

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

**July 09, 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, July 09, 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, Fire Chief Russell Schwahn, Martin Community Development Director Karami Hagan, Director of C. E. Weldon Public Library Roberta Peacock, Police Chief David Moore, Public Works Director Billy Wagster, Building Inspector Billy Stout, Parks and Recreation Director Dennis Suiter, UTM Intern Adam Trull, Mr. Mike Garner, Mr. Charles Latta, Mr. George Daniel, Mr. Jerry Burgin, Ms. Jesse Harrell, Ms. Judy Suiter, Vice President/Commissioner of Babe Ruth Baseball Robert Faherty, Jr., Tennessee State Commissioner Steve "Spike" Hupka, Representative from TLM Associates Mr. Randy McKinnon, and members of the press.

## **CALL TO ORDER AND INVOCATION**

Mayor Brundige called the July 09, 2007 meeting of the City of Martin Board of Mayor and Aldermen to order. Alderman Belote gave the invocation.

## **PLEDGE OF ALLEGIANCE**

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

## **APPROVAL OF MINUTES JUNE 18 AND 22, 2007**

Alderman Harrison made the motion to approve the minutes of the June 18 and 22, 2007 meetings as written, seconded by Alderman Tuck.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

## **FORMAL SIGNING OF THE AUGUST 2008 CAL RIPKEN WORLD SERIES FOR AGES TWELVE (12) AND UNDER**

Mayor Brundige introduced Vice President/Commissioner of Babe Ruth Baseball Robert Faherty, Jr. and Tennessee State Commissioner Steve "Spike" Hupka,

Mayor Brundige, Commissioners Faherty and Hupka signed the formal agreement allowing the City of Martin to host the August 2008 Cal Ripken World Series for Ages Twelve (12) and Under. Director Suiter and members of the Parks and Recreation Board witnessed the ceremony. Mayor Brundige presented a check for the first payment to the commissioner.

### **DEPARTMENT HEADS REPORTS:**

#### **PUBLIC WORKS**

#### **DIRECTOR BILLY GENE WAGSTER**

The Public Works Department's monthly reports were included in packets. A copy is attached to minutes. Director Wagster asked if anyone had any questions. No questions were asked.

Mayor Brundige presented a letter of appreciation and thanks from a citizen for work done by the Public Works Department.

#### **FIRE DEPARTMENT**

#### **FIRE CHIEF RUSSELL SCHWAHN**

The Fire Department's monthly reports were included in packets. A copy of the reports is attached to minutes. Chief Schwahn asked if anyone had any questions. No questions were asked.

#### **PARKS & RECREATION**

#### **DIRECTOR DENNIS SUITER**

Director Suiter stated the signing of the World Series Agreement was my report but asked if anyone had any questions. No questions were asked.

#### **C. E. WELDON PUBLIC LIBRARY**

#### **DIRECTOR ROBERTA PEACOCK**

Director Peacock passed out the Library's newsletter. A copy is attached to minutes. Director Peacock also reported the Library has received a \$6,414 grant from the Bill and Martha Gates Foundation. The grant will purchase twelve new public access computers for the Library.

**BUILDING DEPARTMENT**

**DIRECTOR BILLY STOUT**

Building Inspector Stout asked if anyone had any questions. No questions were asked.

**COMMUNITY DEVELOPMENT**

**DIRECTOR KARAMI HAGAN**

Director Hagan asked if anyone had any questions. No questions were asked.

**POLICE DEPARTMENT**

**CHIEF DAVID MOORE**

The Police Department's monthly reports were in packets. Chief Moore asked if anyone had any questions. No questions were asked.

**ADMINISTRATION**

**RECORDER CHRIS MATHIS**

Recorder Mathis stated all items he had to discuss were on the agenda.

**OLD BUSINESS:**

There was no Old Business.

**NEW BUSINESS:**

**REAPPOINTMENT OF MR. JEFF THOMPSON TO THE MARTIN HOUSING AUTHORITY, FIVE-YEAR TERM TO EXPIRE 05/31/2012**

Mayor Brundige introduced for consideration a request from The Martin Housing Authority to reappoint Mr. Jeff Thompson for a five-year term, which will expire May 31, 2012.

Alderman Belote made the motion to appoint Mr. Jeff Thompson to The Martin Housing Authority for a five-year term, expiring 05/31/2012, seconded by Alderman Harrison.

