

MINUTES OF THE MARTIN BOARD OF MAYOR AND ALDERMEN

December 08, 2003 7:00 PM City Hall Chambers

BE IT REMEMBERED the Regular Meeting of the Board of Mayor and Aldermen for the City of Martin, Tennessee, was held Monday, December 08, 2003, at 7:00 PM in the City Hall Chambers, when the following was held to wit:

MEMBERS PRESENT: HONORABLE RANDY BRUNDIGE, MAYOR
 HONORABLE DANNY NANNEY, WARD I
 HONORABLE BILL HARRISON, WARD I
 HONORABLE STAN JOHNSON, WARD II
 HONORABLE DAVID BELOTE, WARD II
 HONORABLE PHILLIP MERRYMAN, WARD III
 HONORABLE NATALIE D. BOYD, WARD III

MEMBERS ABSENT: NONE

CALL TO ORDER AND INVOCATION

Mayor Brundige called the December 08, 2003, meeting of the City of Martin Board of Mayor and Aldermen to order. Alderman Johnson gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Brundige led the group in the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES: NOVEMBER 10 & 24, 2003

Alderwoman Boyd made the motion to approve the minutes of the November 10 & 24, 2003, meetings as written, seconded by Alderman Johnson.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

COMMITTEE REPORTS:

There were no committee reports.

SECOND AND FINAL READING AND PUBLIC HEARING OF ORDINANCE

O2003-22: AN ORDINANCE DELETING CHAPTER 8 OF TITLE 1 OF THE MARTIN MUNICIPAL CODE PROVIDING FOR THE POSITION OF DIRECTOR OF PUBLIC SAFETY FOR THE CITY OF MARTIN. Public Hearing. Published in the Weakley County Press November 26, 2003.

Mayor Brundige presented for the second and Final Reading and Public Hearing Ordinance O2003-22: An Ordinance deleting Chapter 8 of Title 1 of the Martin Municipal Code providing for the position of Director of Public Safety for the City of Martin. This is the Public Hearing. Published in the Weakley County Press on November 26, 2003.

Mr. Tidwell read O2003-22. A copy follows:

ORDINANCE 02003-22

AN ORDINANCE DELETING CHAPTER 8 OF TITLE 1 OF THE MARTIN MUNICIPAL CODE PROVIDING FOR THE POSITION OF DIRECTOR OF PUBLIC SAFETY FOR THE CITY OF MARTIN

WHEREAS, the Charter for the City of Martin provides that the Board of Mayor and Aldermen may establish, merge, or consolidate offices, positions of employment and departments, and may transfer or change the functions and duties of offices, positions of employment and departments; and

WHEREAS, the Board of Mayor and Aldermen has determined the administration of the Police and Fire Department of the City of Martin would be more effectively and efficiently managed by the elimination of the position of Director of Public Safety with the appointment of both a Police Chief and Fire Chief.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE, THAT;

Section 1. That Chapter 8 of Title 1 of the Martin Municipal Code is hereby repealed in its entirety.

Section 2. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to that end the provisions of this ordinance are to be severable.

Section 3. BE IT FURTHER ordained that this Ordinance shall become effective immediately upon its passage after second and final reading THE PUBLIC WELFARE REQUIRING IT.

Richard L. Tidwell, City Recorder

Randy Brundige, Mayor

INTRODUCED _____ November 24, 2003

PASSED FIRST READING _____ November 24, 2003

PASSED SECOND READING _____

Alderman Harrison made the motion to approve on the first reading, Ordinance 02003-22: An Ordinance deleting Chapter 8 of Title 1 of the Martin Municipal Code providing for the position of Director of Public Safety for the City of Martin, seconded by Alderman Merryman.

Public Hearing for Ordinance O2003-22:

Mayor Brundige opened the public hearing for Ordinance O2003-22 asking if anyone was present wishing to speak for or against.

Mr. Larry Kelly spoke, "I would like to speak against it, if I may. First of all I want to say, I appreciate the opportunity and I know exactly the situation that you men are in because I have been there. I guess the question I've got for the board is, what is the reason for the change back to a public police chief and fire chief instead of a Public Safety Director. Is it based on economic? Is it based on something to improve each department? Or what is it based on, that is the question I've got?"

