

MINUTES OF THE MARTIN BOARD OF MAYOR AND ALDERMEN

March 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, March 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, Fire Chief Russell Schwahn, Martin Community Development Director Karami Hagan, Director of C. E. Weldon Public Library Roberta Peacock, Westview Band Director Mike Tucker, Emergency Management Director Mark Seat, Kevin Seaton from G & S Lawn Care, and members of the press.

CALL TO ORDER AND INVOCATION

Mayor Brundige called the March 12, 2007 meeting of the City of Martin Board of Mayor and Aldermen to order. Alderman Hankins gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES FEBRUARY 12, 2007

Alderman Edwards made the motion to approve the minutes of the February 12, 2007 meeting as written, seconded by Alderman Nanney.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

DEPARTMENT HEADS REPORTS:

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 explained we had an incident at Suiter's Service Station involving a car hitting the gas pumps. I want to thank the Martin Police Department for helping with this incident. The two departments worked well together.

Our six new firemen started this Monday for a full week of orientation.

C. E. WELDON PUBLIC LIBRARY

DIRECTOR ROBERTA PEACOCK

Director Peacock passed out the Library's newsletter and gave the February 2007 report. The Friends of the Library purchased several desks for the Children's Library at a cost of \$800.00. We had 250 children to attend the Dr. Seuss's Birthday Party. The Library hosted a booth at the Home and Garden Show. If you remember, we received a grant of \$16,000 to teach computer classes for Senior Citizens. Using this grant we will hold classes in April at the Martin Library, May at the Dresden Senior Center, and June at Wesley Manor in Martin.

COMMUNITY DEVELOPMENT

DIRECTOR KARAMI HAGAN

Director Hagan explained the 2007 Home and Garden Show hosted by the Martin Beautiful Committee was very successful. Last year the show had 61 sponsors and vendors and this year 79. Last year's attendance was 835 and this year's 1,076. We received a lot of positive comments and feedback. I would like to congratulate The Martin Beautiful Committee, especially Mr. Lon May for a job well done.

PUBLIC WORKS

DIRECTOR BILLY GENE WAGSTER

The Public Works Department's monthly reports were included in packets. Copy attached to minutes.

POLICE DEPARTMENT

CHIEF DAVID MOORE

The Police Department's monthly reports were in packets. A copy is attached to minutes.

OLD BUSINESS:

SECOND AND FINAL READING AND PUBLIC HEARING 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 second and final 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 is the Public Hearing.

Recorder Mathis read Ordinance O2007-0. Copies were provided for the media. 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.**

February 12, 2007 .
Date Passed First Reading

Date Passed Second Reading

Date of Public Hearing

ATTESTED:

APPROVED:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

Public Hearing:

Mayor Brundige opened the meeting for the Public Hearing of Ordinance O2007-01 asking if there was anyone present wishing to speak for or against the ordinance. No one spoke.

Mayor Brundige closed the Public Hearing and asked for a motion.

Alderman Harrison made the motion to approve the second and final 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

Mayor Brundige declared Ordinance O2007-01 approved on the second and final reading

SECOND AND FINAL READING AND PUBLIC HEARING 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 the second and final 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. This is the Public Hearing.

Recorder Mathis read the ordinance. Copies were provided for media. 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.

February 12, 2007
Date Passed First Reading

Date Passed Second Reading

Date of Public Hearing

ATTESTED:

APPROVED:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

Public Hearing:

Mayor Brundige opened the meeting for the Public Hearing of Ordinance O2007-02 asking if there was anyone present wishing to speak for or against the ordinance. No one spoke.

Mayor Brundige asked for a motion.

Alderman Harrison made the motion to approve the second and final 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 Tuck.

Other Information:

The deposit shall be refunded after the customer has received utility service for four years, if the customer has a credit rating of three (3) or better, on the City's customer information system.

Upon termination of service, the deposit will be applied against the unpaid bills of the customer and if any balance remains after such application, said balance shall be refunded to the customer.

Mayor Brundige explained the residential rates for deposits have not changed, just the commercial and industrial.

Alderman Tuck made the motion to approve the Suggested Policy (stated above) for City of Martin water and gas deposits, seconded by Alderman Belote.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

A REQUEST FROM WESTVIEW BAND REPRESENTED BY MR. MIKE TUCKER

Mayor Brundige explained the Westview Band has been invited to perform in Washington DC this spring. Mr. Tucker is asking for assistance from the city to help with the cost of students that cannot afford to go.

Alderman Tuck made the motion to assist the Westview Band with a donation of \$3,000.00, seconded by Alderman Nanney.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

ANY OTHER BUSINESS

AT&T FRANCHISE CABLE BILL IN STATE LEGISLATURE

Mayor Brundige explained there is an AT&T Franchise Cable bill that will be presented to the Tennessee State Legislature, which is very unsatisfactory for consumers. This bill will allow the company to come into a city and put cable on one street and leave another street without cable. Plus they do not have to go before the Planning Commission to install cable boxes. They can install them anywhere they want. City Hall will be required to take all phone calls but have no responsibility to fix or maintain and nowhere to forward the calls, even if there are complaints. It will cost the cities money if this bill is introduced and passed. This bill is very bad. The Tennessee Municipal League is fighting this bill and a lot of work needs to be done on the bill. I would like for the city to take a stand in opposition to this bill.

Alderman Tuck made the motion the city opposes the proposed AT&T Franchise Cable bill in the Tennessee State Legislature, seconded by Alderman Nanney.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

Mayor Brundige asked each one present to do all they could to keep our representatives and senators aware of our feelings.

ADJOURN

Alderman Nanney 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 "March 12, 2007"