

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
JANUARY 6, 2005
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, January 6, 2005, at 6:00 p.m., in the Municipal Building, 45 East Broad Street. Invocation was given by Mayor Womack. Pledge of Allegiance was led by Mayor Womack. Mayor Womack then called the meeting to order and asked the Clerk to call the roll. Present and answering roll call were:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

Also present: Jim Shipley, City Manager; Cathy McClain, City Clerk and Mike O'Mara, City Attorney.

**CONSIDER APPROVAL OF
AGENDA AS PRESENTED**

Councilman Shelton made a motion, seconded by Councilman Sallee, to amend the agenda by adding item 13 – consider approval of Note Modification Agreement with the Dunlap Family Trust. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

OLD BUSINESS:

**CONSIDER APPROVAL OF MINUTES
OF COUNCIL MEETING HELD ON
DECEMBER 16, 2004**

Vice-Mayor Qualls made a motion to dispense with the reading of the minutes and approve said minutes as submitted. The motion was seconded by Councilman Shelton. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER ON SECOND AND
FINAL READING ORDINANCE
#004-12-24, AMENDING TITLE 5,
AND ADDING CHAPTER 6,
RELATIVE TO ACCEPTANCE
OF CREDIT OR DEBIT CARD
PAYMENTS FOR CITY TAXES,
GOODS AND SERVICES**

**COOKEVILLE CITY COUNCIL
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Councilman Shelton made a motion, seconded by Vice-Mayor Qualls, to approve on second and final reading Ordinance #O04-12-24. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

NEW BUSINESS:

**CONSIDER RESOLUTION #R05-01-01,
APPROVING THE PARTICIPATION
OF THE CITY OF COOKEVILLE IN
THE DOLLY PARTON
IMAGINATION LIBRARY PROJECT**

Councilman Sallee made a motion, seconded by Councilman Davis, to adopt Resolution #R05-01-01. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**HOLD A PUBLIC HEARING AND
CONSIDER ON FIRST READING
ORDINANCE #O04-12-23,
REZONING THE PROPERTIES
AT 41, 49 & 55 WEST STEVENS
STREET, 259 & 275 SOUTH
WALNUT AVENUE, AND
INCLUDING THE COOKEVILLE
CITY CEMETERY FROM RD
(SINGLE-FAMILY AND DUPLEX
RESIDENTIAL) TO CN
(NEIGHBORHOOD COMMERCIAL)**

Councilman Sallee stated that he could not vote for this, due to concerns of future traffic problems & encroaching on existing residential area.

Councilman Davis made a motion, seconded by Vice-Mayor Qualls, to approve on first reading Ordinance #O04-12-23. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Ricky Shelton

NAY: Councilman Sam Sallee

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
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**CONSIDER APPOINTMENT
TO THE COOKEVILLE
GREENWAY/BIKE TRAIL/
PEDESTRIAN CIRCULATION
TASK FORCE (COMMITTEE
OF THE PLANNING
COMMISSION)**

MEMORANDUM

TO: Cookeville City Council
FROM: James Mills, Planning Director
DATE: January 3, 2005
SUBJECT: Appointment Greenways/Bike Trail/Pedestrian Circulation Task Force

Cookeville Greenways/Bike Trail/Pedestrian Circulation Task Force member Sam Sallee has indicated that he no longer wishes to serve. The Task Force respectfully submits for your approval the appointment of Mr. Gabriel Gaitan to fill the vacated slot.

Mr. Gaitan has been contacted by the Task Force and has agreed to serve if appointed. Your consideration of this matter is appreciated.

Councilman Sallee made a motion, seconded by Councilman Davis, to appoint Mr. Gabriel Gaitan to the task force as submitted. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**CONSIDER APPOINTMENT
TO THE BOARD OF ZONING
APPEALS**

MEMORANDUM

TO: CITY COUNCIL MEMBERS
FROM: JAMES MILLS, PLANNING DIRECTOR
DATE: DECEMBER 29, 2004
SUBJECT: BOARD OF ZONING APPEALS MEMBERSHIP

The current terms of Sid Gilbreath and Bill Benson as members of the Board of Zoning Appeals will expire on January 1, 2004. Members of the Board of Zoning Appeals serve three-year terms and are appointed by the Council.

