

MINUTES
OF
PUTNAM COUNTY COMMISSION
FEBRUARY 21, 2012

Prepared by:

Wayne Nabors
Putnam County Clerk
121 S Dixie Avenue
Cookeville, TN 38501

STATE OF TENNESSEE

COUNTY OF PUTNAM

BE IT REMEMBERED: that on February 21, 2012 there was a regular meeting of the Putnam County Board of Commissioners.

There were present and presiding the Chairman, Jerry Ford and County Clerk, Wayne Nabors.

The Sheriff, David Andrews called the meeting to order.

The Chairman, Jerry Ford recognized Commissioner Chris Savage for the Invocation.

The Chairman, Jerry Ford recognized Commissioner Reggie Shanks to lead the Pledge to the Flag of the United States of America.

The Chairman asked the Commissioners to signify their presence at the meeting and the following were present:

PRESENT

Scott Ebersole	Eris Bryant
Tom Short	Sue Neal
David Gentry	Jonathan Williams
Jerry Ford	Daryl Blair
Ron Williamson	Kevin Maynard
John Ludwig	Kim Bradford
Anna Ruth Burroughs	Jim Martin
Terry Randolph	Bob Duncan
Chris Savage	Marsha Bowman
Reggie Shanks	Steve Pierce
Joe Trobaugh	Mike Atwood
Michael Medley	Cathy Reel

The Clerk announced that twenty-four (24) were present and zero (0) absent. Therefore, the Chairman declared a quorum.

MOTION RE: APPROVE THE AGENDA

Commissioner Michael Medley moved and Commissioner Tom Short seconded the motion to approve the agenda.

(SEE ATTACHED)

Please note that the Commission will be meeting on Tuesday, February 21, 2012 due to President's Day being on Monday.

**AGENDA
PUTNAM COUNTY
BOARD OF COMMISSIONERS**

Monthly Awards will be presented at 5:45 PM

**Regular Monthly Session
Tuesday, February 21, 2012 6:00PM**

**Presiding: Honorable Jerry Ford
Commission Chairman**

- 1. Call to Order - Sheriff David Andrews**
- 2. Invocation *District 6***
- 3. Pledge to the Flag of the United States of America *District 6***
- 4. Roll Call - County Clerk Wayne Nabors**
- 5. Approval of the Agenda**
- 6. Approval of the Minutes of Previous Meeting**
- 7. Unfinished Business and Action Thereon by the Board**
 - A. Report of Standing Committees**
 1. Planning Committee
 2. Fiscal Review Committee
 3. Nominating Committee
 - B. Report of Special Committees**

C. Other Unfinished Business

1. Ratification of County Executive Kim Blaylock's selection for the Payscale Committee as follows:

Eris Bryant
Terry Randolph
Daryl Blair
Jim Martin

8. Quarterly Reports and Action Thereon by the Board

- A. Road Fund - Randy Jones, Supervisor
- B. School Funds - Jerry Boyd, Director of Schools
- C. County General Fund, Debt Service Fund, Solid Waste Sanitation Fund, and Self Insurance Fund - Kim Blaylock, County Executive

9. New Business and Action Thereon by the Board

A. Report of Standing Committees

1. Planning Committee

- a. Recommends approval of Land Use Restrictions for Proposed Highland Business Park.
- b. Consider the Declaration of Protective Covenants and Restrictive Covenants Running with Land applicable to Highlands Industrial-Business Park. **THIS COMES WITHOUT RECOMMENDATION**
- c. Recommends approval to cease having work sessions, unless called by the County Executive or the Commission Chairman.

2. Fiscal Review Committee

- a. Recommends approval of the budget amendment to the County General Fund in the amount of \$7,000.
- b. Recommends approval of budget amendments to the General Purpose School Fund as presented.
- c. Recommends approval of budget amendments to the Road Department as presented.

3. Nominating Committee

- a. Recommends the following be appointed to the Awards Committee:
Reggie Shanks
Cathy Reel
Wayne Nabors
*1 year terms
to expire 2-2013*

- b. Recommends to consider the following to fill 1 (one) unexpired vacant term to serve on the Beer Board:

Tom Short

Anna Ruth Burroughs

John Ludwig

Term expires

October 2012

- c. Recommends that John Ludwig to fill vacant unexpired term on the Delinquent Property Tax Committee.

Term Expires

October 2012

- d. Recommends to consider the following to fill 1 (one) unexpired vacant term to serve on the Adult Entertainment Board

JOHN LUDWIG

Term Expires

December 2012

B. Report of Special Committees

C. Resolutions

D. Election of Notaries

E. Other New Business

10. Announcements and Statements

11. Adjourn

The Chairman asked for discussion on the motion to approve the agenda. There was none.

The Chairman asked for a voice vote on the motion to approve the agenda for the February 21, 2012 meeting of the Putnam County Board of Commissioners. The motion carried.

Commissioner Tom Short withdraws his name from The Adult Entertainment Board and Beer Board appointments.

MOTION RE: APPROVE MINUTES OF THE PREVIOUS MEETING

Commissioner Kevin Maynard moved and Commissioner Mike Atwood seconded the motion to approve the minutes of the January 17, 2012 meeting of the Putnam County Board of Commissioners.

The Chairman asked for a voice vote on the motion to approve the minutes of the January 17, 2012 meeting of the Putnam County Board of Commissioners. The motion carried.

UNFINISHED BUSINESS AND ACTION THEREOF BY THE BOARD

REPORT OF STANDING COMMITTEES

PLANNING COMMITTEE: No unfinished business.

FISCAL REVIEW COMMITTEE: No unfinished business.

NOMINATING COMMITTEE: No unfinished business.

REPORT OF SPECIAL COMMITTEES:

OTHER UNFINISHED BUSINESS

MOTION RE: RATIFICATION OF COUNTY EXECUTIVE KIM BLAYLOCK'S SELECTION FOR THE PAYSACLE COMMITTEE AS FOLLOWS:

**ERIS BRYANT
TERRY RANDOLPH
DARYL BLAIR
JIM MARTIN**

The Commissioners discussed the motion.

MOTION RE: VOTE SEPARATELY ON THE PAYSACLE COMMITTEE NAMES

Commissioner Michael Medley moved and Commissioner Marsha Bowman seconded the motion to vote separately on the Paysacle Committee names.

MOTION RE: AMEND THE MOTION TO POSTPONE THE SELECTION FOR THE PAYSACLE COMMITTEE FOR ONE MONTH

Commissioner Jonathan Williams moved and Commissioner Bob Duncan seconded the amended motion to postpone the selection for the Payscale Committee for one month.

The Chairman asked for discussion on the motion. The Commissioners discussed the motion.

MOTION RE: TABLE THE MOTION TO POSTPONE FOR ONE (1) MONTH

Commissioner Joe Trobaugh moved and Commissioner Michael Medley seconded the motion to table the motion to postpone for one (1) month.

The Chariman asked the Commissioners to vote on the motion to table the motion to postpone for one (1) month. The Commissioners voted as follows:

FOR:

Jerry Ford
John Ludwig
Anna Ruth Burroughs
Terry Randolph
Chris Savage
Reggie Shanks
Joe Trobaugh
Michael Medley

Eris Bryant
Daryl Blair
Kevin Maynard
Kim Bradford
Marsha Bowman
Steve Pierce
Cathy Reel

AGAINST:

Scott Ebersole
Tom Short
David Gentry
Ron Williamson

Sue Neal
Jonathan Williams
Jim Martin
Bob Duncan
Mike Atwood

The Clerk announced that fifteen (15) voted for, nine (9) voted against, and zero (0) absent. The motion carried.

MICHAEL MEDLEY WITHDREW HIS MOTION TO VOTE SEPARATELY ON NAMES OF THE PAYSACLE COMMITTEE

MOTION RE: COMMISSIONER JOE TROBAUGH MOVED AND COMMISSIONER MIKE MEDLEY SECONDED TO APPROVE COUNTY EXECUTIVE KIM BLAYLOCK'S SELECTION FOR THE PAYSACLE COMMITTEE

The Chairman asked the Commissioners to vote on the Ratification of Kim Blaylocks Selection for the Payscale. The Commissioners voted as follows.

FOR:

Scott Ebersole	Eris Bryant
David Gentry	Daryl Blair
Jerry Ford	Kevin Maynard
Anna Ruth Burroughs	Kim Bradford
Terry Randolph	Jim Martin
Chris Savage	Steve Pierce
Reggie Shanks	Mike Atwood
Joe Trobaugh	Cathy Reel
Michael Medley	

AGAINST:

Tom Short	Sue Neal
Ron Williamson	Jonathan Williams
John Ludwig	Bob Duncan
	Marsha Bowman

The Clerk announced seventeen (17) voted for, seven (7) voted against, and zero (0) absent. The motion carried.

QUARTERLY REPORTS AND ACTION THEREON BY THE BOARD

MOTION RE: QUARTERLY REPORT FOR THE ROAD FUND – RANDY JONES

Commissioner Joe Trobaugh moved and Commissioner Michael Medley seconded the motion to approve the Quarterly Report for the Road Fund.

(SEE ATTACHED)

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**PUTNAM COUNTY HIGHWAY DEPARTMENT
 QUARTERLY REPORT
 FOR OCTOBER, NOVEMBER, AND DECEMBER, 2011**

Randy Jones

 RANDY JONES, ROAD SUPERVISOR

131-ROAD FUND

REVENUE:

<u>REVENUE CODE NUMBERS</u>	<u>ESTIMATED</u>	<u>AMENDED</u>	<u>1ST. QUARTER</u>	<u>2ND. QUARTER</u>	<u>TOTALS</u>	<u>UN-REALIZED</u>
40000.110 - 43000.320 LOCAL TAXES	1,417,375		18,532	534,474	553,006	864,369
44000.130 - 44000.990 OTHER LOCAL	2,000		3,114	1,714	4,828	(2,828)
46000.410 - 46000.930 STATE REV	2,989,920		346,143	502,785	848,928	2,140,992
47000.100 - 47000.142 FEDERAL	0		84,420	0	84,420	(84,420)
AMENDMENT FROM FUND BALANCE	<u>0</u>	<u>80,000</u>	<u>80,000</u>	<u>0</u>	<u>80,000</u>	<u>(80,000)</u>
	<u>4,409,295</u>	<u>80,000</u>	<u>532,209</u>	<u>1,038,973</u>	<u>1,571,182</u>	<u>2,838,113</u>
FUND BALANCE 7-01-11	1,001,615					

EXPENDITURES:

<u>EXPENDITURES CODE NUMBERS</u>	<u>ESTIMATED</u>	<u>AMENDED</u>	<u>1ST. QUARTER</u>	<u>2ND. QUARTER</u>	<u>TOTALS</u>	<u>UN-ENCUMB</u>
61000 - ADMINISTRATION	310,636		79,239	75,686	154,925	155,711
62000 - ROAD CONST. & MAINT.	2,684,800	80,000	461,573	570,302	1,031,875	1,732,925
63100 - OPER. & MAINT. OF EQUIP.	334,400		99,578	87,718	187,296	147,104
65000 - OTHER CHARGES	158,246		84,045	19,585	103,630	54,616
68000 - CAPITAL OUTLAY	<u>1,749,766</u>		<u>7,095</u>	<u>502,709</u>	<u>509,804</u>	<u>1,239,962</u>
TOTAL EXPENDITURES	<u>5,237,848</u>	<u>80,000</u>	<u>731,530</u>	<u>1,256,000</u>	<u>1,987,530</u>	<u>3,330,318</u>

The Chairman asked for discussion on the motion to approve the Quarterly Report for the Road Fund. There was none.

The Chairman asked for a voice vote on the motion to approve the Quarterly Report for the Road Fund. The motion carried.

**MOTION RE: QUARTERLY REPORT FOR THE SCHOOL FUNDS – JERRY BOYD,
DIRECTOR OF SCHOOLS**

Commissioner Eris Bryant moved and Commissioner Steve Pierce seconded the motion to approve the Quarterly Report for the School Funds.

(SEE ATTACHED)

Department of Education

Putnam County

DR. KATHLEEN M. AIRHART, Director of Schools

Board of Education

Eric Brown, Chairman
Robert Hargis, Vice-Chairman

1400 East Spring Street
Cookeville, Tennessee 38506-4313
Phone (931) 526-9777
FAX (931) 372-0391

Board Members

Dr. Ray Jordon
Jerry Maynard
David McCormick
Dr. Janet Moore

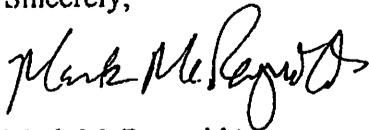
February 1, 2012

Honorable Commissioners
Putnam County Courthouse
Cookeville, TN 38501

Honorable Commissioners:

Please consider approval of the Quarterly Reports for the General Purpose School Fund and Capital Project Fund for the quarter ended December 31, 2011.

Sincerely,



Mark McReynolds
Putnam County Board of Education

**PUTNAM COUNTY BOARD OF EDUCATION
GENERAL PURPOSE SCHOOL FUND
QUARTERLY REPORT FOR THE QUARTER ENDING DECEMBER 2011**

Revenues:	2011-2012 Budget	Actual Revenues Jul-Sept 2011	Actual Revenues Oct-Dec 2011	Actual Revenues Jan-Mar 2012	Actual Revenues Apr-Jun 2012	Total Revenues Year to Date
40000 Local Revenue	27,758,243	2,717,460	8,943,266	-	-	11,660,726
41000 License Permits	5,000	1,083	1,245	-	-	2,328
43000 Current Services	282,067	38,008	107,286	-	-	145,294
44000 Other Local Revenue	122,000	4,519	98,416	-	-	102,936
46500 State of Tennessee	41,208,322	7,844,015	12,359,845	-	-	20,203,861
46800 Other State Revenues	135,000	14,281	45,669	-	-	59,950
46980 Other State Grants	458,575	4,471	1,720	-	-	6,191
47100 Federal Thru State	484,746	83,036	213,981	-	-	297,018
48000 Donations/Other	21,000	-	12,000	-	-	12,000
49000 Other Sources	495,941	73,213	70,752	-	-	143,965
	<u>70,970,895</u>	<u>10,780,087</u>	<u>21,854,180</u>	<u>-</u>	<u>-</u>	<u>32,634,268</u>

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**PUTNAM COUNTY BOARD OF EDUCATION
GENERAL PURPOSE SCHOOL FUND
QUARTERLY REPORT FOR THE QUARTER ENDING DECEMBER 2011**

Expenditures:	2011-2012	Actual	Actual	Actual	Actual	Total
	Budget	Encumbrances & Expenditures Jul-Sept 2011	Encumbrances & Expenditures Oct-Dec 2011	Encumbrances & Expenditures Jan-Mar 2012	Encumbrances & Expenditures Apr-Jun 2012	Encumbrances & Expenditures Year to Date
71100 Regular Education	35,026,824	6,397,277	8,646,845	-	-	15,044,122
71150 Alternative Education	585,785	103,171	147,479	-	-	250,650
71200 Special Education	6,535,846	1,114,496	1,642,252	-	-	2,756,748
71300 Vocational Education	1,343,387	227,211	324,942	-	-	552,154
71600 Adult Education	175,830	13,862	30,255	-	-	44,117
72110 Attendance	184,976	51,110	59,324	-	-	110,434
72120 Health Services	645,494	113,507	180,062	-	-	293,569
72130 Other Student Services	2,252,305	394,764	535,871	-	-	930,635
72210 Regular Ed. Support	2,493,487	494,907	638,450	-	-	1,133,357
72215 Alternative Ed. Support	115,765	25,500	29,388	-	-	54,887
72220 Special Ed. Support	1,001,875	192,387	257,379	-	-	449,767
72230 Vocational Ed. Support	84,288	14,360	20,512	-	-	34,872
72260 Adult Ed. Support	126,365	37,366	30,460	-	-	67,826
72310 Board of Education	1,241,469	367,942	372,539	-	-	740,480
72320 Office of the Director	133,403	32,644	51,934	-	-	84,578
72410 Office of Principal	4,399,725	1,068,898	1,071,198	-	-	2,140,096
72510 Fiscal Services	559,833	140,140	139,650	-	-	279,790
72520 Human Services/Personnel	189,622	52,935	50,947	-	-	103,882
72610 Operation of Plant	6,426,701	3,294,277	838,950	-	-	4,133,227
72620 Maintenance of Plant	1,945,119	839,252	491,284	-	-	1,330,536
72710 Transportation	2,914,436	652,466	985,592	-	-	1,638,058
72810 Central & Other Support	714,417	151,026	369,189	-	-	520,215
73100 Food Services	194,980	43,303	51,834	-	-	95,137
73300 Community Services	515,278	17,649	123,278	-	-	140,926
73300 Early Childhood Education	1,615,741	294,564	436,842	-	-	731,407
91300 Education Capital Projects	0	0	-	-	-	0
99100 Operating Transfers	500,000	1,000,000	-	-	-	1,000,000
TOTAL	71,922,951	17,135,013	17,526,455	0	0	34,661,469

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PUTNAM COUNTY BOARD OF EDUCATION
CAPITAL PROJECTS FUND
QUARTERLY REPORT FOR THE QUARTER ENDING DECEMBER 2011

Expenditures:	2011-2012 Budget	Actual Encumbrances & Expenditures Jul-Sept 2011	Actual Encumbrances & Expenditures Oct-Dec 2011	Actual Encumbrances & Expenditures Jan-Mar 2012	Actual Encumbrances & Expenditures Apr-Jun 2012	Total Encumbrances & Expenditures Year to Date
91300 Education Capital Projects	-	224,805.10	512,840.46	-	-	737,645.56
TOTAL	-	224,805.10	512,840.46	-	-	737,645.56

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The Chairman asked for discussion on the motion to approve the Quarterly Report for the School Funds. There was none.

