

**COOKEVILLE CITY COUNCIL
REGULAR MEETING
AUGUST 3, 2006
6:00 P.M.**

The Council of the City of Cookeville met in regular session on Thursday, August 3, 2006, 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**

Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to amend the agenda by adding item 10 – consider approval of emergency purchase of mower for City Cemetery – Leisure Services Department. 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
JULY 20, 2006**

Councilman Shelton made a motion to dispense with the reading of the minutes and approve said minutes as submitted. The motion was seconded by Vice-Mayor Qualls. 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 SECOND
AND FINAL READING
ORDINANCE #006-07-17,
PROVIDING A TAX LEVY
FOR THE 2006-2007
FISCAL YEAR**

**COOKEVILLE CITY COUNCIL
MINUTES
AUGUST 3, 2006**

Mike Davidson, Finance Director, gave an overview of Ordinance #O06-07-17.

Councilman Davis made a motion, seconded by Councilman Sallee, to approve on second and final reading Ordinance #O06-07-17. 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 SECOND
AND FINAL READING
ORDINANCE #O06-07-18,
AUTHORIZING
APPROPRIATIONS FOR
FINANCIAL AID TO PUBLIC
SERVICE, NON-PROFIT, AND
CHARITABLE
ORGANIZATIONS FOR THE
2006-2007 FISCAL YEAR**

Mike Davidson, Finance Director, gave an overview of Ordinance #O06-07-18, explaining that the only amendment to this ordinance is an increase to \$5,000 (same amount donated by Putnam Co.) total contribution for WCTE TV.

Councilman Sallee made a motion, seconded by Vice-Mayor Qualls, to approve on second and final reading Ordinance #O06-07-18 as amended. 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 SECOND
AND FINAL READING
ORDINANCE #O06-07-19,
MAKING APPROPRIATIONS
FOR THE VARIOUS FUNDS,
DEPARTMENTS, AND
AGENCIES OF THE CITY
OF COOKEVILLE, TN
FOR THE 2006-2007
FISCAL YEAR**

Mike Davidson, Finance Director, gave an overview of Ordinance #O06-07-19, explaining the only amendment to this ordinance is a change to a total of \$698,416 expenditures for the Economic Development Fund (purchase of land for mixed-use Business Park).

**COOKEVILLE CITY COUNCIL
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Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to approve on second and final reading Ordinance #O06-07-19 as amended. 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:

**HOLD A PUBLIC HEARING
AND CONSIDER ON FIRST
READING ORDINANCE
#O06-07-16, AMENDING
SECTION 207 GENERAL
SIGN REGULATIONS
OF THE COOKEVILLE
ZONING CODE**

Councilman Sallee made a motion, seconded by Councilman Davis, to approve on first reading Ordinance #O06-07-16. 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.

**REQUEST THE PLANNING
COMMISSION TO CONSIDER
CLOSING & DECLARING
SURPLUS A PORTION OF
PALKWAY DRIVE AND
DECLARING SURPLUS
ADJACENT PROPERTY**

Councilman Sallee made a motion, seconded by Councilman Davis, to approve requesting the Planning Commission to consider closing & declaring surplus a portion of Palkway Drive and declaring surplus adjacent property.

Jon Jones, Attorney, spoke in opposition to closing Palkway Drive.

Upon call for a vote, the following voted aye:

Mayor Charles Womack
Councilman Jean Davis
Councilman Sam Sallee

NAY: Vice-Mayor Steve Qualls
Councilman Ricky Shelton

The City Clerk announced that the motion carried.

**COOKEVILLE CITY COUNCIL
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**SET A DATE FOR A
PUBLIC HEARING
TO CONSIDER
CLOSING A PORTION
OF PALKWAY DRIVE**

Mayor Womack set the date for September 7, 2006, at 6:00 p.m.

