

MINUTES OF THE MARTIN BOARD OF MAYOR AND ALDERMEN

March 13, 2006 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 Monday, March 13, 2006, 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 JOHNNY TUCK, ALDERMAN WARD II
HONORABLE NATALIE BOYD, ALDERWOMAN WARD III
HONORABLE RANDY EDWARDS, ALDERMAN WARD III

MEMBERS ABSENT: NONE

Also present: City Recorder Chris Mathis, Police Chief David Moore, Fire Chief Oran True, Public Works Director Billy Gene Wagster, Director of the Chamber of Commerce Barbara Virgin, Weakley County Economic Development Director Ronnie Price, and Attorney Kirk Moore.

CALL TO ORDER AND INVOCATION

Mayor Brundige called the March 13, 2006 meeting of the City of Martin Board of Mayor and Aldermen to order. Alderman Tuck gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES February 13 & 27, 2006

Alderwoman Boyd made the motion to approve the minutes of the February 13th and 27th meetings as written, seconded by Alderman Tuck.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

DEPARTMENT HEADS REPORTS:

PUBLIC WORKS

DIRECTOR BILLY GENE WAGSTER

Director Wagster explained he would answer any questions concerning the monthly reports.

Mayor Brundige complimented the department on an excellent job done during the last storms.

FIRE DEPARTMENT

CHIEF ORAN TRUE

Chief True explained we are in the middle of an emergency vehicle operation training course. This is a yearly state requirement and I want to publicly thank Greenball Corporation for allowing us to use their parking lot.

POLICE DEPARTMENT

CHIEF DAVID MOORE

Chief Moore explained he would answer any questions concerning the monthly reports.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

APPOINTMENT OF ATTORNEY KIRK MOORE TO THE POSITION OF CITY ATTORNEY

Mayor Brundige introduced Attorney Kirk Moore and asked for a motion to appoint him as the City of Martin's attorney.

Alderman Nanney made the motion to appoint Attorney Kirk Moore to the position of City Attorney, seconded by Alderman Belote.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

MS. BARBARA VIRGIN EXECUTIVE DIRECTOR OF THE WEAKLEY COUNTY CHAMBER OF COMMERCE

Mayor Brundige introduced Director Virgin.

Director Virgin announced the Chamber of Commerce President's Banquet would be held May 4th in the UTM Ballroom at 6:30 pm. At this banquet awards for the Small Business of the Year, Weakley County Person of the Year, and Youth Achievement will be presented. Please let us know if the city has a nomination or would like to purchase tickets.

The Youth Leadership Class is sponsoring a Trivia Night on March 16th at the Dresden Elementary Multi-purpose room. All proceeds will go to Relay for Life. Please mark your calendars and attend. Also this group will participate in a second project "Santa's Helpers" on April 8th. I am very proud of this group.

Director Virgin introduced Ms. Jennifer Slack from the Adult Leadership Class.

Ms. Slack announced the Adult Leadership Class is sponsoring a forum called "Meet the Mayors". All Weakley County mayors or their representatives are invited to participate. This forum will be March 28th in the Watkins Auditorium at 6:30 pm. Anyone can submit questions through email or phone then we will gather the questions and present them. Mayor Brundige has signed up to participate. Please try to attend.

Director Virgin introduced Mr. Ronnie Price our new Weakley County Economic Director who will be on board in April.

Mr. Price explained I am so glad to be here. I will be in town today and tomorrow, and then will be back the first week of April with my first official day being April 3rd. I already feel at home here and can see a lot of opportunity. Mayor Brundige and I toured the Gordon Foods Building today. We went from eighty degrees to twenty below zero. My first task will be to become familiar with Weakley County communities and the leadership of each. I want to learn all I can about Weakley County in order to be able to entice industry and I plan to be active regionally with our neighboring counties. Thank you for having me here tonight.