Mayor Brundige answered, "I would like to answer first, I believe it is based on ...capability of each department and the functions of each department. Where we have a Public Safety Director, he spent, J. D. did a fine job, he spent most of his time with the Police Department and I don't believe he, you know, fire department was over there and I believe they need a little more professional guidance and a director would do that or fire chief would do that. That is my feeling."

Mr. Kelly asked, "What about the costs? How do you, I have heard the figures anywhere from \$1,000.00 to \$4,000.00 that it would increase the city budget to make this change."

Mayor Brundige answered, "It would increase the fire budget \$8,000.00 right now through this proposed change and decrease the police budget by 4300.00 hundred, that would give us a 3700.00 hundred overall increase in the costs and that would be without appointing another captain up in rank or and that would leave the fireman as is over there."

Mr. Kelly asked, "In other words you are going to do away with one police officer."

Mayor Brundige answered, "No, we are not doing away with a police officer we are just not promoting one right now."

Minutes: City of Martin Board of Mayor and Aldermen, December 08, 2003

Mr. Kelly stated, "If you had a chief and you are appointing an officer to the position of chief, you've got a vacancy. You are not going to fill that vacancy."

Mayor Brundige answered, "No, not at this time, not during this budget year."

Mr. Kelly asked, "But, it will be filled."

Mayor Brundige answered, "It will be filled at a later time."

Mr. Kelly asked, "So, that cost will be approximately \$36,000.00, approximately that."

Mayor Brundige answered, "Not hardly that much, I don't think."

Mr. Kelly spoke, "The reason I am questing this is because of economics, I think more than anything else. And I have heard that the statement made in the last few weeks that the fire department has suffered because we had a Public Safety Director and not have a fire chief. But, I think if the citizens of Martin look at the budget and the figures that have been spent on the Martin Fire Department in the last five years, it is probably over a million dollars. And, they have everything new over there from trucks, all kinds of firefighting equipment. They are trained. And if you do away with the training officer over there, who is going to train these fireman. If you are going to do away with that position, who is going to train the firemen?"

Mayor Brundige answered, "We are moving the training officer into the rotation of firefighters."

Mr. Kelly asked, "He will still be training officers as firefighter."

Mayor Brundige answered, "No he will not be training officers. The Captains will do your training under the direction of the chief."

Mr. Kelly stated, "Well I understand, I understand most of these moves, I really do. And, but, if you are paying a Public Safety Director \$52,500.00 per year, you are going to have a police chief that you are going to be paying \$45,000.00 per year, you are going to have a new fire chief you are going to be paying \$45,000.00 per year, you are losing a position in the police department, that you will fill probably next budget."

Mayor Brundige answered, "Probably, if we can afford to, yes."

Mr. Kelly spoke, "And, I think everybody knows that the State cut every budget across the board nine percent. And, that had to effect the City of Martin. The Governor is proposing another five percent cut this year. That is going to effect the City of Martin. That is going to do away with programs we have been used to. And the only way I see to fund this is to raise property taxes. You

Minutes: City of Martin Board of Mayor and Aldermen, December 08, 2003

will have to raise property taxes in order to come up with this extra money to hire a new policeman in next year's budget. And the figures I am seeing and the figures I am hearing, looking at it from my standpoint they don't come together with a four thousand dollar year increase. They come together with more like a forty thousand increase in next year's budget."

Mayor Brundige answered, "What we have stated, this budget it will only increase it about 3700 hundred dollars."

Mr. Kelly stated, "Well, that is what I am saying this budget year, so that, so, in six months this budget is going to over and we will be looking at another \$36,000.00."

Mayor Brundige answered, "If we choose not to fill this position in the next, it will still be at that same savings."

