

MINUTES OF THE MARTIN BOARD OF MAYOR AND ALDERMEN

September 11, 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, September 11, 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 Russell Schwahn, Public Works Director Billy Gene Wagster, Mr. Larry Damron, Mr. Mark Gardner, and members of the press.

CALL TO ORDER AND INVOCATION

Mayor Brundige called the September 11, 2006 meeting of the City of Martin Board of Mayor and Aldermen to order. Alderwoman Boyd gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES AUGUST 14, 2006

Alderman Nanney made the motion to approve the minutes of the August 14th meeting as written, seconded by Alderman Tuck.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

THANKS EXPRESSED TO CITY WORKERS

Mayor Brundige thanked the city workers for a job well done during the Soybean Festival. They put in a lot of hours and worked above and beyond what was expected of them. With the attitudes exhibited by our city employees it is no wonder we had a very successful festival.

DEPARTMENT HEADS REPORTS:

FIRE DEPARTMENT

FIRE CHIEF RUSSELL SCHWAHN

The Fire Department's monthly reports were included in packets and a copy is attached to minutes. There were no questions.

PUBLIC WORKS

DIRECTOR BILLY GENE WAGSTER

The Public Works Department's monthly reports were included in packets and a copy is attached to minutes. There were no questions.

POLICE DEPARTMENT

CHIEF DAVID MOORE

The Police Department's monthly reports were included in packets and a copy is attached to minutes. There were no questions.

COMMUNITY DEVELOPMENT

DIRECTOR KARAMI HAGAN

The Community Development Department's monthly reports were included in packets and a copy is attached to minutes.

C. E. WELDON PUBLIC LIBRARY

DIRECTOR ROBERTA PEACOCK

The Library Department's monthly reports were included in packets and a copy is attached to minutes.

OLD BUSINESS:

SECOND AND FINAL READING AND PUBLIC HEARING OF ORDINANCE O2006-06: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING PROPERTY ALONG THE WEST SIDE OF SKYHAWK PARKWAY JUST SOUTH OF ITS INTERSECTION WITH HAWKS ROAD. Published in the Weakley County Press August 24, 2006.

Mayor Brundige introduced for consideration the second and final reading and the public hearing of Ordinance O2006-06: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning property along the west side of Skyhawk Parkway just south of its intersection with Hawks Road.

PUBLIC HEARING:

Mayor Brundige asked if there was anyone wishing to speak for or against Ordinance O2006-06. No one spoke.

Recorder Mathis read Ordinance O2006-06. A copy follows:

ORDINANCE O2006-06

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE
AND MAP FOR MARTIN, TENNESSEE, BY REZONING PROPERTY
ALONG THE WEST SIDE OF SKYHAWK PARKWAY JUST SOUTH
OF ITS INTERSECTION WITH HAWKS ROAD.

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 along the west side of Skyhawk Parkway just south of its intersection with Hawks Road, and further described as:

New lots (numbered lot 6A, 7A, 8A, and 9A) on the Donaldson Brothers Rentals Minor Subdivision Plat as approved by Martin Municipal-Regional Planning Commission at its meeting on July 24, 2006 and consist of a resubdivision of Weakley County Tax Map 73N, Group B, Parcels 00600, 00700, 00800, 00900, 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:

Chris Mathis, CPA
City Recorder

APPROVED:

Randy Brundige,
Mayor

Alderman Nanney made the motion to approve the second and final reading of Ordinance O2006-06: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning property along the west side of Skyhawk Parkway just south of its intersection with Hawks Road, seconded by Alderman Belote.

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

Mayor Brundige declared Ordinance O2006-06 approved.

SECOND AND FINAL READING AND PUBLIC HEARING OF ORDINANCE O2006-07: AN ORDINANCE AMENDING THE CITY OF MARTIN MUNICIPAL CODE, TITLE 16; STREETS AND SIDEWALKS, ETC.; CHAPTER 1, MISCELLANEOUS REGARDING INTERFERING WITH A FUNERAL OR BURIAL. Published in the Weakley County Press August 24, 2006.

Mayor Brundige introduced for consideration the second and final reading and public hearing of Ordinance O2006-07: An ordinance amending the City of Martin Municipal Code, Title 16; Streets and Sidewalks, etc.; Chapter 1, Miscellaneous Regarding Interfering with a Funeral or Burial.

PUBLIC HEARING:

Mayor Brundige asked if there was anyone wishing to speak for or against Ordinance O2006-07. No one spoke.

Recorder Mathis read Ordinance O2006-07. A copy follows:

ORDINANCE O2006-07

AN ORDINANCE AMENDING THE CITY OF MARTIN MUNICIPAL CODE, TITLE 16; STREETS AND SIDEWALKS, ETC.; CHAPTER 1, MISCELLANEOUS REGARDING INTERFERING WITH A FUNERAL OR BURIAL.