**VOTE: UNANIMOUS VOICE VOTE OF APPROVAL**

**DESIGNATION OF UP TO \$3,000.00 TO BE PAID FROM BOARD APPROVED PROJECTS FOR RECREATIONAL SPORTS TEAMS WHO ADVANCE TO STATE LEVEL TOURNAMENTS OR HIGHER TO BE DIVIDED AS DEEMED APPROPRIATE BY THE MARTIN PARKS AND RECREATION COMMISSION**

Mayor Brundige introduced a recommendation from the Parks and Recreation Board asking the Board to designate up to \$3,000.00 to be paid from Board Approved Projects for Recreational Sports Teams who advance to State Level Tournaments or higher to be divided as deemed appropriate by the Martin Parks and Recreation Commission.

Alderman Belote made the motion that the Board designate up to \$3,000.00 to be paid from Board Approved Projects for Recreational Sports Teams who advance to State Level Tournaments or higher to be divided as deemed appropriate by the Martin Parks and Recreation Commission, seconded by Alderman Nanney.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

**ACCEPT LAKE PARK DRIVE INTO CITY STREET SYSTEM PER RECOMMENDATION FROM THE PUBLIC WORKS COMMITTEE**

Mayor Brundige introduced and presented for consideration a recommendation from the Public Works Committee to accept Lake Park Drive into the City Street System.

Alderman Harrison made the motion to accept Lake Park Drive into the City Street System, seconded by Alderman Edwards.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

**DISCUSSION OF CHARTER COMMUNICATIONS AUDIT FINDINGS RECEIVED FROM MR. JOHN HOWELL REPRESENTING TELECOMMUNICATIONS CONSULTING ASSOCIATES**

Mayor Brundige presented the findings obtained by an audit of Charter Communications from Mr. John Howell representing Telecommunications Consulting Associates. The audit shows Charter Communications has under paid franchise fees due the City by \$60,486.00 (documents attached). The report will be sent to Charter Communications and they will have thirty days to respond with a settlement offer.

Alderman Belote stated this audit shows Charter Communication has a \$10,000.00 shortage per year. If Charter does not challenge this and agrees to pay the back fees that is very good but what is going to be done to see that it does not happen again?

Recorder Mathis stated the city is paid quarterly and we will monitor this to make sure the fees increase by approximately \$2,500. Six months have already gone by and it may be necessary to ask these folks to come back and do another audit.

**SECOND AND FINAL READING AND PUBLIC HEARING OF RESOLUTION R2007-10: A RESOLUTION MAKING APPROPRIATIONS TO CERTAIN NON-PROFIT CHARITABLE ORGANIZATIONS, FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008**

Mayor Brundige introduced for consideration the second and final reading of Resolution R2007-10: A Resolution making appropriations to certain non-profit charitable organizations, for the fiscal year beginning July 01, 2007 and ending June 30, 2008. This is the Public Hearing.

Recorder Mathis read Resolution R2007-10 and provided a copy for the press. A copy follows:

**RESOLUTION R2007-10**

**A RESOLUTION MAKING APPROPRIATIONS TO CERTAIN NON-PROFIT CHARITABLE ORGANIZATIONS, FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008**

**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 made 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 one thousand seven hundred dollars (\$1,700.00) 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, three hundred dollars (\$5,300.00) be appropriated for the Weakley County Chamber of Commerce to benefit the general welfare of the residents of the City of Martin.
  - d. That twenty-five thousand dollars (\$25,000.00) be appropriated for the community activity – Soybean Festival.

- f. That four thousand, five hundred dollars (\$4,500.00) be appropriated to Community Development Services.
- g. That four thousand dollars (\$4,000.00) be appropriated to the Miss Tennessee Soybean Scholarship.
- h. That one thousand, five hundred dollars (\$1,500.00) be appropriated for the Carl Perkins Center.
- i. That five thousand dollars (\$5,000.00) be appropriated for the Weakley County Reading Railroad

**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 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.**

ATTEST:

SIGNED:

\_\_\_\_\_  
Chris Mathis, City Recorder, CPA

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

INTRODUCED AND PASSED FIRST READING \_\_\_\_\_ June 22, 2007 \_\_\_\_\_.

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

**Public Hearing:**

Mayor Brundige opened the Public Hearing and asked if anyone present wished to speak for or against Resolution R2007-10. No one spoke.

Mayor Brundige closed the hearing by asking for a motion.