Mr. Kelly spoke, "But, I would hope, being a tax payer and I pay taxes and I would hope that you would make decisions based on how it is going to effect tax payers. With everything being cut from the Federal Government down to the cities and as the saying goes, this is where the buck stops in other words we don't have anywhere to cut we are increasing and the only way to make those increases possible is to raise taxes on the citizens of Martin and the tax payers and that is the reason I am opposing this change. I can't see that it is going to benefit either department. I think we've got two fine departments the way they are right now. And we have spent a ton of money and I was for that and I am still for that. I think we need a good department in both police and fire. If you are not making improvements, why spend an additional \$40,000.00. That is the questions I've got. I think that is what the tax payers want to know. If you are not making any improvements, you are just doing this to satisfy an individual or two or three and the people that I talk to I don't think are not interested in raising their taxes."

Alderman Harrison stated, "That is for sure. We have had to raise them in the past with it. I really don't share your thinking on some of these figures. You can take figures and twist them anyway you want to. I think it is best for the city. I think it is best for the fire department. I think it is best for the police department. I think it is best for the town as a whole and I think it is best for the mayor and the council. That is all I have to say on it. I don't see why we would be a spending as much money as you say we are."

Mr. Kelly spoke, "Well I mean if you are doing away with a position that pays \$36,000.00 a year in this year's budget."

Alderman Harrison spoke, "We are doing away with a position that pays fifty some odd thousand dollars a year."

Mr. Kelly spoke, "That's already done away with. But, what I am saying is that the transfers that you are making in departments are going to cost \$36,000.00 to replace a man that is coming up in next years budget."

Alderman Harrison spoke, "Well, you are going to replace on that is making fifty-five or fifty-three, whatever thousand dollars and."

Mr. Kelly spoke, "452,500.00 and you are going to be saving \$7,000.00 per year."

Alderman Harrison spoke, "You are going to replace with something like \$43,000.00, so you are saving some there and then you are going to replace a fire chief probably with \$43,000.00, you are just going to promote and not fill the position in which you are promoted from. So, really and truly you are saving instead of spending. Can you not see that?"

Mr. Kelly spoke, "No, I can't. I am in business and my figures don't come to that. If I've got a man that I am paying \$52,000.00 a year and I hire two men that I am going to pay \$90,000.00 a year to fill that same position, just take those figures alone and then you say you are going to save because you are not going to rehire in this year's budget. I am not going to hire a man to fill one of these positions but I think you are going to hire a man in next year's budget so that is going to again increase another \$36,000.00."

Alderman Harrison spoke, "I don't think we will have to, myself, now that is my thinking about it."

Mr. Kelly spoke, "I thinking about economics. I am thinking about tax payers and I am thinking about the business, just business sense, you know. If you are going to conduct a business, you have got to conduct it where it works for the best. And I can't now and you say you are going to improve the fire department and police department, tell me how you are going to do that."

Alderman Harrison spoke, "I think it will improve the fire department. I don't think the fire department is as happy as you think they are or one of us is being misleading. I think you need a fireman to lead a fireman. I think you need a police person to head the police department. And, lets don't get into what has happened in the past because we can readily see we would not be in the position that we are today if we had made some decisions probably a little bit more lenient from the financial standpoint than we have. That is all we are trying to do is remember the tax payers and keep the spending down so that we will not have to raise taxes any whatsoever and if we do the bare minimum. That is all I have to say and that is the only way I can explain it to you."

Alderman Johnson spoke, "I don't follow your logic there, Bill, but this is going to cost more money bottom line. Bottom line and you can say you think this is going to be better for everybody concerned. That is just your personal opinion."

Alderman Harrison responded, "Certainly, it is all personal opinion."

Alderman Johnson spoke, "I think what we to discuss here is there any justification for doing other than your personal opinion that we go back to a fire chief and a police chief."

Alderman Harrison stated, "It is all personal, Stan. I am not going to debate it and I am not going to argue it with you. The best thing to do, however we feel, we are put down here by our constitutes to vote in the manner we feel like and do what they want us to do. I feel that the people in Ward I and I think the people in Ward II and Ward III want it split and myself personally I don't see that it is going to hurt us a great deal or even help us a great deal. So, therefore, I will vote to do away with it

Minutes: City of Martin Board of Mayor and Aldermen, December 08, 2003

and of course, that is my choice to vote in the manner that I want to and it is your prerogative to do like wise. So, other than to debate this stuff and argue it which has been going on for some year or so, then vote and be through. I can live with either one of them, it doesn't make that much difference."