The Chairman asked for a voice vote on the motion to approve the Quarterly Report for the School Funds. The motion carried.

MOTION RE: QUARTERLY REPORTS FOR THE COUNTY GENERAL FUND, DEBT SERVICE FUND, SOLID WASTE SANITATION FUND, AND SELF INSURANCE FUND – KIM BLAYLOCK, COUNTY EXECUTIVE

Commissioner Eris Bryant moved and Commissioner Jim Martin seconded the motion to approve the Quarterly Reports for the County General Fund, Debt Service Fund, Solid Waste Sanitation Fund, and Self Insurance Fund.

(SEE ATTACHED)

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COUNTY GENERAL BUDGET 2011-2012
Statement of Revenues and Expenditures
Period ending December 31, 2011

REVENUES:	<u>TOTAL ESTIMATED</u>	<u>REC'D THRU 12-31-2011</u>	<u>BALANCE</u>
40000 Local Taxes	13,036,340.00	5,432,040.96	7,604,299.04
41000 Licenses and Permits	260,500.00	163,487.97	97,012.03
42000 Fines, Forfeitures and Penalties	649,000.00	258,540.97	390,459.03
43000 Charges for Current Service	3,129,000.00	1,726,376.73	1,402,623.27
44000 Other Local Revenue	1,099,000.00	410,579.93	688,420.07
45000 Fees Received from County Officials	3,575,000.00	1,528,874.32	2,046,125.68
46000 State of Tennessee	2,918,589.00	922,129.27	1,996,459.73
47000 Federal Government	359,900.00	168,226.33	191,673.67
48000 Other Governments and Citizens Groups	155,000.00	134,152.77	20,847.23
49000 Other Sources (Note Proceeds)	<u>232,334.00</u>	<u>1,688.00</u>	<u>230,646.00</u>
TOTAL REVENUES	25,414,663.00	10,746,097.25	14,668,565.75
Estimated Fund Balance - June 30, 2011	6,863,149.00		

EXPENDITURES:	<u>TOTAL ESTIMATED</u>	<u>PAID & ENCUMB.</u> <u>THROUGH 12-31-2011</u>	<u>BALANCE</u>
51000 General Administration	3,576,345.00	2,108,133.79	1,468,211.21
52000 Finance	1,394,898.00	874,839.00	520,059.00
53000 Administration of Justice	1,878,104.00	1,269,654.00	608,450.00
54000 Public Safety	7,831,959.00	4,943,305.00	2,888,654.00
55000 Public Health & Welfare	4,464,321.00	3,313,535.00	1,150,786.00
56000 Social, Cultural & Recreational Services	475,420.00	525,062.00	(49,642.00)
57000 Agriculture & Natural Resources	225,981.00	80,171.00	145,810.00
58000 Other Operations	7,171,861.00	1,091,105.00	6,080,756.00
99000 Transfers Out	<u>229,444.00</u>	<u>0.00</u>	<u>229,444.00</u>
TOTAL EXPENDITURES	27,248,333.00	14,205,804.79	13,042,528.21

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DEBT SERVICE BUDGET - 2011-2012
Statement of Revenues and Expenditures
Period Ending December 31, 2011

REVENUES:		TOTAL ESTIMATED	<u>REC'D THRU 12-31-2011</u>	<u>BALANCE</u>
40000	Local Taxes	10,410,082.00	4,643,433.93	5,766,648.07
44000	Other Local Revenues	297,334.00	6,399.81	290,934.19
49000	Operating Transfers	<u>500,000.00</u>	<u>0.00</u>	<u>500,000.00</u>
TOTAL REVENUES		<u>11,207,416.00</u>	<u>4,649,833.74</u>	<u>6,557,582.26</u>

Estimated Fund Balance-June 30, 2010	12,842,904.00
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EXPENDITURES:		TOTAL ESTIMATED	<u>PAID THRU 12-31-2011</u>	<u>BALANCE</u>
82000	Education Debt	12,510,876.00	2,745,097.86	9,765,778.14
90000	Public Safety Projects	1,122,638.00	461,318.75	661,319.25
99100	Transfers Out	<u>232,334.00</u>	<u>0.00</u>	<u>232,334.00</u>
TOTAL EXPENDITURES		<u>13,865,848.00</u>	<u>3,206,416.61</u>	<u>10,659,431.39</u>

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SOLID WASTE/SANITATION BUDGET - 2011-2012

Statement of Revenues and Expenditures

Period Ending December, 31, 2011

REVENUES:		<u>TOTAL ESTIMATED</u>	<u>REC'D THRU 12-31-2011</u>	<u>BALANCE</u>
40000	Local Taxes	2,593,060.00	1,100,102.76	1,492,957.24
43000	Charges for Current Service	815,000.00	361,112.48	453,887.52
44000	Other Local Revenues	260,000.00	155,927.45	104,072.55
46000	State of Tennessee	<u>23,000.00</u>	<u>18,863.40</u>	<u>4,136.60</u>
TOTAL REVENUES		3,691,060.00	1,636,006.09	2,055,053.91

Estimated Fund Balance-June 30, 2011 1,778,866.00

EXPENDITURES:		<u>TOTAL ESTIMATED</u>	<u>PAID & ENCUMBERED THROUGH 12-31-2011</u>	<u>BALANCE</u>
55000	Public Health and Welfare	4,175,921.00	1,500,235.91	2,675,685.09
58000	Other General Government	<u>63,500.00</u>	<u>26,187.07</u>	<u>37,312.93</u>
TOTAL EXPENDITURES		4,239,421.00	1,526,422.98	2,712,998.02

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PUTNAM COUNTY SELF INSURANCE FUND
 FUND BALANCE SUMMARY FOR 2011 - 2012
 As of December 31, 2011

Fund Balance as of September 30, 2011		1,714,258.65
PLUS: Departmental Deposits	271,275.73	
Interest	3,849.04	
	275,124.77	
LESS: Liability Claims	14,479.70	
Work Comp Claims	334,053.90	
Medical Records	558.55	
Claim Adjuster Fees	0.00	
Legal Fees	24,637.99	
Court Reporter & Court Costs	0.00	
Insurance	3,665.00	
Stanley, Hunt & Dupree (Actuarial Study)	7,935.00	
WC Fees to PMA Insurance Group	3,875.00	
Management fee	13,000.00	
Liability Reserve Increase (Decrease) this period	-25,000.00	
Work Comp Reserve Increase (Decrease) this period	-183,061.00	
	194,144.14	
Ending Fund Balance as of December 31, 2011		1,795,239.28

CASH SUMMARY

=====		
Checking balance (9715) as of 12/31/2011	31,292.76	
Checking balance (4324) as of 12/31/2011	1,589,729.89	
Certificate of Deposit as of 12/31/2011	1,538,496.33	
Brentwood Services WC Claim Payment Act 12/31/2011	0.00	
Outstanding items:		
Ck 2086	-1.00	
Ck 2174	-21.28	
Ck 2177	-10,120.95 (see note)	
Ck 2184	-7,935.00	
Ck 2185	-2,375.00	
Ck 2186	-505.00	
Ck 2187	-882.61	
PMA Work Comp Draft	-55,393.81	
Ending Cash Balance as of 12/31/2011		3,082,284.33
Less: Open Liability Claim Reserves as of 12/31/2011		-270,000.00
Open Work Comp Claim Reserves as of 12/31/2011		-1,027,166.00
Ending Fund Balance as of December 31, 2011		1,785,118.33

Number of Open Liability Claims as of December 31, 2011	7
Number of Open Work Comp Claims as of December 31, 2011	54

This report was prepared by BB&T Legge Insurance on 02/03/2012 (Revised)

* Note: Report is out of balance by \$10,120.95. Trustee shows check # 2177 as outstanding. Check was acutally voided and was not included in expenses

The Chairman asked for discussion on the motion to approve the Quarterly Reports for the County General Fund, Debt Service Fund, Solid Waste Sanitation Fund, and Self Insurance Fund. There was none.

The Chairman asked for a voice vote on the motion to approve the Quarterly Reports for the County General Fund, Debt Service Fund, Solid Waste Sanitation Fund, and Self Insurance Fund. The motion carried.

NEW BUSINESS AND ACTION THEREON BY THE BOARD

REPORT OF STANDING COMMITTEES

PLANNING COMMITTEE

MOTION RE: PLANNING COMMITTEE RECOMMENDS APPROVAL OF LAND USE RESTRICTIONS FOR PROPOSED HIGHLAND BUSINESS PARK

Commissioner Eris Bryant moved and Commissioner Jim Martin seconded the motion to approve Land Use Restrictions for Proposed Highland Business Park.

(SEE ATTACHED)

This instrument was prepared by:
Tracy Meggs P.E., City of Cookeville
Public Works Department

STATE OF TENNESSEE
COUNTY OF Putnam

NOTICE OF LAND USE RESTRICTIONS
City of Cookeville
Proposed Highland Business Park
FN: 2008-00882

Notice is hereby given that pursuant to their respective authorities found at Tennessee Code Annotated (T.C.A.) Section 68-212-225 and 33 Code of Federal Regulations (CFR) Section 332.7(a), the Commissioner of the Tennessee Department of Environment and Conservation ("TDEC") and the Nashville District Engineer of the United States Corps of Engineers ("USACE") have determined that land use restrictions are an appropriate remedial action at the below-described property. Pursuant to T.C.A. Section 68-212-225(d), the register of deeds shall record this Notice and index it in the grantor index under the names of the owners of the property.

WITNESSETH:

WHEREAS, the City of Cookeville, Tennessee and Putnam County, Tennessee (Grantors), is the owner of approximately 5.03 acres of real property, being a portion of the property described in a Deed of record in the Putnam County Tennessee Register of Deeds Office, Record Book 349, Page 201, herein after referred to as the "Property"; and,

WHEREAS, the Property is shown on a description prepared by Michael Netherton R.L.S. # 2484, City of Cookeville, Public Works Department, Cookeville, Tennessee dated December 28, 2011, attached hereto as **Exhibit A** and incorporated herein by reference; and,

WHEREAS, the Property possesses natural resources with significant aquatic, ecological and habitat values ("Conservation Values"). These natural resources are of aesthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people. These values include Waters of the U.S., as defined in 40 C.F.R § 122.2 (Oct. 1, 2009), including streams, wetlands and the adjacent uplands, and other native vegetation and wildlife. These natural resources are of great importance to both TDEC, the Grantor, and the United States Army Corps of Engineers ("USACE");

WHEREAS, the Property has been approved by USACE for use as mitigation pursuant to and as defined in 33 C.F.R. Part 332 (April 10, 2008);

WHEREAS, the Property has been identified as being occupied by, or as being potential habitat for species of native plants and wildlife which Grantor desires to establish, preserve, protect, restore and enhance;

WHEREAS, on or about April 11, 2011, the Commissioner of the Department of Environment and Conservation (TDEC) issued Aquatic Resource Alteration Permit (ARAP) Number NRS No. 10.260 to Grantor; and,

WHEREAS, on or about April 27, 2011, the Nashville District Engineer of the USACE issued an Individual Permit (IP) Number 2008-00882 pursuant to Section 404 of the Clean Water Act (CWA) to Grantor; and,

WHEREAS, the referenced ARAP and CWA permits and approval of the Property for use as mitigation under 33 C.F.R. Part 332 require that certain uses of the Property be restricted.

WHEREAS, it is the purpose of this Notice to ensure that the Property will be retained forever in an open space condition and to prevent any use of the Property that will impair or interfere with the Conservation Values of the Property. Grantor intends that this Notice (i) will assure that the Property will be used for such activities that are

consistent with the purposes of this Notice and (ii) shall be implemented consistently with the referenced ARAP and CWA Permits.

NOW, THEREFORE, in consideration of the foregoing, Grantor hereby declares that the Property should be held, sold, and conveyed subject to the following land use restrictions. Said land use restrictions shall run with the land and shall be binding on all parties having any right, title, or interest in the Property or any part thereof, their heirs, successors, successors-in-title, and assigns, and shall inure to the benefit of each owner thereof and to TDEC and the respective successors and assigns of such parties:

Land Use Restrictions:

- A. **Uses.** There shall be no commercial or industrial activity undertaken or allowed; nor shall any right of passage across or upon the Protected Property be allowed or granted if that right of passage is used in conjunction with commercial or industrial activity.
- B. **Vegetation.** There shall be no removal, destruction, cutting, or spraying with biocides of any vegetation, nor any disturbance or change in the natural habitat in any manner, excepting activities (e.g., invasive species eradication and access road upkeep) that are essential to the maintenance of the Property as a protected natural area. There shall be no planting or introduction of any vegetation except as described in the Aquatic Resource Alteration Permit NRS # 10.260, the CWA Permit, or in the final mitigation plan attached hereto as **Exhibit B**.
- C. **Topography.** Except as permitted under the referenced ARAP and CWA Permits or as described in the final mitigation plan, there shall be no filling, excavating, dredging, mining, or drilling; no removal of topsoil, sand, gravel, rock, minerals or other materials, nor any dumping of ashes, garbage, or of any other material not required for the Property's maintenance as a protected natural area, and no changing of the topography of the land in any manner, excepting activities (e.g., wetland restoration, restorative streambank grading) that are essential for the management of the Property as a protected natural area.
- D. **Building.** There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other structures, excepting notice signs as required by the referenced ARAP or CWA Permits.
- E. **Roads.** Except as permitted under the referenced ARAP and CWA Permits there shall be no building of new roads or any other rights of way, nor widening of existing roads, excepting access routes and trails required for the management of the Property as a natural area.
- F. **Waters.** Except as permitted under the referenced ARAP and CWA Permits or as described in the approved mitigation plan, there shall be no draining, ditching, diking, dredging, channelizing, damming, pumping, or impounding; no changing the grade or elevation, impairing or diverting the flow or circulation of waters, or reducing the reach of waters; and no other discharge or activity requiring a permit under applicable clean water or water pollution control laws and regulations, as amended.
- G. **Vehicles.** There shall be no operation of dune buggies, motorcycles, or any recreational all-terrain vehicles, or any other types of motorized vehicles, excepting work vehicles (e.g., tractors, backhoes, work trucks) required to maintain the Property as a protected natural area.
- H. **Non-Native/Exotic Species.** There shall be no introduction of non-native or exotic species to the Property.
- I. **General.** There shall be no use of the Property which may adversely affect the purpose of this Notice.