MOTION TO UPDATE MEMORANDUMS OF UNDERSTANDING:

1. UTM MUTUAL AID AND DISPATCH FUNCTION

Chief Moore introduced UTM Mutual Aid and Dispatch Function Memorandum of Understanding. The State law now requires anyone that does 911 Dispatch to have a minimum training standard and this training must be in place by June 1, 2006. UTM contacted me several weeks ago and asked if we would accept their 911 calls on June 1, 2006. The University uses student help with extensive turnover and for this reason they feel they can't comply with the new law. They assured me that they receive an average of five calls per week on the 911 lines. We have already been before the County 911 Board and they have agreed to the switch over. Now, we need to go back to our 2000 Memorandum of Understanding with UTM Public Safety and

update it. We have not changed the intent of the memorandum; just changed the wording to clarify the meaning. On the second page #2, top paragraph last sentence is the first change, "UTM Officers should check out with the MPD Dispatch if they are off continuous streets around the campus". This is a safety issue because we need to know the officers are off campus and where they are. This will take care of that. Second change top of the paragraph second page, #5, middle of the paragraph, "In all cases involving death MPD will assume primary investigation. In cases of rape MPD will be notified as a secondary investigating agency. In both instances communication cooperation between both agencies will be maintained." This change is due to a change in the State law. The new paragraph that has been added is #8 on the same page and this allows MPD to accept UTM 911 calls.

Alderman Harrison made the motion to approve the amended Mutual Aid and Dispatch Function Memorandum of Understanding with UTM, seconded by Alderman Nanney.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

2. 27TH JUDICIAL DISTRICT SPECIAL RESPONSE TEAM

Chief Moore stated it has been nearly two years since we created the 27th Judicial District Special Response Team. The Team includes officers from South Fulton Police Department, Union City Police Department, Obion County Sheriff's Department, Martin Police Department, and Weakley County Sheriff Department. The officers assigned from each department practice monthly. The teams have access to equipment in the represented agencies for a special response and have been called out on several occasions performing well. They have had a suspect barricade and several drug raids. There are some changes in the State laws that basically do away with the need for Memorandums of Understanding. These laws were put in place to insure protections for agencies that might be called for mutual aid and if something goes beyond eight hours the requesting agency is responsible for overtime. So as an addition to the Memorandum of Understanding that we already have in place we added one sentence that states, "This agreement is meant to work in conjunction with current State of Tennessee law with regard to Mutual Aid Agreements between agencies".

Alderman Harrison made the motion to approve amending the 27th Judicial District Special Response Team Memorandum of Understanding by adding the following sentence "This agreement is meant to work in conjunction with current State of Tennessee law with regard to Mutual Aid Agreements between agencies", seconded by Alderman Belote.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

3. PARTICIPATION IN THE 27TH DISTRICT DRUG TASK FORCE

Chief Moore stated we do not have this ready to present.

INTRODUCTION AND PRESENTATION OF RESOLUTION R2006-04: A RESOLUTION AUTHORIZING THE CITY OF MARTIN CHIEF OF POLICE TO ENTER INTO AND BECOME SIGNATORY TO THE WEST TENNESSEE METHAMPHETAMINE TASK FORCE AGREEMENT

Mayor Brundige introduced and presented for consideration Resolution R2006-04: A resolution authorizing the City of Martin Chief of Police to enter into and become signatory to the West Tennessee Methamphetamine Task Force Agreement.

Recorder Mathis read Resolution R2006-04. A copy follows:

RESOLUTION NO. R2006-04

A RESOLUTION AUTHORIZING THE CITY OF MARTIN CHIEF OF POLICE TO ENTER INTO AND BECOME A SIGNATORY TO THE WEST TENNESSEE METHAMPHETAMINE TASK FORCE AGREEMENT.

WHEREAS, the Board of Mayor and Aldermen of the City of Martin recognizes the dangers to the community caused by methamphetamine production and trafficking; and

WHEREAS, certain law enforcement agencies of West Tennessee have agreed to form the West Tennessee Methamphetamine Task Force which will operate across jurisdictional line, including within the City of Martin; and

WHEREAS, the officers of this jurisdiction desire to participate in this task force in accordance with the provisions of the West Tennessee Methamphetamine Task Force Law Enforcement/Overtime Program Policies and Procedures and the Agreement; and

WHEREAS, the agencies that are parties to the Agreement, pursuant to Tennessee Code Annotated 12-9-101-109 will cooperate with the other parties for their mutual advantage in the provision of services and facilities necessary to investigate the production, sale, trafficking or use of methamphetamine and mitigating the crime scene of methamphetamine production.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City Martin, Tennessee that the City of Martin Chief of Police is authorized to enter into and become a signatory to the West Tennessee Methamphetamine Task Force Agreement.

Read and adopted this, the 13th day of March 2006.

