

MINUTES OF THE MARTIN BOARD OF MAYOR AND ALDERMEN

April 12, 2004 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, April 12, 2004, 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, ALDERMAN WARD I
 HONORABLE BILL HARRISON, ALDERMAN WARD I
 HONORABLE STAN JOHNSON, ALDERMAN WARD II
 HONORABLE DAVID BELOTE, ALDERMAN WARD II
 HONORABLE NATALIE D. BOYD, ALDERWOMAN WARD III
 HONORABLE RANDY EDWARDS, ALDERMAN WARD III

MEMBERS ABSENT: NONE

Department Heads present: Mr. Eric Spencer, City Recorder, Mr. Charles Vowell, Public Works Director, Mr. Dennis Suiter, Parks and Recreation Director, Ms. Roberta Peacock, Library Director Mr. David Moore, Public Safety Director, and Ms. Hollie Vowell, MECD Director.

CALL TO ORDER AND INVOCATION

Mayor Brundige called the April 12, 2004, meeting of the City of Martin Board of Mayor and Alderman to order. Aldermen Harrison gave the invocation.

PLEDGE OF ALLEGIANCE

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

PROCLAMATION: ALPHA PHI OMEGA

Mayor Brundige presented a Proclamation of Appreciation to the Alpha Phi Omega Fraternity, a co-ed service fraternity, from the Board of Mayor and Aldermen and the citizens of Martin. We are proud of this organization. They have worked very hard to earn these funds and have given them back to the community making life better for its citizens, especially the youth. Mr. Steve Vantrease, advisor to Alpha Phi Omega, and several members were present. Mayor Brundige ask Mr. Mark Swaim, Vice Chairman of the Carl Perkins Center, to present the proclamation to the group after the reading. The Proclamation follows:

WHEREAS, Alpha Phi Omega, a national co-ed fraternity, received its charter in 1970 and has been a

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most welcome member of the University of Tennessee at Martin campus and the City of Martin since that time; and

WHEREAS, the members of Alpha Phi Omega have proven their Chapter's Pledge of Service to the Campus, to the Community, to the Fraternity, and to the Nation through countless endeavors since its conception; and

WHEREAS, Alpha Phi Omega recently sponsored and presented the Forty-fourth Annual UTM ALL SING donating countless hours to ensure its success; and

WHEREAS, all proceeds from the Forty-fourth Annual UTM ALL SING, totaling \$3,100.00, have been graciously presented by the members of Alpha Phi Omega to the Carl Perkins Child Abuse Center, a local center to improve the welfare of children by helping fight the war on child abuse.

NOW, THEREFORE, it is with great pleasure that I, Randy Brundige, Mayor, on behalf of the Board of Mayor and Aldermen and the Citizens of Martin, Tennessee, do hereby present this Proclamation of Appreciation to the members of ALPHA PHI OMEGA as an expression of our heartfelt appreciation for upholding your motto: BE A LEADER-BE A FRIEND-BE OF SERVICE.

PROCLAMATION: PI KAPPA ALPHA FRATERNITY

Mayor Brundige presented a Proclamation of Appreciation to the Pi Kappa Alpha Fraternity from the Board of Mayor and Aldermen and the citizens of Martin. We are proud of this fraternity as they have worked very hard to earn these funds and have given them back to the community to make life better for its citizens. Seventeen Brothers of Pi Kappa Alpha and members of the Brian Brown Memorial Greenway were present for the occasion. Mayor Brundige ask Ms. Laura Brown to present the proclamation to the Brothers of Pi Kappa Alpha after the reading. The Proclamation follows:

WHEREAS, Pi Kappa Alpha Fraternity, received its charter on December 09, 1961, and has been a most welcome member of the University of Tennessee at Martin campus and the City of Martin since that time; and

WHEREAS, the brothers of Pi Kappa Alpha have proven their Chapter's commitment to campus and community involvement through countless endeavors since its inception; and

WHEREAS, Pi Kappa Alpha recently presented the Fifteenth Annual PIKE FIGHTS with all seventy-five Brothers donating countless hours to ensure its success; and

WHEREAS, all proceeds from the Fifteenth Annual PIKE FIGHTS, totaling \$7,000.00, have been graciously donated by the Brothers of Pi Kappa Alpha to the City of Martin's Brian Brown Memorial Greenway, a project to improve the welfare and recreation opportunities for the entire community.

