

MINUTES
MARTIN BOARD OF MAYOR AND ALDERMEN
OCTOBER 13, 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, October 13, 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, Police Chief David Moore, Weldon Public Library Director Roberta Peacock, Public Works Director Billy Wagster, Community Development Director Kimberly Craddock, Battalion Chief Charles Freeman, Parks and Recreation Director Brian Moore, Parks and Recreation Program Director Kim Kirby, Ms. Audrey Roberts, Ms. Nan Roundtree, Mr. Russell Edwards, and members of the Press.

CALL TO ORDER AND INVOCATION

Mayor Brundige called the October 13th Regular Meeting of the City of Martin Board of Mayor and Aldermen to order. Alderman Edwards gave the invocation.

PLEDGE OF ALLEGIANCE

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

**APPROVAL OF MINUTES SEPTEMBER 08, 2008 REGULAR MEETING
SEPTEMBER 29, 2008, P & R INTERVIEWS**

Mayor Brundige introduced and presented for consideration the minutes of the September 08, 2008, Regular Meeting and the September 29, 2008 Parks and Recreation Director Interviews for approval as written and ask if there were any additions or deletions. There were none.

Alderman Harrison made the motion to approve the minutes of the September 08, 2008, Regular Meeting and the September 29, 2008 Parks and Recreation Interviews as written, seconded by Alderman Tuck.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

DEPARTMENT HEAD REPORTS

PUBLIC WORKS

DIRECTOR BILLY WAGSTER

Director Wagster asked if anyone had any questions concerning the Public Works' monthly report. No questions were asked. Copies are attached to the minutes.

Director Wagster explained the company hired to mill Downtown S. Lindell Street and a portion of University Street started working today. Hopefully the asphalt will be down this week. S. Lindell Street will be closed a couple of days for this process.

POLICE DEPARTMENT

CHIEF DAVID MOORE

Chief Moore asked if anyone had any questions concerning the police department's monthly reports. No questions were asked. Copies are attached to the minutes.

Chief Moore reported the department has two new police cars in with one to be delivered in the next few days. These will be Crown Victories. Two of the cars will be outfitted for use as police cruisers with the equipment purchased through a Governor's Highway Safety Grant. The third car will be used for CID, which will have a non-police package of equipment. We have received or purchased a brand new trailer with grant funds received through the school system, which will haul our Sidne Machine. We also have some other pieces of equipment we are purchasing with these grant funds. One is a lighting system, which will light up a forty-yard circumference. Hopefully we will be able to use this during the Soybean Festival and other projects.

FIRE DEPARTMENT

BATTALION CHIEF CHARLES FREEMAN

Battalion Chief Freeman asked if anyone had any questions concerning the Fire Department's monthly reports. Copies are attached to the minutes. No questions were asked.

Battalion Chief Freeman announced the department had 129 calls during the month of September.

C. E. WELDON PUBLIC LIBRARY

DIRECTOR ROBERTA PEACOCK

Director Peacock asked if anyone had any questions concerning the Library's monthly reports. No questions were asked. A copy of the report is attached to the minutes.

Director Peacock explained the Library is doing an outreach program by teaching basic computer skills classes at the Sharon and Greenfield Libraries. Mr. Russell Cook is teaching these classes. Ms. Sabrina Exum has started a new children's discussion book club for third through fifth graders called Page Turners, which meets after school. We have added Heritage Quest, which is an on-line database for genealogy research and is a free service.

The Library will be closed Monday for staff development at UTM.

Alderman Belote asked did the Library have any leaks during the last rain?

Director Peacock answered we have had no leaks after the repair work. Public Works has cleaned the leaves from the roof once this season and will do it again real soon.

MARTIN ECONOMIC DEVELOPMENT KIMBERLY CRADDOCK

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

PARKS AND RECREATION DIRECTOR BRIAN MOORE

Director Moore and Program Director Kim Kirby were present.

Director Moore reported the Salute to America Plaza is finished. Parks and Recreation has commemorative bricks on sale for \$50.00 each that will be placed in the Salute to America Plaza. We are inviting each of you all to visit the Plaza

OLD BUSINESS

SECOND AND FINAL READING OF ORDINANCE O2008-05: AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF MARTIN, TENNESSEE, ARTICLE VIII. SECTION A. F-FLOOD DISTRICT TO UPDATE THE CITY OF MARTIN'S FLOOD HAZARD REGULATIONS

Mayor Brundige introduced and presented for consideration the second and final reading Ordinance O2008-05: An ordinance to amend the Zoning Ordinance Of Martin, Tennessee, Article VIII. Section A. F-Flood District to update the City Of Martin's Flood Hazard Regulations.

