

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

**September 16, 2004      5:15 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 Thursday, September 16, 2004, at 5:15 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 DAVID BELOTE, ALDERMAN WARD II  
                                 HONORABLE RANDY EDWARDS, ALDERMAN WARD III  
                                 HONORABLE NATALIE D. BOYD, ALDERWOMAN WARD III  
MEMBERS ABSENT:      HONORABLE STAN JOHNSON, ALDERMAN WARD II

## **CALL TO ORDER AND INVOCATION**

Mayor Brundige called the City of Martin Board of Mayor and Aldermen to order for the September 16, 2004 meeting. Alderman Harrison gave the invocation.

## **PLEDGE OF ALLEGIANCE**

Mayor Brundige lead the group in the Pledge of Allegiance to the Flag.

## **APPROVAL OF MINUTES    AUGUST 09 & 24, 2004**

Alderman Harrison made a motion to approve the minutes of the August 09 and 24, 2004 meeting as written, seconded by Alderman Nanney.

VOTE:                    UNANIMOUS VOICE VOTE OF APPROVAL

## **COMMITTEE AND DEPARTMENT HEAD REPORTS**

### **Update on interior fire detector units obtained by grant:**

Fire Chief Oran True explained, during the Soybean Festival, 550 interior fire detector units were disbursed, leaving about 250 to be given away. We will be targeting neighborhoods that do not have them.

The Fire Department is currently writing a grant proposal for a safety trailer to be used to educate

youth.

Mayor Brundige spoke, I would like to commend all the Departments for the great job done during the Soybean Festival. All the time and energy you invested in the festival was greatly appreciated. This helped to make a great festival. I would also like to thank Alderman Belote, who served as chairman of the festival. Alderman Belote has done an outstanding job. I think we had a very successful and enjoyable festival.

Parks and Recreation Director Dennis Suiter spoke, in regard to the Soybean Festival, it is very difficult when you start singling out individuals and their rolls played but I hope everyone will realize that this Soybean Festival kept running largely due to Mark Boulton. Mark did our electrical work and did a great job.

I also want to thank the Fire Department. They came out the Martin Recreational Complex with a truck and helped us repair the flag pole. The big flag is up.

Update on grant: The Grant applied for to complete the MTD Soccer and the new Rotary Pavilion Concession. has been awarded. Parks and Recreation will be going to a grant workshop next week to start this process.

## **OLD BUSINESS:**

### **SECOND AND FINAL READING AND PUBLIC HEARING OF RESOLUTION R2004-19: A RESOLUTION MAKING APPROPRIATIONS TO THE NON-CHARITABLE ORGANIZATIONS FOR THE FISCAL YEAR BEGINNING JULY 01, 2004 AND ENDING JUNE 30, 2005.**

Mayor Brundige introduced for the second and final reading and the public hearing Resolution R2004-19: A Resolution making appropriations to the Non-Charitable Organizations for the Fiscal Year beginning July 01, 2004 and ending June 30, 2004. This is the Public Hearing.

A copy follows:

#### **RESOLUTION R2004-19**

#### **A RESOLUTION MAKING APPROPRIATIONS TO THE NON-PROFIT CHARITABLE ORGANIZATION, FOR THE FISCAL YEAR BEGINNING JULY 1,2004 AND ENDING JUNE 30, 2005**

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 Fifteen Thousand, and Fifty Dollars (\$15,050.00) 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 Recorder’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 Recorder 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

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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.

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Randy Brundige, Mayor

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Danny Nanney, Vice Mayor

INTRODUCED AND PASSED FIRST READING August 24, 2004

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

Alderman Nanney made the motion to approve on the second and final reading Resolution R2004:19:

A Resolution making appropriations to the Non-Charitable Organizations for the Fiscal Year beginning July 01, 2004 and ending June 30, 2004, seconded by Alderman Belote.

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

Mayor Brundige declared Resolution R2004-19 approved.