Alderwoman Boyd stated, "Personally, I think that we need to be totally honest in making a decision. If it was so bad to have two department combined and from what I can see it has been nothing but progress. Why do we want to take a step back? If we are doing good and can see where both have benefitted, why are we going back? I think we should be about the business of the people of Martin and we should have a vision, not to go back to how it was or if Johnny calls and say this is how it should be then that is how it should be. No, we should take the full consideration of the citizens here in Martin. Personally, I think if the fire department is so unhappy, I think someone needs to come forth and share it with us. If the police department is so unhappy you need to come forth and share it."

Mr. Kelly spoke, "You know, I haven't seen anything but progress and just to say that you want to change it back, as Natalie said go backwards and spend more money, it just does not make a whole lot of sense as a tax payer. And, that is all I wanted to say about it."

Mayor Brundige stated, "Thank you."

Mr. Jim Dickerson spoke, "What is broke? I am like the lady here, we hear that the police is unhappy, the fire department is unhappy. Who's unhappy? What has happened? What's broke?"

Mayor Brundige answered, "We have not heard that they are unhappy, no."

Mr. Dickerson spoke, "I also heard Mr. Harrison say that his constituents in Ward I and II would want it this way. I have not had anybody ask me. Have we asked the general public what they want?"

Alderwoman Boyd spoke, "I have asked them in my ward."

Mr. Dickerson spoke, "This is effecting them. This is not effecting the people here in the room. You all are here to represent us."

Alderwoman Boyd answered, "That's right."

Alderman Harrison stated, "I have no problem with that. That is what I am trying to do. So what.."

Mr. Dickerson stated, "Well, I think we need to ask the people what they want."

Alderman Harrison stated, "I have. They have even called me. Some of them I did not have to ask."

Mr. Dickerson asked, "Are you waiting for everybody to call you?"

Alderman Harrison stated, "No, I appreciate the calls but I am going to do about what they ask for me to do."

Minutes: City of Martin Board of Mayor and Aldermen, December 08, 2003

Mr. Dickerson stated, "Looks to me like we are going to spend a lot of money and go backwards."

Alderman Harrison stated, "Well, that is your personal opinion."

Mr. Dickerson spoke, "That is exactly what I am saying. This is all I am hearing up here is personal opinion. Opinions ain't worth much. We need some facts. What has happened? What hasn't happened? We hear the police department is unhappy, who's unhappy?"

Alderman Harrison answered "I don't know."

Mr. Dickerson asked, "Who's unhappy. You know, we've got rumors all over the city and they don't help neither. It is time someone said, what's wrong?"

Alderman Harrison stated, "If you think we are well off financially, you are sticking your head in the sand."

Mr Dickerson spoke, "Probably, probably, but if I don't speak my peace."

Alderman Harrison stated, "Speak it."

Mr. Dickerson spoke, "Thank you, Mayor."

Mayor Brundige spoke, "Thank you."

Mr. Leslie Tarver addressed the group, "My name is Leslie Tarver and I am against it. I want a change. We've got people out in the country that's a paying quit a bit of the fire department and they are not represented."

Alderman Johnson spoke, "Turn around there and tell those guys on that row that. Tell them that they do not have a fire department that represents the rural fire people, the people that signed up for that."

Mr. Tarver spoke, "You have elected a man and paid him the extra salaries and took their chief away from them, his salary and give it to Sanders. And, I will tell you something else what Sanders done. He tried to do away with the fire station up here by the Co-Op and the school over there and MTD, the one that paying you the most money when something needs to donate and he tried to do away with it. If it had not been some women he would have. That man from Nashville, he had him down here. He was suppose to come back, did he come back? Did he come back? Answer me."

Alderman Johnson stated, "I don't know what you are talking about."

Mr. Tarver spoke, "You don't."