Recorder Mathis read Ordinance O2008-05. A copy was available for any interested citizens and members of the press. A copy follows:

ORDINANCE O2008-05

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF MARTIN, TENNESSEE, ARTICLE VIII. SECTION A. F-FLOOD DISTRICT TO UPDATE THE CITY OF MARTIN'S FLOOD HAZARD REGULATIONS.

WHEREAS, Section 13-7-204 of Tennessee Code Annotated permits the amendment of the Zoning Ordinance of Martin, Tennessee; and,

WHEREAS, the Martin Municipal-Regional Planning Commission has recommended the amendment to the Zoning Ordinance described below in accordance with said section cited above; and,

WHEREAS, in accordance with Tennessee Code Annotated, Section 13-7-203 the chief legislative body held a public hearing to obtain citizen input into of the said amendment;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the City of Martin

Section 1. That the Martin Zoning Ordinance be amended by deleting the Section A. (F-Flood Districts) of Article VIII and replacing it with the following provisions;

I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210; Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Martin, Tennessee Mayor and Board of Alderman, does ordain as follows:

B. Findings of Fact

1. The City of Martin's Mayor and its Board of Alderman wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
2. Areas of the City of Martin are subject to periodic inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodable area; and
8. To maintain eligibility for participation in the National Flood Insurance Program.

II. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance the most reasonable application given its stated purpose and objectives.

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered **"New Construction"**.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of

flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage (See **"Structure"**)

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

"Exception" means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP)).

"Existing Structures" see **"Existing Construction"**.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or **"Flood-prone Area"** means any land area susceptible to being inundated by water from any source (see definition of **"flooding"**).

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood-related Erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related Erosion Area" or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related Erosion Area Management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of the Interior, or
- b. Directly by the Secretary of the Interior.

"Levee" means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term **"Manufactured Home"** does not include a **"Recreational Vehicle"**, unless such transportable structures are placed on a site for 180 consecutive days or longer.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this ordinance or the effective date of the first floodplain management ordinance and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Recreational Vehicle" means a vehicle, which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"Structure" for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the

"start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Substantially Improved Existing Manufactured Home Parks or Subdivisions" is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

III. GENERAL PROVISIONS

A. Application

This Ordinance shall apply to all areas within the incorporated area of Martin, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the City of Martin, Tennessee (Community #470202), Federal Emergency Management Agency, Flood Insurance Study (FIS) 47183CV00A and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47183C0182D, 47183C0184D, 47183C0201D, 47183C0202D, 47183C0203D, 47183C0204D and 47183C0210D, dated November 5, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be:

1. considered as minimum requirements;
2. liberally construed in favor of the governing body; and,
3. deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Martin, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Martin, Tennessee from taking such other lawful actions to prevent or remedy any violation.

IV. ADMINISTRATION

A. Designation of Ordinance Administrator

The Building Official is hereby appointed as the Administrator to implement the provisions of this Ordinance.

B. Permit Procedures

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
 - b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Ordinance.
 - c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in IV. B.
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Administrator shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a registered land surveyor and certified by same. When floodproofing is utilized for a non-residential building said certification shall be prepared by or under the direct supervision of, a professional engineer or architect and certified by same.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

1. Review of all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.

3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with IV. B.
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with IV. B.
7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with IV. B.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Ordinance.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in IV. B.

10. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

V. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance; and,
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced.

B. Specific Standards

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

1. Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of V. B.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in IV. B.

2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in II of this Ordinance). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in IV. B.

Buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in IV. B.

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

- 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- 2) The bottom of all openings shall be no higher than one foot above the finish grade; and
- 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

- b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and

- c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of V. B. of this Ordinance.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or

subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
 - 2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood or that has substantially improved, must meet the standards of V. B. 4 of this Ordinance.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed on identified flood hazard sites must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.
 - 3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this section above if on the site for longer than 180 consecutive days.