**SECOND AND FINAL READING AND PUBLIC HEARING OF ORDINANCE O2004-11: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE BY REZONING SIX TRACTS LOCATED AT THE SOUTHEAST INTERSECTION OF UNIVERSITY AND ELM STREETS FROM R-1 (LOW DENSITY RESIDENTIAL) TO B-3 (CENTRAL BUSINESS).**

Mayor Brundige introduced, read, and presented for the second and final reading and public hearing Ordinance O2004-11: An Ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee by rezoning six (6) tracts located at the Southeast intersection of University and Elm Streets from R-1 (Low Density Residential) to B-3 (Central Business). This is a recommendation from the Martin Municipal-Regional Planning Commission.

A copy follows:

ORDINANCE 02004-11

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE BY REZONING SIX TRACTS LOCATED AT THE SOUTHEAST INTERSECTION OF UNIVERSITY AND ELM STREETS FROM R-1 (LOW DENSITY RESIDENTIAL) TO B-3 (CENTRAL 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:

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

Weakley County Tax Map 73M, Group E, Parcels  
00100, 00200, 00300, 00400, 01600 and 01700

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:

\_\_\_\_\_  
Danny Nanney, Vice-Mayor

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

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**Public Hearing:** Mayor Brundige asked if there was anyone wishing to speak for or against Ordinance O2004-11. No one spoke.

Alderwoman Boyd made the motion to approve on the second and final reading Ordinance O2004-11: An Ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee by rezoning six (6) tracts located at the Southeast intersection of University and Elm Streets from R-1 (Low Density Residential) to B-3 (Central Business), seconded by Alderman Harrison.

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

Mayor Brundige declared Ordinance O2004-11 approved.

**APPRAISAL - OLD MARTIN MANUFACTURING BUILDING LOT, BROADWAY STREET**

Mayor Brundige explained, the lot which housed the Old Martin Manufacturing Building has been appraised at \$22,600.00.

Alderman Edwards made the motion to advertise to sell by sealed bids the Old Martin Manufacturing Building lot located on Broadway Street for a minimum bid of \$22,600.00, seconded by Alderman Harrison.

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

Mayor Brundige declared the motion approved.

**NEW BUSINESS:**

**INTRODUCTION AND READING OF RESOLUTION R2004-21: A RESOLUTION OF THE MARTIN, TENNESSEE BOARD OF MAYOR AND**

**ALDERMEN TO AMEND THE PERSONNEL RULES AND REGULATIONS FOR EMPLOYEES OF THE CITY OF MARTIN**

Mayor Brundige introduced, read, and present for consideration Resolution R2004-21: A Resolution of the Martin, Tennessee Board of Mayor and Aldermen to amend the Personnel Rule and Regulations for Employees of the City of Martin. This is solely dealing with Department Heads. A copy follows:

**RESOLUTION R2004-21**

**RESOLUTION R2004-21: A RESOLUTION OF THE MARTIN, TENNESSEE BOARD OF MAYOR AND ALDERMEN TO AMEND THE PERSONNEL RULES AND REGULATIONS FOR EMPLOYEES OF THE CITY OF MARTIN**

WHEREAS, Section 20 of the Martin City Charter Provides that the Board of Mayor and Aldermen may adopt a program supplementary rules and regulations governing employment by the City; and

WHEREAS, the City of Martin seeks to attract and retain qualified department managers by offering a program of competitive leave benefits.

WHEREAS, the Martin Board of Mayor and Aldermen has determined that the provision of a minimum of three weeks vacation leave to newly hired department managers is necessary to attract and retain qualified managerial staff.

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

Section 1. Section VI, part A of the City of Martin’s Personnel Rules and Regulations, previously adopted by Resolution R2004-02, is hereby amended to read as follows:

**SECTION VI - BENEFITS**

**A. VACATION LEAVE**

The term “Vacation Leave” and “Annual Leave” are interchangeable when used in this policy .