Other Provisions:

- A. **Entrance and Inspection.** Any owner of a portion of the Property and USACE and TDEC shall have the right to enter and inspect the Property and may enforce this Notice of Land Use Restrictions by means of a civil action.
- B. **Enforcement.** The grantor grants USACE and TDEC, as third party beneficiaries hereof, a discretionary right to enforce these restrictive covenants in a judicial action against any person or other entity violating or attempting to violate these restrictive covenants; provided, however, that no violation of these restrictive covenants shall result in forfeiture or reversion of title. In any enforcement action, an enforcing agency shall be entitled to complete restoration for any violation, as well as any other remedy available under law or equity, such as injunctive relief and administrative, civil or criminal penalties. No omission or delay in acting by USACE and/or TDEC shall bar subsequent enforcement rights or constitute a waiver of any enforcement right. These enforcement rights are in addition to, and shall not limit, enforcement rights available under other provisions of law or equity, or under any applicable permit or certification. Nothing herein shall limit the right of the USACE to modify, suspend, or revoke the referenced CWA Permit. Nothing herein shall be construed to authorize the USACE or TDEC to institute proceedings against the owner for changes to the Property due to acts of God, natural disasters, or unauthorized acts of third parties outside the control of the grantor so long as the compensatory mitigation is completed and determined by the USACE and TDEC to be successful in accordance with the Mitigation Plan.
- C. **Term.** This Notice of Land Use Restrictions shall run with and bind the Property in perpetuity unless/until this Declaration shall be made less stringent or canceled as set forth under the paragraph entitled "Amendment and Termination."
- D. **Amendment and Termination.** This Notice of Land Use Restrictions may be waived, amended, modified, or terminated at any time for cause by and upon the agreement of both the Commissioner of TDEC and USACE. No amendment to this Notice of Land Use Restrictions shall be effective until such amendment or instrument terminating this Notice of Land Use Restrictions is recorded in the Register's Office for Putnam County, Tennessee.
- E. **Modifications.** Grantor must provide 60 (sixty) days notice to TDEC and USACE prior to any action being taken that serves to void, modify, amend, or terminate this Notice of Land Use Restrictions. Any permit application, or request for certification or modification, which may affect the Property made to any government entity with authority over wetlands or other waters of the United States, shall expressly reference and include a copy (with the recording stamp) of this Land Use Restriction.

The grantor shall provide the USACE and TDEC with written notice of any legal action affecting this Land Use Restriction, including but not limited to foreclosure proceedings, tax sales, bankruptcy proceedings, zoning changes, adverse possession, abandonment, condemnation proceedings, and the exercise of the power of eminent domain. For any action that might result in this Land Use Restriction being voided or modified, such notice shall be provided at least 60 days before such action would be taken.

- F. **Severability.** Invalidation of any of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.
- G. **Title.** Grantor represents and warrants that Grantor is lawfully seized of the Property, including the mineral rights thereto, that Grantor has a good right to enter into this Notice of Land Use Restrictions, that the title to the Property is clear and unencumbered, and Grantor will forever warrant and defend the title to the Property to TDEC and USACE against the lawful

claims and demands of all persons whomsoever, except as listed on *Exhibit C, attached hereto and hereby incorporated by reference

Grantor has identified all other parties that hold any interest (e.g. encumbrances) in the Property and has notified such parties of the Grantor's intent to grant this Land Use Restriction.

- H. **Transfer and Assignment.** The Grantor shall include the following notice on all deeds, mortgages, plats, or any other legal instrument used to convey any interest in the Property:

NOTICE: This Property is subject to a Land Use Restriction dated _____, recorded in the Putnam County Clerk's Office on _____ in Deed Book _____, Page _____ and enforceable by the U.S. Army Corps of Engineers and Tennessee Department of Environment and Conservation.

The grantor shall provide the USACE and TDEC with written notice of any transfer 60 days prior to such transfer. The notice shall include the name, address, and telephone number of the prospective transferee, a copy of the proposed deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the Mitigation Property being transferred. Failure to comply with this paragraph does not impair the validity or enforceability of this Land Use Restriction.

- I. **Notification.** Any notice, request for approval, or other communication required by these restrictive covenants shall be sent by registered mail, pre-paid postage, to the following addresses (or such addresses as may be hereinafter specified by notice pursuant to this paragraph):

To Grantor City of Cookeville, Tennessee
45 East Broad Street
Cookeville, Tennessee 38501

Putnam County, Tennessee
300 East Spring Street
Cookeville, Tennessee 38501

To USACE: 3701 Bell Road
Nashville, TN 37214

To TDEC: Natural Resources Section
401 Church Street, 7th floor L&C Annex
Nashville, Tennessee 37243

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized representative on this the ____ day of _____, 20__.

Grantor –
By: _____
Name: _____
Title: _____

Grantor –
By: _____
Name: _____
Title: _____

STATE OF TENNESSEE

Personally appeared before me, the undersigned, a Notary Public having authority within the State aforesaid, _____ & _____ with whom I am personally acquainted, and who acknowledged that he/she executed this instrument for the purposes herein contained, and that he/she is authorized to execute this instrument.

WITNESS my hand, at office, this _____ day of _____, 2011.

Notary Public

My Commission Expires: _____

Exhibits should be on separate pages attached to this document.

EXHIBIT A – SURVEY OF PROPERTY

EXHIBIT B – APPROVED MITIGATION PLAN

EXHIBIT C - TITLE EXCEPTIONS
(example: property easements, if any)

Wetland Description

Being a certain tract or parcel of land located in the Seventh Civil District of Putnam County, Tennessee and being more particularly described as follows:

Beginning at a point lying in the northerly line of the proposed Highlands Business Park Mitigation area, said point being located N 25°48'43" E 165.66' from station 49+00 of the proposed centerline of Highland Park Boulevard as shown on the final plans for Highlands Business Park on file at the City of Cookeville Public Works Department, said point being the southwest corner of the herein described tract; thence,

With the northerly line of the proposed Highlands Business Park mitigation area, N 25°57'32" E 430.25' to a point; thence,

Continuing with the northerly line of the proposed Highlands Business Park mitigation area, N 18°23'41" E 373.01' to a point, being the northwest corner of the herein described tract; thence,

S 51°20'24" E 394.53' to a point, being the northeast corner of the herein described tract; thence,

S 10°22'12" W 272.99' to a point lying in the northerly line of the proposed Highlands Business Park mitigation area; thence,

With the northerly line of the proposed Highlands Business Park mitigation area, N 87°22'48" W 95.13' to a point; thence,

Continuing with the northerly line of the proposed Highlands Business Park mitigation area, S 53°13'30" W 399.83' to a point, being the southeast corner of the herein described tract; thence,

Continuing with the northerly line of the proposed Highlands Business Park mitigation area N 86°30'07" W 149.77' to the Point of Beginning, containing 5.03 acres, more or less, according to the above described courses and distances. Description prepared by Michael Netherton R.L.S. # 2484, City of Cookeville, Public Works Department, 45 East Broad St. Cookeville, Tennessee on December 28, 2011.

Being a portion of the same property as conveyed to The City of Cookeville, Tennessee and Putnam County, Tennessee in Record Book 349, Page 201 of record in the Register's Office of Putnam County, Tennessee.

An actual boundary survey has not been completed for this tract. All boundary information has been taken from deeds, plats, and other sources as recorded in the Register's Office for Putnam County, Tennessee and compiled together with the final plans for the Highlands Business Park, on file in the City of Cookeville Public Works Department and field located information.



O'MARA & JOHNSON, P.L.L.C.

Attorneys at Law
317 West Spring Street
Cookeville, Tennessee 38501

T. Michael O'Mara
Don O. Johnson

(931) 526-8812
FAX: (931) 372-0450

October 28, 2006
3:28 p.m.

T. O. F9180

Mr. Jim Shipley
City Manager
City of Cookeville
P.O. Box 998
Cookeville TN 38503

Re: 7th Civil District Hawkins Crawford Road
Maps 65, 111.00, 112.00, 112.01 and 114.02 part of

Dear Mr. Shipley:

I hereby certify that I have examined the public real estate records of Putnam County, Tennessee, affecting the title to the property located in the 7th Civil District of Putnam County, Tennessee, conveyed to the City of Cookeville, Tennessee as described and recorded in the Register's Office of Putnam County, Tennessee, in Warranty Deed Book 402, page 63 and Warranty Deed Book 349, page 201. (A copy of the deed which is the previous and last conveyances are attached as Exhibit A.) This opinion covers a period of twenty (20) years through October 23, 2006, at 8:00 a.m.

My examination of the said public records reveals the following objections:

1. Mortgages, deeds of trust, and /or purchase money lien notes:
 - A. None.
2. Taxes:
 - A. Subject to 2006 County taxes on parcel 111.00 in the amount of \$256.00 and City taxes in the amount of \$83.00, liens currently due and payable.

- B. Subject to 2006 County taxes on parcel 112.00 in the amount of \$644.00 and City taxes in the amount of \$208.00, liens currently due and payable.
- C. Subject to 2006 County taxes on parcel 112.01 in the amount of \$182.00 and City taxes in the amount of \$59.00, lines currently due and payable.
- D. Subject to 2006 County taxes on parcel 114.02 in the amount of \$322.00 and City taxes in the amount of 104.00, liens currently due and payable.

NOTE: If improvements are completed after January 1 of any year the law requires supplemental assessment for the year in which improvements are completed as defined by Statute. I assume no liability for taxes assessed by correction pursuant to the provisions of T.C.A. §67-5-603 et seq.

NOTE: No opinion is herein expressed regarding public utility property taxes (as defined by T.C.A. #67-5-501(8) or as to personal property taxes assessed to a name other than the record property owner and I assume no liability therefor. Any reference to such tax above is for information purposes only.

- 3. Other objections:
 - A. Subject to restrictions and covenants applicable to said subdivision recorded in the Register's Office of Putnam County, Tennessee, in Warranty Deed Book 398, page 379, which covenants and restrictions running with the land.
 - B. Subject to any matters that are shown on the plat of record in Plat Cabinet 1, page 118.
 - C. Subject to an easement to TVA recorded in Warranty Deed Book 320, page 65.

- 4. This title opinion does not make any representation with regard to:
 - (a) any parties in possession;
 - (b) deficiencies in quantities of land;
 - (c) boundary line disputes;
 - (d) locations of roadways or rights-of-way or access to the property;
 - (e) any unrecorded easements and/or rights-of-way;
 - (f) locations of improvements;
 - (g) any unrecorded liens, including without limitation, undisclosed materials and mechanics liens;
 - (h) accuracy of the index books of the Register's Office for the county in which the property is located;
 - (i) any matter not of public record which would be disclosed by an accurate survey of inspection of the premises;
 - (j) any undisclosed heirs;

- (k) any fraud or forgery in connection with any of the instruments in the chain of title;
- (l) mental incompetence;
- (m) confusion with regard to the name or proper identity of parties;
- (n) improprieties with regard to delivery of deed or improprieties with any foreclosure of the real estate within the chain of title;
- (o) marital rights (spouse or former spouse of past owners not revealed in the instrument);
- (p) any instrument executed by a minor;
- (q) lack of corporate capacity or lack of authority of an officer(s) in the event a corporation or limited liability company is in the chain of title;
- (r) lack of authority of a partner or partners of a partnership in the event a partnership is in the chain of title and the instrument is signed by less than all partners;
- (s) any instrument executed by a surviving spouse that falsely states the other spouse is deceased, or fails to disclose that the surviving spouse is responsible for the intentional killing of the deceased spouse;
- (t) any facts that would be revealed by an examination of the records of the State Courts, Federal District Court and Federal Bankruptcy Court;
- (u) any questions of security interests or liens under the Uniform Commercial code;
- (v) any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a subdivision or reduction in the dimensions of area of the land, or the effect of any violation of any such law, ordinance or governmental regulation;
- (w) public utility property taxes.

These items listed under the immediately preceding paragraph are matters which would not be revealed by an examination of the records of the Register's Office of the county in which the property is located, and, therefore matters about which we have no means of securing the necessary information.

(1) The matters under (a), (b), (c), (d), (e) and (f) could be protected against by an accurate survey by a qualified licensed surveyor.

(2) Item (g) unrecorded liens, could be guarded against by an inspection of the premises for new improvements, and if such appear to have been present, the

utilization of the notice of the completion and waiting the statutorily prescribed number of days to close as per T.C.A. 66-11-143, et seq.

(3) The matters under (h) through (s) may be insured against by the utilization of title insurance, and should you desire more information in that regard we would be pleased to discuss same with you and our position, if you desire, to arrange for title insurance to be secured.

This title opinion is issued for the sole use and benefit of, the City of Cookeville, Cookeville, Tennessee, and no other person or organization shall be entitled to rely upon it without my express prior written approval.

This is not title insurance; title insurance is recommended This title opinion does not insure your title. If you would like additional information regarding title insurance and/or would like to insure your title through a title insurance company for the amount which you have purchased the property, I would be pleased to discuss that with you further.

This is not title insurance; title insurance is recommended. This title opinion is issued for the sole internal use and benefit of the City of Cookeville and no other person or organization shall be entitled to rely upon it without my express prior written approval. This title opinion is not an opinion regarding the validity or enforceability of any matters stated above as objections.



T. Michael O'Mara

/ac

Rhonda Chaffin
 ASSESSOR OF PROPERTY \$11.00
 PUTNAM COUNTY
 MAP 65 GR PAR 112.00
 COMPLETE PART OF 112.01
 Send Tax Bill To: 114.02

THIS PROPERTY MAY BE
 SUBJECT TO GREENBELT
 ROLL BACK TAXES

This instrument must be recorded in the
 Register's Office of the County where the
 property below is located.