5. Standards for Subdivisions

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated

Located within the Areas of Special Flood Hazard established in III. B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of V.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Areas of Special Flood Hazard established in III. B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with V. B.

E. Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in III, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with III, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of V. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:

2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
3. In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of V, B, and "Elevated Buildings".

F. Standards for Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in III, B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of V, B, and "Elevated Buildings".
2. All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be flood proofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the Administrator as set forth above and as required in IV, B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
4. The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

G. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in III are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of IV. And V. A. shall apply.

H. Standards for Unmapped Streams

Located within Martin, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with IV.

VI. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of Special Flood Hazard within Martin, Tennessee.

A. Board of Zoning Appeals

1. The City of Martin's Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;
 - c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;

- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Floodplain Review may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
 5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

VII. LEGAL STATUS PROVISIONS

A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of Martin, Tennessee, the most restrictive shall in all cases apply.

B. Validity

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other

section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of Martin, Tennessee, and the public welfare demanding it.

Section 2. This Ordinance shall take effect from and after its passage, the health safety and welfare of the City requiring it.

Recommended by the Martin Municipal Planning Commission August 25, 2008

1st Reading September 8, 2008

Public Hearing October 13, 2008

2nd Reading October 13, 2008

Approved and adopted by the Martin, Tennessee Mayor and Board of Alderman on:

_____/_____/_____

ATTEST:

SIGNED:

Chris Mathis, CPA

Randy Brundige,

City Recorder Martin Tennessee

Mayor

PUBLIC HEARING:

Mayor Brundige opened the meeting for a public hearing on Ordinance O2008-05 by asking if there was anyone present who wished to speak for or against the ordinance. No one spoke.

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

Alderman Nanney made the motion to approve on the second and final reading Ordinance O2008-05: An ordinance to amend the Zoning Ordinance of Martin, Tennessee, Article VIII, Section A. F-Flood District to update the City of Martin’s Flood Hazard Regulations, seconded by Alderman Harrison.

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

Mayor Brundige declared the motion approved and Ordinance O2008-05 adopted.

SECOND AND FINAL READING OF RESOLUTION R2008-16: A RESOLUTION MAKING APPROPRIATIONS TO CERTAIN NON-PROFIT CHARITABLE ORGANIZATIONS, FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009

Mayor Brundige introduced and presented for consideration the second and final reading of Resolution R2008-16: A resolution making appropriations to certain non-profit charitable organizations, for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Recorder Mathis read Resolution R2008-16. A copy was available for any interested citizens and members of the press. A copy follows:

RESOLUTION R2008-16

A RESOLUTION MAKING APPROPRIATIONS TO CERTAIN NON-PROFIT CHARITABLE ORGANIZATIONS, FOR THE FISCAL YEAR BEGINNING JULY 01, 2008 AND ENDING JUNE 30, 2009

WHEREAS, the Board of Mayor and Aldermen for the City of Martin, Tennessee have determined that it would benefit the general welfare of the residents of Martin if appropriations were made to certain non-profit charitable organizations: and

WHEREAS, Tennessee Code Annotated 6-54-111 allows the legislative body of a municipality to appropriate funds under certain conditions for non-profit charitable organizations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen for the City of Martin, that

SECTION 1. a. One thousand dollars (\$1,000.00) be appropriated to the Kiwanis Club for the annual Christmas parade.

- b. Seven thousand dollars (\$7,000.00) be appropriated to Community Developmental Services, Inc.
- c. Twenty-five thousand dollars (\$25,000.00) be appropriated for the community activity – Soybean Festival.
- d. One thousand, five hundred dollars (\$1,500.00) be appropriated for the Carl Perkins Center.
- e. Three thousand dollars (\$3,000.00) be appropriated to the Miss Tennessee Soybean Scholarship.
- f. Five thousand dollars (\$5,000.00) be appropriated for the Weakley County Reading Railroad.

SECTION 2. In accordance with T.C.A. 6-65-111, this appropriation is made on the condition that the non-profit charitable organization for which these funds are appropriated shall file with the City Recorder’s office a copy of an annual report of its business and transactions, which includes, but is not limited to, a copy of an annual audit, its programs which serve the residents of the City of Martin and the proposed use of the municipal assistance. The City Recorder shall consult with appropriate officials of the organization and auditors for the City to determine the extent of the information, which shall satisfy the requirement of this section.

