

# **MINUTES OF THE MARTIN BOARD OF MAYOR AND ALDERMEN**

**July 14 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, July 14, 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 DAVID BELOTE, WARD II  
                                 HONORABLE NATALIE D. BOYD, WARD III  
                                 HONORABLE STAN JOHNSON, WARD II  
                                 HONORABLE PHILLIP MERRYMAN, WARD III

MEMBERS ABSENT:      NONE

## **CALL TO ORDER AND INVOCATION**

Mayor Brundige called the July 14, 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:    June 9<sup>th</sup> and 26<sup>th</sup>**

Alderman Merryman made the motion to approve the minutes of the June 09 and 26, 2003, meetings as written, seconded by Alderwoman Boyd.

VOTE:                      UNANIMOUS VOICE VOTE OF APPROVAL

## **DEPARTMENT REPORTS**

No questions on department reports.

## **COMMITTEE REPORTS:**

### **PUBLIC WORKS COMMITTEE**

Chairman Nanney explained the Public Works Department has made a request that we allow them to work from 6:00 am to 3:00 pm during the hot part of the summer. This will allow them to be able to work during the coolest part of the day, therefore, I will make the motion the Public Works Department change their working hours from 7:00 am to 4:00 pm to summer hours, 6:00 am to 3:00 pm. The new hours will start the first Monday in July going through the first Tuesday in September of each year, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

### **FINANCE COMMITTEE**

Mr. Tidwell canceled the July Finance Committee Meeting, as the fiscal year is not closed out.

### **SWEARING-IN-OF-OFFICERS**

Mayor Brundige introduced Jimmy Brown and Randal Walker and commenced with the swearing in ceremony for these two Public Safety Officers: Mr. Jimmy Brown, City of Martin Fireman and Mr. Randal Walker, City of Martin Police Officer.

### **ANNOUNCEMENTS:**

Sunday, August 3, 2003, a reception will be held to welcome Ms. Teresa Ross, new principal for Martin Elementary School. Come help her feel welcome in Martin.

Tuesday, July 22, 2003, a ribbon cutting ceremony for the Weakley County Chapter of the American Red Cross, 102 Church Street, at 1:00 pm.

Service Project: Alderman Belote announced the 4H Round-Up youth will be in Martin, 350 strong. These young people want to do a service project to benefit the Brian Brown Memorial Greenway Project. They want to wash every car in Martin. July 23, 2003 from 1:00 pm to 4:00 pm at UTM Stadium Parking.

## **PRESENTATION**

Mr. Tommy Legins, representing the Martin Rotary Club, presented a check to Mayor Brundige for \$10,000.00 to be used for the construction of Martin Soccer Complex located at the Martin Recreation Complex. As a club, Mr. Legins stated, we will donate \$10,000.00 more next year. We hope this will start the construction of the soccer complex and have it ready for this year's soccer season. Other Rotary members present: Audry Roberts, J. D. Sanders, Randy Brundige, and Jack Reese

Mayor Brundige thanked the Rotary Club, not only for this donation, but for all of the things Rotary does for the community.

## **OLD BUSINESS**

**SECOND AND FINAL READING AND PUBLIC HEARING OF RESOLUTION R2003-16: A RESOLUTION MAKING APPROPRIATIONS TO THE NON-PROFIT CHARITABLE ORGANIZATIONS, FOR THE FISCAL YEAR BEGINNING JULY 01, 2003 AND ENDING JUNE 30, 2004. Published in the Weakley County Press on July 01, 2003.**

Mayor Brundige presented for the second and final reading and the public hearing Resolution R2003-16: A Resolution making appropriations to the non-profit charitable organizations for fiscal year beginning July 01, 2003 and ending June 30, 2004. This was published in the Weakley County Press on July 01, 2003.

Mr. Tidwell read Resolution R2003-16. A copy follows:

### **RESOLUTION R2003-16**

**A RESOLUTION MAKING APPROPRIATIONS TO THE NON-PROFIT CHARITABLE ORGANIZATION, FOR THE FISCAL YEAR BEGINNING JULY 1, 2003 AND ENDING JUNE 30, 2004**

WHEREAS, the Board of Mayor and Aldermen for the City of Martin, Tennessee have determined that it would benefit the general welfare of the residents of Martin if appropriations were to certain non-profit charitable organizations: and

WHEREAS, Tennessee Code Annotated 6-54-111 allows the legislative body of a municipality to appropriate funds under certain conditions for non-profit charitable organizations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen for the City of Martin, that

SECTION 1. a. That One Thousand Dollars (\$1,000.00) be appropriated for the Kiwanis Club for the annual Christmas Parade.

b. That Two Thousand, Two Hundred and Nine Dollars (\$2,209.00) be appropriated to the Northwest Tennessee Development District to benefit the general welfare of the residents of the City of Martin.

c. That Five Thousand, Five Hundred Dollars (\$5,500.00) be appropriated for the Weakley County Chamber of Commerce to benefit the general welfare of the residents of the City of Martin.

d. That Two Hundred Fifty (\$250.00) be appropriated for the Northwest Tennessee for Tourist Promotion for the promotion of tourism in Northwest Tennessee.

e. That Eighteen Thousand Dollars (\$18,000.00) be appropriated for the community activity – Soybean Festival.

f. That Five Hundred Dollars (\$500.00) be appropriated to the Young Men's Business Club (YMBC).

g. That Four Thousand, Five Hundred Dollars (\$4,500.00) be appropriated to Community Development Services.

h. That Four Thousand, Two Hundred and Fourteen Dollars (\$4,214.00) be appropriated to the Joint Economic Development Board.

**SECTION 2.** In accordance with T.C.A. 6-65-111, this appropriation is made on the condition that the non-profit charitable organization for which these funds are appropriated shall file with the City Administrator's Office a copy of an annual report of its business and transactions, which includes, but is not limited to, a copy of an annual audit, its programs which serve the residents of the City of Martin and the proposed use of the municipal assistance. The City Administrator shall consult with appropriate officials of the organization and auditors for the City to determine the extent of the information which shall satisfy the requirement of this section.

**SECTION 3.** It is the expressed intent of the Board of Mayor and Aldermen of the City of Martin in making this appropriation to be fully in compliance with T.C.A. 6-54-111 and Chapter 0380-3-7 of the Rules of the Comptroller of the Treasury, State of Tennessee.

SECTION 4. This resolution shall take effect upon its passage, the public welfare requiring it.

\_\_\_\_\_  
Richard L. Tidwell, City Administrator

\_\_\_\_\_  
Randy Brundige, Mayor

INTRODUCED AND PASSED FIRST READING \_\_\_\_\_ June 09, 2003

PASSED SECOND READING \_\_\_\_\_

**Public Hearing:**

Mayor Brundige asked if there was anyone present wishing to speak for/against Resolution R2003-16. No one spoke.

