

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

**March 10, 2008 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 10, 2008, 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, Police Chief David Moore, Police Captain Sammy Liles, City Court Clerk Cathy Wright, Community Development Director Kimberly Craddock, Director of MIS Phillip Johnson, Weldon Public Library Director Roberta Peacock, Public Works Director Billy Wagster, Weakley County Chamber of Commerce Director Barbara Virgin, several Weakley County Leadership Graduates, Matt Vincent, Josh Vincent, Ricky Edwards, Russell Edwards, Mr. Charles McWherter, Mr. Don Jones, General Sessions Judge Tommy Moore, City Judge Lang Unger, Ms. Jane Parrish, Ms. Kathy Ochsenrider, and Members of the Press

## **CALL TO ORDER AND INVOCATION**

Mayor Brundige called the March 10<sup>th</sup> 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 FEBRUARY 11, 2008**

Mayor Brundige introduced and presented for consideration the minutes of the February 11, 2008 meeting.

Alderman Edwards made the motion to approve the minutes of February 11, 2008 meeting as written seconded by Alderman Hankins.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

**DEPARTMENT HEAD REPORTS:**

**PUBLIC WORKS**

**DIRECTOR BILLY GENE WAGSTER**

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

Director Wagster explained within the next week or ten days we will be closing S. Lindell Street to Main Street for a week or so to cold mix some of the waterline cuts.

**POLICE DEPARTMENT**

**CHIEF DAVID MOORE**

The Police Department's monthly reports were given to the board. A copy is attached to the minutes. Chief Moore asked if anyone had any questions. No questions were asked.

Chief Moore explained we had the kick-off session for the 19<sup>th</sup> Annual Citizen Police Academy last Thursday night. At this session we announced the promotion of Lt. Randal Walker to Captain of investigation. We are very proud of Captain Walker. As you all know we had an eventful weekend because Regions Bank was robbed Friday afternoon and through good investigative measures the robbery was solved. Today, they are in the process of wrapping up several residential burglaries.

**FIRE DEPARTMENT**

**FIRE CHIEF RUSSELL SCHWAHN**

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

Chief Schwahn announced the Martin Fire Department will be hosting the quarterly Weakley County Fire Chiefs' meeting on March 25, 2008 at 6:30 pm.

**PARKS AND RECREATION**

**DIRECTOR DENNIS SUITER**

Director Suiter announced the department is working on a dinner celebration for the Westview Cheerleaders. This should be a very special celebration as they are back-to-back National Cheerleading Champions. We will announce the time and date when confirmed.

**C. E. WELDON PUBLIC LIBRARY**

**DIRECTOR ROBERTA PEACOCK**

The Library's newsletter was included in the board packets. A copy is attached to the minutes. Director Peacock asked if there were any questions. There were none.

Director Peacock explained the Library is in the process of a used book sale in the conference room at the Library. We also have basic computer classes scheduled for April.

**COMMUNITY DEVELOPMENT      DIRECTOR KIMBERLY CRADDOCK**

Director Craddock invited the board to attend the Martin Business Association monthly meeting March 11, 2008 at 7:30 am in the courtroom.

**HUMAN RESOURCES                      DIRECTOR CELESTE TAYLOR**

Director Taylor was present and asked if anyone had any questions. No questions were asked.

**WEAKLEY COUNTY CHAMBER OF COMMERCE      BARBARA VIRGIN**

Director Virgin explained I have given you all a packet concerning the Three Star Incentive Benchmark areas. Martin was one of the first to hand in the inventory and the mayor has attended all the meeting he is supposed to. I appreciate the support and work done by Mayor Brundige and Kimberly. This program has saved Weakley County approximately \$860,000.00.

The Chamber is sponsoring a workshop for Women in Small Business, April 16<sup>th</sup> from 9:00 am to 1:00 pm.

Remember the Weakley County Chamber President's Banquet will be April 29<sup>th</sup> at 6:30 pm in UTM Boling University Center Ballroom.

I would like to introduce the Martin members of the Weakley County Leadership class. They are Ray Stevenson, Kimberly Craddock, Pam Harris, Josh Vincent, and with Weakley County Youth Leadership Rachel Coleman.

**OLD BUSINESS:**

**REQUEST FROM MR. CHARLES MCWHERTER TO CLEAN DITCH BEFORE CULVERT IS INSTALLED IN LAKEVIEW SUBDIVISION**

Mayor Brundige stated this is not formal old business but Mr. Charles McWherter would like to address the board.

Mr. McWherter spoke I appreciate you gentlemen hearing me at the Informal Board meeting and I want to thank Public Works for cleaning my ditch. Now, I have one more request. Before the larger culvert is installed in Lakeview Subdivision I would request that the entire ditch be cleaned. If this is not done my water problem will be double.

Director Wagster stated we will do this as weather permits.

**NEW BUSINESS:**

**APPOINTMENT TO COMMITTEE: MS. CELESTE TAYLOR TO THE TITLE VI COMMITTEE TO REPLACE RECORDER CHRIS MATHIS AS CITY OF MARTIN TITLE VI COORDINATOR**

Mayor Brundige presented a recommendation to appoint Ms. Celeste Taylor to the Title VI Committee to replace Recorder Chris Mathis as City of Martin Title VI Coordinator.

Alderman Harrison made the motion to appoint Ms. Celeste Taylor to the Title VI Committee to replace Recorder Chris Mathis as City of Martin Title VI Coordinator, seconded by Alderman Tuck.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

**SWEARING-IN CEREMONY FOR HONORABLE LANGDON S. UNGER AS CITY JUDGE**

Mayor Brundige introduced General Sessions Judge Tommy Moore and Honorable Langdon S. Unger and asked Judge Moore if he would do the honor of swearing in Mr. Unger as City Judge.

