

MINUTES OF THE MARTIN BOARD OF MAYOR AND ALDERMEN

February 12, 2007 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, February 12, 2007, 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 TERRY HANKINS, ALDERMAN 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, Martin Community Development Director Karami Hagan, and members of the press.

CALL TO ORDER AND INVOCATION

Mayor Brundige called the February 12, 2007 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 JANUARY 08, 2007

Alderman Tuck made the motion to approve the minutes of the January 08, 2007 meeting as written, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

DEPARTMENT HEADS REPORTS:

COMMUNITY DEVELOPMENT DIRECTOR KARAMI HAGAN

Director Hagan asked if there were any questions concerning her department. There were no questions. The five-year plan for the Community Development Department that was presented and discussed at the Informal City Board Meeting is attached to minutes.

PUBLIC WORKS DIRECTOR BILLY GENE WAGSTER

The Public Works Department's monthly reports were included in packets. Director Wagster asked if there were any questions. There were no questions. Copies of the five-year plan for the Public Works Department that was presented and discussed at the Informal City Board Meeting and the monthly reports are attached to minutes.

POLICE DEPARTMENT CHIEF DAVID MOORE

The Police Department's monthly reports were in packets. Chief Moore asked if there were any questions. There were no questions. Copies of the five-year plan for the Police Department that was presented and discussed at the Informal City Board Meeting and monthly reports are attached to minutes.

Chief Moore announced the Public Safety Committee is scheduled to meet March 22, 2007 at 7:00 pm in the City Hall Courtroom.

FIRE DEPARTMENT FIRE CHIEF RUSSELL SCHWAHN

The Fire Department's monthly reports were included in packets. Chief Schwahn asked if there were any questions. There were no questions. Copies of the five-year plan for the Fire Department that was presented and discussed at the Informal City Board and monthly reports are attached to minutes.

Chief Schwahn explained my department has completed the hiring process for six new firemen. They will be on board March 12th pending completion of their background checks. The six new firemen are: Robert Gertsch, Jay Woods, Jason Hauhe, Venon Jones, Jeff Strickland and Paul Bavido. I think these young men will be a valuable asset to the City of Martin. They were chosen from one hundred and eight applicants. We have the cream of the crop.

PARKS AND RECREATION DIRECTOR DENNIS SUITER

Director Suiter's five-year plan for the Parks and Recreation Department that was presented and discussed at the Informal City Board Meeting is attached to minutes.

CONGRATULATION WESTVIEW CHEERLEADERS

Mayor Brundige congratulated the Martin Westview Cheerleaders. They captured the Universal Cheerleaders Association National Championship in Orlando, Florida. We are very proud of these girls and their coaches.

OLD BUSINESS:

There was no Old Business.

NEW BUSINESS:

INTRODUCTION AND FIRST READING OF ORDINANCE O2007-01: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING PROPERTY AT THE NORTHWEST INTERSECTION OF FOWLER ROAD AND SKYHAWK PARKWAY

Mayor Brundige introduced and presented for consideration the first reading of Ordinance O2007-01: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning property at northwest intersection of Fowler Road and Skyhawk Parkway. (This was originally presented to the Board as Ordinance O2006-05 in August of 2006; was not placed on the agenda)

Recorder Mathis read Ordinance O2007-0. A copy follows:

ORDINANCE O2007-01

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING PROPERTY AT THE NORTHWEST INTERSECTION OF FOWLER ROAD AND SKYHAWK PARKWAY.

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 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-1 (Low Density Residential) to B-2 (Intermediate Business) property located at the northwest intersection of Fowler Road and Skyhawk Parkway, and further described as:

The portion of Weakley County Tax Map 78, Parcel 06600
Located only on the north side of Skyhawk Parkway.

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 Edwards made the motion to approve the first reading of Ordinance O2007-01: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning property at northwest intersection of Fowler Road and Skyhawk Parkway, seconded by Alderman Nanney.

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

Mayor Brundige declared Ordinance O2007-01 approved on the first reading and set the second and final reading and public hearing for March 12, 2007, at 5:15 pm in the City Hall Courtroom.