Alderman Harrison made the motion to approve on the second and final reading Resolution R2003-16: A Resolution making appropriations to the non-profit charitable organizations for fiscal year beginning July 01, 2003 and ending June 30, 2004, seconded by Alderman Johnson.

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

Mayor Brundige declared Resolution R2003-16 approved on the second and final reading.

**NEW BUSINESS:**

**INTRODUCTION AND FIRST READING OF ORDINANCE 02003-17: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE FOR MARTIN, TENNESSEE, BY ADOPTING NEW SIGN REGULATIONS AND ASSOCIATED CHANGES. This is a recommendation from the Martin Municipal-Regional Planning Commission.**

Mayor Brundige introduced and presented for the first reading Ordinance O2003-17: An Ordinance to amend the Municipal Zoning Ordinance for Martin, Tennessee, by adopting new Sign Regulations and associated changes. This is a recommendation from the Martin Municipal-Regional Planning Commission.

Mr. Tidwell read the ordinance. A copy follows:

ORDINANCE 02003-17

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE FOR MARTIN,  
TENNESSEE BY ADOPTING NEW SIGN REGULATIONS  
AND ASSOCIATED CHANGES.

WHEREAS, pursuant to Tennessee Code Annotated, Section 13-7-201 through 13-7-211, the City of Martin has adopted a Municipal Zoning Ordinance; and

WHEREAS, in accordance with Tennessee Code Annotated, Sections 13-7-203 and 13-7-204, the Martin Municipal-Regional Planning Commission has recommended the following amendment to the Municipal Zoning Ordinance relative to sign regulations and the enforcement thereof; and

WHEREAS, the Martin Board of Mayor and Aldermen has deemed such a change in the sign regulations to be necessary for the welfare of the residents and property owners thereof this City as a whole; and

WHEREAS, the Martin Board of Mayor and Aldermen has held a public hearing pursuant to Tennessee Code Annotated, Section 13-7-203 for the purpose of receiving public comment.

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

Section 1. That the Municipal Zoning Ordinance for Martin, Tennessee be amended by deleting Article IX. SIGN REGULATIONS in its entirety and replacing it with the attached Article IX. SIGN REGULATIONS.

Section 2. That the Municipal Zoning Ordinance of Martin, Tennessee be amended by deleting Article XII. ENFORCEMENT, Section B. Building Permits and Certificates of Occupancy, Sub-section B.1. Building Permit Required and replacing it with the following:

1. Building/Sign Permit Required. It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or any sign until the Building Inspector has issued a building/sign permit for such work.

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.

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Date Passed First Reading

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Date Passed Second Reading

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Date of Public Hearing

ATTESTED:

SIGNED:

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Richard L. Tidwell, City Administrator

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Randy Brundige, Mayor

A copy of the new regulations follow:

## **ARTICLE IX**

### **SIGN REGULATIONS**

#### **Section A. Purpose and Rationale.**

It is the purpose of this Article to advance significant government interests by establishing the reasonable and impartial regulation of signs within the City of Martin to accomplish the following goals:

1. To protect and promote public safety, health, convenience and general welfare by decreasing the risk of traffic hazards which distract, confuse or impair the visibility of motorists and pedestrians and by increasing the effectiveness of signs needed to direct the public;
2. To protect the public investment in streets and highways;
3. To enhance public prosperity and the general welfare by minimizing any adverse effects upon the natural scenic beauty and by providing an attractive visual environment in the city so that it is a more desirable place to live, visit and conduct business; and,
4. To protect property values by ensuring compatibility with surrounding land usage and by ensuring light, air and open space.

These signs regulations are intended to complement the various codes and ordinances of the city of Martin and state and federal governments. Wherever there is inconsistency between these sign regulations and other regulations of the aforementioned governments, the more stringent shall apply.

The word “sign” is chosen to signify all nonverbalized communication in public viewed areas because of its traditional use. The word “graphic” is synonymous with “sign” and the two may be used interchangeably within the context of this Article.

#### **Section B. Definitions.**

Words in the text of this Article shall be interpreted in accordance with the definitions set forth in this section. Where words have not been defined, the definition found in the most current edition of Webster’s Unabridged Dictionary shall be used.

Generally, the word “sign” means any writing (including letters, word or numerals), pictorial representation (including illustration or decoration), emblem (including device, symbol or trademark), flag (including banner or pennant), inflatable structure or any other figure of similar character, which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure and is used to announce, direct attention to or advise.



In addition, the following terms are defined:

1. **“Billboard”** is defined as a sign exceeding 200 square feet in sign area (or exceeds the maximum allowable sign area allowed in a zoning district, if more restrictive) that is used to advertise or inform by directing attention to a cause, event, campaign, business, profession, commodity, product, service or entertainment which is conducted, sold, distributed or offered elsewhere than upon the same premises as the billboard, or which directs attention to any brand name or trade name product which may be available on the same premises as the billboard.

2. **“Building sign”** means any sign attached to or supported by any building or other structure that has a purpose other than solely to support a sign. A building sign may be attached by means of projection, wall mounting or roof support subject to height restrictions.

3. **“Business Directional Sign”** means a sign specifically denoting the direction (by the use of directional arrow) to a business not located on a thoroughfare designated as a federal or state route or as a collector or arterial status street on the Martin Major Road Plan.

4. **“Display surface area”** means the entire area within a single continuous perimeter enclosing the extreme limits of wording, representation, emblem, or any figure of similar character, together with any background materials, color or area defined by a border or frame, any of which forms an integral part of the display or serves to differentiate such display from the structure to which it is affixed.

5. **“Ground sign”** means a sign that has no attachment to any part of a building and meets one of the following criteria:

A. Mounted directly on and securely attached to a concrete slab at ground level; or

B. Mounted on and securely attached to one or more posts, columns, braces or structures other than buildings extended from ground level and anchored in the ground.

6. **“On-premises sign”** is a sign that advertises or attracts attention to a specific event, activity, establishment, commodity, product, service or entertainment which is conducted, sold, distributed or offered on the same premises as the sign, or offered elsewhere than upon the same premises as the sign if the sign is accessory to the principal use.

7. **“Portable sign”** means any sign, unless otherwise permitted by this Article, that is designed and constructed in such a way as to not require permanent attachment to the ground, a building, or other unmovable object/structure. The use of hold-down stakes/poles or other like methods does not constitute permanent attachment.

A. Attached to a wall and projects outward from the wall more than six inches; or

B. Suspended from any structure that constitutes a covering or shelter such as a canopy, portico or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or form a wide angle with the surface to which it is attached.

9. **“Roof-mounted sign”** means a building sign that is attached to or mounted on a roof in such a way that the top of the sign does not exceed the roof line.