NOW, THEREFORE, it is with great pleasure that I, Randy Brundige, Mayor, on behalf of the Board

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of Mayor and Aldermen and the Citizens of Martin, Tennessee, do hereby present this Proclamation of Appreciation to the Brothers of PI KAPPA ALPHA as an expression of our gratitude and heartfelt appreciation.

APPROVAL OF MINUTES OF THE FEBRUARY 21, MARCH 8, 15, & 23, 2004

Alderwoman Boyd made the motion to approve the February 21st, March 8th, 15th, and 23rd of 2004, minutes as written, seconded by Alderman Nanney.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

CITY OF MARTIN POLICE CHIEF AND CITY OF MARTIN FIRE CHIEF

Police Chief:

Mayor Brundige recommended that Mr. David Moore be appointed as City of Martin Police Chief.

Alderman Harrison made the motion to appoint Mr. David Moore as City of Martin Police Chief, seconded by Alderwoman Boyd,

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

Fire Chief:

Mayor Brundige recommended that Mr. Oran True be appointed as City of Martin Fire Chief.

Alderwoman Boyd made the motion to appoint Mr. Oran True as City of Martin Fire Chief, seconded by Alderman Nanney.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

SWEARING IN CEREMONY:

Mayor Brundige conducted the Swearing in of the new City of Martin Police and Fire Chief.

Police Chief:

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Mayor Brundige spoke. “Will you raise your right hand and repeat after me; I, David Moore, (repeat) do hereby solemnly swear (repeat) that I possess all the qualifications (repeat) for the duties of Police Chief (repeat) as prescribed by the Charter (repeat) of the City of Martin (repeat) and on my honor (repeat) I will never betray by badge (repeat) my integrity (repeat) my character (repeat) or the public trust (repeat) I will always have the courage to hold (repeat) myself and others accountable (repeat) for our actions (repeat) I will always uphold the constitution of my country (repeat) my state (repeat) and the community I serve (repeat) I will in all respects observe the position (repeat) of the charter (repeat) and ordinances (repeat) of the City of Martin, Tennessee (repeat) and I will faithfully (repeat) discharge the duties of Police Chief (repeat) for the City of Martin, Tennessee (repeat). Thank you.”

Fire Chief:

Mayor Brundige spoke. “Will you raise your right hand and repeat after me; I, Oran True, (repeat) do hereby solemnly swear (repeat) that I possess all the qualifications (repeat) for the duties of Fire Chief (repeat) as prescribed by the Charter (repeat) of the City of Martin (repeat) and on my honor (repeat) I will never betray by badge (repeat) my integrity (repeat) my character (repeat) or the public trust (repeat) I will always have the courage (repeat) to hold myself and others (repeat) (repeat) accountable for our actions (repeat) I will always uphold the constitution of my country (repeat) my state (repeat) and the community I serve (repeat) I will in all respects observe the position (repeat) of the charter (repeat) and ordinances (repeat) of the City of Martin, Tennessee (repeat) and I will faithfully discharge the duties (repeat) of Fire Chief for the City of Martin, Tennessee (repeat). Thank you.”

Mayor Brundige asked if the new Fire Chief or Police Chief wanted to speak.

Chief True spoke, “I would first like to thank the Lord for the opportunity. I would like to thank the Board and the Mayor for the opportunity. I would like to thank my wife for putting up with me and allowing me this opportunity. I look forward to the challenges. I look forward to working with all of you (Board) and with all of you (firemen present). And, I am glad to be here.”

Chief Moore spoke, “Ditto. I would like to say that the fire department, I think you guys have gotten a good man. And, I am looking forward to working with Oran. I want to thank you all for your support and the members of my department, both departments for supporting me, particularly the police department. They are going to continue to support me in the future. And, I too would like to thank you all and, particularly my wife, who is setting here with me tonight for putting up with me day in and day out. So, thank you all.”