APPOINTMENT TO MARTIN BEAUTIFUL COMMITTEE: MR. RICKY ATKINS AND MR. BILLY TURNER WITH TERMS TO EXPIRE 12/31/2010. ACCEPT THE RESIGNATION OF MR. GENE BUSBY FROM MARTIN BEAUTIFUL.

Mayor Brundige introduced and presented for consideration the appointment of Mr. Ricky Atkins and Mr. Billy Turner to the Martin Beautiful Committee with terms to expire December 12, 2010, and to accept the resignation of Mr. Gene Busby from that committee.

Alderman Hankins made the motion to approve the appointment of Mr. Ricky Atkins and Mr. Billy Turner to the Martin Beautiful Committee with terms to expire December 12, 2010, and to accept the resignation of Mr. Gene Busby from that committee, seconded by Alderman Tuck.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

A RECOMMENDATION FROM THE PUBLIC WORKS COMMITTEE TO APPROVED A REVISED SCHEDULE OF WATER, SEWER, AND GAS TAP FEES

Mayor Brundige introduced and presented for consideration a recommendation from the Public Works Committee to approve a revised schedule of water, sewer, and gas tap fees. The recommended Schedule of Fees follows:

CITY OF MARTIN
SCHEDULE OF TAP FEES
REVISED FEBRUARY 13, 2007

WATER TAPS

¾" Single Tap	\$ 325.00	\$ 475.00
¾" Double Tap	425.00	625.00
1" Single Tap	475.00	650.00
1" Double Tap	525.00	1,100.00
1 ½" Single Tap	650.00	875.00
2" Single Tap	1,160.00	1,700.00
Split Tap	325.00	375.00
Triple Tap	850.00	950.00
Quad Tap	1,650.00	1,750.00

SEWER TAPS

Residential Single Tap	\$ 300.00
Residential Double Tap	350.00
Commercial	Cost plus 10% (over cost)

GAS TAPS

Residential 1” Single	\$ 150.00
Residential 1” Double	350.00
Commercial	Cost plus 10% (over costs)

These fees are revised to catch up on the cost of taps. All fees are at city costs or below.

Alderman Nanney made the motion to approve the revised schedule of water, sewer, and gas tap fees, seconded by Alderman Hankins.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

INTRODUCTION AND FIRST READING OF ORDINANCE O2007-02: AN ORDINANCE ENACTING AN ETHICS POLICY FOR THE OFFICERS, EMPLOYEES, AND ADVISORY BOARD MEMBERS OF THE CITY OF MARTIN, TENNESSEE

Mayor Brundige introduced and presented for consideration on the first reading Ordinance O2007-02: An ordinance enacting an Ethics Policy for the officers, employees, and advisory board members of the City of Martin, Tennessee.

Recorder Mathis read the ordinance. A copy follows:

ORDINANCE O2007-02

AN ORDINANCE ENACTING AN ETHICS POLICY FOR THE OFFICERS, EMPLOYEES, AND ADVISORY BOARD MEMBERS OF THE CITY OF MARTIN, TENNESSEE

WHEREAS, Public Chapter No. 1 of the Extraordinary Sessions of the 2006 Tennessee General Assembly requires municipalities to adopt a code of ethics; and

WHEREAS, as provided in said Public Chapter No. 1, the Martin Board of Mayor and Aldermen has chosen to adopt model ethical standards as promulgated by the University of Tennessee’s Municipal Technical Advisory Service (MTAS).

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

SECTION 1. Applicability. This ordinance is the code of ethics for personnel of the City of Martin, Tennessee. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation, or other instrumentality appointed or created by the municipality. The words “municipal” and “municipality” include these separate entities.

SECTION 2. Definition of “personal interest.”

- (1) For purposes of Sections 3 and 4, “personal interest” means:
 - (a) Any financial, ownership, or employment interest in the subject of a vote by a municipal board not otherwise regulated by state statutes on conflicts of interests; or
 - (b) Any financial, ownership, or employment interest in a matter to be regulated or supervised; or
 - (c) Any such financial, ownership, or employment interest of the official's or employee's spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).
- (2) The words “employment interest” include a situation in which an official or employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.
- (3) In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this ordinance.

