

MINUTES OF THE MARTIN BOARD OF MAYOR AND ALDERMEN

August 09, 2004 5:30 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, August 09, 2004, at 5:30 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 STAN JOHNSON, ALDERMAN WARD II
 HONORABLE DAVID BELOTE, ALDERMAN WARD II
 HONORABLE RANDY EDWARDS, ALDERMAN WARD III
MEMBERS ABSENT: HONORABLE NATALIE D. BOYD, ALDERWOMAN WARD III

CALL TO ORDER AND INVOCATION

Mayor Brundige called the City of Martin Board of Mayor and Aldermen to order for the August 09, 2004 meeting. Alderman Edwards gave the invocation.

PLEDGE OF ALLEGIANCE

Mayor Brundige lead the group in the Pledge of Allegiance to the Flag.

PRESENTATION OF PROCLAMATION TO MR. SETH JOHNSON

Mayor Brundige presented Mr Seth Johnson the following Proclamation of Achievement:

Office of Mayor
Martin, Tennessee

PROCLAMATION OF ACHIEVEMENT

WHEREAS, the Citizens of the City of Martin, Tennessee along with its surrounding communities are appreciative of its young people and wish to express their gratitude; and

WHEREAS, Mr Seth Johnson, and Outstanding Student as a Senior at Westview High School, has participated in the Westview High School Marching Band and distinguished himself and his school by his selection and participation in the SPIRIT OF AMERICA NATIONAL HONOR BAND and

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performing in their 2004 Performing Tour of Europe.

NOW, THEREFORE, the Board of Mayor and Aldermen of the City of Martin, Tennessee, on behalf of the entire community, hereby present this Proclamation of Achievement to

SETH JOHNSON

for his distinction he has brought upon himself, his school, and community.

Signed: Randy Brundige, Mayor

Mayor Brundige asked Mr. Johnson to tell us about himself.

Mr. Johnson stated, I am going to college next year, I do not know where yet, I have a chance go to West Point or UT. I plan on majoring in electrical engineering.

Mayor Brundige stated, good luck in whatever you decide to do. We are proud of you.

APPROVAL OF MINUTES, JUNE 29 & JULY 01, 2004

Alderman Harrison made a motion to approve the minutes of the June 29 and July 01 2004 meeting as written, seconded by Alderman Johnson.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

COMMITTEE AND DEPARTMENT HEAD REPORTS

None were given

OLD BUSINESS:

There was no Old Business.

MARTIN MEMORIAL GARDENS

Alderman Harrison stated the Cemetery Committee was approached by the Board of Trustees from the Martin Memorial Gardens asking the city to take over the ownership of the Martin Memorial Gardens and I wish to present a recommendation from the Cemetery Committee. The recommendation is to assume ownership of Martin Memorial Gardens which will include the management, the assets, and the liabilities. The assets include 1434 lots available for sale, the

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Memorial Gardens is located adjacent to city owned Parham Cemetery, cemetery fund has \$25,000.00, a track of land 150' X 300' is located to the rear of cemetery available for lots, and the city will own every cemetery inside the city limits. The liabilities include the foundation around the Prayer Book is in need of repair (I think the city can do this repair), the statue of the angel needs repair, one road acts as entrance and exit into the cemetery, road needs to be resurfaced, and the mowing/maintenance of the area, estimated mowing costs \$1400/\$1500 annually. The ownership papers have been reviewed and a title search done by the city's legal staff.

Alderman Harrison made the motion, the City of Martin assume ownership of the Martin Memorial Gardens which includes management, assets and liabilities, seconded by Alderman Belote.

VOTE:	FOR:	HONORABLE NANNEY HONORABLE HARRISON HONORABLE BELOTE HONORABLE JOHNSON HONORABLE EDWARDS
	AGAINST:	NONE
	ABSENT:	HONORABLE BOYD

SEPTEMBER MEETING DATES

Mayor Brundige set the following dates for the September Meeting Dates. Date changes due to the Tennessee Soybean Festival September 7-12.

Informal City Board Meeting	September 2 nd @ 5:15
Regular City Board Meeting	September 16 th @ 5:15

ALCOHOL BEVERAGE CONTROL BOARD: RESIGNATION OF MR. CHARLIE DAVIS AND APPOINTMENT OF MR. DAVID SPENCER, 1 YEAR TERM TO EXPIRE 12/2004

Mayor Brundige presented the resignation of Mr. Charlie Davis from the Alcohol Beverage Control Board. Mr. Davis has moved out of the city.