COMMITTEE REPORTS:

PUBLIC SAFETY-POLICE:

Chief Moore passed out copies of an audit done on the COPS Grant received by the Department of Justice. The basis of this audit is as follows: "On December 1st, 2003 our department received two letters from the Department of Justice Office of Community Oriented Policing Servicing detailing three compliance issues resulting from the September 2003 site visit to our department conducted by their office. Briefly described the finding were: 1. Grant funds were drawn down to support salary of our the first School Resource Officer position with beginning date of 07/01/1999. Officer hired for that position was currently a patrol officer with the city. During his transfer and training period, thru the first semester of the school year no officer was hired to backfill his position. The backfill position of the patrol office was filled on 12/20 of 1999. During the site visit, the Department of Justice's finding was that the \$19,671.00 that was paid in salary to that officer during those months, is considering supplanting and should be repaid to the COPS Office. Upon that finding, along with the city attorney and some other guidance we crafted responses to each of these findings. Our responses to that particular one was during the months of December 03 to January 04, I met with the mayor, city recorders, city attorney to craft these responses which the summary ask the Department of Justice to consider the extended longevity of the school resource officer program beyond what the parameters of the program are which is still going today. To recognize that six month draw-down on the back-end of the grant to be considered as grant extension, therefore, washing the nineteen thousand. The decision from the Department of Justice stands by the original finding requiring repayment of that \$19, 671.00. Summed up, they said, no. Finding number 2. Unallowable costs of \$841.67 was paid to our second resource officer after the grant period started for overtime accumulated during her previous position as a dispatcher. Our response, and the decision of the city, this is clearly an unallowable costs and a check was remitted to the Department of Justice, by us, for \$841.67. Finding number 3. Grant funding drawn down for the third school resource officer position between dates of October 7, 2001 and September of 2003 where an error due to the deployment of the School Resource Cross to active military duty during ..duty requiring repayment of \$70, 998.53, salary amount drawn down during that period. The finding states: the continued during draw-drown of funds during Cross's deployment with out back-filling the position is considered supplanting. Our response: we have two conflicting Federal regulations resulting in the decision to redeploy a patrol officer to the school resource officer position temporarily and continually drawing down the grant funds. The requirement to hold the position of deployed of military personnel and the requirement to continue the school resource officer program prescribed by the COPS Grant as well as the unknown duration of Cross's active duty orders precluded us from backfilling the vacant position. Instead, we redeployed a patrol officer to fill the roll of the vacant SRO position and continued to draw down the grant funds to support that position, thus, leaving Cross's job open and covering the SRO position. The decision upon appeal to the Department of Justice was to allow the Martin Police Department to hire one additional officer in the 04/05 or next budget year with the agreement to maintain that level of staffing for two years in-lieu-of repaying the \$70,998.53. In summary, the tax documents you have in front of you relay the correspondence you have in front of you, relay the correspondences between myself, the Department of Justice and our office including findings, request for repeal response, and the appeal decision. The decisions listed above are regarded as the final decisions for the Department of Justice for informal disposition of these matters. The conclusion require budget consideration which must be approved by the Mayor and Board of Aldermen. My recommendation is we comply with the amended remedies prescribed by the Department of Justice letter, which is in your book, dated, February 3rd, 2004, from Chile Miles, Assistant General Council Legal Division of the COPS Office, Department

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of Justice. The letter states: That in the matter of \$19, 671.00, we repay the balance to the COPS Office. Regarding the \$70, 998.53, I recommend we follow remedy number 2 set out in the letter, agreeing to add one additional officer with a plan to maintain the position for a period of, at least, twenty-four months in-lieu-of the repayment of the funding. That, gentlemen, is my recommendation to this board and it will be matters that will need to be discussed among you and discussed with the Finance Committee. I would assume and brought back before you at a later time.”

Mayor Brundige replied, my recommendation is to forward this to the Finance Committee to be considered as a part of the budget.

BOARD AGREED.

INVESTIGATIVE AUDIT; C. E. WELDON PUBLIC LIBRARY

Mayor Brundige stated, “I would like to state one thing before we get into old business, for here, today, we got our investigative audit and we have their findings, we have our responses down and we have procedures in place to take care of what they found..... We have all of our employees, we thank the world of them and we think they will follow these procedures, we know they will because we will oversee these procedures and we have trust in them and trust in our Library and our Library Board, at this time...”

OLD BUSINESS:

SECOND AND FINAL READING AND PUBLIC HEARING OF ORDINANCE 02004-05: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING, FROM B-3 (CENTRAL BUSINESS) TO R-2 (MEDIUM DENSITY RESIDENTIAL), THE FOLLOWING PROPERTY LOCATED ON THE NORTH SIDE OF OXFORD STREET. Recommendation from the Martin Municipal-Regional Planning Commission. Published in the Weakley County Press on February 25, 2004.