Alderman Johnson stated, "I don't have a clue."

Minutes: City of Martin Board of Mayor and Aldermen, December 08, 2003

Alderman Merryman spoke, "Mr. Tarver, I would like to clarify one thing, first though, when you first came up the podium you stated that you were against it. Now, please tell me, are you in favor of doing away with the Public Director's position or are you in favor of keeping the Public Director position."

Mr. Tarver spoke, "That's right, I am willing to do away with it."

Alderman Merryman spoke, "That is my only question for you because of the way you stated it..."
Mr. Tarver spoke, "I want to elect a fire chief and a police chief. I have had several, it ain't a one in my neighborhood its for like it was."

Mayor Brundige stated, "Thank you, Mr. Tarver."

Mr. Ralph Tarver spoke, "I am for having a fire chief and a police chief. I got one question I want to ask, how can one man run two facilities as great as the size this town is and know everything he needs to know that going on. I want somebody to answer that question."

Mayor Brundige asked, "Anyone else?. Any further discussion from the Board.?"

Alderman Belote spoke, "I have just a couple of comments. One is, I know that people heard a lot of things getting different reports pro and con, the phone calls that I have received, the people that I have talked to, I am not getting comments that we need a police chief or a fire chief. I am not getting that from the folks that have called me. It has been the opposite, they want to stay the course. I think there is another issue that we need to look at as a board because if we move in this direction the financing of these two positions the way it is set right now is predicated on internal people."

Mayor Brundige answered, "Correct."

Alderman Belote spoke, "Now, if we are going to open this up and do a search there is no guarantees that an internal person is going to get the position. And if that is the case, then we have added more burden in regard to the budget. And I think it is good to speculate and plan that way but I don't think we can base our judgement, whether it is a police chief or a fire chief or a public safety director on the aspect of someone within taking the position. And, I think we have some quality people on the inside taking positions but this is a public job. And, we have to advertise for this job and seek applicants and therefore we are seeking the best possible person for the City of Martin. We need to exercise that process, whether it is a police chief and a fire chief or whether a public safety director. We need to explore that or we are not doing our citizens justice, if we do not do that. If everything moves forward and it is internal people, then it is not as great a burden but if it is not and we are desirous of the best possible person to run our departments then we got some issues with financing it."

Mayor Brundige asked, "Any other comments?"

Alderman Merryman called for the question.

Minutes: City of Martin Board of Mayor and Aldermen, December 08, 2003

Mayor Brundige stated, "Question has been called for. Roll call vote."

VOTE: FOR: HONORABLE NANNEY
 HONORABLE HARRISON
 HONORABLE MERRYMAN
 AGAINST: HONORABLE JOHNSON
 HONORABLE BELOTE
 HONORABLE BOYD

Mayor Brundige stated, "THE CHAIR VOTES AYE."

Mayor Brundige declared Ordinance O2003-22 approved on the second and final reading by a vote of 4/3.

NEW BUSINESS:

**INTRODUCTION AND READING OF RESOLUTION R2003-22:
RESOLUTION AUTHORIZING BUDGET AMENDMENT TO THE CITY OF
MARTIN, TENNESSEE GENERAL FUND FOR THE FISCAL YEAR ENDING
JUNE 30, 2004**

Mayor Brundige introduced and presented Resolution R2003-22: Resolution authorizing budget amendments to the City of Martin, Tennessee General Fund for the Fiscal Year ending June 30, 2004. This is a recommendation from the Finance Committee.

Mr. Tidwell read Resolution R2003-22. A copy follows:

RESOLUTION R2003-22

RESOLUTION AUTHORIZING BUDGET
AMENDMENT TO THE CITY OF MARTIN, TENNESSEE GENERAL
FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2004

WHEREAS, the City of Martin sold a piece of property and has received monies for the sale; and

WHEREAS, the City of Martin City Hall is in need of painting and the installation of awnings; and

WHEREAS, bids have been taken for the projects; and

WHEREAS, it is desirous of the Martin Mayor and City Board that the project of painting City Hall and the installation of awnings be completed.