SECTION 3. Disclosure of personal interest by official with vote. An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official may recuse himself¹ from voting on the measure.

SECTION 4. Disclosure of personal interest in nonvoting matters. An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the City Recorder. In addition, the official or employee may, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

SECTION 5. Acceptance of gratuities, etc. An official or employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the municipality:

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or

- (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing municipal business.

SECTION 6. Use of information.

- (1) An official or employee may not disclose any information obtained in his official capacity or position of employment that is made confidential under state or federal law except as authorized by law.
- (2) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

SECTION 7. Use of municipal time, facilities, etc.

- (1) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to himself.
- (2) An official or employee may not use or authorize the use of municipal time, facilities, equipment, or supplies for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the City of Martin.

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Masculine pronouns include the feminine. Only masculine pronouns have been used for convenience and readability.

SECTION 8. Use of position or authority.

- (1) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the City of Martin.
- (2) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the City of Martin.

SECTION 9. Outside employment. An official or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the municipal position or conflicts with any provision of the City charter or any ordinance or policy.

SECTION 10. Ethics complaints.

- (1) The city attorney is designated as the ethics officer of the City. Upon the written request of an official or employee potentially affected by a provision of this ordinance, the city attorney may render an oral or written advisory ethics opinion based upon this chapter and other applicable law.

- (2)
 - (a) Except as otherwise provided in this subsection, the city attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this ordinance, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the attorney's judgment, constitutes a violation of this code of ethics.
 - (b) The city attorney may request that the governing body hire another attorney, individual, or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.
 - (c) When a complaint of a violation of any provision of this chapter is lodged against a member of the Board of Mayor and Aldermen, the Board of Mayor and Aldermen shall either determine that the complaint has merit, determine that the complaint does not have merit, or determine that the complaint has sufficient merit to warrant further investigation. If the Board of Mayor and Aldermen determines that a complaint warrants further investigation, it shall authorize an investigation by the city attorney or another individual or entity chosen by the Mayor and Board of Aldermen.
- (3) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.
- (4) When a violation of this ordinance also constitutes a violation of a personnel policy, rule, or regulation or a civil service policy, rule, or regulation, the violation shall be dealt with as a violation of the personnel or civil service provisions rather than as a violation of this code of ethics.

SECTION 11. Violation. An elected official or appointed member of a separate municipal board, commission, committee, authority, corporation, or other instrumentality who violates any provision of this chapter is subject to punishment as provided by the City's charter or other applicable law and in addition is subject to censure by the Board of Mayor and Aldermen. An appointed official who violates any provision of this chapter is subject to disciplinary action.

SECTION 12. Notification to be sent to Tennessee Ethics Commission. Upon adoption by the Board of Mayor and Aldermen, the City Recorder is hereby directed to notify the Tennessee Ethics Commission in writing that the ethics policy promulgated by the Municipal Technical Advisory Service (MTAS) was adopted by the City of Martin and the date such action was taken.

SECTION 13. Effective date. This ordinance shall become effective from and after its date of adoption, the public welfare requiring it.

SECTION 14. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstances be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or Federal law or regulation, such decision or legislation shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 15. Repealer. All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

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 O2007-02: An ordinance enacting an Ethics Policy for the officers, employees, and advisory board members of the City of Martin, Tennessee, seconded by Alderman Nanney.

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

Mayor Brundige declared Ordinance O2007-02 approved on the first reading and set the second and final reading and public hearing for March 12, 2007, at 5:15 pm in the City Hall Courtroom.