Alderman Harrison made the motion to accept Mr. Charlie Davis's resignation from the Alcohol Beverage Control Board, seconded by Alderman Belote.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL
Mayor Brundige recommended Mr. David Spencer be appointed to fill this unexpired term.

Alderman Johnson made the motion to appoint Mr David Spencer to the Alcohol Beverage Control

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Board, term to expire 12/2004, seconded by Alderman Edwards.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

INTRODUCTION AND READING OF RESOLUTION R2004-17: RESOLUTION AUTHORIZING BUDGET AMENDMENT TO THE CITY OF MARTIN, TENNESSEE GENERAL FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2004

Mayor Brundige introduced, presented, and read Resolution R2004-17: Resolution authorizing budget amendment to the City of Martin, Tennessee, General Fund for the Fiscal Year ending June 30, 2004. A copy follows:

RESOLUTION R2004-17

RESOLUTION AUTHORIZING BUDGET AMENDMENT TO THE CITY OF MARTIN, TENNESSEE GENERAL FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2004

WHEREAS, monies are needed to fund miscellaneous expenses for the general fund of the City of Martin; and

WHEREAS, it is the wishes of the Board of Mayor and Aldermen of the City of Martin that funds be transferred to cover these requirements.

NOW THEREFORE BE IT RESOLVED, the Board of Mayor and Aldermen of Martin, Tennessee assembled in regular session on this 9th day of August, 2004, this resolution is hereby approved.

SECTION 1. The City of Martin General Fund is hereby amended as follows:

<u>Fund # 110</u> <u>Acct-Object</u> <u>Number</u>	<u>Account Name</u>	<u>Approved</u> <u>Budget</u>	<u>Budget</u> <u>Amendment</u>	<u>Amended</u> <u>Budget</u>
110-31600-610	Local Sales Tax	1,468,400	[80,000]	1,548,400
110-33500-510	State Sales Tax	600,000	[25,100]	625,100
110-41100-161	Planning Commission		6,000 (1,800)	4,200
110-41200-237	Advertisements	1,200	(600)	600
110-41200-245	Telephone	1,200	(900)	300
110-41200-283	Travel	2,500	(1,900)	600
110-41200-799	Miscellaneous		4,000 (200)	3,800
110-41300-331	Gas & Oil	1,300	1,000	2,300
110-41300-799	Miscellaneous		15,000 1,500	16,500

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110-42100-111-09	Patrolman	346,537	6,000	352,537
110-42100-245	Telephone	2,000	3,000	11,000
110-42100-292	Boarding of Prisoners	31,700	3,000	34,700
110-42100-331	Gas & Oil	35,000	21,000	56,000
110-42100-799	Miscellaneous	10,000	2,000	12,000
110-42100-902	Capital Outlay	2,500	15,000	17,500
110-42200-111-13	Fireman	311,478	25,000	336,478
110-43400-218	Mowing Contract	8,970	16,000	24,970
110-44444-355	Concessions	30,000	17,000	47,000

SECTION 3. BE IT FURTHER RESOLVED, that all resolutions of the Board of Mayor and Aldermen of the City of Martin, which are in conflict with this resolution, are hereby repealed.

SECTION 4. BE IT FURTHER RESOLVED, that the resolution take effect from and after its passage, the public welfare requiring it.

Motion made by Alderman _____ that the foregoing resolution be approved. Seconded by Alderman _____. Upon being put to a roll call vote the motion passed on the 9TH day of August, 2004.

ATTESTED:

APPROVED:

Danny Nanney, Vice Mayor

Randy Brundige, Mayor

Alderman Johnson made the motion to approve Resolution R2004-17: Resolution authorizing budget amendment to the City of Martin, Tennessee, General Fund for the Fiscal Year ending June 30, 2004, seconded by Alderman Nanney.

VOTE:	FOR:	HONORABLE NANNEY HONORABLE HARRISON HONORABLE BELOTE HONORABLE JOHNSON HONORABLE EDWARDS
	AGAINST:	NONE
	ABSENT:	HONORABLE BOYD

Mayor Brundige declared Resolution R2004 approved.