10. **“Signage”** means the area in square feet of the continuous perimeter of copy including any wording, numerals, emblem or representation which is used to announce, direct attention to or advertise.

11. **“Sign setback line”** means the spacing between a sign and a lot line or two signs.

12. **“Temporary sign”** means a sign that announces an event, use or availability for the duration of that event, use or availability and limits the placement and removal of the sign to a limited period of days before and after the event, use or availability.

13. **“Wall-mounted sign”** means a building sign that conforms to the following:

A. Attached to a wall (including a parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning and any sign attached to any side face of a marquee; and

B. Does not project outward more than six inches from the surface to which it is attached; and

C. The sign face is parallel to the plane of the surface to which it is attached.

### **Section C. Prohibited Signs.**

It is unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this title. Any prohibited sign(s) may be removed by the building inspector or his designee after notice to the property owner or occupant to remove such sign(s) within three days. The following signs are expressly prohibited:

1. Signs that are in violation of this code or any other rule/regulation/ordinance adopted by the City of Martin;

2. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, fire hydrant or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to

3. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device;
4. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals;
5. Signs placed upon benches, bus shelters or waste receptacles except when such benches, bus shelters or waste receptacles are placed wholly within a private development in a nonresidential zoning district and are not oriented to be readily visible from a public right-of-way;
6. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes or as otherwise authorized by the governing body of the City of Martin;
7. Signs with any copy, graphics or displays that change by electronic or mechanical means, when the copy, graphics or display does not remain fixed, motionless and non-flashing for a period of two seconds or more;
8. Billboards in permitted zoning districts or signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for time/temperature/ date signs;
9. Signs that incorporate projected images, emit any sound, odor or visible matter (such as smoke or steam) that is intended to attract attention, or involve the use of live animals;
10. Signs, within ten feet of public rights-of-way or one hundred feet of traffic-control devices, that contain red or green lights that might be confused with a traffic-control device;
11. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist or pedestrian using or entering a public way;
12. Blank on-premises temporary signs;
13. Strings of incandescent light bulbs with wattage in excess of ten watts per bulb that are used on commercially developed parcels for commercial purposes other than traditional holiday decorations;
14. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic-control signs;

A. Residential districts. Signs attached to, suspended from or painted on any motor vehicle, trailer, or other equipment, including but not limited to trucks, recreational vehicles, boats, automobiles, truck campers, travel trailers, mobile homes, motorcycles, lawn implements, implements of husbandry, etc..., parked on any street or on any private or public property which are marked to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating or other similar purposes are prohibited.

B. Nonresidential districts. All motor vehicles, trucks, trailers and other types of equipment which have company logos or business signs attached to, suspended from or painted thereon and which are regularly parked on the premises shall be confined to the portion of the property behind the front line of the building except while being actively loaded or unloaded, unless parking on the property behind the front line is not possible, in which event such vehicles, trailers and equipment shall be parked in as remote a location as possible away from the public streets and public view. The parking of such vehicles with signs to augment tenant identification or to attract the attention of the public for the purpose of selling, advertising, displaying, demonstrating or for any other purpose related to the promotion of the business or other activity on the premises is prohibited;

16. Signs displaying copy that is harmful or potentially harmful to minors to include nudity or sexual activity through the exposure and/or exaggerated representation of genitals, buttocks and/or breasts;

17. Portable signs as defined by this ordinance.

#### **Section D. Exempt signs.**

The following on-premises signs are exempt from the operation of these sign regulations provided they are not placed within, or constructed to be in violation of, the required sign height/setback lines for permanent on-premises signs established for that particular zoning district or create a hazard of any kind through the obstruction of vision by motorists and/or pedestrians:

1. Within nonresidential districts, signs that are displayed for the direction or convenience of the public, such as signs which identify entrances, exits, drive-thru windows, or signs of a similar nature. Such signs shall not exceed six square feet in area, provided that such sign, or combination of such signs, does not constitute a sign prohibited elsewhere within this ordinance;

2. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission from the appropriate federal, state or local government;

3. Legal notices and official instruments;

4. Holiday lights and decorations with no commercial message;

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5. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards;
6. Works of art that do not constitute advertising;
7. Signs carried by a person when the person does not receive any financial compensation;
8. Official government, fraternal, religious or civic flags when mounted on permanent poles attached to the ground or building;
9. In all nonresidential districts decorative flags of sixteen square feet or less in size that are mounted on individual poles. The poles shall be separated by a minimum distance of twenty-five feet, except that four poles may be clustered at one location per street frontage. If the option to cluster is exercised no other poles shall be erected along that street frontage. The flags may contain a logo and shall be subject to the height and front setback requirements for the respective district;
10. Temporary signs for political purposes not to exceed twenty-four square feet in residential districts and thirty-two square feet in non-residential districts and shall be subject to the height and front setback requirements for the respective district;
11. Decorative flags and bunting for a celebration, convention or commemoration subject to removal within seven days following the event;
12. Temporary merchandise displays and signs behind or painted onto storefront windows and doors;
13. Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building;
14. Signs incorporated into machinery or equipment by a manufacturer or distributor which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, fee collection boxes, and gasoline pumps;
15. In residential districts, any sign of a type described below which does not exceed two square feet in area:
  - A. A sign giving a property identification name or number or name(s) of occupant(s), one sign per lot;
  - B. A mailbox sign (one sign per dwelling unit), or
  - C. A sign(s) posted on property relating to private parking, trespassing or dangerous animals (limited to one sign per zone lot if less than one acre in size);

16. Temporary or permanent signs identifying traffic control measures on private property, such as “stop,” “yield,” and similar signs, the face of which meet the standards of the “Manual for Uniform Traffic Control Devices” and which contain no logo or commercial message of any sort and which do not exceed six square feet in area per sign;

17. Temporary signs announcing yard sales which do not exceed six square feet in area, limited to one per lot, which are erected no sooner than five days before the event, and are removed within two days after the event;

18. Temporary signs announcing construction (to include builder and/or materials supplier(s), designer, etc...) in residential districts which do not exceed twenty-four square feet in area and six feet in height, and in nonresidential districts which do not exceed thirty-two square feet in area and ten feet in height, and are installed after the issuance of a building permit and removed prior to occupancy of the dwelling/building. If a sign is displayed pursuant to this section but construction is discontinued for a period of sixty days, the sign(s) shall be removed pending continuation of construction activities;

19. Temporary signs announcing real estate availability in residential districts which do not exceed six square feet in area and six feet in height for ground signs, and in nonresidential districts which do not exceed thirty-two square feet in area and ten feet in height for ground signs. These signs are limited to one sign per street frontage. Further, in nonresidential districts, one building sign (not exceeding thirty-two square feet in area and ten feet in height) with wall attachment per building facade is permitted if the entire building is for sale or lease, or one building sign (limited to sixteen square feet in area and six feet in height) with wall attachment per leaseable area if subunits of the building are for lease or rent;