Mayor Brundige presented for the second and final reading and public hearing, Ordinance O2004-05: An Ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning, from B-3 (Central Business) to R-2 (Medium Density Residential), the following property located on the north side of Oxford Street. This is a recommendation from the Planning Commission and was published in the Weakley County Press on February 25, 2004.

Mr. Spencer read Ordinance O2004-05. A copy follows:

ORDINANCE 02004-05

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING, FROM B-3 (CENTRAL BUSINESS) TO R-2

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(MEDIUM DENSITY RESIDENTIAL), THE FOLLOWING PROPERTY LOCATED ON THE NORTH SIDE OF OXFORD STREET.

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 and Municipal Zoning Map relative to the rezoning of territory; and

WHEREAS, the Martin Mayor and Board of Aldermen has deemed such a rezoning of this territory from B-3 (Central Business) to R-2 (Medium Density Residential) 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 MAYOR AND BOARD OF ALDERMEN:

Section 1. That the Municipal Zoning Map and Zoning Ordinance for Martin Tennessee be amended by rezoning from B-3 (Central Business) to R-2 (Medium Density Residential), the following property located on the north side of Oxford Street, and further described as:

Being all of Weakley County Tax Map 73L, Group C, Parcel 01300.

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: March 08, 2004

Date Passed Second Reading:

Date of Public Hearing:

ATTESTED:

APPROVED:

Eric Spencer, City Recorder

Randy Brundige, Mayor

Alderman Harrison made the motion to approve on the second and final reading, Ordinance O2004-05: An Ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning, from B-3 (Central Business) to R-2 (Medium Density Residential), the following property located on the north side of Oxford Street, seconded by Alderman Johnson.

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February meeting. This is a recommendation from the Planning Commission and was published in the Weakley County Press on February 19 and March 25, 2004.

Mr. Spencer read the ordinance. A copy follows:

ORDINANCE 02004-02

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING, FROM R-3 (HIGH DENSITY RESIDENTIAL) TO B-2 (INTERMEDIATE BUSINESS), PROPERTY LOCATED AT THE SOUTHEAST INTERSECTION OF SMITH STREET AND RAILROAD AVENUE.

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 and Municipal Zoning Map relative to the rezoning of territory; and

WHEREAS, the Martin Mayor and Board of Aldermen has deemed such a rezoning of this territory from R-3 (High Density Residential) to B-2 (Intermediate Business) 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 MAYOR AND BOARD OF ALDERMEN:

Section 1. That the Municipal Zoning Map and Zoning Ordinance for Martin Tennessee be amended by rezoning from R-3 (High Density Residential) to B-2 (Intermediate Business), property located at the southeast intersection of Smith Street and Railroad Avenue, and further described as:

Being all of Weakley County Tax Map 72A, Group D, Parcels 01200, 01300, 01301 and the remaining eastern portion of 01901 as shown of Weakley County Tax Map 72H.

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.

Passed First Reading February 09, 2004

Passed Second Reading

Public Hearing Date

ATTEST:

APPROVED:

Eric Spencer, City Recorder

Randy Brundige, Mayor

Public Hearing:

Mayor Brundige opened the public hearing on Ordinance 02204-02 asking if there was anyone wishing to speak for/against the ordinance.

Mr. Kent Lee spoke, "Good evening. This is more or less a statement from last months meeting. I did a little homework on this particular intersection there at Smith and Railroad Street. I went to Dresden and it is already classified as commercial on the maps in Dresden. And, I asked the lady in Dresden how long have, how have they been taxed during the property billings. She said they have been billed for commercial property every since, going back as far as she could remember. So, primarily, I think some misinformation has transpired between the individuals that was trying to get this done to what has actually happened. This is the second generation coming in trying to do this effort. It is already zoned as a commercial lot as far as they are building them through the taxes in Dresden. So, the individuals on the street, I spoke with my neighbors, they say if it has already been classified as residential, I mean commercial, how are they are trying to change it to residential. Evidentially some misinformation, somewhere. So, if that is the way it is over the past years, then it shouldn't be effecting my neighbors and myself. So, we were just trying to make it known, that somewhere in the mix it is thought that this was residential trying to be rezoned commercial. When I went to Dresden to get the history of the tax billing, it has always been billed as a commercial lot. So, I just wanted to bring the staff up to Staff up to speed and to let you know what you are voting on. And, you might be voting on something, you are trying a commercial to a commercial. Because that is what you are doing."

Mayor Brundige stated, "We are trying to get our records up to date."