Judge Moore administered the following oath with Honorable Unger affirming:

I Lang Unger, do hereby solemnly swear, (or affirm) that I possess all the qualifications for the duties of City Court Judge for the City of Martin as prescribed by the Charter of the City of Martin and on my honor, I will never betray my Office, my integrity, my character, or the public trust and that I will administer justice without respect to persons, and that I will faithfully discharge and perform all the duties incumbent upon me as City Judge under the Constitution and the laws of the State of Tennessee and the Charter of the City of Martin, Tennessee.

Sworn and subscribed before me this date, March 10, 2008.

Signed, Judge Tommy Moore (copy attached to minutes)

**INTRODUCTION OF RESOLUTION R2008-04: A RESOLUTION ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE A USER FEE FOR THE DELIVERY OF EMERGENCY FIRE DEPARTMENT SERVICES FOR VEHICULAR ACCIDENTS PROVIDED BY THE CITY OF MARTIN FIRE DEPARTMENT PER RECOMMENDATION FROM THE PUBLIC SAFETY COMMITTEE.**

Mayor Brundige introduced for consideration Resolution R2008-04: A resolution establishing and implementing a program to charge a user fee for the delivery of emergency fire department services for vehicular accidents provided by the City of Martin Fire Department per recommendation from the Public Safety Committee.

Recorder Mathis read Resolution R2008-04. A copy was provided for the press, board, and all present.

A copy of R2008-04 follows:

**RESOLUTION R2008-04**

**A RESOLUTION ESTABLISHING AND IMPLEMENTING A PROGRAM TO CHARGE A USER FEE FOR THE DELIVERY OF EMERGENCY FIRE DEPARTMENT SERVICES FOR VEHICULAR ACCIDENTS PROVIDED BY THE CITY OF MARTIN FIRE DEPARTMENT**

**WHEREAS**, the City of Martin Fire Department service run activity to vehicular accidents continues to increase each year and the passage of new home security regulations in those areas the City of Martin Fire Department services; and,

**WHEREAS**, the City of Martin has investigated different methods to maintain a high level of quality of Fire Department emergency services throughout the times of constantly increasing service demands, where maintaining an effective response by the City of Martin Fire Department decreases the insurance companies costs by saving lives and minimizing vehicular damage by fire; and,

**WHEREAS**, raising the real property tax to meet the increase in service demands would not be fair to the property owners, when a majority of the Motor Vehicular Accidents (MVA) involve individuals not owning property or paying property taxes in the jurisdiction of the Martin Fire Department; and the ability of the Martin Fire Department to effectively respond decreases the liability of the insurance companies by saving lives and minimizing vehicular damage by fire; and

**WHEREAS**, the Board of Mayor and Alderman of the City of Martin desires to implement a fair and equitable procedure by which to collect said MVA fees from insurance companies and responsible parties and shall establish a billing system in accordance with State and Federal laws, regulations and guidelines.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Mayor and Aldermen of the City of Martin as follows:

**SECTION 1.** The City of Martin shall initiate a user fee for the delivery of Emergency Fire Department Services. The rate of the user fee shall be that which is usual, customary and reasonable (UCR) cost for the services, and may fluctuate accordingly.

**SECTION 2.** The user fees shall be filed to the motor vehicle insurance representing an add-on cost of the claim for damages of the vehicles, property and/or injuries. The claim costs shall be filed to the insurance coverage of the owner of a vehicle, owner of property, or responsible parties.

**SECTION 3.** The Board of Mayor and Aldermen of the City of Martin or their designees are hereby authorized to execute any and all documents and/or implement any and all procedures necessary to effectuate the collection of fees in order to enhance services by the City of Martin Fire Department.

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

Motion made by Alderman Danny Nanney that the foregoing resolution be approved. Seconded by Alderman Terry Hankins. Upon being put to a roll call vote, the motion passed on the \_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

APPROVED:

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

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

Alderman Nanney made the motion to approve Resolution R2008-04: A resolution establishing and implementing a program to charge a user fee for the delivery of emergency fire department services for vehicular accidents provided by the City of Martin Fire Department per recommendation from the Public Safety Committee, seconded by Alderman Hankins.

Alderman Belote asked is this resolution for any accident occurring in the city limits?

Chief Schwahn answered no. This resolution applies to accidents outside the city or persons not paying city taxes. This resolution is tied to a company that deals directly with auto owners insurance and the company will collect the entire fees sending us our share less their costs.

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

Mayor Brundige declared Resolution R2008-04 approved.

**INTRODUCTION AND FIRST READING OF O2008-01: AN ORDINANCE TO AMEND THE FIRE PROTECTION ORDINANCE OF CITY OF MARTIN PER RECOMMENDATION FROM THE PUBLIC SAFETY COMMITTEE**

Mayor Brundige introduced and presented for consideration on the first reading Ordinance O2008-01: An ordinance to amend the Fire Protection Ordinance of City of Martin per recommendation from the Public Safety Committee.

Recorder Mathis read O2008-01. A copy was provided for the press, board, and all present.

**ORDINANCE 02008-01**

**AN ORDINANCE TO AMEND THE FIRE PROTECTION ORDINANCE OF THE CITY OF MARTIN**

**WHEREAS**, on May 14, 2001, the City of Martin amended a Rural Fire Protection Plan whereby for a fee of \$70.00, and other considerations, the Martin Fire Department would respond to properties outside the city limits; and

**WHEREAS**, said Rural Fire Department Plan has been a large factor in causing a decrease in insurance premiums for property in the protected areas; and

**WHEREAS**, the Martin Fire Department has dedicated two pieces of fire apparatus to the protection of properties in the rural areas; and

**WHEREAS**, expenses related to fire fighting have increased significantly in the last seven years; and

**WHEREAS**, in order to keep the Rural Fire Service self-supporting and not a burden on the taxpayers of the City of Martin.