WHEREAS, Section 6-2-201(22) of Tennessee Code Annotated authorizes the City of Martin to exercise general police powers and to define, prohibit, abate, suppress, prevent and regulate acts, practices and conduct and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of its inhabitants; and

WHEREAS, Tennessee Code Annotated, Section 39-17-317 makes it a class C misdemeanor for interfering with a funeral or burial, funeral home viewing of a deceased person, funeral procession, or funeral or memorial service for a deceased person; and

WHEREAS, the chief legislative body of the City of Martin 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 City of Martin Municipal Code, Title 16, STREETS AND SIDEWALKS, ETC.; Chapter 1, Miscellaneous by inserting the following as 16-111, Interfering with a funeral or burial and re-numbering the remaining sections in succession:

16-111. Interfering with a funeral or burial. No person or group of persons may interfere with a funeral or burial, funeral home viewing of a deceased person, funeral procession, or funeral or memorial service for a deceased person. Any person who does one or more of the following within 500 feet of a funeral, burial, viewing, funeral procession, or memorial service for a deceased person would commit the offense: (1) acts or obstruct or interfere with any such commemorative service; (2) makes an offensive utterance, gesture, or display; or (3) pickets, protests, or demonstrates at a funeral, funeral procession or memorial service. For clarification purposes this section prohibits any act or acts designed to obstruct or interfere with a commemorative service by making any utterance, gesture, or display in a manner that would offend an ordinary person. Commission of this offense shall be classified as a Class C misdemeanor.

Section 2. This Ordinance shall take effect from and after its final 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 Belote made the motion to approve the second and final reading of Ordinance O2006-07: An ordinance amending the City of Martin Municipal Code, Title 16; Streets and Sidewalks, etc.; Chapter 1, Miscellaneous Regarding Interfering with a Funeral or Burial, seconded by Alderman Harrison.

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

Mayor Brundige declared Ordinance O2006-07 approved.

COMMITTEE APPOINTMENTS:

MS. WANDA VOWELL TO THE MARTIN HISTORIC ZONING COMMISSION TO COMPLETE THE TERM OF BRENDA GULLEDGE, EXPIRES 12/31/2007

Mayor Brundige recommended the appointment of Ms. Wanda Vowell as a member of the Martin Historic Zoning Commission to complete the term of Brenda Gulledege that expires 12/31/2007.

Alderman Harrison made the motion to appoint Ms. Wanda Vowell as a member of the Martin Historic Zoning Commission to complete a term expiring 12/31/2007, seconded by Alderman Belote.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

MR. JOSH VINCENT TO THE FINANCE COMMITTEE TO COMPLETE THE TERM OF MR. DAVID HART

Mayor Brundige recommended the appointment of Mr. Josh Vincent as a member of the Finance Committee to complete the term of Mr. David Hart.

Alderman Edwards made the motion to appoint Mr. Josh Vincent as a member of the Finance Committee, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

MR. JERRY CROSSER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD, TERM EXPIRES 12/31/2006

Mayor Brundige recommended the appointment of Mr. Jerry Crosser as a member of the Alcoholic Beverage Control Board with the term to expiring 12/31/2006.

Alderman Harrison made the motion to appoint Mr. Jerry Crosser as a member of the Alcoholic Beverage Control Board with the term to expiring 12/31/2006, seconded by Alderman Belote.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

INTRODUCTION AND FIRST READING OF ORDINANCE O2006-10: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING PROPERTY ALONG THE SOUTH SIDE OF HIGHWAY 431 JUST WEST OF ITS INTERSECTION WITH UNIVERSITY STREET.

Mayor Brundige introduced for consideration the first reading of Ordinance O2006-10: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning property along the south side of Highway 431 just west of its intersection with University Street.

Recorder Mathis read Ordinance O2006-10.

ORDINANCE O2006-10

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING PROPERTY ALONG THE SOUTH SIDE OF HIGHWAY 431 JUST WEST OF ITS INTERSECTION WITH UNIVERSITY 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-2 (Intermediate Business) to B-1 (Local 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 B-2 (Intermediate Business) to B-1 (Local Business) property located along the south side of Highway 431 just west of its intersection with University Street, and further described as:

Weakley County Tax Map 73, Parcel 04900.

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:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

Alderman Belote made the motion to approve the first reading of Ordinance O2006-10: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning property along the south side of Highway 431 just west of its intersection with University Street, seconded by Alderman Nanney.

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

Mayor Brundige declared Ordinance O2006-10 approved on the first reading and set the second and final reading and public hearing for October 09, 2006 at 5:15 pm in the City Hall Chambers.

