

MINUTES OF THE MARTIN BOARD OF MAYOR AND ALDERMEN

May 14, 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, May 14, 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 TERRY HANKINS, ALDERMAN WARD III
HONORABLE RANDY EDWARDS, ALDERMAN WARD III
MEMBERS ABSENT: HONORABLE JOHNNY TUCK, ALDERMAN WARD II

Also present: City Recorder Chris Mathis, Fire Chief Russell Schwahn, Director of Public Works Billy Wagster, Library Director Roberta Peacock, City of Martin Intern Adam Trull, Weakley County Economic Director Ronnie Price, Mr. Johnny Vincent, Ms. Sue Lasky, and members of the press.

CALL TO ORDER AND INVOCATION

Mayor Brundige called the May 14, 2007 meeting of the City of Martin Board of Mayor and Aldermen to order. Alderman Nanney gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES APRIL 09, 2007

Alderman Nanney made the motion to approve the minutes of the April 09, 2007 meeting as written, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

DEPARTMENT HEADS REPORTS:

PUBLIC WORKS

DIRECTOR BILLY GENE WAGSTER

The Public Works Department's monthly reports were included in packets. A copy of these reports is attached to minutes.

Director Wagster announced the Public Works department would start their summer work schedule on May 29th. The department will work from 6:00 am till 2:30 pm.

FIRE DEPARTMENT

FIRE CHIEF RUSSELL SCHWAHN

The Fire Department's monthly reports were included in packets. A copy of these reports is attached to minutes.

Chief Schwahn explained four of the six new fire fighters would be attending the State of Tennessee Fire School for the next two weeks.

Alderman Nanney thanked the Fire Department for the outstanding job performance done during the fire in Fulton, Kentucky. I have received compliments from several individuals, some of them firefighters.

OLD BUSINESS:

There was no Old Business.

NEW BUSINESS:

APPOINT DR. TOM PAYNE TO THE WEAKLEY COUNTY ECONOMIC DEVELOPMENT BOARD. TERM OF OFFICE WILL BE JULY 01, 2007 THROUGH JUNE 30, 2011.

Mayor Brundige presented for approval the appointment of Dr. Tom Payne to the Weakley County Economic Development Board. The term will be July 01, 2007 through June 30, 2011.

Alderman Harrison made the motion to appoint Dr. Tom Payne to the Weakley County Economic Development Board, term July 01, 2007 through June 30, 2011, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

CONSENT FOR MAYOR BRUNDIGE TO SIGN A CONTRACT WITH TELECOMMUNICATIONS CONSULTING ASSOCIATES TO CONDUCT A CABLE TELEVISION AUDIT OF CHARTER COMMUNICATIONS IN THE CITY OF MARTIN

Mayor Brundige introduced a request to grant consent to sign a contract with Telecommunications Consulting Associates, Waynesville, North Carolina, to conduct a cable television audit of Charter Communications in the City of Martin. This company has conducted several audits of this nature with favorable results.

Alderman Edwards made the motion to allow Mayor Brundige to sign a contract with Telecommunications Consulting Associates, Waynesville, NC, to conduct a cable television audit of Charter Communications in the City of Martin, seconded by Alderman Hankins.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

INTRODUCTION AND FIRST READING OF ORDINANCE O2007-03: AN ORDINANCE AMENDING THE CITY OF MARTIN MUNICIPAL CODE RELATING TO PERMIT FEES FOR RESIDENTIAL CONSTRUCTION.

Mayor Brundige introduced and presented for consideration the first reading of Ordinance O2007-03: An ordinance amending the City of Martin Municipal Code relating to permit fees for residential construction. This is a recommendation from the Public Works Committee.