Below

Name and Address of Owner:	Map and Parcel Numbers:
City of Cookeville Tennessee and Putnam County Tennessee P.O. Box 998 Cookeville, TN 38503	[Map 65, Parcel 111.00; Map 65, [Parcel 112.00, Map 65, Parcel [112.01, Map 65, Parcel 114.02 [(part of) [
Name and Address of Persons Responsible for Taxes:	This Instrument Prepared On Information Furnished by the Parties
Same as above	[O'Mara & Johnson, P.L.L.C. [Attorneys at Law [317 West Spring Street [Cookeville, TN 38501 [(931) 526-8812 [

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten (\$10.00) Dollars cash in hand paid and other good and valuable consideration, the receipt of which is hereby acknowledged,

SHERIDAN FAMILY ENTERPRISES, a Tennessee general partnership, and successor by merger of Sheridan Family Partners, L.P.

hereinafter referred to as "Grantor", whether one or more, has this day bargained and sold and does hereby transfer and convey all my right, title and interest unto

the City of Cookeville, Tennessee and Putnam County, Tennessee

its successors and assigns, hereinafter referred to as "Grantee", whether one or more, all their right, title and interest in and to certain real estate located in the Seventh Civil District of Putnam County, Tennessee, described as follows, to-wit:

Being a certain tract or parcel of land lying and being in the Sixteenth Civil District, Putnam County, Tennessee also being known as Tax Map 65, Parcels 111, 112, 112.01 & 114.02 and being more particularly described as follows:

Beginning at a ½" rebar found(Tn State Plane N 654817.0337, E 2094268.3044) in the north right-of-way of Lee Seminary Road(40' ROW), said point being a corner with the lands of Billie Stewart(R.B. 307, Page 179; Map 64, Parcel 71.00) and the southwest corner of the property described herein; thence, leaving said right-of-way and running with the lands of Stewart for five(5) calls as follows: N 37°39'20" E 640.26' to a ½" rebar found; N 21°59'33" W 177.80' to a wood post; N 22°20'38" W 310.48' to a wood post; N 72°17'31" W 222.62' to a wood post; thence, N 70°59'02" W 272.51' to a ½" rebar found, said point being a common corner with the lands of Stewart, Susan Thompson(R. B. 275, Page 375; Map 64, Parcel 31.00) and Walter Brown(D. B. 421, Page 153; Map 64, Parcel 30.00); thence, leaving the lands of Stewart and Thompson and running with the lands of Brown and a fence for six(6) calls as follows: N 35°27'20" E 547.96' to a wood post; N 35°18'07" E 345.87' to a wood post; N 34°50'30" E 191.49' to a 8" double cherry; N 34°23'15" E 287.26' to a 3/8" rebar found; N 35°45'24" W 97.34' to a 18" maple; thence, N 37°15'32" W 289.54' to a 12" maple, said point being a common corner with the lands of Brown and Susan Thompson(R. B. 275, Page 375; Map 64, Parcel 31.00); thence, leaving the lands of Brown and running with the lands of Thompson and a fence N 31°11'28" W 65.50' to a metal post found(TN State Plane N 657421.8284, E 2074528.1304) in the south right-of-way of Interstate 40(Controlled Access

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ROW) in a curve (Radius = 5529.58'; Delta = 00°25'32") to the right, said point being the northeast corner of the lands of Thompson and the northwest corner of the property described herein; thence, leaving the lands of Thompson and running with said right-of-way and said curve a chord bearing and distance of S 79°00'31" E 41.07' to a concrete right-of-way monument at the beginning of a curve (Radius = 5529.58'; Delta = 09°54'18") to the right; thence, with said right-of-way and said curve a chord bearing and distance of S 73°50'36" E 954.74' to a concrete right-of-way monument; thence, continuing with said right-of-way for four(4) calls as follows: S 68°55'15" E 398.86' to a concrete right-of-way monument; S 68°49'34" E 198.68' to a concrete right-of-way monument; N 19°41'19" E 41.04' to a concrete right-of-way monument; thence, S 68°50'22" E 1399.87' to a concrete right-of-way monument at the beginning of a curve (Radius = 5889.58'; Delta = 07°00'05") to the left; thence, with said right-of-way and said curve a chord bearing and distance of S 72°43'58" E 719.25' to a concrete right-of-way monument; thence, continuing with said right-of-way S 14°31'14" W 40.61' to a concrete right-of-way monument at the beginning of a curve (Radius = 5929.58'; Delta = 00°58'44") to the left; thence, with said right-of-way and said curve a chord bearing and distance of S 76°37'08" E 101.30' to a concrete right-of-way monument at the beginning of a curve (Radius = 5929.58'; Delta = 04°46'43") to the left; thence, with said right-of-way and said curve a chord bearing and distance of S 79°29'52" E 494.39' to a 3/8" rebar found (TN State Plane N 656099.0077, E 2098623.8028), said point being the northwest corner of the lands of the State of Tennessee (Proj. # I-40-6(8)-274) and the northeast corner of the property described herein; thence, leaving said right-of-way and running with the west line of the lands of the State of Tennessee and then the west line of the lands of Juanita Coffelt Thomas (D.B. 263, Page 117; Map 65, Parcel 110.00) and a fence for three(3) calls as follows: S 05°38'11" W 295.63' to a wood post; S 04°28'16" W 386.38' to a 18" oak; thence, S 08°34'32" W 185.89' to a stone at a fence corner, said point being the southwest corner of the lands of Thomas and the northwest corner of the lands of Ruth Apple (R. B. 107, Page 130; Map 65, Parcel 117.00); thence, leaving the lands of Thomas and running the west line of the lands of Apple and a fence for four(4) calls as follows: S 03°38'40" W 120.41' to a wood post; S 03°55'59" W 233.53' to a wood post; S 04°05'02" W 193.89' to a metal post; thence, S 04°33'37" W 172.94' to a stone at a fence corner, said point being the northeast corner of the lands of Charles Zuller (D.B. 320, Page 269; Map 65, Parcel 116.00); thence, leaving the lands of Apple and running with the lands of Zuller and a fence for six(6) calls as follows: N 86°03'21" W 149.82' to a 14" hickory; N 85°40'30" W 174.55' to a 10" hickory; N 86°07'05" W 171.65' to a 15" hickory; N 85°37'55" W 448.01' to a stone at a fence corner; S 01°33'21" W 236.99' to a metal post; thence, S 00°53'56" W 270.97' to a wood post in the north right-of-way of Lee Seminary Road (40' ROW), said point being the southwest corner of the lands of Zuller; thence, leaving the lands of Zuller and running with said right-of-way for two(2) calls as follows: N 79°35'38" W 344.24'; thence, N 82°13'28" W 176.64' to a wood post in said right-of-way, said point being the southeast corner of the lands of Willodean Gentry Peek et al (D. B. 412, Page 57; Map 65, Parcel 114.08); thence, leaving said right-of-way and running with the east line of the lands of Peek and a fence for two(2) calls as follows: N 04°08'08" E 202.66' to a wood post; thence, N 09°31'21" W 310.06' to a wood post, said point being a corner with the lands of J. L. Shepherd (D. B. 441, Page 323; Map 65, Parcel 114.00); thence, leaving the lands of Peek and running with the lands of Shepherd and a fence for twenty one(21) calls as follows: N 03°56'23" W 156.82' to a 12" walnut; N 07°03'45" E 117.53' to a metal post; N 08°09'28" E 166.19' to a 10" cedar; N 07°00'11" E 160.83' to a metal post; N 07°00'51" E 184.86' to a 18" cedar; N 05°56'45" E 185.76' to a metal post; N 05°12'22" E 213.40' to a metal post; N 04°15'04" E 92.72' to a 6" beech; N 11°20'12" W 27.16' to a wood post; N 53°10'13" W 107.72' to a wood post; N 67°03'30" W 59.29' to a wood post; N 83°34'29" W 94.73' to a stump; S 75°21'55" W 81.02' to a 14" oak; S 51°16'28" W 243.21' to a wood post; S 00°37'07" E 232.53' to a cedar snag; S 34°49'03" W 135.66' to a metal post; S 35°24'22" W 269.41' to a wood post; S 34°43'14" W 183.74' to a metal post; S 85°10'16" W 195.39' to a metal post; S 84°25'09" W 225.22' to a 12" cedar on the east bank of cane creek; thence, N 80°49'35" W 26.24' to a 10" sycamore on the west bank of cane creek, said point being a corner with the lands of Lewis Jackson (D. B. 81, Page 148; Map 65, Parcel 113.00); thence,

leaving the lands of Shepherd and running with the lands of Jackson and a fence for eight(8) calls as follows: N 70°35'06" W 401.80' to a wood post; N 70°21'46" W 220.77' to a 24" sycamore; N 71°15'50" W 237.82' to a wood post; N 71°17'44" W 153.68' to a 8" sassafras at a fence corner; S 40°46'19" W 266.74' to a stone; S 08°39'17" W 226.74' to a ½" rebar set; S 04°34'33" W 283.21' to a ½" rebar set; thence, N 86°34'14" W 310.95' to a wood post in the north right-of-way of Lee Seminary Road(40' ROW); thence, leaving the lands of Jackson and running with said right-of-way N 57°07'26" W 50.06' to the point of beginning and containing 164.610 Acres by survey. Actual field survey performed by James E. Helton, R.L.S. #1749 on August 31, 2006.

Being tracts 4, 5 & 6 of the same property as conveyed to Sheridan Family Partners, L. P. from Catherine Elizabeth Reeves Sheridan as of record in Deed Book 402, Page 63 and a portion of the same property as conveyed to Sheridan Family Enterprises from Gerald E. Sheridan as of record in Deed Book 427, Page 193 of the Putnam County Register's Office, Cookeville, Tennessee which are the previous and last conveyances.

This property is conveyed subject to any easements which are evident by a visual inspection of the property, or that may be of record in the Register's Office of Putnam County, Tennessee.

SOURCE OF DESCRIPTION: This description was prepared by James E. Helton, R.L.S. #1749, on August 31, 2006.

All property taxes assessed prior to 2006 shall be paid by Grantor. The 2006 property taxes and/or assessments shall be prorated between Grantor and Grantee as of the date of this deed, and Grantee shall be responsible for all such taxes and/or assessments thereafter.

The preparer of this instrument shall not be responsible to Grantor or Grantee or their respective heirs, successors or assigns for failure of the parties to comply with any governmental regulations, including without limitation, zoning or subdivision regulations.

TO HAVE AND TO HOLD said real estate, with the appurtenances, estate, title and interest belonging to the said Grantee, their successors and assigns forever. Grantor covenants that he is lawfully seized and possessed of said real estate in fee simple, has a good right to convey it, and that the same is unencumbered, except as otherwise herein set out.

Grantor further covenants and binds their heirs and representatives, to warrant and forever defend the title to said real estate to said Grantee, their successors and assigns, against the lawful claims of all persons.

Signed this 23rd day of October, 2006.

SHERIDAN FAMILY ENTERPRISES, a Tennessee General Partnership

By: Gerald E. Sheridan
Gerald E. Sheridan, Managing Partner

STATE OF TENNESSEE
COUNTY OF PUTNAM

The consideration or value of the property whichever is greater is \$2,404,500.00.

Gerald E. Sheridan
Affiant

Sworn to and subscribed before me this 23rd day of October, 2006.

My Commission Expires:

6-23-2010

Angela Clouse
NOTARY PUBLIC

STATE OF TENNESSEE)

COUNTY OF PUTNAM)

Before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, personally appeared Gerald E. Sheridan, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be Managing Partner of Sheridan Family Enterprises, a Tennessee general partnership, the within named bargainer, and that he as Managing Partner being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the general partnership by himself as Managing Partner.

Witness my hand and official seal this 23rd day of October, 2006.

Angela Clouse
Notary Public

My Commission Expires: 6-23-2010

Harold Burris, Register
Putnam County

Rec #: 50846	Instrument #: 67359
Rec'd: 20.00	Recorded
State: 0.00	10/23/2006 at 3:23 PM
Clerk: 0.00	in Record Book
EDP: 2.00	349
Total: 22.00	Pgs 201-204

**REVISED
MITIGATION PROPOSAL**

**City of Cookeville, Tennessee
The Highlands Business Park**

City of Cookeville – Engineering Department
45 E. Broad Street
Cookeville, Tennessee 38501

December 17, 2010

around Station 18 as well as the necessity of avoiding another wetland south of Wetland F. These various constraints required the alignment to go through Wetland F.

11.1 MITIGATION

Restoration of Prior Converted Wetland

There are 8 acres of Prior Converted Wetland to wetland is adjacent to and within the floodplain of the main channel of Cane Creek. In the past a former landowner dug drainage ditches in order to convert wetlands to pasture, these swales have reverted to wetlands, these wetlands areas were not counted in the wetland creation total of 7 acres. The permittee plans to plug drainage channels to assure adequate hydrology for the wetland.

The three parameters essential to indicating a jurisdictional wetland for this off-site mitigation area are discussed below.

Soils:

The soil on this mitigation site is mapped as Lindside silt loam¹, characterized as moderately well drained to somewhat poorly drained soil on bottom lands along streams. It is likely to be flooded occasionally. The soil is moderately permeable and has a high moisture-supplying capacity. Low-lying areas are saturated in periods when the water table is high.

Enclosed is a copy of a map and a copy of "Highly Erodible Land and Wetland Conservation Determination" report dated 5/23/89 from Dewey Jones of ASCS, that states that the field is Prior Converted Wetland.

Vegetation:

The site will be planted with native wetland/bottomland oaks, ashes, persimmon and sycamore to provide a high quality habitat. The tree planting density of 400 trees per acre with a 70% survival rate of planted trees.

¹ USDA-SCS, 1963. Soil Survey - Putnam County, Tennessee. U.S. Government Printing Office. Washington, D.C. 114 pp., plus maps.

Hydrology:

The site is level bottomland and minimum excavation will be required to establish desired topography. Channels that the previous owner cut to drain the site will be filled to provide adequate hydrology.

WETLAND RESTORTION PLANTINGS

The following list of preferred species² to be planted as seedlings in the mitigation site. Many of the light seeded (wind vectored) species will be rapidly introduced from adjacent woodlands; thus the emphasis will be placed on later successional species i.e. oak, ash, sycamore and persimmon

Planted seedlings will be chosen from the list below (depending on availability of quality trees) and will be approximately 1.5 to 2 feet tall. Field determinations will be made for the placement of each seedling, based on the species' tolerance to water and the topographic contours of the site.

Species and Wetland Indicator Status

<i>Diospyros virginiana</i>	Common Persimmon	FAC
<i>Fraxinus pennsylvanica</i>	Green Ash	FACW
<i>Platanus occidentalis</i>	American Sycamore	FACW-
<i>Quercus lyrata</i>	Overcup Oak	OBL
<i>Quercus nigra</i>	Water Oak	FAC
<i>Quercus phellos</i>	Willow Oak	FACW-
<i>Quercus shumardii</i>	Shumard oak	FACW-

PLANTING SPECIFICATIONS

- All tree seedlings will be randomly planted at a density of 400 per acre.
- Planting will be done between November 1 and March 31.
- Seedlings will be planted with the root/stem interface immediately at the finished landscape grade.
- Seedlings will be kept moist throughout the planting procedure.
- Each seedling will be fertilized with a 10 gram tablet of 20-10-5 or similar fertilizer during the back-filling operation according to the manufacturer's recommended rate.

² U.S. Fish & Wildlife Service. 1988. National List of Plant Species that occur in Wetlands: 1988 National summary. Biological Rpt. 88(24). 244 pp.

11.2 MITIGATION REQUIREMENTS

The Wetland A, is the pond that was drained to comply with the Safe Dams Act and any mitigation for that will be covered in the Stream Restoration Project and is not addressed in this Mitigation Proposal. Six wetlands are within the Prior Converted Wetland designated area that is to become the mitigation site and we have deducted the area of those wetlands from the area of the proposed mitigation. We ask that the PC designation be recognized by the permitting authorities. Other impacted wetlands will be mitigated at a 2:1 ratio.

See chart on following page for impacts.

Wetland and Stream Impacts

Resource	Area in Acres	Stream Length	Status	Area of Temporary Impact	Area of Permanent Impact	Length of Permanent Impact	Area of Mitigation
Wetland A	8.55		To be mitigated by stream restoration	0.01 Acres			
Wetland B	0.14		in mitigation site	None	None		
Wetland C	0.17		in mitigation site	None	None		
Wetland D	5.21		Impacted by roadway and utilities	None	0.34 Acres		0.70 Acres
Wetland F	1.11		Impacted by roadway and utilities	None	0.8 Acres		1.60 Acres
Wetland G	0.17		not to be impacted	None	None		
Wetland H	0.42		not to be impacted	None	None		
Wetland I	0.23		not to be impacted	None	None		
Wetland J	0.67		not to be impacted	None	None		
Wetland K	0.76		Off Site	None	None		
Wetland L	0.44		Off Site	None	None		
Wetland M	1.15		Off Site	None	None		
Wetland U	0.17		Temporary impact by sewer line	0.002 Acres	None		
Wetland V	0.18		Temporary impact by sewer line	0.002 Acres	None		
Wetland W	0.2		Temporary impact by sewer line	0.002 Acres	None		
Wetland X	0.19		Temporary impact by sewer line	0.002 Acres	None		
Wetland Y	3.03		Temporary impact by sewer line	0.008 Acres	None		
Wetland Z	5.67		Impact by roadway & Temporary impact by sewer line	0.018 Acres	0.35 Acres		0.7 Acres
Trib 1.2		5230'	Impacted by roadway and utilities	0.003 Acres		362'	
Trib. 1.1		7125'	Impacted by roadway and utilities	0.003 Acres		176'	
Cane Creek		12 miles	Temporary impact by sewer line	0.012 Acres	None		
Trib. 2		4140'	Temporary impact by sewer line	0.002 Acres			
Unnamed Channel		840'	Impacted by roadway and utilities	0.0006 Acres		286'	

11.3 NO NET LOSS

This mitigation proposal entails the restoration of Prior Converted Wetland adjacent to the main channel of Cane Creek. We propose to impact a total of 1.49 acres of wetland and to create a total of 3.0 acres of wetland as mitigation for this impact. Therefore, we are offering to provide a 2:1 ratio of restored wetland to impacted wetland. The City and County expect to restore a total of roughly 8 acres of wetland on this site. Of this area 1.05 acres of strip wetlands (B,C,U,V,W & X) are delineated in the Stantec report; therefore our wetland creation on this site will total roughly 7 acres with a proposed excess required of 4 acres. The City proposes to use 0.5 acres of restored wetland on this site to complete the mitigation required but not achieved on the Cane Creek Park mitigation site. The City and County are proposing to restore an excess of 3.5 acres and asks that provided this additional acreage produces wetlands, this additional acreage be credited to the City for some future impact either for future mitigation required on this site or failing that need by the city for some other City impact.