Alderman Nanney made the motion to approve Resolution R2007-10: A Resolution making appropriations to certain non-profit charitable organizations, for the fiscal year beginning July 01, 2007 and ending June 30, 2008, seconded by Alderman Harrison.

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

Mayor Brundige declared Resolution R2007-10 approved on the second and final reading.

**SECOND AND FINAL READING AND PUBLIC HEARING OF O2007-04: AN ORDINANCE ADOPTING THE RESPONSIBLE VENDOR ACT OF 2006 REGARDING BEER SALES IN THE CITY OF MARTIN**

Mayor Brundige introduced and presented for consideration on the second and final reading Ordinance O2007-04: An ordinance adopting the Responsible Vendor Act of 2006 regarding Beer Sales in the City of Martin. This is the Public Hearing.

Recorder Mathis read Ordinance O2007-04 and provided a copy for the press. A copy follows:

**ORDINANCE 2007-04**

**AN ORDINANCE TO AMEND THE CITY OF MARTIN MUNICIPAL CODE 8 ALCOHOLIC BEVERAGES CHAPTER 2 BEER BY ADOPTING THE RESPONSIBLE VENDOR ACT OF 2006 AS FOLLOWS: TO DELETE SECTION 8-212, DELETE SUBSECTION 11 OF SECTION 8-208, TO AMEND SECTIONS 8-209 AND 8-215, AND TO ADD SECTION 8-216 TO THE CITY OF MARTIN MUNICIPAL CODE.**

**WHEREAS**, the Board of Mayor and Aldermen deem it necessary for the welfare of the citizens of the City of Martin as a whole; and

**WHEREAS**, the 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; and

**WHEREAS**, pursuant to Tennessee Code Annotated, Section 13-7-203, a public hearing was held before this body, the time and place of which was published within (15) days advance notice in a newspaper of general circulation.

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

**Section 1.** Section 8-212, "Signs to be posted on premises," of the City of Martin Municipal Code is deleted.

**Section 2.** Subsection 11 of 8-208 of the City of Martin Municipal Code, which reads, "Employ any person convicted for the possession, sale, manufacture, or transportation of intoxicating liquor, or any crime involving moral turpitude within the past ten (10) years" is deleted.

**Section 3.** Section 8-209 paragraph #2, “Revocation or suspension of beer permits” of the City of Martin Municipal Code is amended by adding a second paragraph to read as follows:

Pursuant to Tennessee Code Annotated 57-5-608, the beer board shall not revoke or suspend the permit of a “responsible vendor” qualified under the requirements of Tennessee Code Annotated 57-5-606 for a clerk’s illegal sale of beer to a minor if the clerk is properly certified and has attended annual meetings since the clerk’s original certification, unless the vendor’s status as a certified responsible vendor has been revoked by the alcoholic beverage commission. If the responsible vendor’s certification has been revoked, the vendor shall be punished by the beer board as if the vendor were not certified as a responsible vendor. “Clerk” means any person working in a capacity to sell beer directly to consumers for off-premises consumption. Under Tennessee Code Annotated 57-5-608, the alcoholic beverage commission shall revoke a vendor’s status as a responsible vendor upon notification by the beer board that the board has made a final determination that the vendor has sold beer to a minor for the second time in a consecutive twelve-month period. The revocation shall be for three (3) years.

**Section 4.** Section 8-209(b), “Civil penalty in lieu of revocation or suspension” of the City of Martin Municipal Code is amended to read as follows:

**Section 8-209(paragraph 3).** Civil penalty in lieu of revocation or suspension. (1) Definition. “Responsible vendor” means a person, corporation or other entity that has been issued a permit to sell beer for off-premises consumption and has received certification by the Tennessee Alcoholic Beverage Commission under the “Tennessee Responsible Vendor Act of 2006,” Tennessee Code Annotated 57-5-601, et seq. (2) Penalty, revocation or suspension. The beer board may, at the time it imposes a revocation or suspension, offer a permit holder that is not a responsible vendor the alternative of paying a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each offense of making or permitting to be made any sales to minors or for any other defense. If a civil penalty is offered as an alternative to revocation or suspension, the holder shall have seven (7) days within which to pay the civil penalty before the revocation or suspension shall be imposed. If the civil penalty is paid within that time, the revocation or suspension shall be deemed withdrawn.

Payment of the civil penalty in lieu of revocation or suspension by a permit holder shall be an admission by the holder of the violation so charged and shall be paid to the exclusion of any other penalty that the city may impose.