Recorder Mathis read Ordinance O2007-03. A copy of the ordinance has been presented to the press. A copy follows:

ORDINANCE O2007-03

AN ORDINANCE AMENDING THE CITY OF MARTIN MUNICIPAL CODE, TITLE 12. BUILDING, UTILITY, ETC. CODES, CHAPTER 1, BUILDING CODE, SECTION 12-102. MODIFICATIONS, RELATING TO PERMIT FEES FOR RESIDENTIAL CONSTRUCTION

WHEREAS, the Public Works Committee, at its May 7, 2007 meeting, makes its recommendation for approval of changes to permit fees for residential construction; 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 12. BUILDING, UTILITY, ETC. CODES, Chapter 1. Building Code, Section 12-102. Modifications by adding the following as the last paragraph:

New Residential Building Permit Fees:

\$15.00 for the first \$1,000.00 in value plus \$1.00 for each additional \$1,000.00 in value. The value of construction will be subject to a minimum computation of \$60.00 per square foot for a non-brick exterior home and \$65.00 per square foot for a brick exterior home. Remodels, garages, outbuildings and other construction of that nature will be charged at the same rate subject to a minimum computation of value of construction at \$25.00 per square foot.

Commercial Building Permit Fees:

\$10.00 for the first \$1,000.00 in value plus \$1.00 for each additional \$1,000.00 in value and \$5.00 for the first drain opening plus \$1.00 for each additional drain opening with each plumbing appliance and floor drain counted as an individual drain opening.

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

Mayor Brundige asked for a motion and second to approve Ordinance O2007-03.

Alderman Nanney made the motion to approve on the first reading Ordinance O2007-03.

No second to the motion was received.

Mayor Brundige stated Ordinance O2007-03 dies for lack of a second to the motion.

INTRODUCTION AND READING OF RESOLUTION R2007-05: A RESOLUTION AUTHORIZING MAYOR BRUNDIGE TO ENTER INTO A NEW CONTRACT WITH TENNERGY CORPORATION

Mayor Brundige introduced for consideration Resolution R2007-05: A resolution authorizing Mayor Brundige to enter into a new contract with Tennergy Corporation.

Recorder Mathis read Resolution R2007-05. A copy of the resolution has been presented to the press. A copy follows:

RESOLUTION R2007-05

A RESOLUTION AUTHORIZING THE PURCHASE OF NATURAL GAS FROM TENNERGY CORPORATION; APPROVING THE EXECUTION AND DELIVERY OF A NATURAL GAS SUPPLY AGREEMENT AND OTHER DOCUMENTS RELATING TO SAID PURCHASE; APPROVING CERTAIN DOCUMENTS RELATING TO THE ISSUANCE OF BONDS BY TENNERGY CORPORATION TO PROCURE GAS SUPPLIES AND APPROVING CERTAIN CONTRACTS AND AGREEMENTS RELATING THERETO; AND CONSENTING TO THE ASSIGNMENT OF CERTAIN OBLIGATIONS UNDER THE NATURAL GAS SUPPLY AGREEMENT IN CONNECTION WITH THE ISSUANCE OF SAID BONDS

WHEREAS, Tennergy Corporation ("Tennergy") is an energy acquisition corporation formed pursuant to the provisions of Title 7, Chapter 39, Tennessee Code Annotated (the "Act"), to be an instrumentality of certain municipalities that caused the formation of Tennergy; and

WHEREAS, Tennergy was formed, among other reasons, for the purpose of acquiring, financing, and managing supplies of natural gas for sale to the associated municipalities of Tennergy and for the purpose of selling gas to other public entities inside and outside the State of Tennessee as shall be in the best interest of Tennergy; and

WHEREAS, Tennergy has planned and developed a gas supply project under which it will finance the acquisition of gas supplies for sale to public gas distribution systems (the "Customers"), including Tennergy's associated municipalities, so as to bring the benefits of secure, reliable and economical gas supplies to the Customers and their citizens, inhabitants, and customers; and

WHEREAS, the _____ [Insert name of governing body such as City Council, Utility Board, or Board of Commissioners] (the "Governing Body") of _____ [Insert name of utility board, municipality or utility district that operates gas system] (the "Purchaser") has determined that it is in the best interest of its natural gas distribution system (the "System") and the customers thereof that the Purchaser purchase a portion of its annual natural gas requirements from Tennergy pursuant to the gas supply project being developed by Tennergy and a natural gas supply agreement to be entered into by Tennergy and the Purchaser, more fully described herein (the "Supply Agreement"); and

WHEREAS, for the purpose of providing funds to purchase gas supplies for resale to the Customers, it will be necessary for Tennergy to issue and sell one or more series of bonds (the "Bonds") and pledge to the payment of the Bonds certain assets of Tennergy, including the Supply Agreement between Tennergy and the Purchaser; and