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

**SECTION 1.** Section 7-401 is hereby amended as follows:

a. By deleting 7-401 (3) (b) in its entirety and substituting instead the following:

(b) annual fee of one hundred dollars (\$100.00) has not been paid.

b. By deleting 7-401 (4) in its entirety and substituting instead the following

(4) The Fire Department will answer fire calls for a service charge of seven hundred fifty dollars (\$750.00) per call effective July 01, 2008, for the properties insured for rural fire service by an approved insurance agency. All such coverage will become effective when certification of rural fire service is properly executed by the insurance agency, the owner, and the City of Martin.

c. By deleting 7-401 (5) in its entirety and substituting instead the following.

(5) The Fire Department will answer rural fire service calls to vehicles owned by firms doing business within the corporate limits of Martin under a business tax license or permit issued by the City of Martin. A fee of seven hundred fifty dollars (\$750.00) per call effective July 01, 2008, will be billed to the owner.

g. By deleting 7-401 (6) in its entirety and substituting instead the following.

(6) The City of Martin will make every effort to inform rural fire service recipients through radio and newspapers, annually when dues become due. A grace period of two weeks will be allowed before dues become delinquent and property will be dropped from the response list. Those properties that have been on the program less than one year will be given until the next annual due date before the fee will become due again. New participants coming on the program after July 01, 2008, will be charged eight dollars and 33/100 (\$8.33) per month for each month before the next due date.

**SECTION 2:** The Fire Protection Ordinance is amended by deleting Section 7-402 in its entirety and substituting instead the following:

7-402 (1) To be eligible for rural fire protection, a property owner must make an annual non-refundable deposit of one hundred dollars (\$100.00) for each piece of property to be covered. Each deposit will cover one residential or commercial structure and those accessory buildings incidental to the use of the primary structure. The deposit remains with the property and cannot be transferred. After making the required deposit, the Fire Department will notify the owner's insuring agency, after ascertaining the proper agency from the property owner that said property is covered for fire protection under these rules and regulations. If for any reason a property is taken off the response list, the owner and their insuring agent will be notified by certified mail. Mobile home parks containing four (4) or less mobile homes on one lot and one ownership will be considered as individual structures; mobile home parks containing five (5) or more units, under one ownership on one lot will be assessed twenty-five dollars (\$25.00) per unit and subject to all the requirements as stated.

(2) The \$100.00 deposit will be collected at the Martin City Hall; a receipt will be given for same, and these funds will be deposited to the City of Martin General Fund.

(3) Within 48 hours of the time that the fire apparatus returns from a rural call, or the next working day at Martin City Hall, the Fire Department shall submit a Reminder to Bill to the City Recorder's Office. City Hall personnel will prepare and mail a statement of \$750.00 to the property owner, and the balance will be treated as any other accounts receivable of the City of Martin.

(4) Properties not covered under Rural Fire Protection Service.

In the event the Martin Fire Department responds to a structure fire call at a property not covered under the Rural Fire Protection Service (including properties where the owner has failed to renew) a fee of twenty-five hundred dollars (\$2,500.00) instead of the \$750.00 will be charged to the owner of said property. Failure to pay the \$2,500.00 fee may result in all legal measures

available to the City of Martin (including the placing of liens against the property) for the collection of said fee and all associated fees incurred in the collection process.

**SECTION 3: BE IT FURTHER RESOLVED** that this Ordinance shall become effective immediately upon its adoption, the public welfare requiring it.

Date of First Reading: \_\_\_\_\_.

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

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

ATTEST:

SIGNED:

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

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

Alderman Harrison made the motion to approve the first reading of Ordinance O2008-01: An ordinance to amend the Fire Protection Ordinance of City of Martin per recommendation from the Public Safety Committee, seconded by Alderman Edwards.

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

Mayor Brundige declared Ordinance O2008-01 approved on the first reading and set the second and final reading and public hearing for April 7, 2008 at 5:15 pm in the city hall chambers.

**INTRODUCTION AND CONSIDERATION OF RESOLUTION R2008-05: A RESOLUTION ESTABLISHING AN INTERNET ACCEPTABLE USE POLICY FOR EMPLOYEES OF THE CITY OF MARTIN**

Mayor Brundige introduced for consideration Resolution R2008-05: A resolution establishing an Internet Acceptable Use Policy for Employees of the City of Martin.

Recorder Mathis read Resolution R2008-04. A copy was provided for the press, board, and all present.

**RESOLUTION R2008-05**

**A RESOLUTION ESTABLISHING AN INTERNET ACCEPTABLE USE POLICY  
FOR EMPLOYEES OF THE CITY OF MARTIN**

**WHEREAS**, the Board of Mayor and Aldermen of the City of Martin wish to establish a formal Internet Acceptable Use Policy for the City's employees which clarifies and amends those informal policies currently in place; and

**WHEREAS**, the Board of Mayor and Aldermen has determined it would be advantageous to add this Internet Acceptable Use policy to the City of Martin's Personnel Rules and Regulations (The Employee Handbook); and

**WHEREAS**, Tennessee Code Annotated §10-7-512 requires Tennessee municipalities that operate or maintain an electronic mail (e-mail) system to adopt a written policy about monitoring e-mail communications.

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

The following Internet Acceptable Use Policy is hereby adopted in its entirety and shall become part of the City of Martin Personnel Rules and Regulations (The Employee Handbook).