ATTEST:

APPROVED:

Chris Mathis, City Recorder

Randy Brundige, Mayor

Alderwoman Boyd made the motion to approve Resolution R2006-04: A resolution authorizing the City of Martin Chief of Police to enter into and become signatory to the West Tennessee Methamphetamine Task Force Agreement, seconded by Alderman Belote.

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

Mayor Brundige declared the resolution approved.

INTRODUCTION AND PRESENTATION OF RESOLUTION R2006-05: A RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PURPOSE OF LAND PREPARATION AT THE NEW MARTIN INDUSTRIAL BUILDING SITE AND TO AUTHORIZE THE MAYOR TO MAKE APPLICATION TO THE STATE OF TENNESSEE BUILDING AND FINANCE COMMITTEE FOR A CERTIFICATE OF PUBLIC PURPOSE AND NECESSITY

Mayor Brundige introduced and presented for consideration Resolution R2006-05: A resolution to authorize the expenditure of funds for the purpose of land preparation at the new Martin Industrial Building site and to authorize the mayor to make application to the State of Tennessee Building and Finance Committee for a Certificate of Public Purpose and Necessity.

Recorder Mathis read Resolution R2006-05. A copy follows:

RESOLUTION NO. R2006-05

A RESOLUTION TO AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE PURPOSE OF LAND PREPARATION AT THE NEW MARTIN INDUSTRIAL BUILDING SITE AND TO AUTHORIZE THE MAYOR TO MAKE APPLICATION TO THE STATE OF TENNESSEE BUILDING FINANCE COMMITTEE FOR A CERTIFICATE OF PUBLIC PURPOSE AND NECESSITY

WHEREAS, the City of Martin and the Industrial Development Board of the City of Martin have done extensive study and review of the needs for an additional industrial building site in the City; and

WHEREAS, the City of Martin and the Industrial Development Board of the City of Martin have concluded that expenditures for land preparation are needed before a building can be constructed at the proposed industrial building site; and

WHEREAS, these expenditures will be financed by the issuance of one or more capital outlay notes in the amount of \$650,000.00; and

WHEREAS, before capital outlay notes may be issued, the City of Martin must seek and obtain from the State of Tennessee Building Finance Committee a Certificate of Public Purpose and Necessity.

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

1. The City will provide funds for land preparation and related costs at the City of Martin new industrial building site in the amount of \$650,000.00 upon such terms and conditions as may be negotiated by the parties.

2. The Mayor, on behalf of the City, is authorized to make application to the State of Tennessee Building Finance Committee for a Certificate of Public Purpose and Necessity in order that the City may issue capital outlay notes in the amount of \$650,000.00 to complete said industrial land preparation.

3. This Resolution shall take effect upon its adoption by the Mayor and Board of Aldermen of the City of Martin, Tennessee.

READ AND ADOPTED this the 13th day of March 2006.

Motion made by Alderman _____ that the foregoing Resolution be approved. Seconded by Alderman _____. Upon being put to a roll call vote, the motion passed.

ATTEST:

APPROVED:

Chris Mathis, City Recorder

Randy Brundige, Mayor

Alderman Nanney made the motion to approve Resolution R2006-05: A resolution to authorize the expenditure of funds for the purpose of land preparation at the new Martin Industrial Building site and to authorize the mayor to make application to the State of Tennessee Building and Finance Committee for a Certificate of Public Purpose and Necessity, seconded by Alderman Harrison.

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

Mayor Brundige declared Resolution R2006-05 approved.

INTRODUCTION AND PRESENTATION OF RESOLUTION R2006-06: A RESOLUTION AUTHORIZING THE ISSUANCE AND PAYMENT OF LAND PREPARATION EXPENDITURE CAPITAL OUTLAY NOTES NOT TO EXCEED \$650,000

Mayor Brundige introduced and presented for consideration Resolution R2006-06: A resolution authorizing the issuance and payment of Land Preparation Expenditure Capital Outlay Notes not to exceed \$650,000.

Recorder Mathis read Resolution R2006-06. A copy follows:

RESOLUTION NO. R2006-06

A RESOLUTION AUTHORIZING THE ISSUANCE AND PAYMENT HAVE
LAND PREPARATION EXPENDITURE CAPITAL OUTLAY NOTES
NOT TO EXCEED \$650,000.00

WHEREAS, the Board of Mayor and Aldermen of the City of Martin, Tennessee (the “City”) has determined that it is necessary and desirable to provide funds for the following public works project (the “Project”): Expenditure of funds for the purpose of developing an industrial building site; and

WHEREAS, the City has determined 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 governments in Tennessee are authorized to finance the cost of this Project through the issuance and sale of interest bearing capital outlay notes upon the approval of the State Director of Local Finance; and

WHEREAS, the City finds that it is advantageous to the City of Martin, Tennessee to authorize the issuance of Title 9 Chapter 21, Section 605 capital outlay notes to finance the cost of the project.

