

MARTIN BOARD OF MAYOR AND ALDERMEN
April 10, 2017 5:15 PM CITY COURTROOM

BE IT REMEMBERED the regular meeting of the Board of Mayor and Aldermen for the City of Martin, Tennessee, was held Monday, April 10, 2017 at 5:15 pm in the City Courtroom, when the following was held to wit:

MEMBERS PRESENT: HONORABLE RANDY BRUNDIGE, MAYOR
 HONORABLE DANNY NANNEY, ALDERMAN WARD I
 HONORABLE REX PATE, ALDERMAN WARD I
 HONORABLE DAVID BELOTE, ALDERMAN WARD II
 HONORABLE MARVIN FLATT, ALDERMAN WARD II
 HONORABLE TERRY HANKINS, ALDERMAN WARD III
 HONORABLE RANDY EDWARDS, ALDERMAN WARD III

Also present: Police Chief Don Teal, Fire Chief Jamie Summers, Parks and Recreation Director Brian Moore, Public Works Director Marty Ables, Human Resources Director Debbie Yeager, Community Development Director Brad Thompson, Official Mike Brundige, City Recorder Kelly Wilson, Bethany Evans, David Politte, and members of the media David Fisher, Benita Evans and Linda Thurston.

CALL TO ORDER

Mayor Brundige called the Monday, April 10, 2017 regular meeting of the City of Martin Board of Mayor and Aldermen to order.

INVOCATION

Alderman Flatt gave the invocation.

PLEDGE OF ALLEGIANCE

Alderman Hankins said the Pledge of Allegiance to our flag.

APPROVAL OF MINUTES

MARCH 13, 2017

Minutes: City of Martin Board of Mayor & Aldermen, April 13, 2017

Mayor Brundige introduced and presented for consideration the minutes of the March 13, 2017 regular meeting as written and asked if there were any additions or deletions. There were none. Therefore, a motion was requested and follows:

Alderman Pate made the motion to approve the minutes of the March 13, 2017 regular meeting of the City of Martin Board of Mayor and Aldermen as written, seconded by Alderman Hankins.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

Mayor Brundige declared the motion approved.

DEPARTMENT HEAD REPORTS:

POLICE DEPARTMENT

CHIEF DON TEAL

Chief Teal was present. The Police Department's monthly reports were included in the packets. A copy of the report is attached to the minutes.

Mayor Brundige asked if anyone had any questions for Chief Teal; there were none.

LIBRARY

DIRECTOR ROBERTA PEACOCK

Director Peacock was not present. The Library activity monthly report was included in the packets. A copy of the report is attached to the minutes.

COMMUNITY DEVELOPMENT

DIRECTOR BRAD THOMPSON

Director Thompson was present. The Community Development's monthly report was included in the packets. A copy of the report is attached to the minutes.

Director Thompson thanked everyone who attended the Rodeo cookout this past weekend.

Director Thompson said that on Saturday, April 22nd, a book fair would be going on at the Festival Park and later on that day at the Recreation Complex would be a "Touch the Truck" event for the kids.

Mayor Brundige asked if there were any questions for Director Thompson; there were none

FIRE DEPARTMENT

CHIEF JAMIE SUMMERS

Chief Summers was present. The Fire Department's monthly report was included in the packets. A copy of the report is attached to the minutes.

Mayor Brundige asked if there were any questions for Chief Summers; there were none.

PUBLIC WORKS

DIRECTOR MARTY ABLES

Director Ables was present. The Public Works monthly reports were included in the packets. A copy of the report is attached to the minutes.

Mayor Brundige asked if anyone had any questions for Director Ables; there were none.

PARKS AND RECREATION

DIRECTOR BRIAN MOORE

Director Moore was present. The Parks and Recreation's monthly report was included in the packets. A copy of this report is attached to the minutes.

Director Moore reported that there was a good turnout for the Easter egg hunt this past weekend.