**Section 5.** Section 8-209 (paragraph 4) Loss of clerk’s certification for sale to minor. If the beer board determines that a clerk of an off-premises beer permit holder certified under Tennessee Code Annotated 57-5-606, sold beer to a minor, the beer board shall report the name of the clerk to the alcoholic beverage commission within fifteen (15) days of determination of the sale. The certification of the clerk shall be invalid and the clerk may not reapply for a new certificate for a period of one (1) year from the date of the beer board’s determination.

**Section 6. BE IT FURTHER RESOLVED,** that all ordinances of the Board of Mayor and Aldermen of the City of Martin, which conflict with this ordinance, are hereby repealed.

**Section 7. BE IT FURTHER RESOLVED,** that this ordinance shall take effect from and after its passage, **THE PUBLIC WELFARE REQUIRING IT.**



Passed 1<sup>st</sup> reading, June 18, 2007.

Passed 2<sup>nd</sup> reading, \_\_\_\_\_.

ATTEST:

SIGNED:

\_\_\_\_\_  
Chris Mathis, CPA  
City Recorder

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

**Public Hearing:**

Mayor Brundige opened the Public Hearing and asked if anyone present wished to speak for or against Ordinance O2007-04.

Chief Moore gave the following points regarding Ordinance O2007-04:

Voluntary participation in the program by retail vendors allows for the following:

1. The Act creates a voluntary program for retail vendors and takes effect on July 01, 2007.
2. The Responsible Vendor program requires participating vendors to comply with employee training requirements, universal identification, and mandatory signage.
3. Once certified, participating vendors are not subject to permit revocation or suspension upon an initial violation.
4. Instead they are subject to only a civil penalty not exceeding \$1,000.00 per offense of sale to a minor or other offense.
5. Permanent revocation will not be allowable absent two violations within 12-month period.

Failure to participate in the program by retail vendor allows the following:

1. Nonparticipating vendors will face increased civil penalties.
2. A noncompliant vendor guilty of sale to a minor will be subject to suspension or revocation or a civil penalty not to exceed \$2,500.00. T.C.A. 57-5-108 (a).
3. Municipal beer boards also may revoke the license of a nonparticipating vendor for a first offense.

Requirements for retail vendors to participate in the program:

1. Under the Responsible Vendor Act, participating vendors agree to submit all new clerks to a training program within 61 days of hire.
2. The training, which must be approved by the Alcoholic Beverage Commission (ABC), must cover the sale of beer for off-premises consumption, methods of recognizing and dealing with minors who attempt to buy beer, and procedures for refusing to sell beer to minors.
3. Participating vendors pay an initial \$35.00 fee per clerk and an annual fee ranging from \$35.00 to \$250.00 based upon the number of certified clerks who participate.
4. The vendor, allowing ABC to keep a list of all certified clerks in Tennessee.
5. If a certified clerk is determined to have made an illegal sale to a minor, the certification of that clerk becomes invalid, and the clerk may not apply for re-certification for one year.

There are obvious incentives for retail vendors to participate in this program. The Responsible Vendor Act is self-executing, becoming applicable statewide upon the July 1, 2007 effective date. Nonetheless, cities need to, via ordinance, amend their code's chapter on beer sales to reflect the changes.

No one else spoke.

Mayor Brundige closed the Public Hearing by asking for a motion.

Alderman Harrison made the motion to approve the second and final reading of Ordinance O2007-04: An ordinance adopting the Responsible Vendor Act of 2006 regarding Beer Sales in the City of Martin, seconded by Alderman Belote.

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

Mayor Brundige declared Ordinance O2007-04 approved on the second and final reading.

**INTRODUCTION AND PRESENTATION OF RESOLUTION R2007-11: A RESOLUTION AUTHORIZING THE CITY OF MARTIN TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL "SAFETY PARTNERS" LOSS CONTROL MATCHING GRANT PROGRAM.**

Mayor Brundige introduced and presented for consideration Resolution R2007: A resolution authorizing the City of Martin to participate in the TML Risk Management Pool "Safety Partners" loss control matching grant program.

Recorder Mathis read Resolution R2007-11 and provided a copy for the press. A copy follows:

**RESOLUTION R2007-11**

**A RESOLUTION AUTHORIZING THE CITY OF MARTIN TO PARTICIPATE IN THE TML RISK MANAGEMENT POOL "SAFETY PARTNERS" LOSS CONTROL MATCHING GRANT PROGRAM.**

**WHEREAS**, the safety and well being of the employees of the City of Martin is of the greatest importance; and

**WHEREAS**, all efforts shall be made to provide a safe and hazard-free workplace for the City of Martin employees; and

**WHEREAS**, the City of Martin now seeks to participate in this important program.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN** the following:

**Section 1.** That the City of Martin is hereby authorized to submit application for a “Safety Partners” Loss Control Matching Grant through the TML Risk Management Pool.