20. Temporary signs for announcements by public or nonprofit organizations of special events or activities of interest to the general public, provided such signs are less than thirty-two square feet in area, are limited to one sign per site of such events, are erected no sooner than fourteen days before the event, and are removed within seven days after the event;

21. Restaurant menu boards either as an on-premises ground or on-premises building sign when oriented toward a drive-through lane. Menu boards may contain logos provided that the logo does not comprise more than twenty percent of the total maximum sign area of sixty square feet and a maximum height of ten feet. The menu board shall be located within thirty feet of the point at which orders are taken from the motor vehicle;

22. Signs located within a building that are not oriented so as to be viewed from the exterior of the building. Signs located within a tourist/entertainment facility, school campus, office or hospital complex, any of which contains at least five acres of lot area, that are not visually oriented toward a public right-of-way;

24. Temporary auction signs to be erected no longer than twenty-one days prior to the event and to be removed within one normal business day after the auction event. Any such sign shall not exceed twenty-four square feet in size in residential districts and thirty-two square feet in all other districts.

**Section E. Temporary Signs.**

On-premises temporary signs are permitted in all districts subject to the restrictions imposed by this section and other relevant parts of this ordinance.

1. Sign Types Allowed. A temporary sign may be an on-premises ground or on-premises building sign, but may not be constructed of or operated by electrical, electronic or mechanical parts. Banners are defined as being temporary signs as are signs commonly referred to as wind signs, consisting of one or more flags which are not otherwise exempted, pennants, ribbons, spinners, streamers or captive balloons which are less than ten feet in their greatest dimension, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind;

2. Removal of Illegal On-Premises Temporary Signs. Any temporary sign not complying with the requirements of this section or other relevant parts of this ordinance is illegal and subject to immediate removal.

3. Restrictions on On-Premises Temporary Signs. Any on-premises temporary sign may display any message so long as it is not harmful to minors as noted by this ordinance and may be displayed for the following purposes:

A. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located;

B. In nonresidential districts to indicate the opening of a new business, a change in use or ownership, a general merchandise sale, or a going out of business sale. Such message may be displayed for a period not exceeding twenty-one days within the first three months that the occupancy is open for business or under new ownership or the last three months before closing, or a period not exceeding twenty-one days in the event of a general merchandise sale;

C. In nonresidential districts to indicate the existence of a new business, or a business in a new location, if such business has no permanent sign(s). Such message may be displayed for a period of not more than sixty days or until installation of permanent signs, whichever shall occur first;

D. To announce or advertise such temporary uses as fairs, carnivals, revivals, sporting events, flea markets, or any public, charitable, educational or religious event or function. Such message shall be erected no sooner than fourteen days before the event, and removed within seven days after the event;

E. To indicate the availability of goods for sale, either on a vacant lot, or within a temporary

than once a quarter on a yearly basis.

4. Open Space Requirements for On-Premises Temporary Signs. On-premises temporary signs shall comply with the established front setback requirements elsewhere in this Article and shall not be permitted in any required side or rear setback.

5. Permissible Size, Height and Number.

A. Single-Family and Duplex Residences. Any lot occupied by a one-family or two-family residence may display one on-premises temporary sign with a maximum sign area of six square feet and a maximum height of six feet.

B. Triplex and Quadruplex residences. Any lot occupied by a three-family or four-family residence may display not more than two on-premises temporary signs with an aggregate sign area of not more than twelve square feet. No individual sign shall exceed six square feet in area nor six feet in height.

C. All Other Uses. All other lots may display one square foot of on-premises temporary signage per ten feet of frontage to a maximum of thirty-two square feet. Lots with frontage on more than one side may apply this provision to one additional side. No on-premises temporary sign shall exceed ten feet in height.

#### **Section F. Permanent On-Premises Signs.**

Permanent on-premises signs are permitted in all districts subject to the following provisions unless prohibited by this ordinance or other ordinance adopted by the City of Martin. All permanent on-premises ground and building signs shall comply with the minimum setbacks and spacing as established in the setbacks and spacing section of this ordinance. Signs placed in districts designated as a historic district (HD) on the Zoning Map of Martin, Tennessee shall, in addition to compliance with this section, comply with the design guidelines of that respective historic district and receive a Certificate of Appropriateness (COA) approved by the Historic Zoning Commission of Martin, Tennessee prior to installation/construction.

1. Residential Districts. Permanent on-premises ground and on-premises building signs that serve the specific function of identifying a residential development are permitted subject to the following provisions:

A. Each residential development containing three through fifteen dwelling units and approved under one plat shall be permitted one on-premises identification sign, with a maximum size of twelve square feet and a maximum height of six feet, at the development entry from a public street subject to the setback requirements in the setbacks section of this Article. The sign may be illuminated by direct and steady means only.

B. Each residential development containing at least sixteen units and approved under one plat shall be permitted one on-premises identification sign, with a maximum size of twenty-four square feet and a



the on-premises identification sign at each entry may be one of the following:

1. A double-sided sign located perpendicular to the public street and containing up to twenty-four square feet for the one sign face.
2. A single-sided sign located parallel to the public street and containing up to twenty-four square feet for the one sign face. Displaying a sign on the opposite face is prohibited.
3. A flared wall, or similar, to which two single-sided signs are attached or imbedded and each sign does not exceed twelve square feet; or one single-sided sign attached or imbedded which does not exceed twenty-four square feet.

**NOTE:** Each residential development identification sign shall be maintained perpetually by the developer, sign owner, owners' association or other person who is legally accountable under an approved maintenance agreement. Signs that are not maintained shall be removed by the developer or owner.

C. A building that contains a minimum of sixteen units may be permitted one flat-mounted on-premises building sign of a maximum of twenty-four square feet in area, for each street frontage, and may be placed on the street facing facade of the building provided that it does not extend more than six inches from the facade of the building. The sign may be illuminated by direct and steady means only.

D. R-4 districts.

1. One on-premises ground sign limited in area to one square foot of sign per one foot of road frontage, but not to exceed a total of thirty-two square feet. In the case of a corner lot, only one road frontage may be used in the computation of the maximum sign area. The maximum height of an on-premises ground sign shall be limited to ten feet and the maximum horizontal or vertical dimension may not exceed eight feet.

2. One on-premises building sign limited in area to a maximum of twenty square feet. The on-premises building sign must be attached to the primary structure with no projection from the building greater than six inches and shall be placed on the side of the building and, if illumination is desired, may be illuminated by direct and steady means only. Signs shall not be permitted on roofs.