ADDENDUM TO AGREEMENT – PEPSI MIDAMERICA (FORMERLY MARION PEPSI-COLA BOTTLING COMPANY) AND CITY OF MARTIN PARKS AND RECREATION DEPARTMENT

Mayor Brundige introduced and presented for consideration an addendum to an agreement with Pepsi MidAmerica (Formerly Marion Pepsi-Cola Bottling Company) and the City of Martin Parks and Recreation Department. A copy follows:

ADDENDUM TO AGREEMENT

BETWEEN

PEPSI MIDAMERICA (FORMERLY MARION PEPSI-COLA BOTTLING COMPANY),
MARION, ILLINOIS (First Party)

AND

CITY OF MARTIN PARKS & RECREATION DEPARTMENT,
MARTIN, TENNESSEE (Second Party)

Original Agreement Signed December 11, 1997

This Addendum, entered into this _____ day of _____, 2007, is attached to and made part of the above mentioned Agreement with all conditions intact to add/change the following:

1. First Party will additional provide to the Second Party on time during the Agreement:
 - a. Two (2) Model MP-7108-2 LED Soccer Scoreboards.
 - b. TWO (2) LED Baseball/Softball Scoreboards.
 - c. Four (4) Wireless Controllers with carrying case.
 - d. Installation of said scoreboards and sponsor panels.
 - e. One-time monetary contribution to Second Party of \$10,000.00
 - f. One-time monetary contribution to Second Party of \$3,000.00 for the purchase of a large capacity icemaker and bin.

2. Second Party agrees to extend the aforesaid Agreement Fifteen (15) years concluding on December 31, 2022. Second Party further agrees to extend Agreement to include the exclusive rights to all facilities and events administered by the Parks and Recreation Department located at the Martin Recreation Complex as well as Harrison Road Complex. Maintenance and repair of said scoreboards and icemaker are responsibility of Second Party

Accordingly; the undersigned represents and agrees that each has read and understands the conditions of this Addendum.

PEPSI MID AMERICA
MARION, ILLINOIS

Chairman

Authorized Agent-Title
CITY OF MARTIN PARKS & RECREATION
DEPARTMENT, MARTIN, TENNESSEE

Alderman Tuck made the motion to approve the above written Addendum to Agreement with Pepsi MidAmerica (formerly Marion Pepsi-cola Bottling Company), Marion, Illinois and the City of Martin Parks and Recreation Department, seconded by Alderman Belote.

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

Mayor Brundige declared the addendum to agreement with Pepsi MidAmerica and Parks and Recreation approved.

APPOINTMENT OF MR. BILLY STOUT AS CITY OF MARTIN STORMWATER DIRECTOR WITH HIS TERM TO BEGIN MARCH 1, 2007

Mayor Brundige presented for consideration the appointment of Mr. Billy Stout as City of Martin Stormwater Director with his term to begin March 1, 2007.

Alderman Harrison made the motion to appoint Mr. Billy Stout as City of Martin Stormwater Director with his term to begin March 1, 2007, seconded by Alderman Belote.

Mayor Brundige declared the motion approved and explained Mr. Stout is our city building inspector and will assume this responsibility through his current office. Mr. Stout's salary will be increased by \$5,000.00 per year and he will be designated as a Director that will fall under the step raise increases. The city has just gone through a stormwater evaluation by the Tennessee Regulatory Authority (TRA). Our evaluation contained no violations but they explained in a year we would be mandated to have a stormwater director. The TRA said our Public Works Director had too much under his supervision to do this job. To keep from hiring another person to fulfill these duties we decided to put this under the building department. This appointment will fill that requirement and give Mr. Stout the time needed to get any training necessary to perform this task.

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

Mayor Brundige stated motion approved.

APPOINTMENT TO CITY OF MARTIN INSURANCE COMMITTEE: MR. RUSSELL COOK REPRESENTING C. E. WELDON LIBRARY.

Mayor Brundige explained Director Peacock has submitted for consideration Mr. Russell Cook, as the Library's representative to serve on the City of Martin Insurance Committee.

Alderman Belote made the motion to appoint Mr. Russell Cook, as the Library's representative to serve on the City of Martin Insurance Committee, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL.

TENNESSEE MUNICIPAL LEAGUE DISTRICT 7 MEETING

Mayor Brundige announced the Tennessee Municipal League District 7 meeting would be February 19th in Jackson, Tennessee.

ADJOURN

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

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL.

ATTEST:

SIGNED:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

RB: CM/bh
Saved "February 12, 2007"