Mr. Kent explained, I just want to let you all know we, myself and my neighbors, are at peace with the situation.

Mayor Brundige closed the public hearing and asked for roll call vote on the motion.

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

Mayor Brundige declared Ordinance O2004-02 approved.
INTRODUCTION AND FIRST READING OF ORDINANCE O2004-06: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING, FROM R-3 (HIGH DENSITY RESIDENTIAL) TO B-2 (INTERMEDIATE BUSINESS), THE FOLLOWING PROPERTY LOCATED ON THE EAST SIDE OF N. LINDELL STREET BETWEEN SMITH STREET TO THE NORTH AND PALACE STREET TO THE SOUTH. Recommendation from the City of Martin Municipal-

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Regional Planning Commission. Tabled at the February 08, 2004 meeting, no vote was taken for the first reading.

Mayor Brundige stated, this ordinance was tabled at the last meeting and in order for this ordinance to be discussed, we need a motion to remove it from the table.

Alderman Nanney made the motion to remove Ordinance O2004-06 from the table, Alderwoman Boyd.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

Mayor Brundige introduced and presented for the first reading Ordinance O2004-06: An Ordinance to amend the Municipal Zoning Ordinance and Map for the City of Martin, Tennessee, by rezoning, from R-3 (High Density Residential) to B-2 (Intermediate Business), the following property located on the east side of N. Lindell Street between Smith Street to the north and Palace Street to the south. This is a recommendation from the Planning Commission.

Mr; Spencer read Ordinance O2004-06. A copy follows:

ORDINANCE O2004-06

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING, FROM R-3 (HIGH DENSITY RESIDENTIAL) TO B-2 (INTERMEDIATE BUSINESS), THE FOLLOWING PROPERTY LOCATED ON THE EAST SIDE OF N. LINDELL STREET BETWEEN SMITH STREET TO THE NORTH AND PALACE STREET TO THE SOUTH.

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 and Municipal Zoning Map relative to the rezoning of territory; and

WHEREAS, the Martin Mayor and Board of Aldermen has deemed such a rezoning of this territory from R-3 (High Density Residential) to B-2 (Intermediate Business) 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 MAYOR AND BOARD OF ALDERMEN:

Section 1. That the Municipal Zoning Map and Zoning Ordinance for Martin Tennessee be amended by rezoning from R-3 (High Density Residential) to B-2 (Intermediate

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Business), the following property located on the east side of N. Lindell Street between Smith Street to the north and Palace Street to the south, and further described as:

Being all of Weakley County Tax Map 72A, Group D, Parcels 01400, 01500, 01600, 01700, and the remaining portion of Parcel 01801 not already designated B-2 (Intermediate Business).

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:

APPROVED:

Eric Spencer, City Recorder

Randy Brundige, Mayor

Alderman Johnson made the motion to approve on the first reading Ordinance O2004-06: An Ordinance to amend the Municipal Zoning Ordinance and Map for the City of Martin, Tennessee, by rezoning, from R-3 (High Density Residential) to B-2 (Intermediate Business), the following property located on the east side of N. Lindell Street between Smith Street to the north and Palace Street to the south, seconded by Alderman Edwards.

VOTE:

FOR: HONORABLE NANNEY
HONORABLE HARRISON
HONORABLE BELOTE
HONORABLE JOHNSON
HONORABLE BOYD
HONORABLE EDWARDS

AGAINST: NONE

Mayor Brundige declared Ordinance O2004-06 approved on the first reading and set the second and final reading for May 10, 2004 at 5:00 PM.

NEW BUSINESS:

INTRODUCTION AND PRESENTATION FOR READING OF RESOLUTION R2004-10: RESOLUTION ACCEPTING STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION PROPOSAL FOR STATE PROJECT 92001-2228-94, FEDERAL PROJECT STP-H-431 (2), STATE ROUTE 431:

**UNIVERSITY STREET INTERCHANGE AT MT. PELIA ROAD IN MARTIN,
WEAKLEY COUNTY**

Mayor Brundige presented and introduced Resolution R2004-10: Resolution accepting State of Tennessee Department of Transportation Proposal for the State Project 92001-2228-94, Federal project STP-H-431 (2), State Route 431: University Street Interchange at Mt. Pelia Road in Martin, Weakley County.