LANDFILL FILL DOZER LEASE: POWER EQUIPMENT COMPANY, 2002 KOMATSU D61EX-12, SERIAL #B1840, WITH 1500 HOURS AND 5000 HOUR POWER TRAIN WARRANTY. PRICE \$133,925.00. SIXTY (60) MONTH

**LEASE @ \$2,458.86 PER MONTH WITH ONE PAYMENT IN ADVANCE
(FULL PAY OUT GOVERNMENT LEASE)**

Mayor Brundige presented a recommendation from the Public Works Committee to lease/purchase a landfill dozer from Power Equipment Company. It is a 2002 Komatsu D61EX-12, Serial #B1840, with 1500 hours and a 5000 hour Power Train Warranty. Price is \$133,925.00. Sixty (60) month lease at \$2,458.86 per month with one payment in advance. This will be a full pay-out government lease. Our dozer is down at the landfill and we will have to replace the dozer if we plan to keep it open. This was bid out through Public Works.

Alderman Nanney made the motion to to lease/purchase a landfill dozer, 2002 Komatsu D61EX-12, Serial #B1840, with 1500 hours and a 5000 hour Power Train Warranty from Power Equipment Company. Price is \$133,925.00 with a sixty (60) month lease at \$2,458.86 per month, one payment in advance with a full pay-out government lease, seconded by Alderman Harrison.

VOTE:	FOR:	HONORABLE NANNEY HONORABLE HARRISON HONORABLE BELOTE HONORABLE JOHNSON HONORABLE EDWARDS
	AGAINST:	NONE
	ABSENT:	HONORABLE BOYD

Mayor Brundige declared the motion approved.

**LANDFILL DOZER - SELL CURRENT LANDFILL DOZER TO MR. BOB
COLLINS FOR \$27,500.00**

Mayor Brundige presented a request from the Public Works Committee and Finance Committee to sell the current landfill dozer to Mr. Bob Collins for \$27,500.00. Bids were taken by Public Works for the sale of the old landfill dozer that does not run. The engine is completely out. The highest bidder was Mr. Collins.

Alderman Belote made the motion to sell the current landfill dozer to Mr Bob Collins for \$27,500.00, seconded by Alderman Edwards.

VOTE:	FOR:	HONORABLE NANNEY HONORABLE HARRISON
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	HONORABLE BELOTE
	HONORABLE JOHNSON
	HONORABLE EDWARDS
AGAINST:	NONE
ABSENT:	HONORABLE BOYD

Mayor Brundige declared the motion approved.

FIRE AERIAL TRUCK: COST \$135,000.00; WITH TRADE-INS THREE (3) TRUCKS VALUE \$3,000.00 AND A GENERATOR AND TELESCOPING LIGHT STICK, VALUE \$7,000.00 - TOTAL PRICE AFTER TRADE-INS, \$98,000.00.

Mayor Brundige presented a request from Chief True to purchase a Fire Aerial Truck for the City of Martin Fire Department. Cost \$135,000.00; with trade-ins, three trucks valued at \$3,000.00 and a generator and telescoping light stick valued at \$7,000.00, reducing the cost to \$98,000.00.

Chief True spoke, I took Captain Bob Dudley, who inspects fire trucks and works with Pearce apparatus on a regular basis, and Russel Schwan, who is familiar with the inter working of ladder fire trucks, to Deep South Trucks in Mississippi. We spent two days going over this truck. We know where it came from, Charlotte, NC. We called Charlotte and got the history of the vehicle before we went down and we also found out what was paid wholesale for the vehicle. Upon going through the vehicle for two days we had a page and a half punch-list. Deep South Trucks has agreed to the specs listed on the punch-list. Basically, what you are going to get is a completely refurbished aerial, 105 foot stick, which is a ladder without a platform at the top that will service the city seven to ten year very well, the motor and transmission have been gone through, the pump and aerial will be certificated with current certification, it will be fully repainted, new wheels and tires, it will have new interior work done, it will be lettered Martin Fire Department, and within that deal we have also gained enough five inch vinyl hoses to supply not only that aerial but engine eight(the five inch hose is our supply hose especially in a rural setting), and 1000 feet of one, three-quarter inch hose (used for interior fire fighting), three month warranty on the vehicle and there is a local service person.

Mayor Brundige stated, this has already gone before the Finance Committee and it will be three months before we have to purchase the truck. If this is approved tonight, then it will return to the Finance Committee to secure funding.

Alderman Johnson made the motion to purchase a Fire Aerial Truck. Cost \$135,000.00 with trade-ins, three trucks valued at \$3,000.00 and a generator and telescoping light stick valued at \$7,000.00 reducing the cost to \$98,000.00, seconded by Alderman Belote.