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

SECTION 1. For the purpose of providing funds to finance the cost of the Project in and for the City of Martin, Tennessee, the Mayor of the City of Martin, Tennessee is hereby authorized in accordance with the terms of this Resolution, and upon approval of the State Director of Local Finance, to issue and sell interest bearing notes in a principal amount not to exceed Six Hundred Fifty Thousand Dollars (\$650,000.00) (the “Notes”) at either a competitive public sale or at a private negotiated sale pursuant to the terms, provisions and conditions permitted by law. The Notes shall be designated “City of Martin, Tennessee Capital Outlay

Notes, Series 2006”, shall be dated as of the date of issuance, shall be in denomination(s) as agreed upon with the purchase; shall be sold at not less than 99% of par value and accrued interest, and shall bear interest at a rate or rates not to exceed Wall Street Journal prime minus 3% with an annual float, and in no event shall the legal rate exceed the legal limit provided by law.

SECTION 2. The Notes shall mature not later than ten (10) years after the date of issuance and 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 Board of Mayor and Aldermen of the City of Martin, Tennessee to be at least (10) years. Provided, however, that unless otherwise approved by the State Director of Local Finance, each year that the Notes are outstanding, at least one-tenth (1/10), but in no event not less than one-tenth (1/10), of the original principal amount of the Notes shall mature without renewal but subject to prior redemption.

SECTION 3. The Notes shall be subject to redemption at the option of the City of Martin, Tennessee, in whole or in part, at any time, at the principal amount and accrued interest to the date of redemption, without a premium, or, if sold at par, with or without a premium of not exceeding one percent (1%) of the principal amount.

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

SECTION 5. The Notes shall be executed in the name of the City of Martin, Tennessee and shall bear the manual signature of the Mayor of the City of Martin, Tennessee and the manual signature of the City Recorder with the City of Martin seal affixed thereon; and shall be payable as to principal and interest at the office of the City Recorder of the City of Martin, Tennessee or the paying agent duly appointed by the City of Martin, Tennessee. Proceeds of the Notes shall be deposited with the City Recorder of the City of Martin, Tennessee and shall be paid out for the purpose of financing the Project pursuant to this Resolution and as required by law.

SECTION 6. The Notes shall be issued in fully registered form and at all time during which any Notes remain outstanding and unpaid, the City of Martin, Tennessee or its agents shall keep or cause to be kept at City Hall a note ledger, if held by an agent of the City of Martin, Tennessee, shall at all times be open for inspection by the City of Martin, Tennessee or any duly authorized officer of the City of Martin, Tennessee. Each Note shall have the qualities and incidents of a negotiable instrument and shall be transferable only upon the Note register kept by the City of Martin, Tennessee or its agent, by the registered owner of the Note in person or by the registered owner’s attorney duly authorized in writing, upon presentation and surrender to the City of Martin, Tennessee or its agent together with a written instrument of transfer satisfactory to the City of Martin, Tennessee duly executed by the registered owner of the registered owner’s

duly authorized attorney. Upon the transfer of any such Note, the City of Martin, Tennessee shall issue in the name of the transferee a new registered note or notes of the same aggregate principal amount and maturity as the surrendered Notes. The City of Martin, Tennessee shall not be obligated to make any such Note transferred during fifteen (15) days next preceding an interest payment due of the Notes, or in the case of any redemption of the Notes, during the forty-five (45) days next preceding the date of inception.

SECTION 7. The Notes will be substantially the form required by law and shall recite that the Notes are issued pursuant to Title 9, Chapter 21, Tennessee Code Annotated.

SECTION 8. The Notes shall not be sold until receipt of the State Director of Local Finance’s written approval for the sale of the Notes.