**Internet Acceptable Use Policy**

This policy describes the City of Martin's guidelines with regard to Internet access and disclosure of electronic mail messages sent or received by the City of Martin employees with use of the City of Martin's e-mail system.

The City of Martin respects the individual privacy of its employees. However, employee privacy does not extend to the employee's work-related conduct or to the use of the City of Martin's provided equipment or supplies. You should be aware that the following guidelines may affect your privacy in the work place.

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Provision of Internet access. As a condition of providing Internet access to its employees, the City of Martin places certain restrictions on workplace use of the Internet. The City of Martin encourages employee use of the Internet:

- to communicate with fellow employees and clients regarding matters within an employee's assigned duties;
- to acquire information related to, or designed to facilitate the performance of regular assigned duties; and
- To facilitate performance of any task or project in a manner approved by an employee's Manager.

### **Compliance With Applicable Laws And Licenses**

Employees must comply with all software licenses, copyrights, and all other laws governing intellectual property and online activity.

Please be advised that your use of the Internet access, provided by the City of Martin, expressly prohibits the following:

- Game playing
- Distribution of destructive programs (i.e., viruses and/or self-replicating code)
- Hateful, harassing, or other anti-social behavior
- Intentional damage or interference with others (for example, hacking and distributing viruses)
- Making publicly accessible obscene files
- Solicitation
- Commercial usage of non-company business
- Dissemination or printing of copyrighted materials (including articles and software) in violation of copyright laws.
- Sending, receiving, printing or otherwise disseminating proprietary data, trade secrets or other confidential information of the City of Martin in violation of company policy or proprietary agreements.
- Installing software that has not been authorized by the Information Systems Office.
- Removing software that was installed by Information Systems.
- Utilizing unauthorized peer-to-peer networking or peer-to-peer file sharing.
- Using instant messages, Java enabled chat, or internet relay chat (IRC)
- Offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
- Sending or soliciting sexually oriented messages or images.
- Operating a business, usurping business opportunities or soliciting money for personal gain, or searching for jobs outside the City of Martin
- Sending chain letters, gambling or engaging in any other activity in violation of the law

### **Violation of the City of Martin's Internet Acceptable Use Policy**

Violation of the City of Martin's Internet Acceptable Use Policy may include disciplinary action. The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on the City of Martin and fellow employees. When you connect to the Internet using the City of Martin address designation, it should be for the City of Martin business related activity.

### **Management's Right to Access Information**

The electronic mail system has been installed by the City of Martin to facilitate business communications. Although each employee has an individual password to access this system, it belongs to the City of Martin and the contents of e-mail communications are accessible at all times by the City's Director of Information Systems for any business purpose. These systems may be subject to periodic unannounced inspections, and should be treated like other shared filing systems. All system passwords and encryption keys must be available to the City of Martin's management, and your passwords or encryption keys must be available to the Director of Information.

All e-mail messages are company records. The contents of e-mail, properly obtained for legitimate business purposes, may be disclosed within the City of Martin without your permission. Therefore, you should not assume that messages are confidential. Back-up copies of e-mail may be maintained and referenced for business and legal reasons.

### **Personal Use of E-Mail**

Because the City of Martin provides the electronic mail system to assist you in the performance of your job, you should use it for official City of Martin business. Incidental and occasional personal use of e-mail is permitted by the City of Martin, but these messages will be treated the same as other messages. The City of Martin reserves the right to access and disclose as necessary all messages sent over its e-mail system, without regard to content. Since your personal messages can be accessed by the City of Martin's management without prior notice, you should not use e-mail to transmit any messages you would not want read by a third party. Additionally, employees should understand that all correspondence sent or received by means of the City of Martin's electronic mail system may be a public record under the State of Tennessee's Public Records Law and may be inspected by the public at any time (T.C.A. § 10-7-512).

### **Password and Encryption Key Security and Integrity**

Employees are prohibited from the unauthorized use of the passwords and encryption keys of other employees to gain access to the other employee's e-mail messages.

### **Virus Detection and Anti Spyware**

All city computers must have some form of virus protection and anti-spyware installed. It will be the responsibility of each city user to notify the director of information systems if virus protection and anti-spyware is not installed on their computer. All material downloaded from the Internet or from computers or networks must be scanned for viruses and other destructive programs before being placed onto the City of Martin's computer system.

**Waiver Of Privacy**

The City of Martin has the right, but not the duty, to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the Internet, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees.

Employees waive any right to privacy in anything they create, store, send, or receive on the computer or the Internet.

**Amendments**

This Policy may be amended or revised from time-to-time. Employees will be provided with notice of all amendments and revisions to this Policy.

I hereby acknowledge that I have read and reviewed the Information Systems Policies and Guidelines (Guide) for the City of Martin. By signing this form, I agree to abide by the Guidelines currently in place and I agree to review periodically any changes or modifications. I recognize that the law and associated policy regarding the use of Internet access, electronic mail and the City's information systems are continually evolving. Therefore, I understand that my regular review of policy is required. I understand updates to the policies and guidelines will be available at the Human Resource Office. Periodic updates, notices and caveats to this policy may be available on the City's public Web page at [www.cityofmartin.net/policy](http://www.cityofmartin.net/policy), which I also understand should be included in my browser bookmark lists for easy reference.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

To be included in employee's personnel file.

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

Motion made by Alderman \_\_\_\_\_ that the foregoing resolution be approved. Seconded by Alderman \_\_\_\_\_. Upon being put to a roll call vote, the motion passed on the 10<sup>th</sup> day of March, 2008.

ATTEST:

APPROVED:

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

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

Alderman Nanney made the motion to approve Resolution R2008-05: A resolution establishing an Internet Acceptable Use Policy for Employees of the City of Martin, seconded by Alderman Belote.