This wetland will be within the floodplain where it will be protected from disturbance by a several means; the FEMA floodplain rules, the City Planning and Zoning rules, the City's buffer zone ordinance covers a portion of the project, and there will be a declaration of restrictive covenants places on the deed attached to the property to cover the entire wetland mitigation site.

11.4 FIELD MONITORING AND AGENCY REPORTS

Planted wetlands will be monitored at twelve-month intervals for five years following the planting of tree seedlings. Monitoring will be done to insure the site remains wetland according to the 1987 *Corps of Engineers Wetlands Delineation Manual*. The first monitoring will be conducted the following fall after the initial planting.

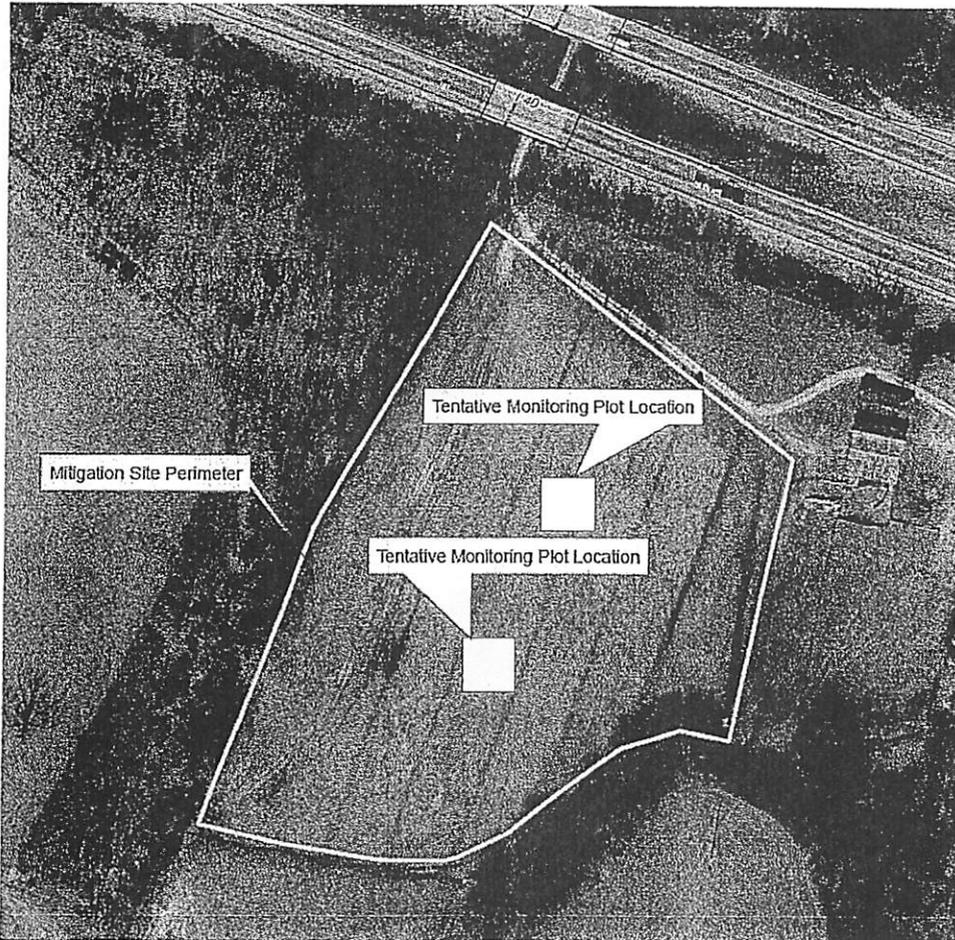
PROPOSED MONITORING

Monitoring of the mitigation site will aid in determining if it is returning to conditions typical of wetlands in Middle Tennessee. Collection of this data will be used to determine if the project can be considered a success, or if mid-course modifications are warranted. Monitoring of the site will take place annually for a five-year period. Details of the monitoring program are described in the sections below.

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HYDROLOGY AND SOILS

Once the work to fill the ditches and planting of this Prior Converted Wetland are completed, two 20 meter square plots will be chosen for monitoring purposes. These will be located roughly 250' east of the top of bank for the main branch of Cane Creek and spaced roughly 350' apart running north and south of the wetland. See estimated location on the map on the next page.



Presence of wetland hydrology on the site will be determined indirectly by presence of both hydrophytic vegetation dominating the site and hydric soil indicators. Soil from areas judged to be characteristic of the site will be described; information from the upper 18 inches of the soil profile will be recorded including Munsell color and types, and the abundance of redoximorphic features present.

VEGETATION

Monitoring of vegetation throughout the site will be conducted in late summer. Data describing the composition of the plant community and the survival of planted trees will be collected within the two 20 meter square plots. Data collected will include total percent cover, percent cover by species, and species richness. Percent survival of trees planted in the mitigation site will be determined by walking rows and tallying trees as either living or dead.

WILDLIFE MONITORING

Utilization of the site by wildlife will be documented during site visits to monitor vegetation and soils. Monitoring of wildlife will include direct observations and aural verification, as well as evidence of the presence such as tracks, hair, nests and eggs. A list of wildlife species will then be produced for each monitoring period.

PHOTOGRAPHIC DOCUMENTATION

Photographs of the mitigation site will be taken from numerous points including the two 20 meter square plots. Photographs will be taken at these same points during each monitoring event to provide a record of the changes that take place as the plant community matures.

MONITORING REPORTS

Monitoring reports will enable the regulatory agencies to determine if the proposed mitigation is successful based on pre-determined performance standards. Reports will include locations of plots and photographic points, monitoring protocol, and results and evaluations of the data collected. Specifically data on hydrology, vegetation and soils will be evaluated to determine if the criteria for being considered jurisdictional wetland as described in the 1987 Wetland Delineation Manual (U.S. Army Corps of Engineers 1987) are met. Data collected also will be used to assess selected functions performed by the restored wetland.

PERFORMANCE STANDARDS/CRITERIA

The success or failure of the mitigation efforts ultimately will be determined by the hydroperiod, vegetation structure and composition, the soil conditions that develop at the site following the restoration. The

following performance standards/criteria will be used to make that determination.

1. The site should develop and maintain a hydroperiod that is consistent with a Melvin silt loam soil by the end of the five-year monitoring period.
2. Species in the FACW or OBL categories should cover no less than 50% of the restored site at the end of the five-year monitoring period.
3. Survival of planted trees in the restoration area will be no less than 70% at the end of the five-year period.

If any of these standards are not met at the end of the five-year monitoring period, corrective action will be taken and monitoring will continue on an annual basis until they are met.

11.5 DECLARATION OF RESTRICTIVE COVENANTS

A declaration of restrictive covenants will be attached to the property deeds, upon issuance of the permit.

The Chairman asked for discussion on the motion to approve Land Use Restrictions for Proposed Highland Business Park. The Commissioners discussed the motion and a presentation was given.

The Chairman asked the Commissioners for a voice vote on the motion to approve Land Use Restrictions for Proposed Highland Business Park. The motion carried.

MOTION RE: TO CONSIDER THE DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIVE COVENANTS RUNNING WITH LAND APPLICABLE TO HIGHLANDS INDUSTRIAL-BUSINESS PARK (THIS COMES WITHOUT RECOMMENDATION)

The Commissioners discussed the motion.

(SEE ATTACHED)

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**DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIVE COVENANTS
RUNNING WITH LAND**

APPLICABLE

TO

**HIGHLANDS INDUSTRIAL - BUSINESS PARK
Cookeville, Putnam County, Tennessee**

THIS DECLARATION OF PROTECTIVE COVENANTS and Restrictive Covenants Applicable to Highlands Industrial - Business Park (hereinafter referred to as "Protective Covenants and Restrictions"), is hereby executed this ____ day of _____, 2012, by *the City of Cookeville, Tennessee and Putnam County, Tennessee represented by the City Manager of the City of Cookeville* (hereinafter jointly referred to as "Developer")

WITNESSETH:

WHEREAS, Developer is the owner of certain real estate in the City of Cookeville, in the County of Putnam, State of Tennessee, and more particularly described as the Highlands Industrial - Business Park (hereinafter referred to as the "Park"), a plat of which is of record in Plat Cabinet G, Slide 5B, Register's Office, Putnam County, Tennessee (or as subsequently amended); and

WHEREAS, Developer desires to establish and provide for a system of administration and continual operation and maintenance of the Park as hereinafter described; and

WHEREAS, Developer further desires to establish for Developer's benefit and for the mutual benefit and advantage of its successors and assigns, and all future owners and occupants of the Park, or any portion thereof, certain rights, privileges, obligations, restrictions, covenants, liens, assessments and regulations governing the development, use and occupancy of the Park, and the maintenance, protection and administration of the common areas thereof, all of which are declared to be in furtherance of a plan to promote and protect the operative aspects of the Park and are intended to be construed as covenants running with the land, which shall be binding on all parties having or acquiring any right, title or interest in all or any portion of the property, and which inure to the benefit of each owner thereof.

These Protective Covenants and Restrictions have been drafted with the goal of achieving certain development standards as follows:

- Protect property rights of all parties with land interest.
- Identify the Park as a business friendly park with the proper business environment to benefit those with land interest to create the best opportunity to make a profit as well as provide jobs to the citizens of the Highlands Region.
- Invest in the future of Cookeville and Putnam County by attracting high quality businesses and industries.
- Emphasize the unique character of Cookeville and Putnam County.
- Maintain and enhance the quality of life for the citizens of Cookeville and Putnam County through business and industrial growth and economic development.
- Reinforce the civic pride of citizens through appropriate development.
- Preserve the natural environment by minimizing negative impacts of development.
- Provide the Park site owners, developers, architects, builders, and users with a clear and equitable set of parameters for developing the business park.
- Encourage a pedestrian and cyclist friendly environment.

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- Enhance the sense of place and contribute to the sustainability and lasting value of the city and county.
- Shape business and industrial development of the Park in a manner that is most beneficial to the citizens of Cookeville and Putnam County.

NOW, THEREFORE, Developer, as legal title holder of the properties with the Park and for the purposes set forth above and further hereinafter set forth, declares as follows:

ARTICLE I

PERMITTED USES

The property herein conveyed shall be used only for mixed use business and industrial park purposes subject to Developer approval. Public and semipublic uses, including municipal use, state or federal use, public utility structure or related use are also permitted. There shall be no public use creating a negative impact on businesses located in the Park.

ARTICLE II

PROHIBITED USES

No land or building shall be used or occupied within the Park which produces smoke, dust, noise, odor or vibration not in compliance with minimum performance standards set forth in these Protective Covenants and Restrictions. In addition, the following uses are specifically prohibited:

- 2.1 Residential dwellings, including mobile home parks
- 2.2 Commercial incineration;
- 2.3 Junk yards, body or fender shops, wrecking and salvage yards including battery and commercial solvent recycling or reclamation facilities;
- 2.4 Rubbish, garbage or trash dumps;
- 2.5 Treatment of hazardous, toxic or radioactive wastes;
- 2.6 Mining, rock quarry, drilling for or removing oil, gas or other hydrocarbon substances;
- 2.7 Mobile and modular home sales
- 2.8 Mini warehouses
- 2.9 Automobile (all vehicle) sales
- 2.10 Places of worship
- 2.11 Wireless communication tower structures
- 2.12 Billboards
- 2.13 Cemeteries or mortuaries; and
- 2.14 Other activities the Developer in its sole discretion deems incompatible with the goals of the development standards set forth hereinabove, or with existing owners and tenants of the Park.

ARTICLE III

REQUIRED CONDITIONS

All buildings or uses permitted in the Park shall comply with the following conditions:

- 3.1 SETBACKS. No building shall be located within fifty (50) feet of the public right of way of any street or within twenty-five (25) feet of any property line.

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- 3.2 **MAXIMUM BUILDING AREA AND SITE COVERAGE.** Building and accessory facilities shall not cover more than fifty percent (50%) of any property parcel. Buildings, accessory facilities, parking, materials, handling, and similar facilities shall not cover more than seventy percent (70%) of the property parcel.
- 3.3 **ROAD ACCESS.** Access to Lee Seminary Road shall not be permitted without approval from the Developer.
- 3.4 **OUTSIDE STORAGE OF RAW MATERIALS AND EQUIPMENT.** All raw materials and equipment shall be stored in completely enclosed buildings or shall otherwise be completely screened by such walls, fences and landscaping as approved by the Developer to attractively conceal areas visible from outside of the lot boundaries.
- 3.5 **GARBAGE AND REFUSE.** Garbage and refuse containers shall be concealed and contained within a building or shall be concealed by means of a screening wall of material similar to and compatible with that of the building and must conform to the City of Cookeville's regulations.
- 3.6 **LOADING DOCKS.** Unless physical conditions otherwise prohibit, and then only with the written approval of the Developer, all loading docks should be provided at the rear of the building. In case of a demonstrated hardship the Developer may grant a waiver for loading docks to be located on building sides. Loading facilities shall be constructed so that no part of the longest legal loading area will extend beyond the parcel boundary line.
- 3.7 **SIGNS.** In order to protect the overall appearance of the Park and to afford appropriate identification of all businesses within the Park all exterior signage shall be approved by the Developer. The location, size, and related characteristics of exterior signs shall be as follows:
- a. Signs shall only contain the business name and/or logo.
 - b. Signs shall be indirectly illuminated and shall not be lighted from within unless specifically approved by the Developer
 - c. Each business shall have no more than one (1) free standing monument-type sign per street frontage, unless specifically approved by the Developer. The monument-type sign shall not exceed one hundred (100) square feet per side including any above ground foundation and shall not exceed eight (8) feet in height.
 - d. Each business shall be allowed wall signs mounted on the building. Wall signs shall not exceed one hundred (100) square feet or five percent (5%) of the wall area to which it is attached, whichever is greater. No wall sign shall extend above the roof line.
 - e. Directional signs indicating entrance, exit, or the location of parking are permitted, but shall not exceed six (6) square feet inclusive of both sides.
 - f. No flashing, moving, temporary or intermittently lighted signs shall be permitted.
 - g. Pole signs are prohibited, except that the Developer shall retain the right to construct signs adjacent to Interstate 40 to advertise the Park. No other pole signs will be allowed, including billboards.
 - h. Each lot may have one temporary construction sign during the construction period. This sign shall not exceed thirty-two (32) square feet per side.
 - i. Signs advertising products or services or containing other direct sales information shall be prohibited.
 - j. All signs shall be properly maintained for the life of the property. The Developer has the right to require removal of any sign or device not maintained by Park standards.