**Section 2.** That the City of Martin is further authorized to provide a matching sum to serve as a match for any monies provided by this grant.

**BE IT FURTHER RESOLVED** that this resolution shall take effect from and after its passage, **THE PUBLIC WELFARE REQUIRING IT.**

Approved this \_\_\_\_\_ day of \_\_\_\_\_ in the year of 2007.

ATTEST:

SIGNED:

\_\_\_\_\_  
Chris Mathis, CPA, City Recorder

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

Motion made by Alderman \_\_\_\_\_ that the foregoing resolution be approved, seconded by Alderman \_\_\_\_\_. The motion passed on the \_\_\_\_ day of \_\_\_\_\_, 2007.

Alderman Tuck made the motion to approve Resolution R2007-11: A resolution authorizing the City of Martin to participate in the TML Risk Management Pool “Safety Partners” loss control matching grant program, seconded by Alderman Hankins.

Mayor Brundige explained we have the matching funds in place as the city has purchased some safety gear that will apply to the match.

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

Mayor Brundige declared Resolution R2007-11 approved.

**INTRODUCTION AND FIRST READING OF ORDINANCE O2007-05: AN ORDINANCE TO ADOPT THE ZONING MAP, MARTIN, TENNESSEE, AS THE OFFICIAL ZONING MAP FOR THE CITY**

Mayor Brundige introduced for consideration Ordinance O2007-05: An ordinance to adopt the Zoning Map, Martin, Tennessee as the official map for the city. Mr. Billy Stout, Building Inspector is present to answer any questions.

Recorder Mathis read Ordinance O2007-05 and provided a copy of the ordinance and map for the press. A copy follows and a copy of the map is attached to the minutes:

**ORDINANCE O2007-05**

**AN ORDINANCE TO ADOPT THE ZONING MAP, MARTIN TN AS THE OFFICIAL ZONING MAP FOR THE CITY**

**WHEREAS,** pursuant to Tennessee Code Annotated Sections 13-7-201 through 13-7-211 Municipal Zoning Regulations have been adopted for Martin, Tennessee; and,

**WHEREAS,** the City of Martin has verified the accuracy of all current Zoning Districts; and,

**WHEREAS,** the Martin Municipal Planning Commission has seen fit to readopt the Municipal Zoning Map for Martin, TN in accordance with Tennessee Code Annotated Section 13-7-204; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MARTIN, TENNESSEE THAT THE FOLLOWING ZONING MAP BE READOPTED:

Section 1. That the map entitled "Zoning Map, Martin TN" dated April 12, 2007 is adopted as the official zoning map for the City of Martin, Tennessee.

Section 2. **BE IT FURTHER RESOLVED** that this Ordinance shall become effective immediately upon its adoption, **THE PUBLIC HEALTH, SAFETY AND WELFARE REQUIRING IT.**

Date of First Reading: July 09, 2007.

Date of Public Hearing: \_\_\_\_\_.

Date of Second Reading: \_\_\_\_\_.

ATTEST:

SIGNED:

\_\_\_\_\_  
Chris Mathis, CPA, City Recorder

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

Alderman Nanney made the motion to approve the first reading of Ordinance O2007-05: An ordinance to adopt the Zoning Map, Martin, Tennessee as the official map for the city, seconded by Alderman Belote.

Mr. Stout displayed a copy of the map to be adopted and explained there are no new zoning designations. We are just taking the city map we now have and putting it in digital format. This will allow us to display the map on the Internet and make reduced copies for realtors, developers, and interested persons.

Alderman Harrison called for question.

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

Mayor Brundige declared the ordinance approved on the first reading and set the second and final reading and public hearing for August 13, 2007 at 5:15 pm in the City Hall Courtroom.

**REPORT FROM MR. RANDY MCKINNON OF TLM ASSOCIATES REGARDING THE T-21 GRANT (DOWNTOWN MARTIN IMPROVEMENTS PROJECT)**

Mayor Brundige introduced Mr. Randy McKinnon representing TLM Associates regarding the T-21 Grant for the Downtown Martin Improvements Project. We have received two bids and they came in a little high.