Mr. Spencer read Resolution R2004-10. A copy follows:

RESOLUTION R2004-10

**RESOLUTION ACCEPTING STATE OF TENNESSEE DEPARTMENT OF
TRANSPORTATION PROPOSAL FOR STATE PROJECT 92001-2228-94, FEDERAL
PROJECT STP-H-431 (2), STATE ROUTE 431: UNIVERSITY STREET INTERCHANGE
AT MT. PELIA ROAD IN MARTIN, WEAKLEY COUNTY.**

WHEREAS, the State of Tennessee, Department of Transportation, submitted the above captioned project proposal for acceptance "as is" to the City of Martin, Weakley County for approval and adoption;

**NOW THEREFORE BE IT RESOLVED BY THE MARTIN BOARD OF MAYOR AND
ALDERMEN AS FOLLOWS:**

SECTION 1. The Martin Board of Mayor and Aldermen accept the above captioned project proposal.

SECTION 2. **BE IT FURTHER RESOLVED**, that this 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 passed on the ____ day of _____, 2004.

ATTESTED:

APPROVED:

Eric Spencer, City Recorder

Randy Brundige, Mayor

Alderman Nanney made the motion to approve Resolution R2004-10: Resolution accepting State of Tennessee Department of Transportation Proposal for the State Project 92001-2228-94, Federal project STP-H-431 (2), State Route 431: University Street Interchange at Mt. Pelia Road in Martin, Weakley County, seconded by Alderman Harrison.

VOTE:

**FOR: HONORABLE NANNEY
HONORABLE HARRISON
HONORABLE BELOTE**

HONORABLE JOHNSON
HONORABLE BOYD
HONORABLE EDWARDS
AGAINST: NONE

Mayor Brundige declared Resolution R2004-10 approved.

PRESENTATION, INTRODUCTION AND READING OF RESOLUTION R2004-11: RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION FOR GRANT FUNDING FROM THE LOCAL PARKS & RECREATION FUND/LAND AND WATER CONSERVATION FUND

Mayor Brundige presented and introduced for reading Resolution R2004-11: Resolution authorizing the submittal of an application to the Tennessee Department of Environment & Conservation for Grant Funding from the Local Parks and Recreation Fund/Land and Water Conservation Fund.

Mr. Spencer Read Resolution R2004-11. A copy follows:

RESOLUTION R2004-11

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE TENNESSEE DEPARTMENT OF ENVIRONMENT & CONSERVATION FOR GRANT FUNDING FROM THE LOCAL PARKS & RECREATION FUND/LAND AND WATER CONSERVATION FUND

WHEREAS, the Mayor and Aldermen of Martin, Tennessee, recognizes the importance of recreational opportunities for the citizens of Martin; and

WHEREAS, the Martin Board of Mayor and Aldermen wishes to implement recreational developments to the Martin Recreation Complex property to serve the general public; and

WHEREAS, the Martin Board of Mayor and Aldermen wishes to make application for LPRF/LWCF funds in an amount not to exceed \$86,000 to implement said project and will commit local funds in amount of not less than \$86,000 for said project; for a total project cost of \$172,000.

NOW THEREFORE BE IT RESOLVED BY THE MARTIN BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION 1. That the Mayor of the City of Martin is hereby authorized to make and sign an application for LPRF/LWCF funds, authorize any required environmental documentation, and enter into any and all contracts and agreements to consummate the application and implement the said improvements.

SECTION 2. BE IT FURTHER RESOLVED, the Martin Board of Mayor and Aldermen affirms that it will provide the necessary means for the proper development, operation, and maintenance of the Martin Recreation Complex system and the proposed improvements within.

SECTION 2. BE IT FURTHER RESOLVED, that this 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 passed on the ___ day of _____, 2004.

ATTESTED:

APPROVED:

Eric Spencer, City Recorder

Randy Brundige, Mayor

Alderman Johnson made the motion to approve Resolution R2004-11: Resolution authorizing the submittal of an application to the Tennessee Department of Environment & Conservation for Grant Funding from the Local Parks and Recreation Fund/Land and Water Conservation Fund, seconded by Alderman Harrison.

Mayor Brundige asked Director of Parks and Recreation Dennis Suiter to explain how the city will meet the required match of \$86,000.00 for this grant.