2. Commercial Districts. Permanent on-premises ground and on-premises building signs are permitted in Commercial districts subject to the following provisions:

A. B-1 and B-3 Districts.

1. One on-premises ground sign limited in area to one square foot of sign per one foot of road frontage, but not to exceed a total of sixty-four square feet. Corner lots may utilize both road frontages in the computation subject to the maximum sign area of sixty-four square feet. The maximum height of an on-premises ground sign shall be limited to fifteen feet.

building itself or a canopy or awning attached thereto. However, the total area of all on-premises building signs may not exceed ten percent of the square footage of the building facade facing a public street and in no case may exceed a maximum total of seventy-two square feet in area. The building facade will be calculated using the side wall of a building actually facing the street; no other wall or roof area may be used in the computation. Further, in the case of multiple buildings on a lot, only one building (the largest, if desired) may be used in the building facade computation. Roof signs may be utilized as on-premises building signs but may not exceed the maximum height of the building roof.

3. In the case of a building, or individual tenant space, having a canopy, each tenant shall be permitted one under canopy sign limited to six square feet in area and a minimum ground clearance of seven feet.

**B. B-2 and P-B Districts.**

1. One on-premises ground sign limited in area to one square foot of sign per one foot of road frontage, but not to exceed a total of 100 square feet. However, in the case of a shopping center, mall, or other arrangement in which the property for parking and/or frontage is under common or shared ownership, the shopping center, mall or grouping of business and/or offices may, upon approval of a master sign plan for the development to ensure uniformity in free-standing and building signs, erect one permanent on-premises ground sign per street frontage limited in area to one square foot of sign area per one foot of road frontage but not to exceed a total of 200 square feet in area. Corner lots may utilize both road frontages in the computation. The maximum height of an on-premises ground sign shall be limited to thirty-five feet; however, if the street grade of a collector status street (as shown on the City of Martin's Major Road Plan) is at an elevation above the proposed lot so that a thirty-five feet tall sign is rendered useless, a taller sign up to a maximum of fifty feet may be allowed.

2. On-premises building signs are not limited in number and may be placed on the building itself or a canopy or awning attached thereto. However, the total area of all on-premises building signs may not exceed ten percent of the square footage of the building facade facing a public street and in no case may exceed a maximum total of sixty-four square feet in area. The building facade will be calculated using the side wall of a building actually facing the street; no other wall or roof area may be used in the computation. Further, in the case of multiple buildings on a lot, only one building (the largest, if desired) may be used in the building facade computation. In the case of a shopping center, mall, or other arrangement in which the property for parking and/or frontage is under common or shared ownership, each tenant may utilize only the building facade facing the parking and/or frontage in the building facade computation. Roof signs may be utilized as on-premises building signs but may not exceed the maximum height of the building roof.

3. In the case of a building, or individual tenant space, having a canopy, each tenant shall be permitted one under canopy sign limited to six square feet in area and a minimum ground clearance of seven feet.

3. H and U Districts. Permanent on-premises ground and on-premises building signs are permitted

A. One permanent on-premises ground sign per street frontage limited in area to one square foot of sign area per one foot of road frontage with the maximum area per sign limited to sixty-four square feet. The maximum height of any permanent on-premises ground sign shall be ten feet.

B. Permanent on-premises building signs are not limited in number and may be placed on the building itself or any canopy or awning attached thereto. The aggregate total of all on-premises building signs may not exceed one square foot of sign area per two feet of road frontage but in no case may exceed 100 square feet. Only one road frontage dimension may be used in the computation.

4. M Districts. Permanent on-premises ground and on-premises building signs are permitted in Industrial (M-1 and M-2) districts subject to the following provisions and the setbacks as established in the setback section of this ordinance:

A. One permanent on-premises ground sign per street frontage limited in area to one square foot of sign area per one foot of road frontage with the maximum area per sign limited to 200 square feet. The maximum height of any permanent on-premises ground sign shall be twenty feet.

B. Permanent on-premises building signs are not limited in number and may be placed on the building itself or any canopy or awning attached thereto. The aggregate total of all on-premises building signs may not exceed 150 square feet.

C. Billboards having an allowable area of one square foot for each one foot of road frontage not to exceed 300 square feet and not to exceed thirty-five feet in height. In no case shall billboards be located closer than 1,000 feet from any other billboard sign on the same side of the street. In the case of a billboard being placed perpendicular to the street, only one face of the signage will be used in the computation of allowable sign area even though both faces may be utilized.

#### **Section G. Business Directional Signs.**

In order to promote the economic welfare of the Martin community, directional signs will be allowed for certain business not located on a thoroughfare designated as a federal or state route or as a collector or arterial status street on the Martin Major Road Plan. Such are signs allowed in any municipal zoning district. However, the placement of the signs must be in accordance with the following provisions:

1. All such signs must be permitted through the Office of the Building Inspector (Code Enforcement).
2. All signs must be located on a metal pole approved by the enforcement officer.

3. No sign shall be allowed between a height of two and one-half feet and ten feet where the sign is located within ten feet of the front property line in order to prevent any obstruction of vision. Signs more than

in height.

5. All signs must be of a metal, or equally durable, material so as to appear as a standard public road sign and must contain reflective lettering and a directional arrow.

6. No more than one approved pole supporting no more than two approved signs may be located on any one lot of record.

7. All signs must be located on private property and may be placed only through the permission of the property owner.

8. Such signs are allowed in any zoning district. However, if such sign is proposed within a Historic District, the sign and pole must meet the approval of the Martin Historic Zoning Commission.

#### **Section H. Setbacks and Spacing.**

Minimum setbacks from property lines and spacing of signs are required for the protection of the public, to provide for reasonable future expansion of the public right-of-way with the least disturbance of existing conforming signs, and to allow the general public, whether pedestrian or motorist, to have an equal right to view buildings, structures and natural features in the foreground and background. Therefore, all ground signs within the City of Martin are subject to the following setback and spacing requirements:

##### **1. Setbacks.**

A. Temporary signs. No temporary sign may be placed in a required side yard or required rear yard. All temporary signs in all districts must maintain the following front setback:

1. Temporary signs no more than two and one-half in height- two feet from front property line.

2. Temporary signs more than two and one-half feet in height- fifteen feet.

B. Permanent signs. No permanent sign may be placed in a required rear yard. All permanent signs must maintain a side yard setback of ten feet. All permanent signs in all districts must maintain the following front setback:

1. Permanent signs no more than two and one-half feet in height- two feet from front property line.

2. Permanent signs more than two and one-half feet to no more than ten feet in height- fifteen feet from front property line.

2. Spacing.

A. All temporary signs shall be spaced a minimum of ten feet apart.

B. No permanent ground sign greater than two and one-half feet in height shall be located closer than one hundred feet to another permanent ground sign greater than two and one-half feet in height located on the same lot.