Vacation leave will be granted to regular employees, but may not be taken until the employee has completed one year of service. Each full-time regular employee other than a firefighter may carry forward from one calendar year to the next a maximum unused vacation leave of 336 hours. Each firefighter on twenty-four hour shifts may carry forward from one calendar year to the next a maximum vacation leave of 672 hours. For vacation purposes, time is earned beginning with the date of regular employment to the anniversary to the anniversary date each year.

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The vacation year is the annual period between January and December. It begins with the first working day in the calendar year and ends with the last working day in the calendar year. Although vacation is computed using the service year, leave records will be accounted for and controlled on a vacation year basis. An employee must be actively employed in order to earn vacation leave. "Actively employed," as used here, does not include any period of unpaid absence. Vacation leave shall not be taken until earned. Payment of vacation leave shall be made at the employee's regular, straight-time, rate of pay.

Regular employees other than firefighters and department managers (department heads) earn and accrue vacation leave at the following rate:

<u>Years of Service</u>	<u>Hours Earned Per Week</u>	<u>Hours Earned Per Year</u>
1 <sup>st</sup> Year	1.00	52.00
2 <sup>nd</sup> through 7 <sup>th</sup> Year	1.60	83.20
8 <sup>th</sup> through 15 <sup>th</sup> Year	2.31	120.12
All over 15 years	3.80	197.60

Because firefighters work 24-hour shifts, they accrue and charge leave according to the following schedule:

<u>Years of Service</u>	<u>Hours Earned Per Week</u>	<u>Hours Earned Per Year</u>
1 <sup>st</sup> Year	2.00	104.00
2 <sup>nd</sup> through 7 <sup>th</sup> Year	3.20	166.40
8 <sup>th</sup> through 15 <sup>th</sup> Year	4.62	240.24
All over 15 Years	7.60	395.20

Vacation leave benefits for all department heads shall be as follows:

<u>Years of Service</u>	<u>Hours Earned Per Week</u>	<u>Hours Earned Per Year</u>
1 <sup>st</sup> Year	2.31	120.12
2 <sup>nd</sup> through 7 <sup>th</sup> Year	2.31	120.12
8 <sup>th</sup> through 15 <sup>th</sup> Year	2.31	120.12
All over 15 Years	3.80	197.60

Vacation Leave cannot be taken in less than 4-hour increments, (Firefighters, leave cannot be taken in less than half shifts without approval of the Fire Chief.

For leave purposes, the service an individual has to his/her credit includes all time spent as a full-time employee of the municipality.

Vacations will be scheduled in advance for the mutual convenience of the employees and the city government so proper adjustments can be made in the work schedules. Departments heads preparing vacation schedules will give choice of dates based on seniority of the personnel in their



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departments, and no employee may begin his/her annual leave until his/her request has been approved by the department head.

An employee who is separated from city employment shall be paid for his/her unused vacation leave on a regular pay-period basis. The termination date shall coincide with the last date of pay. In no event will an employee who has not completed at least one year of satisfactory service receive termination pay.

Legal holidays falling within a vacation period are not to be counted as vacation days. There shall be no pay in lieu of vacation. When an employee is on "leave without pay" for 15 days during any calendar month, no annual leave accumulates. Employees may not borrow against future annual vacation or transfer earned leave to another employee.

Service in the National Guard, state militia, or military reserves may be charged as annual vacation at the option of the employee. Employees electing to coincide vacation time with military leave shall receive full pay for the amount of specified vacation leave.

Section 2. All other personnel manuals and policies previously adopted by the Martin Board of Mayor and Aldermen are hereby amended to conform to this resolution.

Section 3. This resolution shall be in full force and effect from and after its date of passage by the Martin Board of Mayor and Aldermen.

PASSED AND APPROVED THIS 16<sup>TH</sup> DAY OF SEPTEMBER, 2004, BY A ROLL CALL VOTE OF THE MARTIN BOARD OF MAYOR AND ALDERMEN.