- 3.8** ROOF TOP STRUCTURES. All heating and cooling towers, equipment, etc., placed on the roof of buildings shall be screened or enclosed from view so that they are architecturally compatible with the main portion of the building. There will be special consideration given for solar panels incorporated into the building design or being added after occupation of the building. If a rooftop structure is a required part of the industrial process, its size and shape shall be subject to review by the Developer to determine appropriate screening.
- 3.9** EXTERIOR LIGHTING. In order to minimize the offensive directing of light onto adjacent property and to prevent interference with the overall lighting plan for the development, the placement of exterior lighting on buildings and in parking areas shall be in accordance with plans and specifications submitted to and approved by the Developer. All exterior lighting poles and lighting fixtures shall be of uniform type throughout the Park such as those utilized on the existing public roadways within the Park.
- 3.10** OUTDOOR WIRING. No lines, wires or other devices for the communications or transmission of electric current or power, including telephone, Internet, cable TV and radio signals, shall be constructed, placed, or maintained anywhere in or upon the lots, except for the electric, telephone, Internet and cable TV and other utility and sewer service placed on public entity easements by the Developer, unless these shall be contained in conduits or cables constructed, placed, and maintained underground or concealed in, under, or in buildings or other approved improvements. Electrical transformers may be permitted if properly screened and approved by the Developer. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction or approved improvements. Telephone, internet and cable TV may surface into a vault to be placed at ground level at a location approved by the Developer that will be located within a twenty foot radius of electric poles.
- 3.11** ANTENNAE AND DISHES. Antenna or dishes of any kind for transmission or reception of television signals must be approved by the Developer. Cellular telephone towers and other towers not owned by or for the primary use of property owners and tenants are prohibited.
- 3.12** LANDSCAPING. All areas between the building walls and the property lines, except parking areas and storage areas shall be landscaped, in an attractive manner with lawn, trees and shrubs, and a landscaping plan shall be submitted as required in Article V, Section V.4 below.
- a. All parking areas shall be buffered from any street or neighboring structures with plantings and/or landscaped berms. Where paving occurs adjacent to any side or rear property line, a minimum of ten (10) feet of landscaping shall be provided between said property line and the curb of the pavement, unless written approval to the contrary is granted by the Developer. Where paving occurs adjacent to any street right-of-way, a minimum of fifteen (15) feet of landscaping shall be provided between said property line and the curb of the pavement, unless written approval to the contrary is granted by the Developer.
 - b. All landscaping required herein or otherwise to be provided on any building project shall be completed within ninety (90) days after the substantial completion of construction of any buildings to be constructed on any site; provided, unless weather conditions at such time do not permit, then such landscaping shall be completed within the next planting season, not to exceed twelve (12) months.
 - c. All developed property shall have trees planted at a minimum of forty (40) foot intervals along any adjoining streets, not including Interstate 40. The Developer encourages planting Red Bud trees and other varieties of trees. However, no Bradford Pear trees shall be allowed. Trees shall be a minimum of three (3) inches in diameter – measured two (2) feet from the ground when planted. Developer may work with property owner to meet this standard.

- d. Every purchaser, owner and tenant shall install and use an underground irrigation system to maintain the trees, grasses and plants in the landscaping program. Building expansion areas may be exempt from this requirement with approval of the Developer.
- e. Any unused and non-landscaped area that is planned for future development shall be seeded, and kept free of weeds, other unsightly plant growth, stored material, rubbish and debris.
- f. Lawns shall be mowed and maintained (up to and including city right-of-way adjacent to property) on a regular basis to accommodate the community environment characterized in these Protective Covenants and Restrictions.

3.13 OFF STREET PARKING.

- a. It shall be the responsibility of the property owner to provide parking for employees, customers and visitors, and public streets and rights-of-ways shall not be used for parking in accordance with the City of Cookeville Municipal Codes.
- b. Parking, staging, or unloading on roadways and streets shall not be permitted.
- c. No more than fifty percent (50%) of the industry's front yard may be used for parking and shall be enhanced by landscaping and shall be limited to non-commercial vehicles only and shall adhere to the City of Cookeville Municipal Codes.
- d. Lots that are adjacent to Interstate 40 and the front of the building faces Highlands Park Boulevard shall be restricted from providing parking in the rear of the building that faces Interstate 40. Parking shall be at the front or sides of the building. The Developer may work with property owner to meet this standard.
- e. All driveways and parking areas shall be constructed with a hard surfaced pavement, shall be curbed, and shall include adequate drainage facilities to dispose of all storm water in accordance with all local and State regulations.
- f. It shall be the owner's responsibility to extend driveways to the existing or presently projected streets at no expense to the Developer, even though part of this construction is within the street right-of-way.

3.14 CONSTRUCTION AND APPEARANCE.

- a. No building shall be constructed with wood framing.
- b. The exterior walls shall be finished with natural stone, brick, or manufactured stone; split-face block or rib block; stucco-finished flat wall panel; foam insulated flat panel with Fiberstone; pre-cast concrete panels; or tilt-up concrete panels; or other materials that complement the intent of this section and that meet the City of Cookeville Municipal Codes.
- c. All construction shall conform to the standards specified in the City of Cookeville Municipal Codes.
- d. No exterior wall, roof, fence or any other surface shall be permitted with exposed galvanized steel sheeting or equivalent. Painted or exposed concrete blocks will not be permitted.
- e. All building heights shall be subject to pre-construction approval by the Developer and shall conform to requirements and restrictions of the applicable City of Cookeville Municipal Codes.
- f. No fence, screen or wall shall be built without approval of the Developer and in compliance with the City of Cookeville Municipal Codes.
- g. There shall be no grading within the Federal Emergency Management Agency (FEMA) designated Cane Creek flood plain that would change the existing ground elevation without the approval of the City of Cookeville Public Works and Engineering Department.

3.15 STORAGE TANKS. No storage tanks, either above or below the ground, shall be permitted without approval by the Developer.

3.16 EASEMENTS. There are perpetual easements for utility installation and maintenance, for drainage installation and maintenance, for sanitary sewer installation and maintenance as shown on the plat for the Highlands Industrial - Business Park. No permanent structure or encumbrance is permitted in such easement areas.

3.17 TEMPORARY STRUCTURES. Temporary structures are prohibited except when used to perform a function that will be performed by a permanent structure that is in the planning or construction stage. The use of such a temporary structure is restricted to eighteen (18) months, without approval of the Developer. Construction trailer offices, structures related to a particular project, and construction job site materials trailers may be allowed during the construction period only. Mobile storage units will not be permitted.

3.18 INTERSTATE 40 VISIBILITY. For properties with visual exposure to Interstate 40, special care shall be exercised so that loading docks and other exposures that do not represent the image desired for the Park are screened and concealed from view from Interstate 40.

ARTICLE IV

APPROVAL OF PLANS AND IMPROVEMENTS

4.1 Plans for construction or alteration of any improvements shall meet the requirements herein and the appropriate City of Cookeville Departments, and shall be reviewed and approved the same as hereinafter described. In order to insure that the standards herein set forth are met, prior to site grading, lot development, construction or alteration of any improvements, the purchaser shall submit the plans detailed in Article V below to the Developer to determine compliance with city and county codes and compliance with these Protective Covenants and Restrictions. No construction shall be commenced, and no plans shall be approved, except upon written approval by the City of Cookeville.

4.2 Upon such approval, all such construction and/or alterations shall proceed strictly according to the submitted plans and specifications as approved by the Developer.

4.3 Improvements made on property within the Park without approval of plans for said improvements are hereby determined to be unapproved improvements constructed or installed in violation of these Protective Covenants and Restrictions. Unapproved improvements shall be subject to immediate action by the Developer, or its designee.

ARTICLE V

PLAN REQUIREMENTS

The following items shall be submitted to the City of Cookeville Codes Department for review and written approval:

- 5.1** Site plan for the property, which shall include the following:
- a. Location and orientation of the structure;
 - b. Grading plan;
 - c. Location of driveways, walkways and parking areas;
 - d. Location of loading and service areas;
 - e. Location of all utilities;

6
51

- f. Location of exterior mechanical equipment;
 - g. Location and elevations of signs;
 - h. Location of outside storage areas; and
 - i. Location of any proposed fence, wall, storage tank, antenna, heating/cooling system, and any mechanical equipment to be placed in or around the exterior of the building.
- 5.2 Samples and specifications for all exterior materials shall be submitted for approval of color and composition.
- 5.3 Construction plans revealing building elevations and exterior specifications.
- 5.4 Landscaping plans including any proposed disturbance of existing natural features. Such plans include information regarding the type of sod, seeding, type of trees, shrubs and hedges, location of underground irrigation system and other information on landscape treatment for the entire building site, including fences, walls and screening.
- 5.5 Storm water management, sedimentation and impoundment plans, as may be required by local authorities.
- 5.6 Prior to obtaining necessary building and other related permits, the Applicant shall obtain written approval from the Developer stating that the uses and plans for the business parcel have been approved.

ARTICLE VI

PERFORMANCE STANDARDS

All of the following minimum standards shall be complied with:

- 6.1 **FIRE AND EXPLOSIVE HAZARDS.** All activities shall be carried on only in structures which conform to the standards of the National Board of Fire Underwriters concerning the plant operation and storage of explosive raw materials, fuels, liquids and finished products.
- 6.2 **RADIOACTIVITY.** All activities located within the Park shall comply with Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation."
- 6.3 **SMOKE, FUMES, GASES, DUST, ODORS.** There shall be no excessive emission of any smoke, fumes, gas, dust or odors. In any case, the limit of such emission of air pollutants shall be subject to the approval or acceptance of the State Air and Water Quality Control Department.
- 6.4 **VIBRATION.** There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- 6.5 **NOISE.** There shall be no operational industrial noise measured from any point on the property line of the lot on which the industrial operation is located which shall exceed the values given in the following table in any octave band of frequency. The sound pressure level shall be measured with a Sound Level Analyzer that conforms to specifications published by the "American Standard Sound Level Meters for Measurements of Noise and Other Sounds" Z24.3-1944, American Standards Association, Inc., New York, New York, and "American Standards Specifications for an Octave Band Filter Set for the Analysis of Noise and Other Sounds" Z24-10-1953, American Standards Association, Inc., New York, New York.

FREQUENCY BAND IN CYCLES PER SECOND	SOUND PRESSURE LEVEL DECIBELS
0-75	65
75-100	50
150-300	44
300-600	38
600-1200	35
1200-2400	32
2400-4800	29
above 4800	26

- 6.6** LIQUID OR SOLID WASTES. The discharge of untreated industrial wastes into a stream or open or closed drain is prohibited. All methods of sewage and industrial waste treatment and disposal shall be approved by Developer, the appropriate local utility and Tennessee Department of Environment & Conservation (TDEC). More specifically, all sanitary and processed liquid waste must be discharged into the sanitary sewer system.
- 6.7** SITE DRAINAGE. No driveways, walks, parking areas, etc. may be constructed across any drainage ditch, channel, or swale without providing adequate culverts or waterway openings for natural drainage.
- 6.8** If the City of Cookeville's codes and restrictions differ from the performance standards listed above, the more restrictive standards shall apply.

ARTICLE VII

PROVISIONS AND COVENANTS ARE SEVERABLE

In the event that one or more of the provisions hereof are held to be invalid or unenforceable, the other provisions herein shall not be affected thereby, but shall remain in full force and effect, it being intended that the provisions hereof are severable. The terms "provisions" and "covenants" as used herein shall not be construed necessarily to mean a numbered section hereof, but may be a portion of such numbered section. No lot in the Park shall be used as a street, or to create a street, that would connect to any other property or street, except as approved by the Developer. This prohibition against re-subdivision however, shall not prohibit the Developer from re-subdividing any lot or lots as the Developer in its sole discretion.

ARTICLE VIII

SUBDIVISION OF LAND

No parcel of real property once sold by the Developer shall thereafter be subdivided, except pursuant to Amendment or Wavier of such restriction by the Developer as provided for herein.

ARTICLE IX

RIGHT TO REPURCHASE

If, after the expiration of one (1) year from the date of execution of a sales contract agreement, any purchaser who shall not have begun in good faith the construction of any acceptable building upon said part, parcel, tract, tracts or lot, the Developer retains the right to refund the purchase price for the lot less any costs incurred by the Developer, and enter into possession of the land. The Developer shall have the right to extend for one (1) additional year the time in which such building may be begun.

ARTICLE X

ENFORCEMENT

- 10.1 COVENANTS.** The conditions, covenants, provisions, restrictions, and reservations contained herein may be enforced in law or in equity; including without limitation by injunction, by the Developer or any subsequent purchasers of any portion of said real property which are subject to said conditions, covenants, provisions, restrictions and reservations. The Developer, purchaser, or subsequent owner of any portion of said real property, including the City of Cookeville, Tennessee and Putnam County, Tennessee, shall not have any liability in law or in equity to any other owner or purchaser of any portion of said real property for failure to enforce against any third party owner or purchaser the conditions covenants, provisions, restrictions and reservations contained herein.
- 10.2 BINDING NATURE.** The conditions, covenants, provisions, restrictions and reservations contained herein shall be binding upon and inure to the benefit of successors, assigns, heirs and grantees of the purchaser.
- 10.3 LIABILITY.** The City of Cookeville, Tennessee, Putnam County, Tennessee, nor the Industrial Development Board of the City of Cookeville, Tennessee, the officers, directors, agents of either of them, or their successors or assigns shall not be liable in damages to anyone submitting plans for approval, or to any purchaser of land affected by these conditions, covenants, provisions, restrictions and reservations by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any plans or for enforcing or failing to enforce any of the provisions of these conditions, covenants, provisions, restrictions and reservations. All purchasers waive any and all claims against the City of Cookeville, Putnam County and the Industrial Development Board of the City of Cookeville, Tennessee as a result thereof. Every person who submits plans to the Developer for approval agrees, by submission of the plans, and every purchaser of said property agrees by acquiring title thereto or interest therein, to waive any action, proceeding or suit against the City of Cookeville, Putnam County or the Industrial Development Board of the City of Cookeville, Tennessee to recover any loss, costs, or damages resulting from any of the foregoing, or otherwise, and in case of conflict between plans reviewed and any condition, covenant, provision, restriction and reservation herein contained, these conditions, covenants, provisions, restrictions and reservations shall govern the rights and obligations of the parties.
- 10.4 NO GUARANTEE OR WARRANTY BY DEVELOPER.** The Developer's approval of plans and/or construction materials shall not constitute any guarantee or warranty of such plans or materials so approved.

- 10.5 CONSENT. Any and all rights, powers and reservations of the City of Cookeville, Tennessee and Putnam County, Tennessee contained herein may be assigned to any person, corporation or other entity which will assume the duties of Developer pertaining to the particular rights, powers and reservations assigned, and upon any such person, corporation, or entity evidencing its consent in writing to accept such assignment and assume such duties and to the extent of such assignment, shall have the same rights and powers and be subject to the same obligations and duties as are given and assumed by Developer.
- 10.6 ALTERATIONS AND AMENDMENTS. These Protective Covenants and Restrictions may be amended at any time upon a called meeting of all property owners. A meeting may be called by a signed petition of a minimum of twenty-five percent (25%) of the property owned with one (1) vote per acre, or fraction of acre, of land owned. Alterations and amendments to these covenants and restrictions shall require approval of seventy-five percent (75%) of the property owners with one (1) vote per acre or fraction of acre.
- 10.7 BINDING PERIOD. These Protective Covenants and Restrictions are to run with the land and shall be binding on owners of any and all of said lots, and on all persons claiming under them for a period of twenty (20) years from the date these Protective Covenants and Restrictions are recorded, after which time said Protective Covenants and Restrictions shall be automatically extended for successive periods of ten (10) years each unless amended by an instrument signed by the owners of seventy-five percent (75%) of the acreage of the Park.
- 10.8 CORRECTIVE MEASURES. Should Developer, or any other owner, their successors and assigns find any owner or lessee in violation of any of the conditions, covenants, provisions, restrictions and reservations contained herein, it may give notice of such violation to the offending party. Within sixty (60) days of the receipt thereof, said property owner or lessee shall take corrective measures. Effective disregard of notices shall give Developer, its successors or assigns a right to enter the offending premises and undertake necessary maintenance or other corrective action at the expense of the owner or lessee thereof. Failure to reimburse Developer, its successors or assigns for these services within thirty (30) days after billing shall create a lien against the property in question.