SECTION 3. It is the expressed intent of the Board of Mayor and Aldermen of the City of Martin in making this appropriation to be fully in compliance with T.C.A. 6-54-111 and Chapter 0380-3-7 of the Rules of the Comptroller of the Treasury, State of Tennessee.

SECTION 4. This resolution shall take effect upon its passage, **THE PUBLIC WELFARE REQUIRING IT.**

ATTEST:

SIGNED:

Chris Mathis, City Recorder, CPA

Randy Brundige, Mayor

INTRODUCED AND PASSED FIRST READING _____ September 08, 2008 _____.

PASSED SECOND READING _____.

Alderman Belote made the motion to approve the second and final reading of Resolution R2008-16: A resolution making appropriations to certain non-profit charitable organizations, for the fiscal year beginning July 01, 2008 and ending June 30, 2009, seconded by Alderman Harrison.

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

Mayor Brundige declared the motion approved and Resolution R2008-16 adopted.

ANY OTHER OLD BUSINESS:

There was none.

NEW BUSINESS:

PUBLIC HEARING ON REPLACING THE EXISTING RADIO TOWER ON THE UTM CAMPUS.

Mayor Brundige opened the Public Hearing for REPLACING THE EXISTING RADIO TOWER ON THE UTM CAMPUS:

Recorder Mathis read the following:

The University of Tennessee Martin is planning to replace the existing radio tower on the UTM Campus. The new tower will be 750 feet AMSE and located south of the existing tower behind the Physical Plant on campus. The general public is invited to comment on the visual effects the new tower will have on properties considered to be historic, listed on the National Register of Historic Places, or eligible for listing.

Mayor Brundige explained because this is the Public Hearing I will entertain any comments from the public concerning the tower replacement. No one spoke.

Mayor Brundige closed the Public Hearing.

HIRING OF MR. BRIAN MOORE AS DIRECTOR OF PARKS AND RECREATION DEPARTMENT AND A \$3,000.00 INCREASE IN ANNUAL SALARY FOR MS. KIM KIRBY AND DESIGNATION OF HER JOB TITLE AS PROGRAM DIRECTOR

Mayor Brundige introduced and presented for consideration hiring Mr. Brian Moore as the Director of Parks and Recreation Department.

Alderman Belote made the motion to hire Mr. Brian Moore as Director of Parks and Recreation Department, seconded by Alderman Nanney.

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

Mayor Brundige introduced and presented for consideration naming Ms. Kim Kirby as Program Director of Parks and Recreation and to increase her annual salary by \$3,000.00.

Alderman Tuck made the motion to name Ms. Kim Kirby as Program Director of Parks and Recreation and increase her annual salary by \$3,000.00, seconded by Alderman Harrison.

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

Mayor Brundige declared the motions approved.

**ADOPTION OF WATER AND SEWER FUND, THE SOLID WASTE FUND,
AND THE NATURAL GAS FUND FOR THE FISCAL YEAR ENDING JUNE
30, 2009 PER RECOMMENDATION BY THE CITY'S FINANCE
COMMITTEE**

Mayor Brundige introduced a recommendation from the City of Martin Finance Committee to adopt the Water and Sewer Fund, the Solid Waste Fund, and the Natural Gas Fund for the fiscal year ending June 30, 2009.

Water And Sewer Fund:

Mayor Brundige asked for a motion to approve the Water and Sewer Fund.

Alderman Edwards made the motion to approve the Water and Sewer Fund for the fiscal year ending June 30, 2009, seconded by Alderman Tuck.

Mayor Brundige explained this comes with a 4% increase.

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

Mayor Brundige declared the motions approved.

Solid Waste Fund:

Mayor Brundige asked for a motion to approve the Solid Waste Fund.

Alderman Nanney made the motion to adopt the Solid Waste Fund for the fiscal year ending June 30, 2009, seconded by Alderman Tuck.

Mayor Brundige explained this fund comes with a 20% increase.

Alderman Nanney asked this is because of Barker Brothers?

Mayor Brundige answered yes. It is because of a fuel surcharge that was assessed to the city by Barker Brothers.