WHEREAS, the Purchaser shall have no obligation or liability with respect to the Bonds, and the Purchaser's only obligations relating to Tennergy's gas program described herein shall be set forth in the Supply Agreement; and

WHEREAS, in order to authorize the purchase of natural gas from Tennergy and the execution of the Supply Agreement, to consent to the assignment of the Supply Agreement to

secure the Bonds and to authorize and take such other necessary and appropriate action in furtherance of the above described program, the Governing Body adopts this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Purchaser as follows:

1. The Purchaser shall purchase from Tennergy in each month for the term of the Supply Contract, said term being _____ (___) years from its effective date, the MMBtu of natural gas pursuant to and substantially in accordance with the terms of the Supply Agreement as submitted to the Governing Body at this meeting and approved pursuant to Paragraph 2 herein, and the officers, employees and agents of the Purchaser are hereby authorized and directed to take such actions and do all things necessary to cause the purchase of said gas to take place, including the payment of all amounts required to be paid in order to purchase the gas in accordance with the Supply Agreement.

2. The Supply Agreement shall be in substantially the form submitted, which is hereby approved, with such completions, omissions, insertions, and changes as may be approved by the officers executing said Agreement, their execution to constitute conclusive evidence of their approval of any such omissions, insertions and changes. The _____ or _____ [Insert title of executive officer(s)] (either being the "Executive Officer") of the Governing Body is authorized to execute and the _____ [Insert title of attesting officer] (the "Attesting Officer") of the Governing Body to attest the Supply Agreement.

3. The issuance of the Bonds by Tennergy for the purposes hereinabove set forth is hereby recognized and approved by the Governing Body and the Governing Body hereby consents to the assignment and pledge of all Tennergy's right, title and interest under the Supply Agreement, including the right to receive performance by the Purchaser of its obligations thereunder, to secure the payment of principal of and interest on the Bonds.

4. The execution and delivery by Tennergy of a Trust Agreement between Tennergy and a corporate trustee (the "Trust Agreement"), a Purchase Contract relating to the issuance of the Bonds and the purchase thereof by the underwriters of the Bonds (the "Purchase Contract") and a Master Swap Agreement and schedule and confirmation relating thereto (collectively, the "Swap Agreement") between Tennergy and a counterparty to be named by Tennergy, are hereby approved, which documents shall be in the forms approved by the board of directors of Tennergy.

5. The Bonds are not obligations of the Purchaser but are limited obligations of Tennergy payable solely from the revenues and receipts arising from the sale of gas to Customers pursuant to the Supply Agreement and similar agreements with the other Customers. By approving the issuance of the Bonds, consenting to the assignment of the Supply Agreement and approving the documents described in paragraph 5 hereof, the Purchaser is not incurring any obligation or liability with respect to the Bonds, and the Purchaser's only obligation pursuant to this resolution is to purchase natural gas and perform its obligations as set forth in the Supply Agreement.

6. The officers and employees of the Purchaser or any other agent or representative of the Purchaser is hereby authorized and directed to cooperate with Tennergy and its agents and representatives in the preparation and distribution of a preliminary official statement describing, among other things, the Bonds and the System. After the Bonds have been sold, any executive officer or employee of the Governing Body, or any agent or representative designated by the Purchaser, shall make such completions, omissions, insertions and changes in the preliminary official statement relating to the System not inconsistent with this resolution as are necessary or desirable to complete it as a final Official Statement for purposes of Rule 15c2-12(e)(3) of the Securities and Exchange Commission. Such persons are authorized on behalf of the Purchaser to deem the preliminary official statement, as it relates to the System, to be final as of its date within the meaning of Rule 15c2-12(b)(1), except for the omission in the preliminary official statement of certain pricing and other information allowed to be omitted pursuant to Rule 15c2-12(b)(1).

7. The Governing Body hereby covenants and agrees that the Purchaser will cooperate with Tennergy in the discharge of Tennergy's obligations to provide annual financial information and material event notices for the Bonds as required by Rule 15c2-12 of the Securities and Exchange Commission. Any executive officer or employee of the Governing Body, or such other agent or representative of the Purchaser as shall be appropriate are hereby authorized and directed to provide such information as shall be required for such compliance.