SIGNED:

ATTEST:

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

\_\_\_\_\_  
Danny Nanney, Vice Mayor

Alderman Belote made the motion to approve Resolution R2004-21: A Resolution of the Martin, Tennessee Board of Mayor and Alderman to amend the Personnel Rule and Regulations for Employees of the City of Martin, seconded by Alderman Nanney.

VOTE:

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

AGAINST: NONE

ABSENT: HONORABLE JOHNSON

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Mayor Brundige declared Resolution R2004-21 approved.

## **CITY OF MARTIN, TENNESSEE MUNICIPAL CODE UPDATE**

Mayor Brundige explained, the City of Martin, Tennessee, Municipal Code needs to be updated. It has not been done in several years and there are several outdated codes. The update will take eighteen months costing \$5,900.00 and will be done by MTAS.

Alderman Harrison made the motion to contract with MTAS to update the City of Martin Municipal Code, cost \$5,900.00, seconded by Alderman Belote.

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

Mayor Brundige declared the motion approved.

## **BID OPENING: FENCE REPAIR AT WATER PLANT, TANKS, AND WELLS**

Mayor Brundige presented the bid openings received September 01, 2004, for Fence repairs at the Water Plant, Tanks, and Wells. Two bids were received and they are as follows:

Quality Fence	\$5,077.00
Memphis Fence Company	\$8,456.00

This repair has to be done because we have been written up during inspections and the repairs are required by Home Land Security. The low bid is from Quality Fence, Milan, Tennessee.

Alderman Nanney made the motion to accept the low bid from Quality Fence, \$5,077.00 to repair the fences at the Water Plant, Tanks and Wells, seconded by Alderwoman Boyd.

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

AGAINST: NONE  
ABSENT: HONORABLE JOHNSON

Mayor Brundige declared the motion approved.

**LEASE/PURCHASE OF MINI-TRACT-HOE EXCAVATOR KABOTA-435 FROM WATKINS EQUIPMENT, MILAN, TN., \$28,875; GOVERNMENT LEASE/PURCHASE, \$341.41 PER MONTH**

Mayor Brundige presented the lease/purchase of a rubber tracked Mini-Track-Hoe that can be used in yards or to do small jobs. The Lease/Purchase: Rubber tracked Mini-Track-Hoe excavator, Kabota-435 from Watkins Equipment \$28,875; Government lease/purchase \$312.41 per month; paid from rent projects in water, sewer & gas. Sealed bids were taken for this proposed purchase.

Chairman Nanney explained, the Public Works Committee recommends we purchase this Mini-Track-Hoe from Watkins Equipment for \$28,875.00. We are also recommending we sell public works' old Cat track-hoe and use this amount to off set the cost of the new one. Public Works needs something to work with that won't tear up yards. This machine has a rubber track and is a small version of the larger models.

Alderman Harrison made the motion to lease/purchase a rubber tracked Mini-Track-Hoe excavator, Kabota-435 from Watkins Equipment, \$28,875; Government lease/purchase \$312.41 per month; paid from rent projects in water, sewer & gas, seconded by Alderman Belote.

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

Mayor Brundige declared the motion approved.

**SELL PUBLIC WORKS 1986 CAT-225 TRACK-HOE EXCAVATOR TO JIMMY MORRIS FOR \$16,320.00.**

Mayor Brundige presented a recommendation from the Public Works Committee to sell the Public Works 1986 CAT-225 Track-Hoe excavator to Jimmy Morris for \$16,320.00. The monies received from this sale will off set the cost of the Mini-Track-Hoe. Sealed bids were taken for this proposed sale.

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Alderman Edwards made the motion to sell the Public Works 1986 CAT-225 Track-Hoe excavator to Jimmy Morris for \$16,320.00, using these funds to off set the cost of a Mini-Track-Hoe, seconded by Alderman Belote.

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

Mayor Brundige declared the motion approved.