VOTE:	FOR:	HONORABLE NANNEY HONORABLE HARRISON HONORABLE BELOTE HONORABLE JOHNSON HONORABLE EDWARDS
	AGAINST:	NONE
	ABSENT:	HONORABLE BOYD

Mayor Brundige declared the motion approved.

INTRODUCTION AND FIRST READING OF ORDINANCE O2004-11: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING SIX (6) TRACKS LOCATED AT THE SOUTHEAST INTERSECTION OF UNIVERSITY AND ELM STREETS FROM R-1 (LOW DENSITY RESIDENTIAL) TO B-3 (CENTRAL BUSINESS)

Mayor Brundige introduced and presented for the first reading Ordinance O2004-11: An Ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning six (6) tracks located at the southeast intersection of University and Elm Streets from R-1 (Low Density Residential) to B-3 (Central Business), then read the ordinance. A copy follows:

ORDINANCE 02004-11

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE BY REZONING SIX TRACTS LOCATED AT THE SOUTHEAST INTERSECTION OF UNIVERSITY AND ELM STREETS FROM R-1 (LOW DENSITY RESIDENTIAL) TO B-3 (CENTRAL BUSINESS).

WHEREAS, pursuant to Tennessee Code Annotated, Section 13-7-201 through 13-7-211, the City of Martin has adopted a Municipal Zoning Ordinance; and

WHEREAS, in accordance with Tennessee Code Annotated, Sections 13-7-203 and 13-7-204, the Martin Municipal-Regional Planning Commission has recommended the following amendment to the Municipal Zoning Ordinance and Municipal Zoning Map relative to the rezoning of territory; and

WHEREAS, the Martin Board of Mayor and Aldermen has deemed such a rezoning of this territory to be necessary for the welfare of the residents and property owners thereof this City as a whole; and

WHEREAS, the Martin Board of Mayor and Aldermen has held a public hearing pursuant to

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Tennessee Code Annotated, Section 13-7-203 for the purpose of receiving public comment.

NOW, THEREFORE, BE IT ORDAINED BY THE MARTIN BOARD OF MAYOR AND ALDERMEN:

Section 1. That the Municipal Zoning Map and Zoning Ordinance for Martin, Tennessee be amended by rezoning the following six tracts from R-1 (Low Density Residential) to B-3 (Central Business):

Weakley County Tax Map 73M, Group E, Parcels
00100, 00200, 00300, 00400, 01600 and 01700

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after second and final reading, THE PUBLIC WELFARE REQUIRING IT.

Date Passed First Reading

Date Passed Second Reading

Date of Public Hearing

ATTESTED:

Danny Nanney, Vice-Mayor

Randy Brundige, Mayor

Alderman Harrison made the motion to approve on the first reading, Ordinance O2004-11: An Ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning six (6) tracks located at the southeast intersection of University and Elm Streets from R-1 (Low Density Residential) to B-3 (Central Business), seconded by Alderman Belote.

VOTE:	FOR:	HONORABLE NANNEY
		HONORABLE HARRISON
		HONORABLE BELOTE
		HONORABLE JOHNSON
		HONORABLE EDWARDS
	AGAINST:	NONE
	ABSENT:	HONORABLE BOYD

Mayor Brundige declared Ordinance O2004-11 approved on the first reading and set the second and final reading and public hearing for September 16, 2004, at 5:15.

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APPOINTMENT OF CITY OF MARTIN EMERGENCY MANAGEMENT DIRECTOR, ORAN TRUE.

Mayor Brundige recommended the city appoint Fire Chief Oran True to be the City of Martin Emergency Management Director.

Alderman Johnson made the motion to appoint Fire Chief Oran True to be the City of Martin Emergency Management Director, seconded by Alderman Belote.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

APPROVAL OF PHONE CARDS PURCHASED FOR HIROSAKI GROUP

Mayor Brundige asked for formal approval of phone cards purchased and given to the Hirosaki group for \$222.00.

Alderman Johnson made the motion to approve the purchase of phone cards given to the Hirosaki group at a cost of \$222.00, seconded by Alderman Belote.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

UPDATE: HOUSE THAT BURNED ON JACKSON STREET TO BE CLEANED UP

Mayor Brundige explained, the owner of the house on Jackson Street that burned down last year will be cleaned up by the end of the week. A contractor had been hired to do the work.