ARTICLE XI

MISCELLANEOUS

- 11.1 RIGHTS. Every person who now or thereafter owns or acquires any rights, title, estate, or interest to any portion of the property covered hereby is and shall be conclusively deemed to have consented and agreed to every condition, covenant, provision, restriction and reservation contained herein, whether or not reference to this Declaration of Protective Covenants and Restrictive Covenants Running With Land is contained in the instrument by which such person acquired an interest in said property.
- 11.2 WAIVER. The failure of the Developer to enforce any condition, covenant, provision, restriction or reservation herein contained shall in no event be deemed to be a waiver of the right to do so thereafter or of the right to enforce any other condition, covenant, provision, restriction or reservation.

This Declaration of Protective Covenants and Restrictive Covenants Running with Land and the separate conditions, covenants, provisions, restrictions and reservations thereof shall be construed and enforced in accordance with the laws of the State of Tennessee.

These are Protective Covenants and Restrictive Covenants Running with Land, and there may be further restrictions and regulations imposed by the City of Cookeville, Putnam County, the State of Tennessee or other governing bodies. These Protective Covenants and Restrictive Covenants Running with Land may be altered or amended as delineated in Paragraph 10.6 above.

It is recognized and acknowledged by each owner of a lot within the Park that by acceptance of a deed or lease to property within the Park, such Owner realizes that the development of the Park for the purposes and goals stated herein and for the public benefit is an evolving process that the plat of the Park may be amended from time to time to reconfigure or change the size or location of streets or lots to better serve the stated purposes and goals of the Park as may be determined in the sole discretion of the owners and the Developer.

The City of Cookeville and Putnam County have caused this instrument to be executed in the names of the respective entities and on their behalf on this _____ day of _____, 2012.

City of Cookeville, Tennessee

County of Putnam, Tennessee

By: _____

by: _____

Name: _____

Name: _____

Title: _____

Title: _____

**STATE OF TENNESSEE
COUNTY OF PUTNAM**

PERSONALLY APPEARED before me, the undersigned authority, a Notary Public in and for said County and State, _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be _____ of _____, the within named bargainer, a Tennessee _____, and that he as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of _____ himself as _____.

WITNESS MY HAND and seal at office, this ____ day of _____, 2012.

NOTARY PUBLIC

My Commission Expires: _____

11 56

**STATE OF TENNESSEE
COUNTY OF PUTNAM**

PERSONALLY APPEARED before me, the undersigned authority, a Notary Public in and for said County and State, _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be _____ of _____, the within named bargainer, a Tennessee _____, and that he as such _____, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of _____ himself as _____.

WITNESS MY HAND and seal at office, this ____ day of _____, 2012.

NOTARY PUBLIC

My Commission Expires: _____

12 57

MOTION RE: DEFER FOR 30 DAYS TO CONSIDER THE DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIVE COVENANTS RUNNING WITH LAND APPLICABLE TO HIGHLANDS INDUSTRIAL-BUSINESS PARK TO ALLOW THE COUNTY EXECUTIVE AND CITY MANAGER TO COME TO SOME RESOLVE

Commissioner Tom Short moved and Commissioner Anna Ruth Burroughs seconded the motion to defer for 30 days the Declaration of Protective Covenants and Restrictive Covenants running with land applicable to Highlands Industrial-Business Park to allow the County Executive and City Manager to come to some Resolve.

The Chairman asked for discussion on the motion to defer for 30 days to consider the Declaration of Protective Covenants and Restrictive Covenants running with land applicable to Highlands Industrial-Business Park to allow the County Executive and City Manager to come to some Resolve. The Commissioners discussed the motion.

The Chairman asked the Commissioners to vote on the motion to defer for 30 days to consider the Declaration of Protective Covenants and Restrictive Covenants running with land applicable to Highlands Industrial-Business Park to allow the County Executive and City Manager to come to some Resolve. The Commissioners voted as follows:

FOR:

- | | |
|---------------------|-------------------|
| Tom Short | Sue Neal |
| David Gentry | Jonathan Williams |
| Ron Williamson | Daryl Blair |
| John Ludwig | Marsha Bowman |
| Anna Ruth Burroughs | Steve Pierce |
| Terry Randolph | Mike Atwood |
| Chris Savage | Cathy Reel |

AGAINST:

- | | |
|----------------|---------------|
| Scott Ebersole | Eris Bryant |
| Jerry Ford | Kevin Maynard |
| Reggie Shanks | Kim Bradford |
| Joe Trobaugh | Jim Martin |
| Michael Medley | Bob Duncan |

The Clerk announced fourteen (14) voted for, ten (10) voted against, and zero (0) absent. The motion carried.

MOTION RE: PLANNING COMMITTEE RECOMMENDS APPROVAL TO CEASE HAVING WORK SESSIONS, UNLESS CALLED BY THE COUNTY EXECUTIVE OR THE COMMISSION CHAIRMAN

Commissioner Eris Bryant moved and Commissioner Kevin Maynard seconded the motion to approve to cease having work sessions, unless called by the County Executive or the Commission Chairman.

The Chairman asked for discussion on the motion to approve to cease having work sessions, unless called by the County Executive or the Commission Chairman. There was none.

The Chairman asked the Commissioners to vote on the motion to approve to cease having work sessions, unless called by the County Executive or the Commission Chairman. The Commissioners voted as follows:

FOR:

David Gentry
Jerry Ford
Anna Ruth Burroughs
Terry Randolph
Reggie Shanks
Joe Trobaugh
Michael Medley

Eris Bryant
Daryl Blair
Kevin Maynard
Kim Bradford
Jim Martin
Marsha Bowman
Steve Pierce
Cathy Reel

AGAINST:

Scott Ebersole
Tom Short
Ron Williamson
John Ludwig
Chris Savage

Sue Neal
Jonathan Williams
Bob Duncan
Mike Atwood

The Clerk announced fifteen (15) voted for, nine (9) voted against, and zero (0) absent. The motion carried.

FISCAL REVIEW COMMITTEE

MOTION RE: THE FISCAL REVIEW COMMITTEE RECOMMENDS APPROVAL OF THE BUDGET AMENDMENT TO THE COUNTY GENERAL FUND IN THE AMOUNT OF \$7,000

Commissioner Mike Atwood moved and Commissioner Joe Trobaugh seconded the motion to consider a Budget Amendment to the County General Fund in the amount of \$7,000.

(SEE ATTACHED)

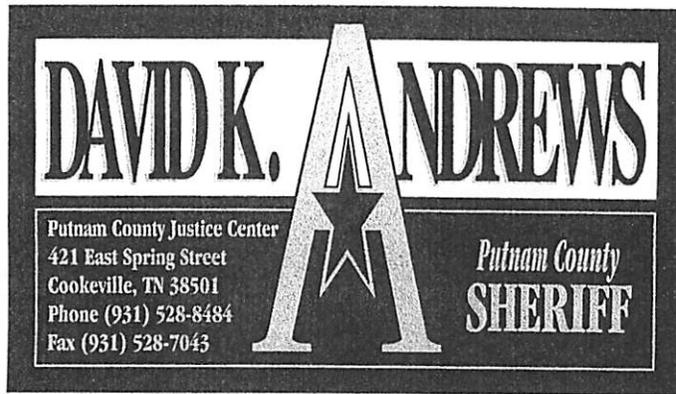
Putnam County Budget Amendment/Transfer Authorization Form

Department COUNTY GENERAL FUND

Date: February 6, 2012

<u>Fund #</u>	<u>Account #</u>	<u>Account Description</u>	<u>Current Approved Amount</u>	<u>Decrease</u>	<u>Increase</u>	<u>Amount Requested</u>	<u>Amount Expended (Received) YTD</u>
101	54110-718	Motor Vehicles	275,000		4,700	279,700	254,828
101	55130-718	Ambulance-Motor Vehicles	260,000		2,300	257,700	228,570
101	#44130	Sale of Material	6,000		7,000	13,000	7,119

Explanation: Sale of old cars



January 3, 2012

Kim Blaylock
County Executive
Putnam County
300 East Spring St., Room 8
Cookeville, TN 38501

Re: Sale of Surplus Vehicles

Dear Kim:

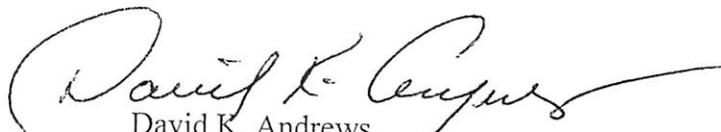
I am requesting that \$7,000.00 from the sale of surplus vehicles be placed into the Sheriff's office budget in line item 54110-718 (Motor Vehicles)

This request is being made per a County Commission meeting where surplus sale money and vehicles were being discussed.

At that meeting Commissioner Bryant suggested that I could or should request this money be placed in the Sheriff's Office budget to help with the purchase of vehicles. As suggested I am doing so to address the need for non-emergency vehicles.

Should you have any questions, please feel free to give me a call.

Sincerely,


David K. Andrews
Putnam County Sheriff

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The Chairman asked for discussion on the motion to consider a Budget Amendment to the County General Fund in the amount of \$7,000. The Commissioners discussed the motion.

MOTION RE: AMEND THE MOTION TO THE BUDGET AMENDMENT TO LEAVE \$4,700 OF THE PROPOSED \$7,000 IN COUNTY GENERAL FUND

Commissioner Mike Medley moved and Commissioner Eris Bryant seconded to amend the motion to the Budget Amendment to leave \$4,700 of the proposed \$7,000 in the County General Fund.

The Chairman asked for discussion on the amended motion to leave \$4,700 of the proposed \$7,000 in the County General Fund. The Commissioners discussed the motion.

MOTION RE: AMEND THE MOTION TO LEAVE \$7,000 IN THE COUNTY GENERAL FUND

Commissioner Tom Short moved and Commissioner Ron Williamson seconded the amended motion to leave \$7,000 in the County General Fund.

MOTION RE: TABLE THE AMENDED MOTION TO LEAVE \$7,000 IN THE COUNTY GENERAL FUND

Commissioner Sue Neal moved and Commissioner Joe Trobaugh seconded the motion to table the amended motion to leave \$7,000 in the County General Fund.

The Chairman asked for a vote on the motion to table the amended motion to leave \$7,000 in the County General Fund. The Commissioners voted as follows:

FOR:

Scott Ebersole
David Gentry
Jerry Ford
Ron Williamson
John Ludwig
Anna Ruth Burroughs
Chris Savage
Joe Trobaugh
Michael Medley

Eris Bryant
Sue Neal
Jonathan Williams
Daryl Blair
Kevin Maynard
Kim Bradford
Bob Duncan
Marsha Bowman
Steve Pierce
Mike Atwood
Cathy Reel

AGAINST:

Tom Short
Terry Randolph

Jim Martin

ABSTAIN:

Reggie Shanks

The Clerk announced twenty (20) voted for, three (3) voted against, one (1) abstained, and zero (0) absent. The motion carried.

MOTION RE: TABLE THE FIRST AMENDED MOTION TO THE BUDGET AMENDMENT TO THE COUNTY GENERAL FUND

Commissioner Mike Atwood moved and Commissioner Tom Short seconded the motion to table the first amended motion to the Budget Amendment to the County General Fund.

The Chairman asked the Commissioners to vote on the motion to table the first amended motion to the Budget Amendment to the County General Fund. The Commissioners voted as follows:

FOR:

Scott Ebersole
Tom Short
David Gentry
Jerry Ford
Ron Williamson
John Ludwig
Anna Ruth Burroughs
Joe Trobaugh

Sue Neal
Jonathan Williams
Kevin Maynard
Kim Bradford
Jim Martin
Bob Duncan
Steve Pierce
Mike Atwood
Cathy Reel

AGAINST:

Terry Randolph
Reggie Shanks
Michael Medley

Eris Bryant
Daryl Blair
Marsha Bowman

ABSTAIN:

Chris Savage

The Clerk announced that seventeen (17) voted for, six (6) voted against, and one (1) abstained and zero (0) absent. The motion carried.

The Clerk announced that seventeen (17) voted for, six (6) voted against, and one (1) abstained and zero (0) absent. The motion carried.

The Chairman asked the Commissioners to vote on the original motion to approve the Budget Amendment to the County General Fund in the amount of \$7,000.

FOR:

Scott Ebersole
David Gentry
Jerry Ford
Ron Williamson
John Ludwig
Anna Ruth Burroughs
Joe Trobaugh

Jonathan Williams
Kevin Maynard
Jim Martin
Bob Duncan
Steve Pierce
Mike Atwood

AGAINST:

Tom Short
Terry Randolph
Chris Savage
Reggie Shanks
Michael Medley

Eris Bryant
Sue Neal
Daryl Blair
Kim Bradford
Marsha Bowman
Cathy Reel

The Clerk announced that thirteen (13) voted for, eleven (11) voted against, and zero (0) absent. The motion carried.

MOTION RE: THE FISCAL REVIEW COMMITTEE RECOMMENDS APPROVAL OF BUDGET AMENDMENTS TO THE GENERAL PURPOSE SCHOOL FUND AS PRESENTED

Commissioner Mike Atwood moved and Commissioner Michael Medley seconded the motion to approve Budget Amendments to the General Purpose School Fund as presented.

(SEE ATTACHED)

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Department of Education Putnam County

MR. JERRY BOYD, Interim Director of Schools

Board of Education

Eric Brown, Chairman
Robert Hargis, Vice-Chairman

1400 East Spring Street
Cookeville, Tennessee 38506-4313
Phone (931) 526-9777
FAX (931) 372-0391

Board Members

Dr. Ray Jordon
Jerry Maynard
David McCormick
Dr. Janet Moore

February 1, 2012

Honorable Commissioners
Putnam County Courthouse
Cookeville, TN 38501

Honorable Commissioners:

Please consider approval of the budget amendments to the General Purpose School Fund,
as submitted.

Sincerely,



Mark McReynolds
Putnam County Board of Education

Enclosures:

- To budget for expenditures approved by the Board of Education to be expended from Prescott Central Middle School sales proceeds per GASB 54 regulations.

Putnam County Budget Amendment / Line Item Transfer Authorization Form

Department: _____

DATE: 2-Feb-12

Item #	Fund #	Account #	Account Description	Current Approved Amount	Decrease	Increase	Requested Approval Amount
1	141	71100-722-PSALE	Regular Instruction Equipment	-		221,969.86	221,969.86
2	141	72130-790-PSALE	Other Equipment	-		13,607.00	13,607.00
3	141	72620-399-PSALE	Other Contracted Services	-		174,800.76	174,800.76
4	141	72620-790-PSALE	Other Equipment	-		20,972.18	20,972.18
5	141	72810-399-PSALE	Other Contracted Services	-		12,620.00	12,620.00
6	141	72810-708-PSALE	Communication Equipment	-		184,560.00	184,560.00
7	141	39000-PSALE	Unassigned Fund Balance	1,889,159.28	628,529.80		1,260,629.48
				1,889,159.28	628,529.80	628,529.80	1,889,159.28

Explanation: To budget for expenditures approved by the Board of Education to be expended from Prescott Central Middle School sale proceeds. per GASB 54 regulations.

Requested by: _____
Supervisor

Recommended for Approval: _____
Official / Department Head

Reviewed by: Michelle McLay 1/26/2012
Chief Financial Officer

Action by Fiscal Review Committee: Recommended for Approval No Recommendation

Date: _____

Action by County Commission: Approved Not Approved

The Chairman asked for discussion on the motion to approve Budget Amendments to the General Purpose School Fund as presented. There was none.