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

Mayor Brundige declared Resolution R2008-05 approved.

## **DISCUSSION OF BROADBAND GRANT PROPOSAL PER RECOMMENDATION OF THE M.I.S. DIRECTOR FOR THE CITY OF MARTIN**

Mayor Brundige introduced the discussion of a Broadband Grant Proposal. This is a recommendation from the M.I.S. Director for the City of Martin. They are seeking a maximum \$1,000,000.00 USDA Rural Development Grant to expand broadband to the parts of the city that do not have access at this time.

Proposal follows:

### **Broadband Grant Proposal Recommendation**

It is the recommendation of the M.I.S. Director for the City of Martin that the City of Martin proceed in applying for a Community Broadband Grant from USDA Rural Development with the maximum amount being \$1,000,000.00 and the maximum matching funds needed being 15% or \$150,000.00.

The M.I.S. Director has obtained volunteers to manage and write the grant proposal. These individuals have the expertise needed and are willing to donate their time to the community for the benefit that a successful grant proposal and implemented project will do for the City of Martin and surrounding communities.

Using existing resources and reallocation of current expenditures for Internet services will minimize the actual cost of matching funds.

For example:

\$ 10,000	10 previously used computers.
\$ 30,000	Existing City of Martin salary line items.
\$ 2,500	Existing expenditure's reallocated to Central Broadband Services.
\$107,500	To be identified.

To qualify for the grant a survey of K-12, City of Martin and UT Martin Employees will be taken to identify those individuals that currently can't purchase broadband service from Charter Communications or Frontier. These individuals must be in the City limits or close to the City limits and defined as part of the Martin Community.

Benefits of a successful grant proposal an implemented project are expected to be Wireless Mobile to Mobile coverage for priority areas of the City. Our first responders would have mobile access to back office databases, a designated area to be used, as a community center would be a WiFi Hot Spot as well as have 10 computers to be used in the center.

Upon approval of this recommendation and subsequent evaluation of grant criteria the M.I.S. Director will proceed to apply for the grant. If the grant is awarded a presentation will be made to the Board outlining any actual increase in City budget line items before proceeding, and a draft copy of a Request for Proposal to be sent to qualified vendors will be provided. This grant application deadline is March 28, 2008.

Alderman Belote made the motion to proceed with the application for a USDA Rural Development Broadband Grant, seconded by Alderman Edwards.

Alderman Belote asked if per chance the State of Tennessee does engage in some broadband agreement with another agency that might effect us, can be bow out of this?

Mayor Brundige stated yes, at anytime.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

**AWARD MOWING BIDS AS RECOMMENDED BY THE PUBLIC WORKS COMMITTEE: PARKS: WHEELER'S MOWING SERVICES-\$9,440.00, CEMETERIES: U.S. LAWNS-\$32,772.00, AND OTHER MISCELLANEOUS SITES: WATKINS LAWN CARE-\$13,800.00**

Mayor Brundige presented a recommend from the Public Works Committee to approve the following mowing bids:

Parks	Wheeler's Mowing Services	\$ 9,440
Cemeteries	U.S. Lawns	\$32,772
Other Miscellaneous Sites	Watkins Lawn Care	\$13,800

Alderman Hankins made the motion to award the following mowing bids: Parks: Wheeler's Mowing Services - \$9,440.00, Cemeteries: U.S. Lawns - \$32,772.00, and Other Miscellaneous Sites: Watkins Lawn Care - \$13,800.00, seconded by Alderman Tuck.

Alderman Nanney explained the bids are only up approximately \$1,700.00 over three years ago and I think that is good.

Recorder Mathis stated he had checked the references for U.S. Lawns and found that they have the mowing contract for Jackson, Tennessee Cemeteries and response was positive.

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

Mayor Brundige declared the motion approved.

**PRESENTATION OF BUXTON PROPOSAL FOR ONE-YEAR OF SCOUT SERVICES TO THE CITY OF MARTIN AT NO ADDITIONAL COST TO THE CITY**

Mayor Brundige presented for consideration a proposal from Buxton for a one-year SCOUT Services to the City of Martin at no additional cost to the city. A copy of the letter from Buxton follows:

February 15, 2008

Randy Brundige  
Mayor  
City of Martin  
101 University Street  
Martin, TN 38237

Dear Mayor Brundige,

Buxton is pleased to present this proposal for SCOUT services to the City of Martin, TN. The purpose of this proposal is to outline and review the specific capabilities offered by Buxton as well as the associated benefits and costs.

**Scope of Services**

SCOUT will be delivered for one-year with this agreement and includes the following:

1. Waived – Monthly maintenance fee of \$1,000 per month
2. Waived – Set Up fee of \$3,000
3. Two Marketing (Pursuit) Packages

After the first year SCOUT will be available for a \$1,000 per month maintenance fee that is not included in this agreement.

We value our business relationship with the City of Martin and look forward to providing continued service to such a valued client.

Best regards,

Chas Stoker  
Territory Business Manager  
Buxton

Randy Brundige  
Mayor  
Martin, TN

Alderman Tuck made the motion to accept the proposal from Buxton for one-year of SCOUT Services to the City of Martin at no additional cost to the city, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

**AUTHORIZATION FOR MAYOR TO SIGN A NON-BINDING LETTER OF INTENT BETWEEN THE CITY OF MARTIN AND FIRST STATE BANK FOR THE PURCHASE OF THE FIRST STATE BANK BUILDING FOR \$1,500,000.00.**

Mayor Brundige presented for consideration a non-binding Letter of Intent between the City of Martin and First State Bank for the purchase of the First State Bank Building for \$1,500,000.00. A copy follows (signed copy attached):

**LETTER OF INTENT**

This Letter of Intent is entered into this 29<sup>th</sup> day of February, 2008, by and between the CITY OF MARTIN, TENNESSEE, a municipal corporation existing under the laws of the State of Tennessee, and FIRST STATE BANK, regarding the purchase of the First State Bank property located at 109 University Street, Martin, Tennessee 38237 by the City of Martin in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00), with such purchase by the City of Martin to be conditioned upon and subject to approval by the Board of Mayor and Aldermen for the City of Martin.