**UPDATE EMPLOYEE PERSONNEL POLICY: ANNUAL ACCUMULATED LEAVE OVER 336 HOURS, ROLL INTO SICK LEAVE, THEN IF NOT USED ROLL INTO RETIREMENT AT RETIREMENT TIME.**

Alderman Edwards explained, we need an update in the Employee Personnel Policy that will allow any accumulated annual leave over 336 hours to roll into sick leave, upon retirement if sick leave is not used, it will roll into retirement.

Alderman Edwards made the motion to update the Employee Personnel Policy, by amendment stating; Any accumulated annual leave over 336 hours will roll into sick leave, then upon retirement, if sick leave is not used, it will roll into retirement, seconded by Alderwoman Boyd.

VOTE:                   UNANIMOUS VOICE VOTE OF APPROVAL

**RESOLUTION R2004-22: RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE DELEGATING TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MARTIN, TENNESSEE AUTHORITY TO NEGOTIATE AND ACCEPT FROM COX-McCARVER PARTNERSHIP PAYMENTS IN LIEU OF AD VALOREM TAXES**

Mayor Brundige introduced, read, and presented Resolution R2004-22: Resolution of the Board of

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Mayor and Aldermen of the City of Martin, Tennessee Delegating to the Industrial Development Board of the City of Martin, Tennessee authority to negotiate and accept from Cox-McCarver Partnership payments In-Lieu-of Ad Valorem Taxes.

RESOLUTION R2004-22

RESOLUTION OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN, TENNESSEE DELEGATING TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MARTIN, TENNESSEE AUTHORITY TO NEGOTIATE AND ACCEPT FROM COX-McCARVER PARTNERSHIP PAYMENTS IN LIEU OF AD VALOREM TAXES

WHEREAS, the City of Martin, Tennessee (the "City") is a "municipality" within the meaning of Section 7-53-101(8) of the Tennessee Code Annotated (the "TCA"); and

WHEREAS, the Board of Mayor and Aldermen (the "Board") is the governing body of the City; and

WHEREAS, pursuant to Section 7-53-201 through 7-53-203 of the TCA, the City has heretofore approved the incorporation of The Industrial Development Board of the City of Martin, Tennessee (the "IDB") as an "industrial development board" within the meaning of Section 7-53-101 through 7-53-311 of the TCA; and

WHEREAS, Section 7-53-305 of the TCA provides that all properties at any time owned by the IDB are exempt from all taxation in the State of Tennessee and that the City has the power to delegate to the IDB the authority to negotiate and accept from the IDB's lessees payments in lieu of ad valorem taxes, provided that such authorization is granted only upon a finding that such payments are deemed to be furtherance of the IDB's public purpose as defined in Section 7-53-305 of the TCA; and

WHEREAS, the IDB has heretofore entered into that certain Commercial Lease Agreement, dated as of March 1, 2003 (the "Existing Lease") with MTD Consumer Group Inc. ("MTD") under which the IDB leased to MTD a tract of land consisting of approximately 12.8 acres (the "Existing Land") and an approximately 50,000 square foot building and certain other related improvements (collectively, the "Existing Project"); and

WHEREAS, In connection with the Existing Lease and the Existing Project, the City has heretofore issued its Term Promissory Note in the original principal amount of \$700,0000 (the "Existing Note") to Union Planters Bank, National Association, and the IDB has executed a non-interest bearing note payable to the City in the amount of \$598,957.81 (the "City Note"); and

WHEREAS, the IDB also owns a tract of unimproved land adjacent to the Existing Land, consisting of approximately 12.8 acres (the "Additional Land");

WHEREAS, Cox-McCarver Partnership ("Cox") is considering the construction of an approximately 310,000 square foot manufacturing and distribution facility on the Additional Land

(the “Additional Project”) and has proposed that the Existing Lease be terminated and that the IDB, in consideration of a payment by Cox of funds sufficient to repay the Existing Note and a portion of the City Note, enter into a lease with Cox under which the IDB will lease to Cox both the Existing Project that the Additional Project (the “Project”), which Cox will sublease to MTD; and