C. No permanent ground sign no more than two and one-half feet in height shall be located closer than twenty-five feet to another permanent ground sign no more than two and one-half feet in height on the same lot.

D. No permanent ground sign no more than two and one-half feet in height shall be located closer than ten feet to a permanent ground sign greater than two and one-half in height on the same lot.

E. No permanent ground sign shall be located closer than fifteen feet to another permanent ground sign on a neighboring lot.

F. No billboard shall be located closer than one hundred feet to a permanent ground sign nor any closer than 1,000 feet to any billboard located on the same side of the street.

**Section I. Nonconforming Signs.**

It is the intent of this section to provide for the orderly elimination of all nonconforming signs. Any lawfully erected permanent sign that is now considered to be nonconforming may continue to be maintained exactly as it existed prior to the enactment of these provisions except as provided below:

1. Shall not be replaced with another nonconforming sign.

2. Shall not have any changes in the words, logo or symbols which are part of a message unless the sign is an off-site sign or bulletin board.

3. Shall not be structurally altered so as to prolong the life of the sign, increased in size, shape, type or design.

4. Shall not be re-established after damage or destruction if the estimated expense of repair exceeds fifty percent of the value of the original sign.

5. Shall not be re-established after the activity or name of the business or ownership shall have changed requiring a change in the sign name or advertisement itself.

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amend the Municipal Zoning Ordinance for Martin, Tennessee, by adopting new Sign Regulations and associated changes, seconded by Nanney.

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

Mayor Brundige declared Ordinance O2003-17 approved on the first reading and set the second and final reading and public hearing for August 11, 2003, at 7:00 pm.

**INTRODUCTION AND FIRST READING OF ORDINANCE O2003-18: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING PROPERTY ALONG THE SOUTH SIDE OF MT. PELIA ROAD WEST OF THE INTERSECTION WITH VANCLEAVE ROAD FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-1A (HIGH DENSITY SINGLE FAMILY RESIDENTIAL). This is a recommendation from the Martin Municipal-Regional Planning Commission.**

Mayor Brundige introduced and presented for the first reading Ordinance O2003-18: An Ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning property along the south side of Mt. Pelia Road west of the intersection with VanCleave Road from R-1 (Low Density Residential) to R-1A (High Density Single Family Residential). This is a recommendation from the Martin Municipal-Regional Planning Commission.

Mr. Tidwell read Ordinance O2003-18. A copy follows:

**ORDINANCE O2003-18**

**AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE BY REZONING PROPERTY ALONG THE SOUTH SIDE OF MT. PELIA ROAD WEST OF ITS INTERSECTION WITH VANCLEAVE ROAD FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-A1 (HIGH DENSITY SINGLE-FAMILY RESIDENTIAL)**

WHEREAS, in accordance with Tennessee Code Annotated, Sections 13-7-204, the Martin Municipal-Regional Planning Commission has recommended the following amendment to the Municipal Zoning Ordinance and Municipal Zoning Map relative to the rezoning of territory; and

WHEREAS, the Martin Board of Mayor and Aldermen has deemed such a rezoning of this territory to be necessary for the welfare of the residents and property owners thereof this City as a whole; and

WHEREAS, the Martin Board of Mayor and Aldermen has held a public hearing pursuant to Tennessee Code Annotated, Section 13-7-203 for the purpose of receiving public comment.

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

Section 1. That the Municipal Zoning Map and Zoning Ordinance for Martin, Tennessee be amended by rezoning the following tract from R-1 (Low Density Residential) to R-1A (High Density Single-Family Residential):

Weakley County Tax Map 781, Group B, Parcel 02102

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after second and final reading, THE PUBLIC WELFARE REQUIRING IT.

Date Passed First Reading \_\_\_\_\_

Date Passed Second Reading \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

ATTESTED:

SIGNED:

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Richard L. Tidwell, City Administrator

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Randy Brundige, Mayor

Alderman Nanney made the motion to approve on the first reading Ordinance O2003-18: An Ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning property along the south side of Mt. Pelia Road west of the intersection with VanCleave Road from R-1(Low Density Residential) to R-1A (High Density Single Family Residential), seconded by Alderman Harrison.

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	HONORABLE JOHNSON
	HONORABLE BELOTE
	HONORABLE HARRISON
	HONORABLE NANNEY
AGAINST:	NONE

Mayor Brundige declared Ordinance O2003-18 approved on the first reading and set the second and final reading and public hearing for August 11, 2003, at 7:00 pm.

## **RATIFICATION OF CITY OF MARTIN CHARTER CHANGES**

Mayor Brundige presented the amendment to the City of Martin's charter to the board. This simply changes the city administrator to a city recorder and set his duties. A copy follows:

STATE OF TENNESSEE

PRIVATE CHAPTER NO. 37

HOUSE BILL NO. 1263

Substituted for: Senate Bill No. 1397

by Senator Herron

AN ACT to amend Chapter 158 of the Private Acts of 1992; as amended by Chapter 103 of the Private Acts of 1993 and Chapter 62 of the Private Acts of 1993; and any other acts amendatory thereto, relative to the charter of the City of Martin.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 15 of Chapter 158 of the Private Acts of 1992, and any other acts amendatory thereto, is amended by deleting such section in its entirety and substituting instead the following:

SECTION 15. The Board of Mayor and Aldermen shall appoint a City Recorder, who shall serve for an indefinite term.

The Recorder shall along with the Mayor prepare and monitor the annual budget for all departments.

The Recorder shall: supervise all accounting functions for all funds; supervise



Aldermen on all questions relating to the business and financial affairs of the City.

The Recorder shall keep the Board of Mayor and Aldermen advised as to the financial condition of all funds of the city and the future needs of the city.

The Recorder shall: develop a central purchasing policy; act as purchasing agent for the city; and authorize the purchase of all materials, supplies and equipment for the proper conduct of the city's business through the issuance of purchase orders and bidding.

The Recorder shall prepare the agenda for the governing body's meeting and be responsible for the minutes and maintenance of the records of the proceedings of such meetings.

The Recorder shall prepare resolutions and ordinances for consideration by the governing body.

The Recorder shall be responsible for the maintenance of all types of insurance coverage such as health, liability, workers' compensation, etc., and maintain an inventory of all equipment and real estate owned by the city.

The Recorder shall attend all meetings of the Board of Mayor and Aldermen at the Board's request.

The Recorder shall act as the city's personnel officer by maintaining a personnel file on each city employee in a centralized location.

The Recorder shall represent the city at official functions as directed by the Mayor.

The Recorder shall perform other duties as directed by the Board of Mayor and Aldermen.

The Recorder shall be required to reside within the city limits of Martin, Tennessee, or the immediate vicinity of Martin, Tennessee.

SECTION 2. Section 6 of Chapter 62 of the Private Acts of 1993, as amended, is amended by deleting such section in its entirety.