The City of Martin and First State Bank agree that this Letter of Intent is not binding upon either party unless and until the contemplated purchase described herein is approved by the Board of Mayor and Aldermen of the City of Martin, and upon the execution of a contract by both parties containing any terms and conditions to be agreed upon between the parties.

CITY OF MARTIN, TENNESSEE

FIRST STATE BANK

By: \_\_\_\_\_  
RANDY BRUNDIGE  
MAYOR

By: \_\_\_\_\_  
SAM LEWALLEN  
COMMUNITY BANK PRESIDENT

Alderman Nanney made the motion to authorize the Mayor to sign a non-binding Letter of Intent between the City of Martin and First State Bank for the purchase of the First State Bank Building for \$1,500,000.00, seconded by Alderman Edwards.

Ricky Edwards spoke "I am Ricky Edwards. I am a resident on Fonville Street right here in Martin. And I've got several neighbors on a limited fixed income. The gasoline prices are killing everybody. Everybody knows that. And I went in to pay my gas bill the other day and poor Brenda and Vicki Jackson were running all over each other. It was like a football team in a closet. We have a serious problem back here as far as crowding. That is true. My point is in the bad economy I don't think we should go in debt for \$1,500,000.00. We got \$300,000.00 or better in the general fund we could probably pay cash for a very nice addition with a drive through window and there are other options like the Weakley County Electric Company. It would be a great police department. It has covered parking and everything. I think there are other options we could look into. This is a down economy and a buyers market right now. I don't think we should take the first, I think if we really need that building we could talk them down a considerable amount of money. This is just my feeling and I am speaking for neighbors on a fixed income and I feel the same way. Thank you very much."

Mayor Brundige stated thank you and is there anybody else.

Alderman Tuck stated, "I think there a few things that we need to consider. Now, don't get me wrong, I am definitely for a new city hall. In fact, I think if you remember the very mentioning of the new city hall was when I mentioned us trying to get the, us trying to get the Municipal System. I don't want people to understand that I am not for a new city hall because I am. But there are a lot of things that we are going to have to consider and one the thing is, first of all when we buy that building and they get it for two years we are going to have to pay tax on it or they are going to have to pay the tax on it."

Mayor Brundige stated, "They will pay tax on it."

Alderman Tuck stated, "This needs to be discussed. I mean nothing has been said about that and you are talking probably \$25,000.00, \$30,000.00 or \$40,000.00. "

Mayor Brundige stated Chris talked to them today.

Recorder Mathis stated, " We talked to Sam Lewallen at First State Bank. They are willing to pay the insurance on the building and the real estate taxes as part of their agreement."

Alderman Tuck stated, "Right now the appraisal is \$834,000.00 and you know if we buy it for a million and half, if we don't get a new appraisal my son needs a butt kicking. Anyway what I am saying is if we do get this increase, they need to pay the taxes regardless of what they are."

Recorder Mathis stated, "Taxes and insurance and any side costs that come up. They have agreed to do that. Again, this is not a binding agreement. This is just something to get the negotiations started."

Alderman Harrison stated, "I am glad you mentioned, because that was my thought there. This is only that we are interested in it. This has nothing to do with any agreement or anything that will come later. This is just, right now, for this is a letter of intent."

Mayor Brundige stated, "Exactly."

Alderman Hankins spoke, "A lot of people expressed the economic down turn, you know having trouble making money make it to the end of the month. I think a lot more thought will be brought out and how this will pay for itself. I am not for a tax increase, okay. I would hate, I would not want to see it coming. Bad times. I discussed this with several of these guys here and people inside Ward III. I would say the majority of them are for a new city hall. One point five million for a bank. What kind of cost is that per square foot? We have come up with one hundred and twenty bucks. "

Alderman Edwards stated, "A new building like that would run about \$250.00 per square foot."

Mr. Ricky Edwards stated, "My point is, if you could a get police, if you could get \$30,000.00 off a \$90,000.00 Mercedes and you need a police car and a Crown Vic for \$24,000.00 would work even better, it would not necessarily be a bargain."

Alderman Tuck stated, "Let me say something in that, and I don't want to make anyone feel like they are wrong but I have also called some carpenters who have been building some buildings similar to what we are talking. And their quote was from \$120.00 to \$150.00, with the high being \$150.00. I think you are talking \$150.00 even though the thing I say is I don't think the building is what we need because I want to know how much we are going to have spend getting it ready for something that we want. And that's where I am coming from. I mean I am for a new city hall 100%."

Alderman Edwards stated, "Approximately ten years ago, First State put right at a million dollars in a remodel. That was not tearing down."

Alderman Tuck stated, "They didn't, it is not what we want. That is not what we need."

Mr. Ricky Edwards stated, "Property values are down now. I just don't want us to make the same mistake as South Fulton. They got a beautiful facility over there which made water bills \$100.00 per month."

Mayor Brundige stated, "My water bill is \$100.00 anyway."

Mr. Russell Edwards asked, "Mayor, where is exactly the money coming from, is this the general fund?"