SET MEETING DATE: SPECIAL CALLED CITY BOARD MEETING

Mayor Brundige set August 24th at 7:30 pm in the City Hall Courtroom to hear the budget and any other business.

LAWSUIT: MS. KATHY HATLER

Mayor Brundige passed out the following memo:

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TO: CITY BOARD
FROM: MAYOR RANDY BRUNDIGE
DATE AUGUST 09, 2004
SUBJECT: MS. KATHY HATLER LAWSUIT

The City of Martin settled a long pending lawsuit last week filed by former City of Martin Police Officer Kathy Hatler. The Fair Labor Standards suit filed by Hatler after her termination by then Police Chief J. D. Sanders in January 2003 claimed wrongful termination and asked for damages in excess of \$230,000.00. Following the advice of the Tennessee Risk Management Pool Attorney's (the City of Martin's insurer), the City and Ms. Hatler agreed to settle the lawsuit through mediation.

Our advisors made this recommendation by weighing the additional costs of proceeding with a jury trial and appeals against the settlement cost which amounted to \$100,000.00 (66.7% of which will be paid by the City of Martin and 33.3% by the Tennessee Municipal League).

Settlement agreements secured during mediation do not constitute an admission by the employer of any violation, but are designed to avoid lengthy costly litigation that in many cases may exceed settlement costs.

The City will pay its portion of the settlement costs (approximately \$66,667.00) through a loan from the city's own gas department to be paid back interest free over the next five years in \$13,333.40 installments.

Mayor Brundige explained, I need a motion to pay the approximately \$66,667.00 to Ms Kathy Hatler by borrowing this amount from the city's gas fund interest free over the next five year a with payment of \$13,333.40 installments.

Alderman Johnson made the motion to settle the law suite filed by Ms Kathy Hatler in the amount of \$66,667.00 by borrowing this amount from the city's gas fund interest free over the next five years, with payment of \$13,333.40 installments, seconded by Alderman Nanney.

VOTE: FOR: HONORABLE NANNEY
HONORABLE HARRISON
HONORABLE BELOTE
HONORABLE JOHNSON
HONORABLE EDWARDS

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AGAINST: NONE
ABSENT: HONORABLE BOYD

Mayor Brundige declared the motion approved.

APPRAISAL OF PROPERTY AT CORNER OF FREDERICK STREET AND BROADWAY

Alderman Edwards explained, the city owns the property located at the corner of Frederick Street and Broadway Street. This is where the old Martin Manufacturing plant was located. It appears that there may be some interest in purchasing this property, therefore, I propose the city get an appraisal and dispose of the property, if the city has no use for it. An appraisal would cost Approximately \$300.00.

Mayor Brundige stated, if we choose to sell this property it would have to be sold by sealed bids or at auction.

Director Vowell stated, there is a sewer line, not encased, that crosses the property about midway of the lot. It ran under the old Martin Manufacturing Plant. A developer could develop on either side.

Mayor Brundige asked what the pleasure of the board was.

Alderman Edwards made the motion to have an appraisal done on the property located at the corner of Frederick Street and Broadway Street, seconded by Alderman Johnson.

VOTE: UNANIMOUS VOICE OF APPROVAL

ANNOUNCEMENT OF CITY OF MARTIN FIRE DEPARTMENT GRANT FROM ALL STATE INSURANCE

Fire Chief True announced the All State Insurance Foundation has graciously given the City of Martin a grant to purchase smoke detectors in the amount of \$3,750.00. Ms. Liz Helton, local All State Insurance Agent, was instrumental in helping us secure the grant. We are very appreciative. We will start the process in a week or two. Some of the local miniserries will help us locate the needs in our community. The fire department will go out and install these.

We have also received fifteen hand held radios that are narrow band compliance from our FEMA Grant 2003 Enter-Operable Communication.

HOME LAND SECURITY GRANT

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Police Chief Moore stated, the police department participated in part of the same grant, this department received approximately \$15,000.00 earmarked for wireless enter-operable communication system to network the entire city system.

STREET LIGHTS DOWNTOWN

Alderman Nanney asked if the street lights downtown had been fixed.

Director Vowell stated, sometimes when I come through town the lights are off and the next time they are on. I think it is a photo-cell.

Alderman Nanney asked the police department to watch the lights and report back to Public Works.

Chief Moore said they would be glad to do that.

ADJOURN

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

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

Randy Brundige, Mayor

Danny Nanney, Vice Mayor

RB: DN:bh

Saved, "August 09, 2004" Tape #245