NOW THEREFORE BE IT RESOLVED, the Board of Mayor and Aldermen of Martin, Tennessee assembled in regular session on this 8th day of December 2003 this resolution is hereby approved.

SECTION 1. The City of Martin General Fund is hereby amended as follows:

Fund Acct-Object Number	<u>Account Name</u>	Approved Budget	Budget Amendment	Amended Budget
110-41300-266	Physical Plant Repairs	\$12,200	\$8,400	\$20,60
				0
110-36510	Sale of Land	-0-	\$8,400	\$ 8,400

SECTION 2. BE IT FURTHER RESOLVED, that all resolutions of the Board of Mayor and Aldermen of the City of Martin, which are in conflict with this resolution, are hereby repealed.

SECTION 3. BE IT FURTHER RESOLVED, that the resolution take effect from and after its passage, THE PUBLIC WELFARE REQUIRING IT.

Motion made by Alderman _____ that the foregoing resolution be approved. Seconded by Alderman _____. Upon being put to a roll call vote the motion _____ on the _____ day of _____, 2003.

ATTEST:

APPROVED:

Richard L. Tidwell, City Recorder

Randy Brundige, Mayor

Alderman Harrison made the motion to approve Resolution R2003-22: Resolution authorizing budget amendments to the City of Martin, Tennessee General Fund for the Fiscal Year ending June 30, 2004, seconded by Alderman Merryman.

VOTE:	FOR:	HONORABLE NANNEY HONORABLE HARRISON HONORABLE BELOTE HONORABLE JOHNSON HONORABLE BOYD HONORABLE MERRYMAN
	AGAINST:	NONE

Mayor Brundige declared Resolution R2003-22 approved.

INTRODUCTION AND FIRST READING OF ORDINANCE O2003-23: AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS HIGHWAY 43 BYPASS FROM GARDNER-HYNDSEVER ROAD TO THE HIGHWAY 22 INTERSECTION. Recommendation from the Planning Commission.

Mayor Brundige introduced and presented for the first reading, Ordinance O2003-23: An Ordinance to annex certain territory and incorporate same within the corporate boundaries of the City of Martin, Tennessee: An area referred to as Highway 43 Bypass from Gardner-Hyndsever Road to the Highway 22 intersection. This is a recommendation from the Planning Commission.

Mr. Tidwell read the resolution. A copy follows:

ORDINANCE O2003-23

AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS HIGHWAY 43 BYPASS FROM GARDNER-HYNDSEVER ROAD TO THE HIGHWAY 22 INTERSECTION.

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, the Martin Municipal-Regional Planning Commission has recommended for such annexation and recommended a plan of services for said annexed property; and

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, the Martin Board of Mayor and Aldermen has approved the plan of services for the annexed territory; and,

WHEREAS, pursuant to *Tennessee Code Annotated* 6-51-102, a public hearing was held, the time and place of which was published with fifteen days advance notice; and,

WHEREAS, the Martin Board of Mayor and Aldermen has deemed such an annexation to be in the interest of the public welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:

Section 1. Pursuant to authority conferred by *Tennessee Code Annotated*, Sections 6-51-101 through 6-51-117, there is hereby annexed to the City of Martin, Tennessee and incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

That portion of Tennessee Highway 43 Bypass lying within the current Tennessee Department of Transportation right-of-way from the current city boundary

Minutes: City of Martin Board of Mayor and Aldermen, December 08, 2003

at the intersection with Gardner-Hyndsver Road running north to the southernmost edges of bridge numbers 92-43-18.86L and 92-43-18.86R at the intersection with Tennessee Highway 22.

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days from and after its passage, THE WELFARE OF THE CITY REQUIRING IT.

Passed First Reading

Passed Second Reading

Public Hearing Date

Richard L. Tidwell, City Recorder

Randy Brundige, Mayor

Alderman Nanney made the motion to approve on the first reading, Ordinance O2003-23: An Ordinance to annex certain territory and incorporate same within the corporate boundaries of the City of Martin, Tennessee: An area referred to as Highway 43 Bypass from Gardner-Hyndsver Road to the Highway 22 intersection, seconded by Alderman Harrison.