Mr. Suiter spoke, "Of the \$86,000.00, \$59,000.00 is in a Friends Account, Friends of Martin Parks and Recreation. Those funds are primarily from two title sponsors, actually three title sponsors, MTD, Hubbell and Martin Rotary Club. So, \$59,000.00 of the eighty-six in the bank account from outside sponsors. We are projecting to utilize \$22,000.00 in Force Account, or you may better know that as in-kind services, work we would with equipment and manpower. So, that is \$81,000.00 of the total. We are projecting, at this time, it would actually only cost the city approximately \$5,000.00 in actual money match of the total \$86,000.00 fifty-fifty match. Any questions."

Alderman Johnson made the motion to approve Resolution R2004-11: Resolution authorizing the submittal of an application to the Tennessee Department of Environment & Conservation for Grant Funding from the Local Parks and Recreation Fund/Land and Water Conservation Fund, seconded by Alderman Harrison.

VOTE:

FOR: HONORABLE NANNEY
HONORABLE HARRISON
HONORABLE BELOTE
HONORABLE JOHNSON
HONORABLE BOYD
HONORABLE EDWARDS

AGAINST: NONE

Mayor Brundige declared Resolution R2004-11 approved.

INTRODUCTION AND PRESENTATION FOR THE FIRST READING, ORDINANCE O2004-07: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE BY REZONING TWO TRACTS LOCATED ON A PRIVATE DRIVE KNOWN AS BROOKS DRIVE ALONG THE SOUTH SIDE OF HAWKS ROAD WEST OF ITS INTERSECTION WITH SKYHAWK PARKWAY FROM R-3 (HIGH DENSITY RESIDENTIAL) TO B-2 (INTERMEDIATE BUSINESS).

Mayor Brundige introduced and presented for the first reading, Ordinance O2004-07: An Ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning two tracks located on a private drive known as Brooks Drive along the south side of Hawks Road west of its intersection with Skyhawk Parkway from R-3 (High Density Residential) to B-2 (Intermediate Business). This is a recommendation from the Martin Municipal-Regional Planning Commission.

Mr. Spencer read Ordinance O2004-07. A copy follows:

ORDINANCE 02004-07

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE BY REZONING TWO TRACTS LOCATED ON A PRIVATE DRIVE KNOWN AS BROOKS DRIVE ALONG THE SOUTH SIDE OF HAWKS ROAD WEST OF ITS INTERSECTION WITH SKYHAWK PARKWAY FROM R-3 (HIGH DENSITY RESIDENTIAL) TO B-2 (INTERMEDIATE BUSINESS).

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 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:

Minutes: City of Martin Board of Mayor and Aldermen, April 12, 2004

Section 1. That the Municipal Zoning Map and Zoning Ordinance for Martin, Tennessee be amended by rezoning the following two tracts from R-3 (High Density Residential) to B-2 (Intermediate Business):

Weakley County Tax Map 73, Parcels 06204 and 06209

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:

APPROVED:

Eric Spencer, City Recorder

Randy Brundige, Mayor

Alderman Johnson made the motion to approve on the first reading, Ordinance O2004-07: An Ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning two tracks located on a private drive known as Brooks Drive along the south side of Hawks Road west of its intersection with Skyhawk Parkway from R-3 (High Density Residential) to B-2 (Intermediate Business), seconded by Alderman Harrison.

VOTE:

FOR: HONORABLE NANNEY
HONORABLE HARRISON
HONORABLE BELOTE
HONORABLE JOHNSON
HONORABLE BOYD
HONORABLE EDWARDS

AGAINST: NONE

Mayor Brundige declared the ordinance approved on the first reading and set the second and final reading and public hearing for May 10, 2004 at 5:00 pm.

INTRODUCTION AND PRESENTATION FOR THE FIRST READING, ORDINANCE O2004-08: AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS THE JENKINS PROPERTY LOCATED ON THE NORTH SIDE OF TRAVIS ROAD. Recommendation from the Martin Municipal-Regional Planning Commission.

Mayor Brundige introduced and presented for the first reading, Ordinance O2004-08: An Ordinance to annex certain territory and incorporate same within the corporate boundaries of the City of Martin, Tennessee: An area referred to as the Jenkins property located on the north side of Travis Road. This is a recommendation from the Planning Commission.

Mr. Spencer read Ordinance O2004-08. A copy follows:

ORDINANCE O2004-08

AN ORDINANCE TO ANNEX CERTAIN TERRITORY AND INCORPORATE SAME
WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE:
AN AREA REFERRED TO AS THE JENKINS PROPERTY
LOCATED ON THE NORTH SIDE OF TRAVIS ROAD.