WHEREAS, the Board has considered a proposal under which the Lease would provide that Cox would make payments in lieu of ad valorem taxes to each of the City and Weakley County, Tennessee (the “Counties”) in the amount of \$100 per year for each of the years 2005 through 2014, inclusive, and would make payments in lieu of ad valorem taxes to the City and the County in each year set forth below in an amount equal to the percentage specified below for such year, multiplied by the amount of taxes that would be due to the City or the County, as the case may be, with respect to the Project if the Project were owned by Cox:

<u>Year</u>	<u>Percentage</u>
2015	20%
2016	40%
2017	60%
2018	80%

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

1. The Board hereby specifically finds that the proposed payments in lieu of ad valorem taxes described above with respect to the Project are in furtherance of the IDB’s public purpose, as defined in Sections 7-53-305 of the TCA.
2. The Board hereby delegates to the IDB the authority to negotiate and accept from Cox payments in lieu of ad valorem taxes with respect to the Project, as described above.
3. The Board authorizes and directs the IDB to negotiate a lease with Cox as shall be necessary in the judgment of the IDB to effect the foregoing.

A motion was duly made by Alderman \_\_\_\_\_ that the Board of Mayor and Aldermen adopt the foregoing resolution, said motion was duly seconded by Alderman \_\_\_\_\_. Said resolution was adopted by the Board of Mayor and Alderman of the City of Martin, Tennessee, meeting in regular session on the 16th day of September, 2004.

APPROVED:

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

ATTEST:

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Danny Nanney, Vice Mayor

Alderman Harrison made the motion to approve Resolution R2004-22: Resolution of the Board of Mayor and Aldermen of the City of Martin, Tennessee Delegating to the Industrial Development Board of the City of Martin, Tennessee authority to negotiate and accept from Cox-McCarver Partnership payments In-Lieu-of Ad Valorem Taxes, seconded by Alderman Belote.

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

Mayor Brundige declared Resolution R2004-22 approved.

## **GRANT PROPOSAL FOR CITY OF MARTIN INDUSTRIAL BOARD FOR INDUSTRIAL INFRASTRUCTURE**

Mayor Brundige read the following Memo from the City of Martin Industrial Development Board:

“The City of Martin Industrial Development Board hereby requests a grant from the City of Martin. The amount requested is \$137,000.00. This request will benefit industrial development in the City of Martin. This request supports the ID Board’s mission statement and goals of working with the Board of Mayor and Aldermen to recruit, retain, and expand the industrial base and improve the quality of life for the citizens of Martin, Tennessee.”

Alderman Nanney made the motion to approve a request from the City of Martin Industrial Development Board asking the City of Martin for a grant totaling \$137,000 to benefit industrial development, seconded by Alderman Harrison.

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

2508109.1

*Minutes: City of Martin Board of Mayor and Aldermen, September 16, 2004*

Mayor Brundige declared the motion approved.

## **THANKS - WOBT TELEVISION**

Mayor Brundige thanked WOBT Television for being here to televise our board meetings. WOBT will also be at the Westview - Humbolt football game and we will be able to view this game Saturday night at 7:00 pm. Hopefully they will televise several of Westview's games.

## **INTERNATIONAL - "I WALK TO SCHOOL"**

Mayor Brundige explained, October 4<sup>th</sup> through 8<sup>th</sup> is International - I Walk to School Week. I have signed a proclamation to this effect. The City Board of Mayor and Aldermen has been asked to participate by coming and walking to school with the children. This is to encourage physical activity, safe walking skills, awareness of how *walkable* a community is, where improvement can be made, concerns for the environment, reducing traffic congestion, pollution, and speed near schools, taking back neighborhoods for people on foot, and sharing time with community leaders, parents and children.

## **ADJOURN**

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

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

ATTEST:

SIGNED:

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Randy Brundige, Mayor

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Danny Nanney, Vice Mayor



*Minutes: City of Martin Board of Mayor and Aldermen, September 16, 2004*

RB: DN/bh

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