VOTE: FOR: HONORABLE NANNEY
 HONORABLE HARRISON
 HONORABLE BELOTE
 HONORABLE JOHNSON
 HONORABLE BOYD
 HONORABLE MERRYMAN
 AGAINST: NONE

Mayor Brundige declared Ordinance O2003-23 approved on the first reading and set the second and final reading and the public hearing for January 12, 2003, at 7:00 pm.

INTRODUCTION AND FIRST READING OF ORDINANCE O2003-24: AN ORDINANCE TO PROVIDE ZONING SERVICES FOR A CERTAIN TERRITORY WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE, TO RECEIVE A ZONING DESIGNATION OF B-2 (INTERMEDIATE BUSINESS): AN AREA REFERRED TO AS HIGHWAY 43 BYPASS FROM GARDNER-HYNDsver ROAD TO THE HIGHWAY 22 INTERSECTION. Recommendation from the Planning Commission.

Mayor Brundige presented and introduced for consideration on the first reading Ordinance O2003-24: An Ordinance to provide zoning services for a certain territory within the corporate boundaries of the City of Martin, Tennessee, to receive a zoning designation B-2 (Intermediate Business): An

Minutes: City of Martin Board of Mayor and Aldermen, December 08, 2003

area referred to as Highway 43 Bypass from Gardner-Hyndsver Road to the Highway 22 Intersection
This is a recommendation from the Planning Commission.

Mr. Tidwell read Resolution R2003-24. A copy follows:

ORDINANCE O2003-24

AN ORDINANCE TO PROVIDE ZONING SERVICES FOR A CERTAIN TERRITORY WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE, TO RECEIVE A ZONING DESIGNATION OF B-2 (INTERMEDIATE BUSINESS): AN AREA REFERRED TO AS HIGHWAY 43 BYPASS FROM GARDNER-HYNDsver ROAD TO THE HIGHWAY 22 INTERSECTION

WHEREAS, pursuant to *Tennessee Code Annotated*, Sections 13-7-201 through 13-7-210, a municipal zoning ordinance has been adopted for the City of Martin; and,

WHEREAS, the Martin Municipal-Regional Planning Commission has recommended the following amendment to the Zoning Map of Martin, Tennessee to zone said property B-2 (Intermediate Business); and,

WHEREAS, pursuant to *Tennessee Code Annotated*, Section 13-7-203, a public hearing was held, the time and place of which was published with fifteen days advance notice.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:

Section 1. That the Zoning Map of Martin, Tennessee be amended by providing zoning services in the form of a B-2 (Intermediate Business) designation to an annexed area referred to as Highway 43 Bypass from Gardner-Hyndsver Road to the Highway 22 Intersection and more fully described as follows:

That portion of Tennessee Highway 43 Bypass lying within the current Tennessee Department of Transportation right-of-way from the current city boundary at the intersection with Gardner-Hyndsver Road running north to the southernmost edges of bridge numbers 92-43-18.86L and 92-43-18.86R at the intersection with Tennessee Highway 22.

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days from and after its passage, THE WELFARE OF THE CITY REQUIRING IT.

Passed First Reading

Passed Second Reading

Public Hearing Date

Richard L. Tidwell, City Recorder

Randy Brundige, Mayor

Alderman Merryman made the motion to approve on the first reading Ordinance O2003-24: An Ordinance to provide zoning services for a certain territory within the corporate boundaries of the City of Martin, Tennessee, to receive a zoning designation B-2 (Intermediate Business): An area referred to as Highway 43 Bypass from Gardner-Hyndsver Road to the Highway 22 Intersection, seconded by Alderman Nanney.

VOTE: FOR: HONORABLE NANNEY
 HONORABLE HARRISON
 HONORABLE BELOTE
 HONORABLE JOHNSON
 HONORABLE BOYD
 HONORABLE MERRYMAN
 AGAINST: NONE

Mayor Brundige declared Ordinance O2003-24 approved on the first reading and set the second and final reading and the public hearing for January 12, 2003, at 7:00 pm.