Director Moore said that softball and baseball activity would start next week.

Mayor Brundige asked if anyone had any questions for Director Moore.

The mayor wanted to know if Director Moore had a head count for the Easter egg hunt.

Director Moore responded that there were about 380 people attending the Easter egg hunt.

According to Director Moore the members of the Chi Omega sorority were a big help with the Easter egg hunt.

Alderman Hankins asked who the winner of the Golden egg was.

Director Moore said that there were 5 winners and did not have the winners' names with him.

Alderman Pate asked Director Moore if he had heard anything from the insurance adjuster on the damages to the park.

Director Moore replied that they incurred \$95,000 in damages not counting the light poles and that the city has a \$5,000 deductible and he is currently working with the adjuster on the claim.

Director Moore said that the light poles have a 10 year warranty and the company that made the poles has agreed to replace the damaged poles at no charge.

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According to Director Moore, the city will have to bear the cost of taking down the old poles and installing the new poles, which amounts to \$29,000.

Alderman Pate inquired who would install the new poles.

Director Moore said that he has a contact in Nashville who does this kind of work.

Alderman Pate wanted clarification that the amount of the loss totaled \$95,000, excluding the light poles.

Director Moore said that is correct.

Alderman Nanney asked Director Moore if Rainey was going to put the scoreboard back up.

Director Moore explained that when Rainey put the board up that it states in the contract that the city is responsible for maintaining the scoreboard.

Director Moore stated that he is talking with them and think they are going to work with us and that the scoreboard is the only thing that they will pro-rate and right now the cost of this is \$27,000 and not sure how the company is going to pro-rate this.

Director Moore added that Pepsi is familiar with the damage on the scoreboard and thinks that Pepsi is going to be willing to help the city on this.

Mayor Brundige asked if anyone had any questions for Director Moore; there were none.

HUMAN RESOURCES

DIRECTOR DEBBIE YEAGER

Director Yeager was present.

Mayor Brundige asked the board members if there were any question for Director Yeager; there were none.

ADMINISTRATION

CITY RECORDER KELLY WILSON

Recorder Wilson was present.

Mayor Brundige asked if anyone had any questions for Recorder Wilson; there were none.

BUILDING DEPARTMENT

INSPECTOR MIKE BRUNDIGE

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Official Brundige was present.

Mayor Brundige asked if any of the Board members had any questions for Official Brundige; there were none.

OLD BUSINESS:

There was none.

NEW BUSINESS:

SELECTION OF COWART REESE SARGENT CPAs TO PERFORM THE CITY'S AUDIT FOR THE FISCAL YEAR ENDING JUNE 30, 2017

Mayor Brundige said that the CPA firm of Cowart Reese Sargent has been selected to perform the next city audit and asked for a motion to be made.

Alderman Flatt made the motion to approve the selection of Cowart Reese Sargent to perform the city audit for the fiscal year ending June 30, 2017; seconded by Alderman Edwards.

Mayor Brundige asked if there was any more discussion from the Board. There was none, therefore a roll call vote was requested:

FOR:	HONORABLE NANNEY HONORABLE PATE HONORABLE BELOTE HONORABLE FLATT HONORABLE HANKINS HONORABLE EDWARDS
AGAINST:	NONE

Mayor Brundige declared the motion approved.

SECOND AND FINAL READING OF ORDINANCE 2017-03: AN ORDINANCE TO PROHIBIT USE OF THE RIGHT-OF-WAY FOR COMMUNICATIONS SERVICES WITHOUT A FRANCHISE AGREEMENT. THIS IS THE PUBLIC HEARING.