SECTION 9. 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 10. After the sale of the Notes, and for each year that any of the Notes are outstanding, the City of Martin, Tennessee shall prepare an annual budget in a form consistent with accepted governmental standards and as approved by the State Director of Local Finance (the “Director”). The budget shall be kept balanced during the life of the Notes. The annual budget shall be submitted to the Director immediately upon its adoption; however, it shall not become the official budget for the fiscal year until such budget is approved by the Director in accordance with Title 9, Chapter 21, Tennessee Code Annotated (the “Statutes”). If the Director determines that the budget does not comply with the Statutes, the Governing Body shall adjust its estimates or make additional tax levies sufficient to comply with the Statutes, or as directed by the Director.

SECTION 11. If any of the Notes shall remain unpaid at the end of seven (7) years from the issue date, then the unpaid Notes shall be renewed or extended as permitted by law, or retired from the funds of the City of Martin, Tennessee or be converted into bonds pursuant to Chapter 11 of Title 9 of the Tennessee Code Annotated, or any other law, or be otherwise liquidated as approved by the State Director of Local Finance.

SECTION 12. 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 adoption by the Mayor and Board of Aldermen of the City of Martin, Tennessee.

READ AND ADOPTED this the 13th day of March 2006.

Motion made by Alderman _____ that the foregoing Resolution be approved.
Seconded by Alderman _____. Upon being put to a roll call vote, the motion passed.

ATTEST:

APPROVED:

Chris Mathis, City Recorder

Randy Brundige, Mayor

Alderman Harrison made the motion to approve Resolution R2006-06: A resolution authorizing the issuance and payment of Land Preparation Expenditure Capital Outlay Notes not to exceed \$650,000, seconded by Alderman Nanney.

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

Mayor Brundige declared Resolution R2006-06 approved.

INTRODUCTION AND PRESENTATION OF RESOLUTION R2006-07: A RESOLUTION OF SUPPORT FOR THE DESIGNATION OF STATE ROUTE 22 FROM EAST OF MARTIN TO UNION CITY AND THE TYSON BYPASS IN UNION CITY AS AN INTERSTATE HIGHWAY LINK TO I-69

Mayor Brundige introduced and presented for consideration Resolution R2006-07: A resolution of support for the designation of State Route 22 from east of Martin to Union City and the Tyson Bypass in Union City as an interstate highway link to I-69.

Recorder Mathis read Resolution R2006-07. A copy follows:

RESOLUTION R2006-07

A RESOLUTION OF SUPPORT FOR THE DESIGNATION OF STATE ROUTE 22 FROM EAST OF MARTIN TO UNION CITY AND THE TYSON BYPASS IN UNION CITY AS AN INTERSTATE HIGHWAY LINK TO I-69

WHEREAS, the United States Congress, the U. S. Department of Transportation, the Federal Highway Administration, and the Tennessee Department of Transportation are in the process of designating a route for Interstate 69 through West Tennessee; and

WHEREAS, Interstate 69 has been approved to follow the corridor of U. S. Highway 51 through Obion and Dyer Counties; and

WHEREAS, the Tennessee Route 22 is constructed as an interstate-grade freeway from east of Martin to the interchange of that highway with U.S. 51, thus providing a continuous freeway link from Weakley County to the corridor designated for the location of Interstate 69; and

WHEREAS, such a designation of existing highway will require no construction of new highway miles, as State Route 22 and the "Tyson Bypass" are already engineered as interstate-grade highways; and

WHEREAS, such a designation would provide Everett-Stewart Airport, a facility shared by Weakley and Obion Counties, and part of the federal transportation system with a federal highway link; and

WHEREAS, the University of Tennessee at Martin is the State of Tennessee's higher education institution for Northwest Tennessee, and a federal interstate link to Martin would be in the interest of the institution and Northwest Tennessee residents; and

WHEREAS, Weakley County is without a so-designated highway on the federal interstate system and is served by only one federal route, U.S. 45E, which is a north-south corridor, and such a designation of "I-169" would provide an east-to-west federal corridor; and

WHEREAS, the designation of State Route 22, from Martin to Union City and the "Tyson Bypass" from State Route 22 to U.S. 51 as an interstate highway link to Interstate 69 would contribute to the economic prosperity of all Weakley County residents; and

WHEREAS, the City of Martin continues to fully support the I-69 project through West Tennessee and is pursuing this re-designation of existing highways as a means to provide economic development for the City of Martin and Weakley County by having a link or spur to I69, with the understanding that the designation would be a three-digit interstate highway number, tentatively referred to locally, as "Interstate 169."