SECTION 3. Section 2 of Chapter 103 of the Private Acts of 1993, is amended by deleting

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Martin. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of the City of Martin and certified to the secretary of state.

SECTION 5. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.

Alderman Merryman made the motion to approve the amendment to the city's charter which changes the City Administrator position to a City Recorder position and sets the duties of the recorder, seconded by Alderman Nanney.

Mayor Brundige asked for discussion.

Alderman Harrison stated, "I have some. I really don't like the word, if I can find it here, indefinite, I wish we can change that. Can we change it without adopting it as it is.?"

Mayor answered, no.

Alderman Harrison continued, "Then we cannot. Okay, then. I don't like that part and I don't like this part which reads, the recorder shall be required to reside within the city limits of Martin, Tennessee or, I don't like that word, the immediate vicinity of Martin, Tennessee. We can't delete or add to, nothing."

Mayor Brundige answered, not on this one, the only way we can make changes is to file for another charter change next year with the state legislative.

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

Mayor Brundige declared the charter changes approved.

**INTRODUCTION AND READING OF RESOLUTION R2003-18:  
RESOLUTION AUTHORIZING BUDGET AMENDMENT TO THE CITY**

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## **ENDING JUNE 30, 2004**

Mayor Brundige introduced Resolution R2003-18: Resolution authorizing budget amendment to the City of Martin, Tennessee General Fund for the Fiscal Year Ending June 30, 2004.

Mr. Tidwell read the resolution. A Copy follows:

### **RESOLUTION R2003-18**

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

WHEREAS, the State of Tennessee Homeland Security determined that there was monies left in their FY 2003 budget; and

WHEREAS, the monies were awarded to certain local communities, of which the City of Martin was one; and

WHEREAS, these monies will be used to move and update 911 equipment; and

WHEREAS, the monies have been received to complete the project.

NOW THEREFORE BE IT RESOLVED, the Board of Mayor and Aldermen of Martin, Tennessee assembled in regular session on this 14<sup>th</sup> day of July 2003 this resolution is hereby approved.

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

Fund # 110

<u>Acct-Object Number</u>	<u>Account Name</u>	<u>Approved Budget Amendment</u>	<u>Budget</u>	<u>Amended Budget</u>
110-33410	Block Grant	\$ -0-	\$ 10,000	\$10,000
110-42100-902	Equipment Reserve	\$ 2,500	\$10,000	\$12,500

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 E. BE IT FURTHER RESOLVED, that this resolution take effect from and after its passage the public welfare requiring it

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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.

ATTESTED:

APPROVED:

\_\_\_\_\_  
Richard L. Tidwell, City Administrator

\_\_\_\_\_  
Randy Brundige, Mayor

Alderman Merryman made the motion to approve Resolution R2003-18: Resolution authorizing budget amendments to the City of Martin, Tennessee General Fund for the Fiscal Year ending June 30, 2004, seconded by Alderman Johnson.

VOTE:

FOR:

HONORABLE MERRYMAN

HONORABLE BOYD

HONORABLE JOHNSON

HONORABLE BELOTE

HONORABLE HARRISON

HONORABLE NANNEY

AGAINST:

NONE

Mayor Brundige declared Resolution R2003-18 approved.

## **PURCHASE OF POLICE CARS**

Alderman Johnson asked the Board to enter into discussion concerning the recommendation from the Finance Committee to purchase nine police cars for the City of Martin.

Mayor Brundige stated, yes, we can discuss this. Do you want to put this in the form of a motion.

Alderman Johnson made the motion to purchase nine (9) police cars for the City Public Safety Department, seconded by Alderman Nanney.

Alderman Harrison spoke, "As you know from previous meetings that this money has not been put into a budget yet. I mean into our funds, so, consequently how are we going to pay for them?"

Mayor Brundige answered, this money will not be put in this year's budget.

Alderman Harrison stated, "But, we will start next year, is that the way it is going to read. Payable, due August of next year. We will start out roughly \$100,000.00 in the hole."

Mayor Brundige answered, \$90,000.00.

fine. But, our country, itself, is having a, really, financial problem, our unemployment rate is high. We see that from a national standpoint. Our own state, they have cut taxes like everything and curtailed their spending. In fact, they have done away with their fleet buying, in Nashville, in its entirety. And, yet, you know, we have lost Hubble and we don't have any revenue there. We are going to lose the Martin Place up here. I am not against buying the cars. The only thing I am against is spending it before we get it. There is bound to be a way we can shuffle some of these cars around that we have and wait for a few more months. The only thing, I have ever ask for is just one year to begin with. Anyway, think about that. And, you know, Martin is in bad shape as far as unemployment. Goodyear is not even good. If you want to check that out, Goodyear is in bad shape something to the tune of ten billion dollars. So, after saying that, I wish you would reconsider the thing just for a few months, but, of course, vote your convictions. That is what we have to do."

Alderman Merryman spoke, "Alderman Harrison, I would be interested in hearing what facts, data, professional publications you read that you would care to share with this board which states that purchasing of a fleet of cars such as this is inappropriate."

Alderman Harrison asked, pardon.

Alderman Merryman spoke, "I would be interested in hearing and for you to share with this board and the citizens of Martin any facts that you have, any professional publications that you have read anything at all in which it states that the purchase of a fleet of cars such as this would be inappropriate."

Alderman Harrison stated, "I am not saying it is inappropriate. I am just saying the cars are not in the budget. That is the only thing I am saying. I am not going to debate the policy of.....what you implemented many years ago. The only thing I am debating, do we have the money to purchase them."

Alderman Merryman stated, "The cars are not in the budget and at your request to give you one year. And so we have postponed purchasing those so that the money would not have to be paid out until the next fiscal year. That was the reason it was postponed. You are on the Finance Committee just like me."

Alderman Harrison stated, "I know it and you know, that it was in the Finance Committee. But, the Finance Committee does not make the rules and regulations as far as approving anything or disapproving it. Phil, you know that, the full body, the mayor and the council does it. The only thing I say is, if you really feel that it is appropriate, then do it. But, if you think that it would be wise just to wait a few more months where the money might come from then do that and if you don't vote your conviction and be governed accordingly. That is all."

Alderman Merryman asked, "Do you know how many cars we have got sitting out there that are not even running right now?"

Alderman Merryman said, "It is, yes."

Alderman Harrison spoke, "Okay then you vote that way."

Alderman Merryman stated, "I intend to."

Alderman Harrison spoke, "If you feel that way strongly, by all means do it."

Alderman Merryman stated, "We need to maintain a fleet that is a dependable fleet of cars not a bunch of about to fall down cars or already have fallen down cars."