INTRODUCTION AND FIRST READING OF ORDINANCE O2006-11: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING PROPERTY ALONG THE SOUTH SIDE OF UNIVERSITY STREET JUST EAST OF ITS INTERSECTION WITH HIGHWAY 431 AND GLENWOOD DRIVE.

Mayor Brundige introduced and presented for consideration the first reading of Ordinance O2006-11: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning property along the south side of University Street just east of its intersection with Highway 431 and Glenwood Drive.

Recorder Mathis read O2006-11. A copy follows:

ORDINANCE O2006-11

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING PROPERTY ALONG THE SOUTH SIDE OF UNIVERSITY STREET JUST EAST OF ITS INTERSECTION WITH HIGHWAY 431 AND GLENWOOD DRIVE.

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-1 (Low Density Residential) to PB (Planned 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-1 (Low Density Residential) to PB (Planned Business) property located along the south side of University Street just east of its intersection with Highway 431 and Glenwood Drive, and further described as:

Weakley County Tax Map 73, Parcel 04902.

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:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

Alderman Nanney made the motion to approve the first reading Ordinance O2006-11: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning property along the south side of University Street just east of its intersection with Highway 431 and Glenwood Drive, seconded by Alderman Tuck.

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

Mayor Brundige declared Ordinance O2006-11 approved on the first reading and set the second and final reading for October 09, 2006 at 5:15 pm in the City Hall Chambers.

INTRODUCTION AND READING OF RESOLUTION R2006-19: RESOLUTION TO AUTHORIZE THE COLLECTION OF FEES, FINES, COURT COSTS, AND OTHER CHARGES BY DEBIT AND CREDIT CARDS BY OFFICIALS IN MARTIN, TENNESSEE.

Mayor Brundige Introduced and presented for consideration Resolution R2006-19: Resolution to authorize the collection of fees, fines, court costs, and other charges by debit and credit cards by officials in Martin, Tennessee.

Recorder Mathis read Resolution R2006-19. A copy follows:

RESOLUTION R2006-19

**RESOLUTION TO AUTHORIZE THE COLLECTION OF FEES, FINES,
COURT COSTS, AND OTHER CHARGES BY DEBIT AND CREDIT CARDS
BY OFFICIALS IN THE CITY OF MARTIN, TENNESSEE**

WHEREAS, the use of debit and credit cards for payment for goods, services, and other obligations is a common business practice in today's economy; and

WHEREAS, *Tennessee Code Annotated* Section 9-1-109 (c)(I) authorizes any municipal entity or officer to receive payment by credit card or debit card for any public taxes, licenses, fees, or other moneys collected by such municipal officer; and

WHEREAS, the authorization of payment by debit or credit cards would be a convenience to the taxpayers and enhance revenue collection for the city.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Martin, Tennessee, meeting in regular session, this 11th day of September 2006, that city officials are authorized to accept debit or credit cards for payment of fees, fines, court costs, and other charges.

SECTION 1. To cover the expenses incurred in processing the payment by debit or credit cards, a processing fee in an amount that is equal to the amount paid to the third party processor for processing the payment in an amount not to exceed five percent (5%) of the amount of the fee, court costs, or other charge being paid shall be charged.

SECTION 2. In the event a payment by debit or credit card is not honored by the credit card company on which the funds are drawn, the city government may collect a service charge from the person who owes the fee, fine, court cost or other charge. The service charge is in addition to the original fee, fine, court cost, or other charge and is for the collection of that original amount. The amount of the service charge shall be the same amount as the fee charged for the collection of a check drawn on an account with insufficient funds.

SECTION 3. The city official collecting a fee or charge under this chapter shall deposit the fee or charge in the City General Fund.

SECTION 4. The city official collecting the fee or charge shall state on any notice to the taxpayer either the percentage of the processing fee or the fee itself.

SECTION 5. The city official collecting the fee or charge shall state on any notice to the taxpayer either the percentage of the processing fee for use of a debit or credit card or the actual fee imposed for the use of a debit or credit card.

BE IT FURTHER RESOLVED, that this Resolution takes effect from and after its passage, THE PUBLIC WELFARE REQUIRING IT. This resolution shall be spread upon the minutes of the city legislative body.

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 11th day of September 2006.

ATTEST:

APPROVED:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

Alderman Edwards made the motion to approve Resolution R2006-19: Resolution to authorize the collection of fees, fines, court costs, and other charges by debit and credit cards by officials in Martin, Tennessee, seconded by Alderman Tuck.

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

Mayor Brundige declared Resolution R2006-19 approved.

OCTOBER 2006 CITY BOARD MEETINGS

Mayor Brundige announced October 2006 meetings: Informal City Board meeting is October 3rd and Regular City Board meeting is October 9th.

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 "September 2006"