NOW, THEREFORE BE IT RESOLVED by the City of Martin Board of Mayor and Aldermen, at their regular session on this 13th day of March, 2006, that the City of Martin supports and requests the designation of State Route 22 from Martin to Union City and the "Tyson Bypass" in Union City as Interstate 169 as an interstate link to Interstate 69.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Phil Bredesen, Department of Transportation Commissioner Gerald Nicely, House Transportation Committee Chairman Phillip Pinion, Senator Roy Herron, and Representative Mark Maddox and request this item be placed on the State Transportation Plan eligibility list for funding.

Motion made by Alderman _____ and seconded by Alderman _____. Upon being put to a roll call vote, the resolution was unanimously approved.

ATTEST:

APPROVED:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

Alderman Tuck made the motion to approve Resolution R2006-07: A resolution of support for the designation of State Route 22 from east of Martin to Union City and the Tyson Bypass in Union City as an interstate highway link to I-69, seconded by Alderman Belote.

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

Mayor Brundige declared Resolution R2006-07 approved and asked that a copy of the resolution be sent to Chancellor Nick Dunagan, Representative John Tanner, and Chief Engineer Department of Transportation Paul Degges in addition to the ones stated in the resolution.

**INTRODUCTION AND PRESENTATION OF RESOLUTION R2006-08:
RESOLUTION AUTHORIZING BUDGET AMENDMENTS TO THE CITY
OF MARTIN, TENNESSEE, GENERAL FUND FOR THE FISCAL YEAR
ENDING JUNE 30, 2006.**

Mayor Brundige introduced and presented for consideration Resolution R2006-08: A resolution authorizing budget amendments to the City of Martin, Tennessee, General Fund for the fiscal year ending June 30, 2006.

Recorder Mathis read Resolution R2006-08. A copy follows:

RESOLUTION 2006-08

RESOLUTION AUTHORIZING BUDGET AMENDMENT TO THE CITY OF MARTIN,
TENNESSEE GENERAL FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2006

WHEREAS, monies are needed to fund expenditures for the General Fund of the City of Martin;
and

WHEREAS, it is the wishes of the Board of Mayor and Aldermen of the City of Martin that funds be transferred to cover these requirements with any excess expenditures being transferred from available fund balance.

NOW THEREFORE BE IT RESOLVED, the Board of Mayor and Aldermen of Martin, Tennessee, assembled in regular session on the 13th day of March 2006 this resolution is hereby approved.

INTRODUCTION, PRESENTATION AND FIRST READING OF ORDINANCE O2006-02: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF MARTIN, TENNESSEE, DELETING THE REQUIRED LETTER INDICATING WHY TOWERS WITHIN ONE MILE CANNOT BE UTILIZED

Mayor Brundige introduced and presented for the first reading Ordinance O2006-02: An ordinance to amend the Zoning Ordinance of Martin, Tennessee, deleting the required letter indicating why towers within one mile cannot be utilized.

Recorder Mathis read Ordinance O2006-02. A copy follows:

ORDINANCE O2006-02

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF MARTIN, TENNESSEE DELETING THE REQUIRED LETTER INDICATING WHY TOWERS WITHIN ONE MILE CANNOT BE UTILIZED

- WHEREAS, Section 13-7-204 of *Tennessee Code Annotated* permits the amendment of the Zoning Ordinance of Martin, Tennessee; and
- WHEREAS, the Tennessee General Session recently passed Public Chapter 373 disallowing proof of co-location exemption; and
- WHEREAS, the Martin Municipal-Regional Planning Commission has recommended the amendment to the Zoning Ordinance described below in accordance with said section cited above; and
- WHEREAS, in accordance with *Tennessee Code Annotated*, Section 13-7-203 the chief legislative body held a public hearing to obtain citizen input into of the said amendment.

NOW, THEREFORE, BE IT ORDAINED by Board of Mayor and Aldermen of the City of Martin that:

- Section 1. The Zoning Ordinance of Martin, Tennessee be amended by deleting the requirement for a letter documenting why a tower within one mile cannot be utilized (Article III, Section O, Subsection 2 (listed below)
2. Shared Use
- A. The shared use of existing towers shall be required throughout the City. The applicant's proposal for a new telecommunications tower shall not be approved unless the applicant can prove, *through documentation by the appropriate entity*, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one (1) mile of the proposed tower due to one (1) of the following reasons:
- (1) The planned equipment would exceed the structural capacity of the existing or approved tower and said tower does not have the capability to be upgraded.