RESOLUTION R2003-23: A RESOLUTION ADOPTING A PLAN OF SERVICES FOR AN AREA TO BE ANNEXED INTO THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS HIGHWAY 43 BYPASS FROM GARDNER-HYNDSEVER ROAD TO THE HIGHWAY 22 INTERSECTION. Recommendation from the Planning Commission.

Mayor Brundige introduced and presented for consideration on the first reading Resolution R2003-23: A Resolution adopting a Plan of Service for an area to be annexed into the City of Martin, Tennessee: An area referred to as Highway 43 Bypass from Gardner-Hyndsver Road to the Highway 22 Intersection. This is a recommendation from the Planning Commission.

Mr. Tidwell read Resolution R2003-23. A copy follows:

RESOLUTION R2003-23

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR AN AREA TO BE ANNEXED INTO THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS HIGHWAY 43 BYPASS FROM GARDNER-HYNDSEVER ROAD TO THE HIGHWAY 22 INTERSECTION.

WHEREAS, *Tennessee Code Annotated* 6-51-102 as amended requires that a plan of services

be adopted by the governing body of a city prior to annexing an area; and,

WHEREAS, the Martin Municipal-Regional Planning Commission has recommended the following Plan of Services for the annexation of an area referred to as Highway 43 Bypass from Gardner-Hyndsver Road to the Highway 22 Intersection.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE:

SECTION 1. Pursuant to *Tennessee Code Annotated* Section 6-51-102, there is hereby adopted for the proposed annexation area the following Plan of Services:

A. Police

- (1) Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment, will be provided on the effective date of annexation.
- (2) No additional personnel or equipment will be added during the first year after the effective date of annexation, but as the area develops, additional personnel and equipment will be expanded as needed.
- (3) Traffic signals, traffic signs, street markings, and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.

B. Fire

- (1) Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation.
- (2) No additional personnel or equipment will be added during the first year after effective date of annexation, but with the growth and development of the area additional personnel and equipment will be expanded as needed.

C. Water

- (1) Water for domestic, commercial and industrial use will be provided at the rates presently charged by the City of Martin, on the effective date of annexation, and thereafter from new lines as extended in accordance with current policies of the

city.

- (2) Water for fire protection is currently available, with additional fire hydrants to be added as development occurs.

D. Sewer

The necessary sewer lines will be installed on undeveloped property according to current city policies as development occurs.

E. Refuse Collection

The same regular refuse collection services now provided within the City will be extended to the annexed areas within one month after the effective date of annexation.

F. Streets

- (1) Emergency maintenance of streets (repair of hazardous chuckholes, measures necessary for traffic flow, etc.) will begin on the effective date of annexation.
- (2) Routine maintenance, on the same basis as in the present city, will begin in the annexed areas on the effective date of annexation but no earlier than the date when funds from the state gasoline tax based on the annexed population are received.
- (3) Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as need therefore is determined by the governing body, will be accomplished under current policies of the city.

G. Inspection Services

Any inspection services now provided by the city will begin in the annexed areas on the effective date of annexation.

H. Planning and Zoning

The planning and zoning jurisdiction of the city will extend to the annexed areas on the effective date of annexation. City planning will thereafter encompass the annexed areas. According to an ordinance proposed by the Martin Municipal-Regional Planning Commission,

the area will be zoned B-2 (Intermediate Business).

I. Street Lighting

Streetlights will be installed in substantially developed commercial and residential areas within approximately 60 months after the effective date of annexation, under the standards currently prevailing in the city.

J. Recreation

Residents of the annexed areas may use all existing recreational facilities, parks, etc. on the effective date of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged City.

K. Miscellaneous

Street name signs where needed will be installed as new streets are opened in the annexed area.

SECTION 2. THAT THIS RESOLUTION shall take effect 30 days from and after the date of final reading of the annexation ordinance, THE WELFARE OF THE CITY REQUIRING IT.

First reading of Resolution _____ December 08, 2003

Second Reading of Resolution

Adopting this ___ day of _____, 2004, following a Public Hearing.

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