8. All acts and doings of the officers of employees of the Purchaser or any other agent or representative of the Purchaser which are in conformity with the purposes and intent of this resolution and in furtherance of the execution, delivery and performance under the Supply Agreement, and in furtherance of the issuance and sale of the Bonds and the execution by Tennergy of the Trust Agreement, the Bond Purchase Agreement, and the Swap Agreement, shall be and the same hereby are in all respects, approved and confirmed.

9. If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

10. All other resolutions or orders, or parts thereof, in conflict with the provisions of this resolution, are, to the extent of such conflict, hereby repealed and this resolution shall be in immediate effect from and after its adoption.

Adopted and approved this ___ day of _____, 2007.

[Insert title of presiding officer of the Governing Body]

I, _____, do hereby certify that I am the duly qualified and acting _____ [Insert title of Attesting Officer] of the _____ [Insert name of governing body] of the _____ [Insert name of purchaser] and as such official I further certify that the foregoing is a true and correct copy of a resolution adopted by the _____ [Insert name of governing body] a meeting, a quorum being present and acting throughout, held on _____, 2007.

Secretary or other Attesting Officer

Mayor Brundige asked for a motion and second to approve the resolution.

Alderman Hankins made the motion to approve Resolution R2007-05: A resolution authorizing Mayor Brundige to enter into a new contract with Tennergy Corporation, seconded by Alderman Belote.

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

Mayor Brundige declared the Resolution R2007-05 approved.

INTRODUCTION AND PRESENTATION OF RESOLUTION R2007-06: A RESOLUTION AGREEING TO RELINQUISH TO THE UNIVERSITY OF TENNESSEE AT MARTIN THE RIGHTS OF OWNERSHIP OF THE NATIONAL GUARD ARMORY, BUT RETAINING THE RIGHT TO LEASE FROM UTM A PORTION OF THE PROPERTY UNDER A TEN YEAR LEASE FOR \$1.00 PER YEAR TO BE RENEWABLE FOUR TIMES

Mayor Brundige introduced and presented for consideration Resolution R2007-06: A resolution agreeing to relinquish to the University of Tennessee at Martin the rights of ownership of the National Guard Armory, but retaining the right to lease from UTM a portion of the property under a ten year lease for \$1.00 per year to be renewable four times.

Recorder Mathis read Resolution R2007-06. A copy of the resolution has been presented to the press. A copy follows:

RESOLUTION R2007-06

A RESOLUTION AGREEING TO RELINQUISH TO THE UNIVERSITY OF TENNESSEE AT MARTIN THE RIGHTS OF OWNERSHIP OF THE MARTIN NATIONAL GUARD ARMORY AND AUTHORIZING THE MAYOR OF MARTIN, TENNESSEE TO ENTER INTO A LEASE AGREEMENT WITH THE UNIVERSITY OF TENNESSEE AT MARTIN FOR A PORTION OF THE ARMORY PROPERTY

WHEREAS, the City of Martin and the University of Tennessee at Martin find it mutually beneficial for the City to relinquish ownership rights to the Martin National Guard Armory to the University of Tennessee at Martin; and

WHEREAS, the City of Martin and the University of Tennessee also find it mutually beneficial for the City to lease a portion of the Martin National Guard Armory property from the University of Tennessee at Martin.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MARTIN that the City of Martin hereby relinquishes ownership of the Martin National Guard Armory to the University of Tennessee at Martin, and further the Mayor of Martin, Tennessee is authorized to enter into a lease agreement with the University of Tennessee at Martin for a portion of the property formerly occupied by the Tennessee National Guard. Terms of the lease agreement shall be at a rate of \$1.00 per year for an initial period of ten (10) years to be renewable four (4) times in ten (10) year increments. The Mayor of Martin is further authorized to modify the terms of the lease agreement as appropriate for the benefit of the City of Martin.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage, **THE PUBLIC WELFARE REQUIRING IT.**

Date of Passage May 14, 2007

ATTEST:

APPROVED:

Chris Mathis, CPA
City Recorder

Randy Brundige
Mayor

Alderman Nanney made the motion to approve Resolution R2007-06: A resolution agreeing to relinquish to the University of Tennessee at Martin the rights of ownership of the National Guard Armory, but retaining the right to lease from UTM a portion of the property under a ten year lease for \$1.00 per year to be renewable four times, seconded by Alderman Belote.