(2) The planned equipment would cause radio frequency (RF) interference with existing or planned equipment.

(3) The planned equipment would not function effectively and reasonably on an existing tower.

(4) Geographic service requirements would prevent the co-use of an existing tower and structure.

B. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. A tower and compound shall be designed for the co-use of a minimum of three (3) fully sectored antenna arrays, unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees in writing to pay any reasonable rate for the shared use.

Section 2. This Ordinance shall take effect from and after its passage, the public welfare of the City of Martin requiring it.

Date of First Reading _____

Date of Second Reading _____

Date of Public Hearing _____

ATTEST:

SIGNED:

Chris Mathis, City Recorder

Randy Brundige, Mayor

Alderman Edwards made the motion to approve on the first reading Ordinance O2006-02: An ordinance to amend the Zoning Ordinance of Martin, Tennessee, deleting the required letter indicating why towers within one mile cannot be utilized, seconded by Alderman Harrison.

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

Mayor Brundige declared Ordinance O2006-02 approved then set the second and final reading and the Public hearing for April 10th at 5:15 pm in the City Hall Chambers.

INTRODUCTION, PRESENTATION, AND FIRST READING OF ORDINANCE O2006-03: AN ORDINANCE TO AMEND THE CITY OF MARTIN, TENNESSEE, CEMETERY RULES AND REGULATIONS BY AMENDING ORDINANCE 02002-01

Mayor Brundige introduced and presented for consideration on the first reading Ordinance O2006-03: An ordinance to amend the City of Martin, Tennessee, Cemetery Rules and Regulations by amending Ordinance O2002-01.

Recorder Mathis read Ordinance O2006-03. A copy follows:

ORDINANCE O2006-03

AN ORDINANCE TO AMEND THE CITY OF MARTIN, TENNESSEE, CEMETERY RULES AND REGULATIONS BY AMENDING ORDINANCE 02002-01

WHEREAS, in accordance with the City of Martin Cemetery Rules and Regulations, the Board of Mayor and Aldermen of the City of Martin may increase the cemetery grave opening/closing fees as deemed necessary; and

WHEREAS, the City of Martin Cemetery Committee recommends the following:

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF MARTIN, TENNESSEE, THAT:

SECTION 1. The following shall take the place of Section 8. A

Section 8. The following schedule shall establish the fees for the grave opening/closing in all city owned cemeteries:

- A. Traditional cemetery grave opening/closing fees shall be \$400.00.

SECTION 2. This ordinance shall take effect from and after its passage on the second and final reading.

ATTEST:

APPROVED:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

Introduced _____

Passed First Reading _____

Passed Second Reading _____

Alderwoman Boyd made the motion to approve on the first reading Ordinance O2006-03: An ordinance to amend the City of Martin, Tennessee, Cemetery Rules and Regulations by amending Ordinance O2002-01, seconded by Alderman Harrison.

Alderman Tuck asked what happened to the rule allowing any person that purchased a lot before a certain date not paying a grave opening/closing fee or a nonresident paying a higher fee? I want to go on record as not being for nonresidents paying the same grave opening/closing fee as a resident if it is just because of easier book keeping. We will not get tax dollars from outside the city and we need some way to make this up.

It was explained that prior to being amended to a \$350.00 traditional grave opening/closing fee across the board, the fees were \$500.00 for a nonresident if they purchased their lots at city prices and \$350.00 if lots were purchased \$500.00. During this time a person who purchased a lot prior to January of 1990 did not pay a grave opening/closing fee. The only contract issued was a deed showing ownership of property.

Alderman Tuck stated he was in favor of the \$400.00 opening/closing fee but I am not for people outside the city limits paying the same as city residents.

Alderman Harrison stated we are charging the nonresident more for their lots.

Alderman Edwards stated the grave opening/closing fee is contract labor and the contractor is increasing his wages because of higher fuel prices.

Alderman Belote stated I am not in favor of raising the price on the grave openings because we have already hit the purchaser of the lot with an increase. That is where the increase is and we have established a fee for opening graves and it is a universal fee.

Mayor Brundige suggested we vote on Ordinance O2006-03 on the first reading and then if the board chooses to amend the ordinance it can be amended at the second reading. We will get each of you information concerning the issue.

Alderman Harrison called for question.

Mayor Brundige asked for a roll call vote.

