11-04-05. 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.

NEW BUSINESS:

**CONSIDER APPROVAL OF
TENNESSEE CENTRAL
HERITAGE RAIL TRAIL
AUTHORITY BYLAW
REVISIONS RELATIVE
TO NEW AUTHORITY
REPRESENTATION &
ATTENDANCE POLICY**

Mike Davidson, Finance Director reported the following:



Tennessee Central Heritage Rail Trail Authority
Representing
Algood, Cookeville, Monterey & Putnam County Tennessee
Cookeville-Putnam County Chamber of Commerce
Upper Cumberland Heritage Association

20Apr11 – Recommendation 1 of 3

Dear Cookeville City Council,

Re: Rail Trail Authority Bylaws and Recommendation of New Authority Representation

The Tennessee Central Heritage Rail Trail Authority bylaws, approved by all four governments (January 2010), reflect the representation of the Cookeville-Putnam Co. Chamber of Commerce, the Upper Cumberland Heritage Association and the governments of Putnam County, Algood, Cookeville and Monterey, TN within the Trail Authority.

In 2010, the History Museum was determined capable of taking over the activities and the community goals of the U C Heritage Association. Thus, the Upper Cumberland Heritage Association was disbanded. This action means that one of the 10-member Trail Authority members is no longer officially a representative of the U C Heritage Association.

The Trail Authority Board acted upon the matter of the U C Heritage Association and has voted to recommend that a representative from Leadership Putnam be placed upon the Trail Authority board. Leadership Putnam will offer a valuable board member that will bring a county-wide perspective to the board. Leadership Putnam has indicated willingness to become involved with and appoint a representative to the Trail Authority board.

The Tennessee Central Heritage Rail Trail Authority recommends that each of the four government entities approve modifications to the interlocal agreement (approved Nov. 2005) and the Authority bylaws (approved Jan. 2010). The modifications will replace the Upper Cumberland Heritage Association with Leadership Putnam as the 10th member of the Trail Authority board. The recommended action affects section 5 of the interlocal agreement and Article III, sec. 1 & 9 and Article V, sec. 1 of the Trail Authority bylaws.

The Authority has prepared copies of the interlocal agreement and the bylaws with the recommended changes. The Authority requests that each government entity approve the replacement of the U C Heritage Association with Leadership Putnam at the earliest convenience. This will ensure that the Trail Authority can continue to fulfill the mission of the Authority - The mission of the Trail Authority is to create and manage, within the applicable federal, state, local and/or grant requirements, a multi-use trail system through Putnam County and the Upper Cumberland region by thoughtful co-utilization of the Nashville & Eastern Railroad Authority railroad right-of-way and/or adjacent properties, greenways, easements, right-of-ways, etc. for the purposes of non-motorized transportation, economic development, recreation, improved quality of life, tourism and historical preservation.

Respectfully,
Trail Authority Board – Keith Lilly, Chairman
Tennessee Central Heritage Rail Trail Authority

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 19, 2011**



Tennessee Central Heritage Rail Trail Authority
Representing
Algood, Cookeville, Monterey & Putnam County Tennessee
Cookeville-Putnam County Chamber of Commerce
Upper Cumberland Heritage Association

20Apr11 – Recommendation 2 of 3

Dear Cookeville City Council,

Re: Rail Trail Authority Bylaws and Recommendation of Attendance Policy

The Tennessee Central Heritage Rail Trail Authority bylaws, approved by all four governments (January 2010), reflect the representation of the Cookeville-Putnam Co. Chamber of Commerce, the Upper Cumberland Heritage Association* and the governments of Putnam County, Algood, Cookeville and Monterey, TN within the Trail Authority.

The Trail Authority is a creation of the four governments to facilitate the creation and management of the Tennessee Central Heritage Rail Trail. As such, the Authority can only complete the assigned work through the action of a quorum of the Authority as specified in Article IV, sec. 2 of the bylaws as well as section 5.4 of the interlocal agreement.