Alderman Tuck explained I have had several questions about the fuel surcharge and this is the way I answered them, this has already happened and we have to pay for it but we are expecting a reduction next quarter for the fuel surcharge as gas and diesel prices are down. Now, that does not mean we will reduce this charge because we have to catch up.

Recorder Mathis read the following letter that he had drafted to mail to Barker Brothers (A copy of the letter and enclosures is attached to the minutes):

October 13, 2008

Barker Brothers Waste, Inc.
1341 Highway 51 South
Union City, TN 38261

Attention Mr. Brian Barker:

Dear Mr. Barker:

The Board of Mayor of Aldermen here in Martin are quite concerned over the amounts being charged to our citizens and businesses by your company for waste pickup in the City of Martin. We are especially concerned regarding the amounts billed monthly for the fuel surcharge. I have analyzed Barker Brother's billing for the past two years and found the following:

The October 2008 monthly fuel charge increased 209% from October 2007. However, diesel charges paid by the city to their fuel supplier only increased by 41%. We do understand we are not subject to gasoline taxes but still cannot help but wonder why such a huge discrepancy.

Would you please examine the attached schedule and respond in writing to these concerns.

Respectfully submitted,
Chris Mathis, CPA
City Recorder
Enclosures

Mayor Brundige spoke if there is no other discussion we have a motion and second for the Solid Waste Fund. Roll call vote:

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

Mayor Brundige declared the water and sewer fund approved.

Natural Gas Fund:

Mayor Brundige asked for a motion to approve the Natural Gas Fund.

Alderman Edwards made the motion to approve the Natural Gas Fund for the fiscal year ending June 30, 2009, seconded by Alderman Hankins.

Mayor Brundige stated the only increase in this fund would be the increase in natural gas to us, which will be passed along to the customer. There is no rate increase for the city.

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

Mayor Brundige declared the natural gas fund approved.

Alderman Edwards spoke I would like to make a comment on the water and sewer fund. Our neighbor Union City has increased their water and sewer by 20% and we only increased ours by 4%, which I think is very good.

EXTEND WARRANTY ON TWIN OAKS SUBDIVISION (DEVELOPER BILL HAYES) FOR TWO ADDITIONAL YEARS THROUGH NOVEMBER 6, 2010

Mayor Brundige introduced and presented for consideration the request to extend the warranty on Twin Oaks Subdivision, developer Bill Hayes, for an additional two years through November 2010.

Alderman Nanney made the motion to extend the warranty on Twin Oaks Subdivision, developer Bill Hayes, for an additional two years through November 2010, seconded by Alderman Tuck.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

ACCEPT BID FOR SALE OF TWO PETERSON KNUCKLEBOOM BRUSH TRUCKS TO RIVER CITY HYDRAULICS, INC. FOR \$8,150.00 PER RECOMMENDATION FROM THE PUBLIC WORKS COMMITTEE.

Mayor Brundige introduced for consideration a recommendation from the Public Works Committee to accept the bid for the sale of two Peterson Knuckleboom Brush Trucks to River City Hydraulics, Inc. for \$8,150.00. These were advertised for sale. There were three bidders with River City Hydraulics being the high bidder.

Alderman Hankins made the motion to approve a recommendation from the Public Works Committee to accept the bid for the sale of two Peterson Knuckleboom Brush Trucks to River City Hydraulics, Inc. for \$8,150.00, seconded Alderman Tuck.

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

Mayor Brundige declared the motions approved.

ACCEPT LAKEVIEW DRIVE (DEVELOPERS MR. MICKY MOORE AND MR. TIM MOORE) INTO THE CITY'S UTILITIES SYSTEM PER RECOMMENDATION FROM THE CITY'S PUBLIC WORKS COMMITTEE

Mayor Brundige presented a request from the developers Mr. Micky Moore and Mr. Tim Moore to accept the utilities on Lakeview Drive into the City's Utility System. This is a recommendation from the Public Works Committee.

Alderman Hankins made the motion to accept the utilities on Lakeview Drive into the City's Utility System, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

ACCEPT HIDDEN HILL SUBDIVISION (DEVELOPER MR. PHIL DANE) INTO THE CITY'S UTILITY SYSTEM PER RECOMMENDATION FROM THE CITY'S PUBLIC WORKS COMMITTEE

Mayor Brundige presented a request from Mr. Phil Dane to accept the utilities in Hidden Hill Subdivision. This is a recommendation from the City of Martin Public Works Committee. We are not accepting the streets, just the utilities.