The Chairman asked the Commissioners to vote on the motion to approve Budget Amendments to the General Purpose School Fund as presented. The Commissioners voted as follows:

FOR:

Scott Ebersole	Eris Bryant
Tom Short	Sue Neal
David Gentry	Jonathan Williams
Jerry Ford	Daryl Blair
Ron Williamson	Kevin Maynard
John Ludwig	Kim Bradford
Anna Ruth Burroughs	Jim Martin
Terry Randolph	Bob Duncan
Chris Savage	Steve Pierce
Reggie Shanks	Mike Atwood
Joe Trobaugh	Cathy Reel
Michael Medley	

AGAINST:

Marsha Bowman

The Clerk announced that twenty-three (23) voted for, one (1) voted against, and zero (0) absent. The motion carried.

MOTION RE: THE FISCAL REVIEW COMMITTEE RECOMMENDS APPROVAL OF BUDGET AMENDMENTS TO THE ROAD DEPARTMENT AS PRESENTED

Commissioner Mike Atwood moved and Commissioner Kevin Maynard seconded the motion to approve Budget Amendments to the Road Department as presented.

(SEE ATTACHED)

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Putnam County Budget Amendment/Line Item Transfer Authorization Form
Road Department
February, 2012
Commission Meeting

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<u>Item</u>	<u>Fund</u>	<u>Account</u>	<u>Description</u>	<u>Increase Revenue</u>	<u>Increase Expenditures</u>	<u>Approved Expenditures</u>	<u>Requested</u>	<u>Expended</u>	<u>Balance</u>
1	131	47000.230	Disaster Relief	68,000	0.00	0.00	0.00	0.00	0.00
2	131	62000.409	Crushed Stone	0.00	60,000	80,000	140,000	73,612	66,388
3	131	63100.433	Lubricants	0.00	8,000	8,000	16,000	6,964	9,036
Totals				68,000	68,000	88,000	156,000	80,576	75,424

Explanation: Higher prices for items and more material used due flood repairs.
 Disaster Relief not estimated in budget. Received in current year.

Requested by: Randy Jones
 Randy Jones, Putnam County Road Supervisor

Date: 2-01-12

Action by Fiscal Review Committee:

Recommended Approval

Date: _____

Action by County Commission:

Approved

Date: _____

The Chairman asked for discussion on the motion to approve Budget Amendments to the Road Department as presented. There was none.

The Chairman asked the Commissioners to vote on the motion to approve Budget Amendments to the Road Department as presented. The Commissioners voted as follows:

FOR:

Scott Ebersole	Eris Bryant
Tom Short	Sue Neal
David Gentry	Jonathan Williams
Jerry Ford	Daryl Blair
Ron Williamson	Kevin Maynard
John Ludwig	Kim Bradford
Anna Ruth Burroughs	Jim Martin
Terry Randolph	Bob Duncan
Chris Savage	Marsha Bowman
Reggie Shanks	Steve Pierce
Joe Trobaugh	Mike Atwood
Michael Medley	Cathy Reel

The Clerk announced that twenty-four (24) voted for, zero (0) voted against, and zero (0) absent. The motion carried.

NOMINATING COMMITTEE

MOTION RE: NOMINATING COMMITTEE RECOMMENDS THE FOLLOWING BE APPOINTED TO THE AWARDS COMMITTEE:

**REGGIE SHANKS
CATHY REEL
WAYNE NABORS**

(1 YEAR TERMS TO EXPIRE 2-2013)

Commissioner Jim Martin moved and Commissioner Kim Bradford seconded the motion to appoint Reggie Shanks, Cathy Reel, and Wayne Nabors to the Awards Committee with terms to expire 02/2013.

The Chairman asked for nominations from the floor. There was none.

The Chairman asked for a voice vote on the motion to appoint Reggie Shanks, Cathy Reel, and Wayne Nabors to the Awards Committee. The motion carried.

MOTION RE: NOMINATING COMMITTEE RECOMMENDS TO CONSIDER THE FOLLOWING TO FILL ONE (1) UNEXPIRED VACANT TERM TO SERVE ON THE BEER BOARD: ANNA RUTH BURROUGHS JOHN LUDWIG

(TERMS EXPIRES OCTOBER 2012)

Commissioner Jim Martin moved and Commissioner Joe Trobaugh seconded the motion to nominate Anna Ruth Burroughs or John Ludwig to fill one (1) unexpired vacant term to serve on the Beer Board.

The Chairman asked for other nominations from the floor. There were none.

The Chairman asked the Commissioners to vote on the nomination to the Beer Board. The Commissioners voted as follows:

Scott Ebersole – Anna Ruth Burroughs
Tom Short – John Ludwig
Bob Duncan – John Ludwig
Jim Martin – John Ludwig
David Gentry – Anna Ruth Burroughs
Jerry Ford – Anna Ruth Burroughs
John Ludwig – John Ludwig
Ron Williamson – Anna Ruth Burroughs
Anna Ruth Burroughs – Anna Ruth Burroughs
Terry Randolph – Anna Ruth Burroughs
Reggie Shanks – John Ludwig
Chris Savage – Anna Ruth Burroughs
Michael Medley – Anna Ruth Burroughs
Joe Trobaugh – Anna Ruth Burroughs
Eris Bryant – Anna Ruth Burroughs
Sue Neal – John Ludwig
Daryl Blair – Anna Ruth Burroughs
Jonathan Williams – Anna Ruth Burroughs
Kevin Maynard – Anna Ruth Burroughs
Kim Bradford – Anna Ruth Burroughs
Steve Pierce – Anna Ruth Burroughs
Marsha Bowman – Anna Ruth Burroughs
Cathy Reel – Anna Ruth Burroughs
Mike Atwood – John Ludwig

The Clerk announced seventeen (17) voted for Anna Ruth Burroughs, and seven (7) voted for John Ludwig. Anna Ruth Burroughs is appointed to the Beer Board.

MOTION RE: NOMINATING COMMITTEE RECOMMENDS THAT JOHN LUDWIG BE APPOINTED TO FILL THE VACANT UNEXPIRED TERM ON THE DELINQUENT PROPERTY TAX COMMITTEE (TERM EXPIRES OCTOBER 2012)

Commissioner Jim Martin moved and Commissioner Ron Williamson seconded the motion to consider John Ludwig to fill the vacant unexpired term on the Delinquent Property Tax Committee.

The Chairman asked for other nominations from the floor.

MOTION RE: NOMINATE MIKE MEDLEY TO FILL THE VACANT UNEXPIRED TERM ON THE DELINQUENT PROPERTY TAX COMMITTEE

Commissioner Terry Randolph moved and Commissioner Marsha Bowman seconded the motion to nominate Mike Medley to fill the vacant unexpired term on the Delinquent Property Tax Committee.

The Chairman asked the Commissioners to vote on the nominations to the Delinquent Property Tax Committee. The Commissioners voted as follows:

- Scott Ebersole – John Ludwig
- Tom Short – John Ludwig
- Bob Duncan – John Ludwig
- Jim Martin – John Ludwig
- David Gentry – Mike Medley
- Jerry Ford – Mike Medley
- John Ludwig – John Ludwig
- Ron Williamson – John Ludwig
- Anna Ruth Burroughs – Mike Medley
- Terry Randolph – Mike Medley
- Reggie Shanks – John Ludwig
- Chris Savage – John Ludwig
- Michael Medley – Mike Medley
- Joe Trobaugh – Mike Medley
- Eris Bryant – Mike Medley
- Sue Neal – John Ludwig
- Daryl Blair – Mike Medley
- Jonathan Williams – John Ludwig
- Kevin Maynard – John Ludwig
- Kim Bradford – Mike Medley
- Steve Pierce – Mike Medley
- Marsha Bowman – Mike Medley
- Cathy Reel – Mike Medley
- Mike Atwood – John Ludwig

The Clerk announced twelve (12) voted for John Ludwig and twelve (12) voted for Mike Medley. The vote tied.

MOTION RE: ELECT JOHN LUDWIG AND MIKE MEDLEY TO THE DELINQUENT PROPERTY TAX COMMITTEE

Commissioner Bob Duncan moved and Commissioner Joe Trobaugh seconded the motion to elect both, John Ludwig and Mike Medley to the Delinquent Property Tax Committee.

The Chairman asked for discussion on the motion to elect both to the Delinquent Property Tax Committee. There was none.

The Chairman asked for a voice vote on the motion to elect John Ludwig and Mike Medley to the Delinquent Property Tax Committee. The motion carried.

**MOTION RE: NOMINATING COMMITTEE RECOMMENDS TO CONSIDER THE FOLLOWING TO FILL ONE (1) UNEXPIRED VACANT TERM TO SERVE ON THE ADULT ENTERTAINMENT BOARD (TERM EXPIRES DECEMBER 2012)
JOHN LUDWIG**

Commissioner Jim Martin moved and Commissioner Jonathan Williams seconded the motion to nominate John Ludwig to fill one (1) unexpired vacant term on the Adult Entertainment Board.

The Chairman asked for other nominations from the floor. There was none.

The Chairman asked for a voice vote for John Ludwig to fill the unexpired vacant term on the Adult Entertainment Board. The motion carried.

REPORT OF SPECIAL COMMITTEES

Kim Blaylock gave a report from the Special Committees.

RESOLUTIONS

ELECTION OF NOTARIES

Commissioner Mike Atwood moved and Commissioner Eris Bryant seconded the motion to approve the Election of Notaries.

(SEE ATTACHED)

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PUTNAM COUNTY CLERK
WAYNE NABORS COUNTY CLERK
P.O. BOX 220
COOKEVILLE TN 38503
Telephone 931-526-7106
Fax 931-372-8201

Notaries to be elected February 21, 2012

JOYCE A CALLAHAN
LEE CLOUSE
JOHN DAVID CORLEY

AMY T CROUCH
JESSICA LYNN DAVIS
JAMES M ENOCHS
ALFRED M ENOCHS
CHRISTY GARRETT
DORINDA J HENRY
AMANDA HUDSON

JASON LANKFORD
KATHY J NULL
JENNIFER L RANDOLPH
SARAH ELIZABETH
SINGHURST
MAXINE STEWART
GAIL A TURNER
HOLLY S WALLACE
VICKIE M WALLING

The Chairman asked for discussion on the Election of Notaries. There was none.

The Chairman asked the Commissioners to vote on the Election of Notaries. The Commissioners voted as follows:

FOR:

Scott Ebersole

Tom Short

David Gentry

Jerry Ford

Ron Williamson

John Ludwig

Anna Ruth Burroughs

Terry Randolph

Chris Savage

Reggie Shanks

Joe Trobaugh

Michael Medley

Eris Bryant

Sue Neal

Jonathan Williams

Daryl Blair

Kevin Maynard

Kim Bradford

Jim Martin

Bob Duncan

Marsha Bowman

Steve Pierce

Mike Atwood

Cathy Reel

The Clerk announced that twenty-four (24) voted for, zero (0) voted against, and zero (0) absent. The motion carried.

OTHER NEW BUSINESS

ANNOUNCEMENTS AND STATEMENTS

CITIZEN OF THE MONTH: NONE

EMPLOYEE OF THE MONTH: NONE

ADJOURN:

Commissioner Joe Trobaugh moved and Commissioner Michael Medley seconded the motion to Adjourn.

The Chairman asked for a voice vote on the motion to Adjourn. The motion carried.

Nominating Committee Minutes
February 13, 2012
Prepared by Scott Ebersole

Chairman Martin brought the meeting to order at 6:55 pm with the following committee members were present;

Jim Martin
Mike Atwood
Eris Bryant
Scott Ebersole

Item #1 Discuss appointments to the Awards Committee.
Current members that terms expire are
Reggie Shanks
Cathy Reel
Wayne Nabors

All three have expressed an interest in serving again, a motion was made to nominate all three,

Motion Passed

Item #2 Discuss appointments to fill unexpired vacant terms for the following:
Beer Board
Delinquent Property Tax
Adult Entertainment Board

Beer Board – Tom Short, Anna Ruth Burroughs, and John Ludwig expressed interest in filling this vacancy.

A motion was made to nominate all candidates

Motion passed

Delinquent Property Tax - John Ludwig expressed interest in serving

A motion was made to nominate him

Motion passed

No other business needing to be discussed, meeting was adjourned

Adult Entertainment Board – Tom Short and John Ludwig expressed interest in serving

A motion was made to nominate both candidates

Motion passed

NOMINATING COMMITTEE

TO: Putnam County Board of Commissioners

FROM: Kim Blaylock, County Executive

DATE: February 7, 2012

RE: Nominating Committee Agenda

Listed below are items to be considered by the Nominating Committee on Monday, February 13, 2011 AFTER THE FISCAL REVIEW COMMITTEE MEETING.

1. Discuss appointments to the Awards Committee.
Current members that expire

<i>Reggie Shanks</i>	<i>1 year terms</i>
<i>Cathy Reel</i>	<i>to expire 2-1013</i>
<i>Wayne Nabors</i>	

2. Discuss appointments to fill unexpired vacant terms for the following:

Beer Board	Expires 10-2012
Delinquent Property Tax	Expires 10-2012
Adult Entertainment Board	Expires 12-2012

3. Any other business that needs to be reviewed by the Nominating Committee.

**FISCAL REVIEW COMMITTEE
MINUTES**

February 13, 2012

Prepared by Deborah Francis

ROLL CALL

Bob Duncan	Present	Daryl Blair	Present
Jerry Ford	Present	Kevin Maynard	Present
Scott Ebersole	Present	Steve Pierce	Present
Terry Randolph	Present	Mike Atwood	Present
Mike Medley	Present	Sue Neal	Present
John Ludwig	Present	Chris Savage	Present

Item #1 Amendment for County General Fund

Motion: Recommends approval of budget amendment to the County General Fund in the amount of \$7,000.

Made By: Maynard
Seconded: Ford

ROLL CALL VOTE

<u>Yes</u>	<u>No</u>
Ebersole	Randolph
Duncan	Medley
Ford	Blair
Ludwig	Pierce
Savage	
Maynard	Neal absent
Atwood	at this time

Item #2 GPS amendments

Motion: Recommends approval of budget amendment to the General Purpose School Fund.

Made By: Duncan
Seconded: Ebersole

VOICE VOTE

APPROVED

Item #3 Road Department amendments

Motion: Recommends approval of budget amendment to the Road Department Fund.

Made By: Medley
Seconded: Randolph

VOICE VOTE

APPROVED

**Item #4 Quarterly reports
Commission had some questions
NO MOTION MADE
Will be presented at Full Commission**

Item #5 Solid Waste Disposal Fee Resolution

Motion: Recommends to send resolution back to the Solid Waste Committee for recommendation.

MOTION TO TABLE

Made By: Duncan
Seconded: Neal

ROLL CALL VOTE

Yes No

Duncan	Ebersole
Ludwig	Ford
Neal	Randolph
	Savage
	Medley
	Blair
	Maynard
	Pierce
	Atwood

MOTION TO TABLE FAILS

VOTING ORIGINAL MOTION

Committee to bring back next month

VOICE VOTE

Note: Duncan voted "NO"

APPROVED

Item #6 Discussion of DigiPoint Solutions Fleet proposal
There was discussion but NO MOTIONS WERE MADE

Item #7 Application of grant for Fire personnel

Motion: Recommends approval to apply for a 2 year grant for personnel for the Fire Department.

(Note: 2 years are fully funded and the county is not required to continue employment)

Made By: Blair
Seconded: Ford

VOICE VOTE

Note: Medley voted "NO"

APPROVED

Item #8 Any other business

NONE

ADJOURNED

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PLANNING COMMITTEE

TO: Putnam County Board of Commissioners

FROM: Kim Blaylock, County Executive

DATE: February 7, 2012

RE: Planning Committee Agenda

Listed below are items to be considered by the County's Planning Committee on Monday February 13, 2012, at 6:00 PM in the County Commission Chambers at the Courthouse.

1. Discuss Land use restrictions for proposed Highland Business Park.
2. Discuss Declaration of Protective covenants and Restrictive covenants running with land applicable to Highlands Business Park.
3. Discuss the need for work sessions.
4. Discuss Fleet proposal by DigiPoint Solutions.
Being discussed by both Committees
5. Any other business that needs to be reviewed by the Planning Committee.