Mr. McKinnon explained I do not have a recommendation to award the contract based on the bids we opened on July 3<sup>rd</sup> but I can certainly go back and prepare one if that is your wish. We had two bidders. Both were TDOT qualified and certified. The low bid was \$904,021.00 and the second and high bid was \$1,239,000.00. This was a lot more than we expected especially with the city's budget being \$425,000.00.

Mr. McKinnon presented a site plan for the Downtown Improvements Project and explained this project will make the downtown area pedestrian friendly as well as enhance the area. The project will connect the Brian Brown Greenway then progress through the core of the downtown district (South Lindell Street) to University Street. The project consists of sidewalks, handicapped ramps, crosswalks, a retaining wall at the Opera House location, installation of landscaping, and lighting. The Enchantment project will also include the City Hall and park area.

I am opening this project up to you all by asking do you want to fund this project as bid. Or would you want us to go back and eliminate some items or take items out of the base bid and bid as alternate items or re-bid this in phases such as the downtown area as one phase and the city hall as phase two, and so forth?

There are several reasons the bids are so high. One is TDOT changed the rules in the middle of this project. TDOT requires all contractors to be TDOT pre-qualified and must comply with TDOT wage rates. This cuts off most of the small contractors. This project did not grandfather in thus we were forced to submit to the new rules and regulations that were not in place up front. And we are required to unit price everything and I feel this drives the price up. Also, there was some storm drainage around the Church Street area that we did not anticipate.

Alderman Edwards asked is there any other grant money available?

Mr. McKinnon stated there is but you would have go back through the whole process again. One of the things I have discussed with the Enhancement folks is to break this out into a phase project.

The only the requirement for phase projects is the city must maintain the connection with the greenway. I would suggest we cut out the area around the city hall and park. By doing the downtown core area we could keep the connection to the greenway. The city hall area would qualify as a standoff project or second phase. We could take out the landscaping and make it a city project.

The Enhancements folks suggested two possibilities for project completion. One option is to negotiate the price with the bidders that we have by getting both bidders in a room and discuss which items will be removed from the contract but they would have to be in agreement to hold the remaining at the listed bid costs. I talked to both contractors and the current low bidder was not interested in this process. So that eliminated this option. The remaining option is to cut items from the project and re-bid with the possibility of completing the project in phases. I would suggest we eliminate some of the items and consider the possibility of the city doing the work. The street lighting that will cost approximately \$177,000.00 and landscaping at \$60,000.00 would be two of these items.

Director Wagster asked to address the street lighting. The lighting that is in place does not meet TDOT specs and did not when they were installed. The ballast and the bulb wattage are wrong. TDOT requires that all of these be changed. We can use our fixtures but will have to change the ballast and bulb wattage, which is fifty percent of the costs.

Alderman Edwards asked would these not grandfather in?

Mr. McKinnon stated no. We will be changing the location of them and that is the same as new construction and it will have to conform to TDOT specs.

Alderman Nanney asked would it be enough saving to take the city hall and park area out of the original bid?

Mr. McKinnon stated if we take out the street trees, trash bins, benches and the city hall and park area that would reduce it considerable. The city hall area could be done in a second phase. When the sidewalks were poured we could leave the opening to add trees and landscaping, which could be done locally. The other big item is the street lighting and I am not sure if the city would want to try to tackle this issue.

Director Wagster stated I have not had a chance to look at the material list or job specs but the lighting sounds like an extensive job.

Mr. McKinnon stated what I would like to do is take out the city hall area, street trees, landscaping and furnishings and then bid as alternates the lighting, electrical, and other things in order to trim it down to budget. Then we could advertise and re-bid. We will still have a good product, as this will be the core of the project, and then do the landscaping, trees, and furnishings and the city hall area in phases.

Alderman Hankins stated Mr. Stoker has just reworked a downtown building and Mr. Warner Pace is about to do another one. I think the downtown building owners need to see this happen. What kind of time frame are we looking at?

Mr. McKinnon stated I would rework the specs and then get it into the paper Thursday. The bid opening could be done first week of August. Then in November we can reapply for the next phases of the project.

Board unanimously agreed to allow TLM to rework the specs and submit for bids.

**ADJOURN**

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

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL.

ATTEST:

SIGNED:

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Chris Mathis, CPA  
City Recorder

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Randy Brundige,  
Mayor

RB: CM/bh  
Saved "July 09, 2007"