Mayor Brundige answered, "No, it won't all be from the general fund. It will be from all three funds, four funds. And, there is some money out there that is coming to us in the near future that we don't have in our possession now. In another two years, by the time we get in the building, we will have \$274,000.00 money coming back to the city that will be used to pay for this. That is coming from the jail and so you are looking at money that is coming back to the city that won't necessarily come from our city coffers. And we have looked at the payment and it looks about \$86,000.00 a year, so you are looking at excess money coming back to the city."

Alderman Tuck asked, "Is that per year that we get that back?"

Mayor Brundige answered, "Yes, that is per year. That is what we are paying right now."

Alderman Edwards stated, "We are going to potentially lease that building until."

Mayor Brundige answered, "Yes."

Alderman Edwards stated, "We are looking at two years of lease on it. Somebody else will pay for it for two years and by that time our money will be coming in from the jail. So, we have found the money at no cost to anybody."

Mayor Brundige stated, "So, it is not a thing about coming out of the general fund at this time with the money. It is not you buy the building. You pay. You have the money down the road to do it. It is just how you buy a house you set there and think about how you are going to pay for the house. There has been some consideration going into this."

Alderman Nanney asked, "Possibly, what six or seven years ago, I think you and I were the only ones on the board at that time, we did a study on building a new city hall right here on this location. And the final price of it was \$4,200,000.00 and this was six or seven years ago. But we have a little drawback we have one of the five wells right here and you can't expand this way because of the well. You are limited on room this way. We are jammed up now. So, us moving to another location I think would be in order."

Alderman Harrison stated, "I will not be for another location."

Alderman Hankins stated, "You brought up the light company a while ago, I think they made an offer to the mayor. What was that?"

Mayor Brundige answered, "One million dollars plus the sewer line."

Mr. Ricky Edwards asked, "Have you all, you all, checked with the Martin Bank the one right beside the Library. The one right in the heart of downtown Martin?"

Mayor Brundige answered, "It is not hardly big enough for us."

Mr. Ricky Edwards stated, "It is a pretty good size building."

Mayor Brundige answered, "Well, it is only half of it and most of it is upstairs."

Mr. Russell Edwards asked, "We need to look at another building if we have two years. I mean if we are going to lease this thing out for two years. I mean if we are going to lease this thing for two years is there an urgency of getting this done, this letter of intent, signed today?"

Mayor Brundige answered, "They are wanting to build a new bank. And, they want to move forward with their plans and that is the reason they are moving at this pace."

Mr. Russell Edwards asked, "Do we know if they have anybody interested in this First State Bank Building?"

Mayor Brundige answered, "No."

Mr. Russell Edwards asked, "They do not."

Mayor Brundige answered, "No. They did but they don't now."

Alderman Hankins stated, "I heard the church was interested, on the west side. I think they have backed away from that since the city's been involved."

Alderman Edwards stated, "The statement was made it was a buyer's market, that's a buyer's price for that building."

Mr. Ricky Edwards asked, "Was that the first offer price that they gave?"

Mayor Brundige answered, "Yes, because the property that they wanted went up so much because of another offer. Josh back there, he can verify that. Can't you, Josh?"

Mr. Josh Vincent answered, "Yes, I can."

Mayor Brundige answered, "The price went up \$400,000.00 on that property."

Alderman Tuck asked, "On which, now Mayor."

Mayor Brundige answered, "On Central."

Alderman Tuck stated, "Oh, oh, I thought you were talking about First State. I was going to say it was cheaper than what they offered First Baptist Church."

Mayor Brundige stated, "Josh was brokering that and the piece of property they wanted went up \$400,000.00. So, that is the reason for upping the offer."

Alderman Edwards asked, "What was First Baptist Church's offer?"

Mayor Brundige answered, "One million and two."

Alderman Tuck stated, "A million and two. A little over a million and two is what they offered to the church for and then they said they came up with some more square footage."

Mayor Brundige answered, "They came up with some more square footage and then the property they wanted came up and that is the reason. And I have to be careful because I go to that church and I sit on this board and I have had to stay out of the negotiations, other than signing this letter of intent. And, you know, I could not vote on it, even if it were a tie vote. I could not vote on it here, if you all know what I mean because of my affiliation with everything. But, that is where it stands and that is the reason they wanted to move as quickly as possible. They wanted to acquire their property and get a new bank started."

Alderman Tuck asked, "Now, a letter of intent, is that going to let them go ahead and start moving?"

Mayor Brundige answered, "No."

Alderman Tuck stated, "I did not think so. Let me ask one more question then, before we consider buying this. Are we going to go in there and consider what expense there is to change it around to what we need because we definitely know it is not fixed like we need it?"

Mayor Brundige answered, "I don't know where we are going to change it to, Johnny. It is pretty well arranged for us. You know you have one person behind the counter and one person at the drive in and you have other secretaries throughout the building. And,"

Alderman Nanney asked, "Could we arrange a meeting for you and the six aldermen to tour the bank?"

Mayor Brundige answered, "I can arrange you all a tour anytime you want to."

Alderman Nanney asked, "Where we can all go through at the same time?"

Mayor Brundige answered, "We will have to go through one at a time because of the sunshine law unless you want to take the press."

Recorder Mathis stated, "If you all don't deliberate toward a decision, you will be okay."

The members of the press in attendance expressed a desire to tour the facility.

Mayor Brundige stated, "We would be glad to have you come."

Alderman Nanney spoke, "What I was getting at, with the news media, everybody make the tour at one time."

Mayor Brundige answered, "That would be fine for me."