Alderman Hankins made the motion to accept the utilities in Hidden Hill Subdivision, seconded by Alderman Tuck.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

REPAIR KOMATSU BULLDOZER AT THE CITY'S LANDFILL AT A COST OF APPROXIMATELY \$27,000.00 PER RECOMMENDATION FROM THE CITY'S PUBLIC WORKS COMMITTEE

Mayor Brundige presented for consideration a recommendation from the City of Martin Public Works Committee to repair the Kamatsu Bulldozer used at the City's Landfill for a cost of approximately \$27,000.00.

Alderman Nanney made the motion to repair the Kamatsu Bulldozer at the City's Landfill for a cost of approximately \$27,000.00, seconded by Alderman Tuck.

Alderman Nanney stated this dozer is five years old and has 3500 hours. This will repair the undercarriage.

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

Mayor Brundige declared the motion approved.

ADOPT CITY ATTORNEY KIRK MOORE'S LETTER TO THE CITY DATED JULY 25, 2008 AS THE CITY'S FORMAL RESPONSE TO ANY REQUESTS FOR THE CITY TO PERFORM WORK ON PRIVATE PROPERTY REGARDING DITCHES AND RAVINES WITHIN THE CITY OF MARTIN

Mayor Brundige presented a recommendation from the Public Works Committee to adopt a letter dated July 25, 2008, written by the city's attorney Kirk Moore as the city's formal response to any requests for the city to perform work on private property regarding ditches and ravines within the City of Martin.

Recorder Mathis read the letter into the minutes. A copy of the letter follows:

ELAM, GLASGOW, & CHISM
Commercial Bank Building
P.O. Box 250
Union City, Tennessee 38281

July 25, 2007

Mayor Randy Brundige
101 University Street
P.O. Box 290
Martin, TN 38237

Re: Maintenance of Ditches and Ravines

Dear Mayor:

You have requested a letter from me relative to the issue of the maintenance of ditches and ravines within the City of Martin. Unless the City of Martin owns such real property or is required to maintain such property pursuant to an agreement with the property owner, all maintenance concerning any real property, including erosion and mowing, would fall upon the property owner. The City of Martin is not required to maintain such property, but may be authorized to address and cure any deficiencies of such properties if the owner does not rectify any such situation upon notice from the City and if the City so desires. The City would then look to the owner for payment of any/all costs incurred by the City to rectify such situation.

If the City would like, I would be glad to do a letter along these lines to specify property owners the City identifies as to anyone having questions about whether or not the City has maintenance responsibility for privately owned property of ditches and/or ravines within the City limits.

Yours truly,
Kirk Moore

KM: lad

Alderman Tuck made the motion to adopt the above stated letter as the City's formal response to any requests for the City to perform work on private property regarding ditches and ravines within the City of Martin, seconded by Alderman Nanney.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

LETTER FROM BABE RUTH BASEBALL

Recorder Mathis read the following letter of appreciation from the Babe Ruth Baseball (Cal Ripken World Series):

Mayor Randy Brundige
City of Martin
P. O. Box 291
Martin, Tennessee 38237

Dear Mayor Brundige:

I want to express my sincere appreciation to you and the entire City of Martin for the warm and friendly hospitality that was shown to us during the recent World Series.

From the folks at the Hampton Inn who made our stay an enjoyable one, to the friendly merchants in town who always expressed their appreciation for us being there, and to the dedicated staff that worked the fields to perfection and never onetime did they hesitate to perform.

You and the Board of Aldermen should be very proud of the way that Brian and Kim accepted the responsibility of making sure that the World Series would go on without a hitch. They were outstanding to work with and never did I ask for anything that they did not provide it.

As I mentioned to you, the Banquet was by far the very best one that I have had the opportunity to attend. The MC was excellent, the decorations were outstanding and the food delicious.

Mayor, thank you and Board for allowing us to spend time in your City where "Hospitality" excels. I plan on dropping in to see Brian and Kim during my travel to West Tennessee.

Again, thank you very much.

Sincerely,
Henry P. Sermons, Sr.

An official copy of this letter is attached to the minutes.

ADJOURN

Alderman Nanney made a 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 "October 13, 2008"