**CONSIDER AUTHORIZING
THE CITY MANAGER
TO EXECUTE AGREEMENT
TO INSTALL AN OPEN
REPEATER ON THE
PILOT KNOB TOWER**

AGREEMENT

WHEREAS, the City of Cookeville ("City") leases property to Eloqui Wireless on which Eloqui has erected a tower; and,

WHEREAS, as part of the agreement with Eloqui, the City controls the top forty (40) feet of the tower; and,

WHEREAS, Mr. D. Michael Barrett, J.D., Ph.D. ("Dr. Barrett") has requested that the City allow him to place an open repeater on the tower free of charge for amateur radio communications; and,

WHEREAS, the system will be available for use in emergency situations and for redundancy in emergency communications in the event of a natural disaster.

NOW THEREFORE, for and in consideration of the mutual promises contained herein the parties agree as follows:

1. Dr. Barrett hereby agrees that permission to place the repeater on the tower will be granted on a month to month basis at the sole discretion of the City.
2. Dr. Barrett hereby agrees that said permission will in no way create any type of permanent easement, license, or continuing or ongoing obligation on the part of the City to use the site indefinitely.
3. Dr. Barrett hereby agrees that this agreement may be terminated at the sole discretion of the City with a thirty (30) days written notice.
4. Dr. Barrett hereby agrees that all antennas, feed lines, and tower work will be performed by Mr. Randy Scott, owner of Ogeechee Wireless Communications, and all work performed on the system will be Dr. Barrett's financial responsibility, and not the financial responsibility of the City.
5. Dr. Barrett hereby agrees that all work on the system will be performed by licensed, technical commercial communications technicians or engineers.
6. Dr. Barrett hereby agrees that access to the site will be limited to City of Cookeville employees, commercial repairers/installers, and Dr. Barrett, and that prior arrangements will be made with the City.
7. Dr. Barrett hereby agrees that all applicable FCC rules and rules relating to good amateur radio practice will be applied and enforced in the use and operation of the system.
8. Dr. Barrett hereby agrees to purchase a generator for the site and that the generator will become the property of the city.

This agreement constitutes the entire agreement existing between the parties and may not be altered, assigned or amended except in writing signed by both parties.

CITY OF COOKEVILLE

By: _____
Jim Shipley, City Manager

Date: _____, 2006

D. MICHAEL BARRETT, J.D., PH.D.

Dr. Michael Barrett

Date: _____, 2006

**COOKEVILLE CITY COUNCIL
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Vice-Mayor Qualls made a motion, seconded by Councilman Sallee, to authorize the City Manager to execute an agreement with Dr. Barrett to install an open repeater on the Pilot Knob Tower as requested. 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 APPROVAL OF
EMERGENCY PURCHASE
OF MOWER FOR CITY
CEMETERY – LEISURE
SERVICES DEPT.**

Memo

To: Mayor Charles Womack
Vice Mayor Steve Qualls
Councilwoman Jean Davis
Councilman Sam Sallee
Councilman Ricky Shelton
City Manager Jim Shipley

From: Rick Woods, Director 

Date: 8/2/2006

Re: Mower purchase for City Cemetery

Late last week the motor blew up on our large front deck mower at the City Cemetery (John Deere 725). The mower had over 5000 hours and was past due for replacement. According to the John Deere dealer, 3500 - 4000 hours is a typical life expectancy. We planned to replace this mower this fiscal year and have \$7000 budgeted for a new front deck mower.

Due to the immediate need for a mower during this mowing season, we decided to forgo the usual advertisement for bids and solicited quotes from the two local dealers who sell front deck mowers of this size. Putnam Farm and Home Equipment quoted \$6699 for a John Deere 725 with a 54" deck. Upper Cumberland Rental/Sales quoted \$9220 for a Grasshopper 727 with a 52" deck.

I am requesting your approval to purchase the John Deere 725 from Putnam Farm and Home Equipment.

Councilman Sallee made a motion, seconded by Councilman Davis, to approve the emergency purchase of a mower 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.

**COOKEVILLE CITY COUNCIL
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HEARING OF CITIZENS AND/OR DELEGATIONS:

Councilman Davis reminded everyone to dispose of their campaign signs in the dumpsters provided on Spring Street.

Tony Peek, Electric Department Director, advised that TVA ask distributors to do in-house cutbacks on electricity. He said that TTU is using their own generation & businesses receive incentives for cutbacks.

There being no further business to discuss, Councilman Davis made a motion, seconded by Vice-Mayor Qualls, to adjourn the meeting at 6:25 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