Mr. Gilbreath has been contacted and has agreed to continue to serve if reappointed by the City Council. The Planning Department recommends for his reappointment.

Mr. Benson has move outside the corporate limits of Cookeville and a replacement will need to be appointed by the Council.

If you have any questions or need further information please contact me at your convenience.

**COOKEVILLE CITY COUNCIL
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Councilman Davis made a motion, seconded by Councilman Sallee, to reappoint Mr. Sid Gilbreath to the Board of Zoning Appeals. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**SET A DATE FOR A PUBLIC
HEARING ON ORDINANCE
#005-01-01, REZONING A
PORTION OF 740 BUFFALO
VALLEY ROAD (TAX MAP
#54, PARCEL 86.00) FROM
RS-10 (SINGLE-FAMILY
RESIDENTIAL) TO CR
(REGIONAL COMMERCIAL)**

Mayor Womack set the date for February 3, 2005, at 6:00 p.m.

**SET A DATE FOR A PUBLIC
HEARING ON ORDINANCE
#005-01-02, AMENDING THE
COOKEVILLE ZONING
CODE TO ALLOW ADULT
DAYCARE AND CHILDCARE
IN THE CR, REGIONAL
COMMERCIAL ZONE**

Mayor Womack set the date for February 3, 2005, at 6:00 p.m.

**CONSIDER APPROVAL OF
LEMON-FARRIS
INDUSTRIAL PARK
COVENANTS**

Councilman Davis made a motion, seconded by Vice-Mayor Qualls, to approve the Lemon-Farris Industrial Park Covenants as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
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**CONSIDER AWARDED BID FOR
TEN (10) POLICE PURSUIT
VEHICLES – POLICE DEPT.**

MEMORANDUM

To : Jim Shipley, City Manager
Charles Womack, Mayor
Steve Qualls, Vice-Mayor
Ricky Shelton, Council Member
Sam Sallee, Council Member
Jean Davis, Council Member

From : Robert Terry, Chief of Police *RT*

Subject: Police Pursuit Vehicles - 10

Date : January 3, 2005

The following are the bids received for police pursuit vehicles:

Carlen Motors – Impalas - \$17,894.00 per vehicle - \$178,940.00
Heritage Ford - Crown Vics - \$20,399.30 per vehicle - \$203,993.00
Valley Ford - Crown Vics - \$20,195.00 per vehicle - \$201,950.00
Golden - Crown Vics - \$20,171.30 per vehicle - \$201,713.00
Golden B - Crown Vics - \$20,646.25 per vehicle - \$206,462.50

I recommend Carlen Motors Co. as they are lowest bidder meeting specifications.

Delivery of vehicles is scheduled between the dates of March 1, 2005 and March 15, 2005.

CITY OF COOKEVILLE
BID TABULATION SCHEDULE
Police Pursuit Vehicles-(10)

DATE OF BID OPENING: 12-15-04 TIME: 10:00 AM
BIDS OPENED BY: Chief Terry
BIDS WITNESSED BY: Cathy McClain, City Clerk
DEPARTMENT: Police

BIDDERS	FORD	CHEVROLET					
Carlen Motors		\$17,894.00 each					
Heritage Ford	\$20,399.30	each					
Valley Ford	\$20,195.00	each					
Golden Circle (A)	\$20,171.30	each					
Golden Circle (B)	\$20,646.25	each					

WE, THE UNDERSIGNED, DO HEREBY RECOMMEND THE BID FROM Carlen Motors BE AWARDED FOR THE FOLLOWING REASON: Lowest bidder meeting specifications

Charles Womack APPROVAL: CITY MANAGER
Robert Terry APPROVAL: CHIEF OF POLICE
J. Mined BUDGET AVAILABILITY: FINANCE DIRECTOR

Councilman Sallee made a motion, seconded by Councilman Shelton, to award the police vehicle bid as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
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**CONSIDER AWARDED BID FOR
ONE (1) RADIO REPEATER &
DUPLEXER – PUBLIC WORKS
DEPARTMENT**

CITY OF COOKEVILLE, TENNESSEE
BID TABULATION RECORD
REPEATER RADIO SYSTEM

DEPARTMENT: PUBLIC WORKS
BID DATE: JANUARY 5, 2005
BID TIME: 2:00 P.M.