Alderman Harrison stated, "Certainly, I would say put those behind the fence. Either get those repaired or quit using them but the ones that are opera table or the ones you can operate, then, you know, share that vehicle. Why does everybody have to have one. I am not against it if we can afford it but we can't afford it. You know it and I know it."

Alderman Merryman called for the question.

Alderman Harrison stated, "You wait until the next fiscal, you wait until we come up with the next financial meeting, next year, we will have a \$100,000.00 and we will be in the same boat we are now but you go ahead and vote because you like it."

Mayor Brundige stated, question has been called for.

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

Mayor Brundige stated, motion carried.

**INTRODUCTION AND READING OF RESOLUTION R2003-19:  
THREE YEAR CAPITAL OUTLAY NOTES RESOLUTION OF THE  
GOVERNING BODY OF MARTIN, TENNESSEE AUTHORIZING THE  
ISSUANCE AND PAYMENT OF INTEREST-BEARING CAPITAL  
OUTLAY NOTES NOT TO EXCEED \$250,000**

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was given to each board member.

Mayor Brundige read the resolution. A copy follows:

## RESOLUTION R2003-19

### THREE YEAR CAPITAL OUTLAY NOTES RESOLUTION OF THE GOVERNING BODY OF MARTIN, TENNESSEE AUTHORIZING THE ISSUANCE AND PAYMENT OF INTEREST-BEARING CAPITAL OUTLAY NOTES NOT TO EXCEED \$250,000

WHEREAS, the Governing Body of Martin, Tennessee has determine that it is necessary and desirable to purchase police vehicles (the "Project") for the benefit of the Local Government; and

WHEREAS, the City of Martin has determine that the Project will promote or provide, a traditional governmental activity or otherwise fulfill a public purpose; and

WHEREAS, under the provisions of Parts I, IV and VI of Title 9, Chapter 21, Tennessee Code Annotated (the "Act"), local government in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest capital outlay notes upon the approval of the State Director of Local Finance; and

WHEREAS, the City of Martin finds that it is advantageous to authorize the issuance of capital outlay notes to finance the cost of the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Aldermen of the City of Martin, as follows:

SECTION 1. That, for the purpose of providing funds to finance the cost of the Project in and of the City of Martin, the Mayor is hereby authorized in accordance with the terms of this resolution to issue interest bearing capital outlay notes in the principal amount not to exceed Two Hundred Fifty Thousand (\$250,000) (the "Notes") at a private negotiated sale upon the approval of the State Director of Local Finance pursuant to the terms, provisions and conditions permitted by law. The Notes shall be designated "Police Vehicles Capital Outlay Notes" and shall bear interest rate not to exceed Three (3.0) percent per annum, and in no event shall the rate exceed the legal limit provided by law.

SECTION 2. That, the Notes shall mature not later than three (3) years after the date of issuance and that the Notes and any extension or renewal notes shall not exceed the reasonably expected economic life of the Project, which is hereby certified by the City of Martin to be at least fifteen (15) years. Provided, however, that each year the Notes are outstanding, one-third (1/3), but in no event not less than one-ninth (1/9), of the original principal amount of the Notes shall mature without renewable but subject to prior redemption.

whole or in part, at any time, at the principal amount an accrued interest of the date of redemption, without a premium.

SECTION 4. That, the Notes shall be a direct general obligations of the City of Martin, for which the punctual payment of the principal and interest, on the notes, the full faith and credit of the City of Martin is irrevocably pledged and the City of Martin hereby pledges its taxing power as to all taxable property in the City of Martin for the purpose of providing funds for the payment of the principal and interest on the Notes. The Board of Mayor and Aldermen of the City of Martin hereby authorizes the levy and collection of a special tax on all taxable property of the City over and above all other taxes authorized by the City to create a sinking fund to retire the Notes with interest as they mature in an amount necessary for that purpose.

SECTION 5. That, the Notes shall be executed in the name of the City of Martin and shall be payable as to the principal and interest at the office of the City Recorder of the City of Martin.

SECTION 6. That, the Notes are hereby designated as qualified tax-exempt obligations for the purpose of Section 265(b)(3) of the Internal Revenue Code of 1986.

SECTION 7. That, after issuance and sale of the Notes, and for each year that any of the Notes are outstanding, the City shall submit its annual budget to the State Director of Local Finance for approval immediately upon the City's adoption of the budget.

SECTION 8. That, if any of the Notes shall remain unpaid at the end of three (3) years from the issue date, then the unpaid Notes shall renewed or extended as permitted by law, or retired from the funds of the City of Martin or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or other law, or be otherwise liquidated as approved by the State Director of Local Finance.

SECTION 9. That, all orders or resolutions in conflict with this Resolution are hereby repealed insofar as such conflict exists and this Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003.

ATTESTED:

APPROVED:

\_\_\_\_\_  
Richard L. Tidwell, City Recorder

Randy Brundige, Mayor

Alderman Merryman made the motion to approve Resolution R2003-19: Three Year Capital Outlay Notes Resolution of the Governing Body of Martin, Tennessee, authorizing the issuance and payment



*Minutes; City of Martin Board of Mayor and Aldermen, July 14, 2003*

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

Mayor Brundige declared the resolution approved.

## **RETIREMENT ANNOUNCED**

Mr. Tidwell made a statement to the board:

“To the Mayor and Board of Alderman, after much prayer and thought, I wish to inform you that it is my intention to retire as of December 31, 2003. I wish to thank each of you and all of the former members of the board for the opportunity to work for the city for the last eleven years. I feel with the guidance and leadership of the board a lot has been accomplished during my tenure. When I came to work with the city, we were a small rural Northwest Tennessee town. Now, with the annexations, the Soybean Festival and the addition of the Martin Recreation Complex we became a city in Northwest Tennessee that is not only known throughout the state but also over the southeast part of the United States. I realize this has not been accomplished without controversy but with the corporation of everyone involved, everything has worked out. I also wish to thank each department head for all the help and corporation they have given and I wish each of them and you as a board all the best in keeping Martin as a growing city. If, after I retire, there is anything you need from me, do not hesitate to call. Again, I want to thank you for the opportunity to work for the City of Martin.”

Mayor Brundige said, thank you and we wish you the very best in your retirement.

Alderman Merryman made the motion to accept Mr. Tidwell's resignation, effective December 31, 2003, seconded by Alderwoman Boyd.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL.

Mayor Brundige stated, we will start the process of selecting a new city recorder at the next informal board meeting.

*Minutes; City of Martin Board of Mayor and Aldermen, July 14, 2003*

Alderman Nanney made the motion to adjourn, seconded by Alderman Merryman.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

Mayor Brundige adjourned the meeting.

ATTEST:

SIGNED:

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Richard L. Tidwell, City Administrator

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Randy Brundige, Mayor

RB: RLT/bh

Saved "July 2003", Tape #230; (1 of 1)