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:

Being all of Weakley County Tax Map 79, Parcel 06900 located on the north side of Travis Road.

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

ATTEST:

APPROVED:

Eric Spencer, City Recorder

Randy Brundige, Mayor

Alderman Harrison made the motion to approve on the first reading, Ordinance O2004-08: An Ordinance to annex certain territory and incorporate same within the corporate boundaries of the City of Martin, Tennessee: An area referred to as the Jenkins property located on the north side of Travis Road, seconded by Alderman Nanney.

VOTE:

FOR: HONORABLE NANNEY
HONORABLE HARRISON
HONORABLE BELOTE
HONORABLE JOHNSON
HONORABLE BOYD
HONORABLE EDWARDS

AGAINST: NONE

Mayor Brundige declared the ordinance approved on the first reading and set the second and final reading and public hearing for May 10, 2004 at 5:00 pm.

INTRODUCTION AND PRESENTATION FOR THE FIRST READING, ORDINANCE O2004-09: 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 R-1 (LOW DENSITY RESIDENTIAL): AN AREA REFERRED TO AS THE JENKINS PROPERTY LOCATED ON THE NORTH SIDE OF TRAVIS ROAD. Recommendation from the Martin Municipal-Regional Planning Commission.

Mayor Brundige introduced and presented for the first reading Ordinance O2004-09: 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 R-1 (Low Density Residential): An area referred to as the Jenkins Property located on the north side of Travis Road. This is a recommendation from the Martin Municipal-Regional Planning Commission.

Mr. Spencer read Ordinance O2004-09. A copy follows:

ORDINANCE O2004-09

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 R-1 (LOW DENSITY RESIDENTIAL): AN AREA

REFERRED TO AS THE JENKINS PROPERTY LOCATED ON THE NORTH SIDE OF TRAVIS ROAD.

- 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 R-1 (Low Density Residential); 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 an R-1 (Low Density Residential) designation to an annexed area referred to as the Jenkins property located on the north side of Travis Road and more fully described as follows:

Being all of Weakley County Tax Map 79, Parcel 06900 located on the north side of Travis Road.

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

ATTEST:

APPROVE:

Eric Spencer, City Recorder

Randy Brundige, Mayor

Alderman Johnson made the motion to approve on the first reading of Ordinance O2004-09: 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 R-1 (Low Density Residential): An area referred to as the Jenkins Property located on the north side of Travis Road, seconded by Alderman Harrison.

VOTE:

FOR: HONORABLE NANNEY
HONORABLE HARRISON
HONORABLE BELOTE
HONORABLE JOHNSON

HONORABLE BOYD
HONORABLE EDWARDS
AGAINST: NONE

Mayor Brundige declared the ordinance approved on the first reading and set the second and final reading and public hearing for May 10, 2004 at 5:00 pm.

INTRODUCTION, PRESENTATION, AND FIRST READING OF RESOLUTION R2004-09: A RESOLUTION ADOPTING A PLAN OF SERVICE FOR AN AREA TO BE ANNEXED INTO THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS THE JENKINS PROPERTY LOCATED ON THE NORTH SIDE OF TRAVIS ROAD. Recommendation from the Martin Municipal-Regional Planning Commission.

Mayor Brundige introduced and presented for the first reading, Resolution R2004-09: A Resolution adopting a Plan of Service for an area to be annexed into the City of Martin, Tennessee: An area referred to as the Jenkins Property located on the north side of Travis Road. This is a recommendation from the Planning Commission.

Mr. Spencer read Resolution R2004-09. A copy follows:

RESOLUTION R2004-09

A RESOLUTION ADOPTING A PLAN OF SERVICES FOR AN AREA TO BE ANNEXED INTO THE CITY OF MARTIN, TENNESSEE: AN AREA REFERRED TO AS THE JENKINS PROPERTY LOCATED ON THE NORTH SIDE OF TRAVIS ROAD.

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 the Jenkins property located on the north side of Travis Road.

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. Sewer is available to this property.

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

upon acceptance of the street(s) by the City of Martin but no earlier than the effective date of annexation.

- (2) Routine maintenance, on the same basis as in the present city, will begin in the annexed areas upon acceptance of the street(s) by the City of Martin 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 R-1 (Low-Density Residential).

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.

Minutes: City of Martin Board of Mayor and Aldermen, April 12, 2004

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

Second Reading of Resolution

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

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