BIDS OPENED BY: GREG BROWN
OPENING WITNESSED BY: DEBBIE SWALLOWS

BIDDERS		
WIRELESS SOLUTIONS	\$6,200.00 (MOTOROLA)	\$5,500.00 (ICOM)
CUMBERLAND TWO-WAY COMMUNICATIONS	\$7,451.00	

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


RECOMMENDED: DEPT. DIRECTOR


BUDGET AVAILABILITY: FINANCE DIRECTOR


APPROVAL: CITY MANAGER

Vice-Mayor Qualls made a motion, seconded by Councilman Shelton, to award the radio repeater/duplexer bid as recommended. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

HEARING FROM OFFICERS, COUNCILMEN & CITY MANAGER:

**REPORT ON REAPPOINTMENT
TO THE PLANNING
COMMISSION**

Mayor Womack announced the reappointment of Mr. Don Prince to the Planning Commission for another five (5) year term.

**CONSIDER APPROVAL OF
NOTE MODIFICATION
AGREEMENT WITH THE
DUNLAP FAMILY TRUST**

**COOKEVILLE CITY COUNCIL
MINUTES
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NOTE MODIFICATION AGREEMENT

This NOTE MODIFICATION AGREEMENT is entered into effective January 2, 2005, by and between the City of Cookeville, herein called "City", and the Dunlap Family Trust, herein called "Trust", and supersedes any previous Note Modification Agreement(s) for the note identified below.

On July 2, 2001, the City executed and delivered to the Trust a Note payable to the Trust in the principal amount of \$1,897,000 with interest at the rate of 5.26 percent per annum with a maturity date of July 2, 2013. This note is an unsecured general obligation of the City.

Effective January 2, 2005, the Note was modified by agreement to change the interest rate.

Therefore, the City and Trust agree to modify the Note as follows:

The interest rate is changed to a fixed rate of which will be 3.50% per annum effective January 2, 2005.

The following paragraph is added: The Trust may request prepayment of this Note by giving the City a written Request for Prepayment and the City will prepay the entire unpaid principal balance and accrued interest within 45 days of receipt of the Request for Prepayment from the Trust. The City may elect to prepay this Note by giving the Trust a written Notice of Intent to Prepay the Note including all unpaid principal and accrued interest within 45 days of the delivery of said Notice of Intent to Prepay.

All parties hereto further agree that this agreement is a modification only, and not a novation and all the provisions, stipulations, powers and covenants in the Note are incorporated by this reference, and shall stand and remain unchanged and in full force and effect and shall be binding upon them, except as changed or modified in express terms by this agreement.

This agreement shall extend to and be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, The Governing Body of the City of Cookeville has caused this Note Modification Agreement to be executed in the name of the City of Cookeville by the manual signature of the City Manager, and countersigned and attested by the City Clerk, with the Seal of the City of Cookeville, Tennessee affixed hereto or imprinted hereon; and the Dunlap Family Trust has caused this Note Modification Agreement to be executed in the name of the Trust by the manual signatures of Lennis Clifford Dunlap and Ledora Maddux Dunlap the Trustees, all on the dates set by their respective signatures.

City of Cookeville, Tennessee

By: _____
Jim Shipley, City Manager Date

The Dunlap Family Trust of 1993

By: _____
Lennis Clifford Dunlap, Trustee Date

By: _____
Ledora Maddux Dunlap, Trustee Date

Vice-Mayor Qualls made a motion, seconded by Councilman Shelton, to approve the Note Modification Agreement with the Dunlap Family Trust as submitted. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

HEARING OF CITIZENS AND/OR DELEGATIONS:

Mr. David Pelren, representing TWRA, submitted & requested the Council consider an agreement relative to protecting Ament Cave (habitat for gray bats) on Neal Street.

There being no further business to discuss, Councilman Shelton made a motion, seconded by Councilman Sallee, to adjourn the meeting at 6:26 p.m. Upon call for a vote, the following voted aye:

Mayor Charles Womack
Vice-Mayor Steve Qualls
Councilman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

Charles Womack, Mayor

ATTEST:

Cathy McClain, City Clerk