Recorder Wilson read Ordinance 2017-03 as follows:

ORDINANCE: 2017-03

AN ORDINANCE TO PROHIBIT USE OF THE RIGHT-OF-WAY FOR COMMUNICATIONS SERVICES WITHOUT A FRANCHISE AGREEMENT

WHEREAS, pursuant to Tennessee Code Annotated sections 65-21-101 and 65-21-201, a person, corporation or other entity may occupy the rights-of-way of the City of Martin for the purpose of constructing and operating a system of transmitting intelligence; and

WHEREAS, pursuant to Tennessee Code Annotated section 65-21-103, the City of Martin has all reasonable police powers to regulate the construction and operation of such a system and the right to charge reasonable, cost-based rates for the use and occupation of the City's rights-of-way;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Alderman of the City of Martin Tennessee, that:

SECTION 1: As used herein, a system of transmitting intelligence includes, but is not limited to, telephone, telegraph, broadband internet access, cable television, radio, satellite or any other wired or wireless system for the one-way or two-way transmission of information which now exists or may be invented or discovered.

SECTION 2: No person, corporation or other entity shall use or occupy the City's rights-of-way for the construction or operation of a system for transmitting intelligence without first having received a franchise authorizing such use and occupation.

SECTION 3: No such franchise shall exceed a period of twenty (20) years.

SECTION 4: No such franchise shall give any entity an exclusive right to provide service nor shall it unreasonably discriminate in favor of one entity over another.

SECTION 5: No such franchise shall impose a fee for the use and occupation of the City's right-of-way unless the fee is reasonably related to the City's total costs, direct and indirect, of maintaining the City's rights-of-way. In determining the amount of the franchise fee, the City may take into account taxes paid by the franchisee as well as demonstrated, quantifiable contributions made, or to be made, by the franchisee to the economic development of the City.

SECTION 6: No such franchise shall be approved unless the franchise requires that the franchisee's use and occupation of the rights-of-way be consistent with the City's zoning laws as amended.

SECTION 7: Any such franchise authorizes the franchisee to use and occupy the City's rights-of-way but does not authorize the franchisee to attach equipment to City-owned poles, street lights, traffic lights or other City-owned facilities for which a separate charge in addition to the franchise fee may be imposed.

SECTION 8: Any such franchise agreement negotiated by the Mayor and consistent with this ordinance shall be submitted to the Board of Mayor and Aldermen and may be approved and adopted by resolution.

SECTION 9: This ordinance shall not affect any current, valid franchise heretofore granted authorizing the use and occupation of the City's rights-of-way but such franchise shall continue in force and effect until it expires.

SECTION 10: Any entity which is currently using or occupying the City's rights-of-way to operate a system of transmitting intelligence without a valid franchise must obtain such a franchise within one year from the effective date of this ordinance.

SECTION 11: This ordinance shall become effective upon final reading and publication in a newspaper of general circulation the public welfare requiring it.

Approved and adopted by the Board of Mayor and Aldermen, Martin, Tennessee.

PUBLIC HEARING

Mayor Brundige opened a public hearing for Ordinance 2017-03 and asked if anyone would like to speak for or against the ordinance.

No one spoke. Mayor Brundige closed the public hearing.

RECONVENED BOARD MEETING

Mayor Brundige asked for a motion to approve the second and final reading of Ordinance 2017-03.

Alderman Hankins made the motion to approve, Alderman Nanney seconded this motion.

Mayor Brundige asked if there was any more discussion from the Board. There was none, therefore a roll call vote was requested:

FOR:	HONORABLE NANNEY HONORABLE PATE HONORABLE BELOTE HONORABLE FLATT HONORABLE HANKINS HONORABLE EDWARDS
AGAINST:	NONE

Mayor Brundige declared the motion approved.

DATE FOR NEXT CITY BOARD MEETING

Mayor Brundige announced - Informal City Board will meet May 2, 2017 and regular City Board meeting is scheduled for May 8, 2017 at 5:15 pm in the city courtroom.

ANY OTHER BUSINESS

ADJOURN

Mayor Brundige asked – Is there any other business?

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

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

ATTEST:

SIGNED:

Kelly Wilson,
City Recorder

Randy Brundige,
Mayor

RB: KW