VOTE:	FOR:	HONORABLE NANNEY HONORABLE BELOTE HONORABLE HANKINS HONORABLE EDWARDS
	AGAINST:	HONORABLE HARRISON
	ABSENT:	HONORABLE TUCK

Mayor Brundige declared the Resolution R2007-06 approved.

A REQUEST FROM THE WEAKLEY COUNTY READING RAILROAD TO HELP FUND BOOKS GIVEN TO PRESCHOOL CHILDREN IN THE CITY OF MARTIN

Mayor Brundige introduced Mr. Johnny Vincent and Ms. Sue Lasky along with their request for the City to help fund the City of Martin area of the Weakley County Reading Railroad program, which gives books once a month to preschool children.

Ms. Lasky spoke the Weakley County Reading Railroad program gives books to all registered preschool children under the age of five. These children are mailed a book every single month. Ms. Dolly Parton started the Reading Railroad program in 1995. In Weakley County the program is funded by donations. The substance of this program is to influence early learning

and to get children excited about reading. Children who start out excited about learning and reading do well in school and life. We are asking you all to support this program. We currently have 1,301 children enrolled in Weakley County, 568 in the Martin area. We would really appreciate you all helping this program to continue. We are requesting half the funds needed to fund these 568 children, which is \$8,520. These books are sent to each child with their names on them. When the children receive the books they are so excited. They ask the parents to read them over and over. This is wonderful for the child and the parents. We feel this is an investment in the child and our future.

Mr. Vincent explained to make this program work we first have to get each child registered, then provide money to pay for the books, postage, and administration. All the money goes to provide books with the exception for the training of all volunteers. An all-volunteer force maintains the Weakley County Reading Railroad program. This volunteer force provides the opportunity for our children to have access to books of their very own and in doing this build our future. We are requesting one-half of the funding and hope to raise the remainder from other sources. We are serving approximately 65% of the children in Weakley County and this is based on the number of children who start school. We are striving for 100%.

Mayor Brundige thanked Mr. Vincent and Ms. Lasky for coming and explained this would be put on the June agenda for consideration in next year's budget.

PRESENTATION BY MIKE ABNEY AND PHILLIP JOHNSON REGARDING CALL CENTERS

Mayor Brundige introduced Mr. Mike Abney and Mr. Phillip Johnson.

Mr. Abney, UTM Representative, and Mr. Johnson, City of Martin Program Coordinator, presented a power point presentation concerning the need for high tech jobs in the City. The presentation showed a need for full-time employment as well as part-time. Along with fulltime labor this type industry needs an ample supply of part-time help and Martin is full of college students that need a good paying part time job. High-tech industry needs fiber optic availability and the University has the fiber optic connections available for use as long as the location is next to the campus. We are proposing that the National Guard Armory building be used to house a call center, which would use this type of technology. This is not telemarketing but a call center. This could be the beginning of high tech jobs for Weakley County.

Mr. Ronnie Price, Weakley County Economic Development Director, was present and made a request to the board. Director Price asked the Board to consider leasing the armory building to the Weakley County Economic Development Board. In turn, this board would seek grant funding through Rural Development to renovate the building. But, the first order of business is to survey the building to see if it will be feasible to use as a call center and a cost estimate for renovation. The location is very good as it is next to the University, has ample parking, and the building has adequate space. If WCED assumes the use of the building we would also assume all maintenance.

Alderman Hankins made the motion, once the city has possession of the old National Guard Armory building, to move forward with subleasing it to the Weakley County Economic Development Board with the understanding Weakley County Economic Development will seek grant funding to renovate the building to house high-tech jobs, seconded by Alderman Belote.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

JUNE MEETING DATES

Informal City Board meeting will be June 5, 2007. Regular City Board meeting will be June 18, 2007.

ADJOURN

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

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL.

ATTEST: SIGNED:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

RB: CM/bh
Saved "May 14, 2007"