Alderman Hankins spoke, "What you said is right. It has been laying heavy on my mind on what to do. I have checked around with a lot of people and got their opinion what they thought too. Yes, I see exactly where you all are coming from. Now, I want you to know this board does too. A lot of thought has been put into it. You are not going to jack up the property tax that is very important. Like you said, we hear where you are coming from, it is hard to make it from the first of the week to the end of the month

Mr. Ricky Edwards spoke, "I am going to be in that position one of these days too. On a thirty year note, I want to be sure I am not budgeted above myself, too."

Alderman Hankins spoke, "This is a big step, anything of this magnitude, it is a big step for Martin. No doubt about it. It is a lot of money."

Alderman Edwards stated, "That building has got 11,660 square feet. At \$200.00 per square foot that is Two point three million for the building and that does not include the property."

Alderman Hankins spoke, "This may be the buy of a life time, you know, but anytime you go with anything this big it is a gamble. It sure is."

Mr. Ricky Edwards spoke, "Like that \$90,000.00 Mercedes got a nice sun roof but it does not help in a police car."

Mr. Russell Edwards stated, "So, we are not looking at any new price increases out of the general fund, the sewer, the water, the gas, the anything. That is why I am here to represent, I have had two people."

Mayor Brundige answered, "The only price increase you would see in your water and sewer is the normal increases and we usually have two to three percent per year on those and solid waste and that is you know materials going up and labor going up and that usually takes care of that."

Alderman Edwards stated, "That is not to pay for this project."

Mayor Brundige answered, "That is not to pay for this project. I will say that you probably will have an increase along the way, you know, and that is normal two to three percent per year. I think one year we did six and last year we did two and so it, you know, you have that to do along the way but increase it to pay for this project, no. I would not do that."

Mr. Ricky Edwards asked, "Other than the \$275,000.00 we got coming in the next couple of years where else is the money coming from?"

Mayor Brundige answered, "That comes every year."

Mr. Ricky Edwards asked, "The \$275,000.00?"

Mayor Brundige answered, "That is taxes that we pay every year."

Mr. Ricky Edwards asked, "That will all being going toward the one point five?"

Mayor Brundige answered, "It will not all be going toward it. It will go toward our payments."

Recorder Mathis stated, "As the mayor said around \$86,000.00 for twenty-nine years."

Mayor Brundige answered, "And you can pay off early on a bond fund, you know, you can make multiply payments."

Recorder Mathis stated, "I have something in my office and I will provide you a copy. It is a variable rate. And I don't understand why they call it a collar, it is a floor and ceiling. So, it can't go above a certain amount and can't go below. I will be glad to give you a copy."

Alderman Hankins spoke, "I have one right here if you want it."

Mr. Russell Edwards spoke I have a couple of neighbors in my neighborhood and both of them are over eighty years old and both of them have called to express their opinion. I just don't want Martin to have the same problems as South Fulton.

Recorder Mathis stated, "I was one of the auditors when all of that started. Their problem was how they structured what they were trying to do. They went ahead, they jumped before they should have. And, we are being extra careful."

Mayor Brundige answered, "Very careful about how we jump. We have all kinds of consultants."

Mr. Ricky Edwards asked, "So, is the price negotiable with a letter of intent?"

Mayor Brundige answered, "I don't know, it always could be but I don't know how negotiable they are. I have not talked to them and I will be glad to let any of the board members negotiate this thing for me."

Mr. Russell Edwards spoke, "There is not a person in this room that has bought a car or a house and what I am saying I do agree with what Ricky says there nobody has bought anything for retail."

Alderman Tuck spoke, "I think if we can assure the people that we are not figuring on going up on everything which, when I understood the other day that it was coming out of the general fund. If we can assure everybody of that I have no real problem but I had a problem when I found out we going up on water, gas, and everything and that is the way I understood it."

Mayor Brundige answered, "It will come out of all the funds."

Alderman Tuck asked, "We will have the money here to pay for it instead of it coming out of the funds. All we will have is the usual increases. I don't have a problem with it. But I had a big problem before."

Mayor Brundige answered, "And we have verified that the money is coming to us."

Recorder Mathis replied, "Yes, in 2010 or 2011, eleven, I believe it is. Is that what you are talking about the jail money?"

Mayor Brundige answered, "I think it is the last part of 2010."

Alderman Harrison said, "I think it is the latter of 2010. I checked on this myself."

Mayor Brundige explained, "That is coming back to the City of Martin and nothing could be done with this unless the board votes to do something else with that money."

Recorder Mathis stated, "We might have to go into our, correct me if I am wrong, into our rainy day and our fund balance until that \$274,000.00 a year becomes available."

Mayor Brundige answered, "If, unless we negotiate just pay, you know, have the interest payment."

Recorder Mathis stated, "The interest payment, right."

Alderman Hankins asked, "Who is our chief negotiator, Mayor?"

Mayor Brundige answered, "Right now, me. But I will be glad to relinquish the job to anybody."

Mr. Ricky Edwards spoke, "I vote for Johnny Tuck. I like the way he thinks."

Mayor Brundige explained, "That is where we are. Are there any other questions, any other comments? We are getting ready to vote, just for the letter of intent only. Roll call vote."

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

Mayor Brundige declared the motion approved.

## **APRIL MEETINGS**

Mayor Brundige announced we are changing the April board meetings and the public works meeting because most of the board will be in Nashville April 14<sup>th</sup> and 15<sup>th</sup>. April 14<sup>th</sup> being our Regular City Board meeting date.

April Informal City Board Meeting, April 1<sup>st</sup> at 5:15 pm in the City Hall Chambers  
April Formal City Board Meeting, April 7<sup>th</sup> at 5:15 pm in the City Hall Chambers  
April Public Works Committee will meet March 31<sup>st</sup> at 5:15 pm in City Hall Chambers

**ADJOURN**

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

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 "March 10, 2008"