In order to encourage active participation of the appointed Trail Authority board members and to ensure a quorum at all regularly scheduled board meetings, the Trail Authority board has voted to recommend an amendment to the bylaws. The board has recommended that Article IV, sec. 4 be added to the bylaws to indicate that repeated absence and/or missing 25% of the annual meetings will result in reporting to the appointing entity for corrective action.

The Trail Authority board requests that each government entity approve the addition of Article IV, sec. 4 to the Authority bylaws.

Since meeting attendance is not addressed in the original 2005 interlocal agreement and since sec. 5.4 allows the Authority to “adopt rules of procedure for its own operation”, it is not deemed necessary to add the attendance policy to the interlocal agreement.

*The Trail Authority, under separate cover, has recommended the replacement of the Upper Cumberland Heritage Association with Leadership Putnam.

Respectfully,
Trail Authority Board – Keith Lilly, Chairman
Tennessee Central Heritage Rail Trail Authority

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve the Tennessee Central Heritage Rail Trail Authority bylaw revisions & attendance policy 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
MAY 19, 2011**

**CONSIDER APPROVAL OF
TENNESSEE CENTRAL
HERITAGE RAIL TRAIL
AUTHORITY BUDGET
2011-2012 FISCAL YEAR**

Mike Davidson, Finance Director, reported the following:



Tennessee Central Heritage Rail Trail Authority
Representing
Algood, Cookeville, Monterey & Putnam County Tennessee
Cookeville-Putnam County Chamber of Commerce
Upper Cumberland Heritage Association

20Apr11 – Recommendation 3 of 3

Dear Cookeville City Council,

Re: Tennessee Central Heritage Rail Trail Authority – 2011-2012 Budget

The Tennessee Central Heritage Rail Trail Authority bylaws (Article VI, sec. 4) and interlocal agreement (sec. 6.2) require the Trail Authority to submit an annual operating budget to the Cities of Algood, Cookeville and Monterey, TN as well as the Putnam County Commission. This budget is to reflect operating and maintenance expenses for the fiscal year from July 1st through June 30th.

At the April 20, 2011 Trail Authority board meeting, the Authority approved the fiscal year operating budget in the total amount of \$28,976. This budget consists primarily of the annual lease payments to the Nashville & Eastern Railroad (\$17,851) and the annual liability insurance premium (\$6,000). The remaining budget expenses (\$5,125) represent anticipated enhancements at the new trailheads, some provision for repairs and administration costs associated with filing required annual reports and conducting an annual financial audit.

The Trail Authority is required to obtain approval of the overall annual budget by each of the four governing entities as specified in the bylaws and interlocal agreement. The Authority requests that the Cookeville City Council recognize and approve the 2011 – 2012 operating budget for the Trail Authority in the total amount of \$28,796. ~~976~~

Per the Trail Authority bylaws (Article VI, sec. 2) and the interlocal agreement (sec. 4), the annual Trail Authority operating budget is to be equally divided among the governments of Algood, Cookeville, Monterey and Putnam County, TN. One quarter of the fiscal year 2011-2012 operating budget represents \$7,244.

The Trail Authority requests that the City of Cookeville, TN approve the appropriation of \$7,244 which represents ¼ of the annual Trail Authority budget, for the fulfillment of the mission of the Authority*. This money will be combined with the appropriations of the three other government entities to facilitate the Trail Authority work on behalf of all four governments.

*The Trail Authority has filed the 2011-2012 City of Cookeville Grant Application form with a request for the sum of \$7,244. This was done to adhere to the City's requirements. Do not duplicate the request for appropriations.

Respectfully,
Trail Authority Board – Keith Lilly, Chairman
Tennessee Central Heritage Rail Trail Authority

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve the Tennessee Central Heritage Rail Trail Authority budget for 2011-2012 fiscal year 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
MAY 19, 2011**

**CONSIDER AUTHORIZING THE
ELECTRIC DEPARTMENT
DIRECTOR TO EXECUTE A
JOINT USE POLE AGREEMENT
WITH DELTACOM, INC. &
EARTHLINK BUSINESS
COMPANY FOR THE
ATTACHMENT OF FIBER
OPTIC CABLE**

Tony Peek, Electric Department Director, reported the following:

Joint-Use Pole Agreement w/ DeltaCom, Inc. & EarthLink Business Company

- Agreement to attach fiber cable and associated equipment to CED poles
- This agreement is almost verbatim to Twin Lakes agreement
- Minor changes reviewed by City Attorney's office
- Licensee required to pay for all make-ready work
- Attachment fee of \$12.52 per pole per year

Councilman Anderson made a motion, seconded by Councilman Woodford, to authorize the Electric Department Director to execute a joint use pole agreement 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 AWARDING BID FOR
SKID STEER LOADER – PUBLIC
WORKS DEPARTMENT**

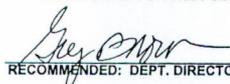
**CITY OF COOKEVILLE
BID TABULATION
SKID STEER LOADER**

DEPARTMENT: Public Works
BIDS OPENED BY: Greg Brown
OPENING WITNESSED BY: Debbie Swallows
DATE OF BID OPENING: May 5, 2011
TIME OF BID OPENING: 2:00 pm

BIDDERS	BID AMOUNT & WARRANTY	BID AMOUNT & WARRANTY	BID AMOUNT & WARRANTY	BID AMOUNT & WARRANTY	OPTION A HYDRAULIC POWERED BROOM	TOTAL BID
BOBCAT OF NASHVILLE	44,086.61 12 mons / unlimited hours	46,307.41 24 mons / 2000 hrs	47,362.13 36 mons / 2000 hours	48,417.49 36 mons / 3000 hours	\$4,265.28	\$51,627.41
DITCH WITCH OF TN	54,235.45 12 mons / or 1500 hours				\$7,771.91	\$62,007.36
MID-SOUTH EQUIP CO	47,900.00 24 mons / or 2000 hours				\$6,775.00	\$54,675.00
THOMPSON MACHINERY	55,545.00 12 mons / 2000 hours				\$7,850.00	\$63,395.00

WE, THE UNDERSIGNED DO HEREBY RECOMMEND THE BID FROM BOBCAT OF NASHVILLE

BE AWARDED FOR THE FOLLOWING REASON: LOWEST EVALUATED BID


RECOMMENDED: DEPT. DIRECTOR


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

**COOKEVILLE CITY COUNCIL
MINUTES
MAY 19, 2011**

Councilman Anderson made a motion, seconded by Councilman Albrecht, to award the skid steer loader 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.

**CONSIDER APPROVAL OF
EMERGENCY PURCHASE
OF INCINERATOR WALL
PANELS FOR THE BRUSH
SITE – PUBLIC WORKS
DEPARTMENT**

MEMORANDUM

TO: Jim Shipley
City Council Members
FROM: Greg Brown 
DATE: May 11, 2011
SUBJ: May 19, 2011, City Council Agenda Items

- 1) Consider awarding the following bid: Skid Steer Loader.
- 2) Consider approving the purchase of incinerator wall panels.

The wall panels in the air curtain incinerator that is used to burn brush have deteriorated beyond repair. The supplier is in the process of changing their manufacturing operations and if we do not order the panels now, there could possibly be a long delay in shipping as well as a cost change. In order not to fall behind burning brush, the panels were ordered from the incinerator manufacturer, Waste Reduction Technologies, at a total cost of \$53,500. I would recommend your approval.

Councilman Anderson made a motion, seconded by Councilman Albrecht, to approve the emergency purchase of incinerator wall panels 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
MINUTES
MAY 19, 2011**

HEARING OF CITIZENS AND/OR DELEGATIONS;

Bob Terry, Police Chief, advised the residents of the Beverly Hills Subdivision that his patrolmen are watching for trucks speeding down their road. He further advised that he cannot give tickets for uncovered trucks.

The residents of the Beverly Hills Subdivision were told that the City Attorney will do research & report back to the council on the authority by the city pertaining to the quarry/mining operations.

Mayor Swallows stated that he wants to keep the citizens safe.

The Avery Trace Middle School Student Counsel was recognized.

The council announced the "Soap Box Derby" event on Saturday, May 21, 2011.

There being no further business to discuss, Councilman Anderson made a motion, seconded by Councilman Woodford, to adjourn the meeting at 5:55 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