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

Mayor Brundige declared Ordinance O2006-03 approved on the first reading and set the second and final and the Public hearing for April 10th at 5:15 pm in the City Hall Chambers.

BRUSH AND SHRUB REMOVAL AROUND THE FOUNTAIN IN VIRGINIA WELDON PARK.

Mayor Brundige introduced the discussion for removal of the brush and shrubs around the fountain in Virginia Weldon Park explaining the shrubs are taller than my head and could be a safety issue because we have a lot of children that use this park. I would ask permission to remove the brush and shrubs around the fountain.

Alderman Harrison made the motion to remove the brush and shrubs around the fountain, seconded by Alderman Tuck.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

DISCUSSION OF PARKING LOT OWNED BY ESTATE OF SUSAN BUCKLEY

Mayor Brundige presented a letter from the Estate of Susan Buckley the letter follows:

January 30, 2006
Susan B. Collins
Attorney at Law
241 S. Lindell Street
Martin, TN 38237

Re: Sale of Parking Lot owned by the Estate of Susan Margaret Moore Buckley
Our file No. 20050328

Dear Susan:

I am sorry for the delay in getting back with you regarding your offer of June 8, 2005. We have been waiting on the appraisal for the parking lot. I have enclosed a copy for your review. Based on the appraisal value of \$53,000.00 as set forth in the attached document, my clients have agreed to sell the parking lot to the City of Martin for the sum of \$53,000.00. I know that you need a few weeks to put this offer before the appropriate officials. However, we would like to have the City's response to this offer within 30 days of the date of this letter, as the Executors of the Buckley Estate would like to begin marketing the property immediately should the City not be interested in purchasing the lot at this time. As always, if you have any questions, please do not hesitate to call.

Yours very truly,

TEEL, MCCORMACK & MARONEY, P.L.C.

Clay M. McCormack

CMM/jd

cc: Mrs. Betsy Buckey Cox
35 Stonehaven Drive
Jackson, TN 38305

Mayor Brundige explained the city had the property appraised with the appraised at \$44,000.00. I would like for the board to give our city attorney permission to start talking with the Buckley heirs and hopefully reaching an agreement price between their appraisal and ours.

Alderman Tuck made the motion the board give our City Attorney Kirk Moore permission to start talking with the Buckley Heirs in order to reach a negotiated price between their appraisal and ours, seconded by Alderman Belote.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

PROPOSED SALE OF 1987 CASE 580K BACKHOE AND 1985 JOHN DEERE 510B BACKHOE FOR \$12,500.00 AND \$7,500.00 RESPECTIVELY, TO COLLINS EQUIPMENT COMPANY WITH THE \$20,000.00 PROCEEDS BEING APPLIED TO A 24 MONTH CAPITAL LEASE FOR A NEW CATERPILLAR 416E BACKHOE LOADER FROM THOMPSON MACHINERY FOR A NET PRICE OF \$39,000.00 (\$59,900.00 LESS \$20,000.00)

Mayor Brundige presented the proposed sale of a 1987 Case 580K Backhoe and a 1985 John Deere 510B Backhoe for \$12,500.00 and \$7,500.00 respectively, to Collins Equipment Company with the \$20,000.00 proceeds being applied to a 24-month capital lease for a new Caterpillar 416E Backhoe Loader from Thompson Machinery for a net price of \$39,000.00 (\$59,900.00 less \$20,000.00). All bid documents, trade in allowances, and applicable information were in packets. It is the recommendation of the Public Works Committee to sell the equipment to Collins Equipment and purchase the Caterpillar backhoe loader from Thompson Equipment Company even though the bid was \$76.00 over the lowest bid simply because the interest rate is lower and we are familiar with the Caterpillar brand.

Alderman Tuck made the motion to sell a 1987 Case 580K Backhoe and a 1985 John Deere 510B Backhoe for \$12,500.00 and \$7,500.00 respectfully, to Collins Equipment Company, seconded by Alderwoman Boyd.

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

Alderman Nanney made the motion to apply the \$20,000.00 proceeds received from the sale of equipment to a 24 month capital lease for a new Caterpillar 416E Backhoe Loader from Thompson Machinery, net price of \$39,000.00, seconded by Alderman Harrison.

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

Mayor Brundige declared the motions approved.

ADJOURN

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

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL.

ATTEST:

SIGNED:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

RB: CM/bh

Saved "March 2006", March 13, 2006