

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

**June 29, 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, June 29, 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 NATALIE D. BOYD, ALDERWOMAN WARD III  
                                 HONORABLE RANDY EDWARDS, ALDERMAN WARD III  
MEMBERS ABSENT:      HONORABLE DAVID BELOTE, ALDERMAN WARD II

## **CALL TO ORDER & INVOCATION**

Mayor Brundige called the June 29, 2004, meeting of the City of Martin Board of Mayor and Alderman to order. Alderwoman Boyd gave the invocation

## **PLEDGE OF ALLEGIANCE TO THE FLAG**

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

## **OLD BUSINESS**

There was no old business.

## **NEW BUSINESS:**

### **INTRODUCTION AND READING OF RESOLUTION R2004:12: RESOLUTION AUTHORIZING AMENDMENT TO THE CITY OF MARTIN, TENNESSEE, FIRE DEPARTMENT FUND AND C. E. WELDON PUBLIC LIBRARY FUND FOR THE FISCAL YEAR ENDING JUNE 30, 2004**

Mayor Brundige introduced and read Resolution R2004-12: Resolution authorizing amendments to

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the City of Martin, Tennessee, Fire Department Funds and C.E. Weldon Public Library Fund for the Fiscal Year ending June 30, 2004. This is not increasing the budget just a transfer of funds from one line item to another. A copy follows:

RESOLUTION R2004-12

RESOLUTION AUTHORIZING BUDGET AMENDMENT TO THE  
CITY OF MARTIN, TENNESSEE GENERAL FUND: FIRE DEPARTMENT AND  
C.E. WELDON PUBLIC LIBRARY 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 29<sup>th</sup> day of June, 2004, this resolution is hereby approved.

**SECTION 1.** The City of Martin Fire Department Fund is hereby amended as follows:

Fund # 110		Approved	Budget	Amended
<u>Acct-Object</u>		<u>Budget</u>	<u>Amendment</u>	<u>Budget</u>
<u>Number</u>	<u>Account Name</u>			
110-42200-111-39	Volunteer Firemen	\$10,000	(3,150.00)	6,850.00
110-42200-266	Physical Plant Repairs	2,000	2,000.00	4,000.00
110-42200-326	Uniforms	8,500	1,150.00	9,650.00
110-42200-211	Postage	500	(340.38)	159.62
110-42200-221	Printing Stationary Forms	100	(100.00)	-0-
110-42200-237	Rural Fire Radio Add	500	440.38	940.38
110-42200-259	Training of Personnel	4,000	(671.27)	3,328.73
110-42200-283	Out of Town Travel	1,000	(106.61)	893.39
110-42200-799	Miscellaneous		1,500	(332.02)
				1,167.98
110-42200-311	Computer Upgrade	500	877.14	1,377.14
110-42200-314	Tire, Tubes, etc.	1,000	232.76	1,232.76



**INTRODUCTION AND READING OF RESOLUTION R2004-13: A RESOLUTION AUTHORIZING SIGNATURES TO CONDUCT BUSINESS FOR THE CITY OF MARTIN, TENNESSEE**

Mayor Brundige introduced and read Resolution R2004-13: A Resolution authorizing signatures to conduct business for the City of Martin, Tennessee. A copy follows:

RESOLUTION R2004-13

A RESOLUTION AUTHORIZING SIGNATURES TO CONDUCT BUSINESS FOR THE CITY OF MARTIN, TENNESSEE

WHEREAS, the Board of Mayor and Aldermen for the City of Martin, Tennessee has determined that it would benefit the general welfare of the residents of Martin for the Mayor to designate persons to sign checks, drafts, and documents as needed for the administration of the city's day to day business; and

WHEREAS, Tennessee Code Annotated 6-3-106 and the Municipal Code of the City of Martin authorizes the Mayor of a municipality to sign checks, drafts and documents needed to operate the municipality and to assign designees; and

WHEREAS, The Mayor of the City of Martin wishes to assign as his designees Ms. Linda Walker and Ms. Vicki Jackson.

THEREFORE BE IT RESOLVED, that this resolution shall take effect upon its passage, THE PUBLIC WELFARE REQUIRING IT.

Motion made by Alderman \_\_\_\_\_ that the forgoing resolution be approved. Seconded by Alderman \_\_\_\_\_. Upon being put to a roll call vote, the motion \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2004.

SIGNED:

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

Alderman Harrison made the motion to approve Resolution R2004-13: A Resolution authorizing signatures to conduct business for the City of Martin, Tennessee, seconded by Alderman Johnson.

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

Mayor Brundige declared Resolution R2004-13 approved.

**INTRODUCTION AND READING OF RESOLUTION 2004-14: A RESOLUTION ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR 2004/2005 FOR THE CITY OF MARTIN, TENNESSEE**

Mayor Brundige introduced and read Resolution R2004-14: A Resolution adopting a tentative budget for the Fiscal Year 2004/2005 for the City of Martin, Tennessee. A copy follows.

RESOLUTION R2004-14

A RESOLUTION ADOPTING A TENTATIVE BUDGET FOR THE FISCAL YEAR 2004/2005 FOR THE CITY OF MARTIN, TENNESSEE

WHEREAS, the Board of Mayor and Aldermen has not adopted the 2004/2005 Fiscal Year Budget for the City of Martin, Tennessee; and

WHEREAS, it appears that circumstances will prevent the adoption of a budget the beginning of the new fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Martin, Tennessee, assembled in regular session on the 29<sup>th</sup> day of June, 2004, that:

1. The appropriations of the 2003/2004 Fiscal Year Budget shall become the appropriations for the tentative 2004/2005 Fiscal Year Budget.
2. No more than 1/12 of any line item may be expended per calendar month by each department without approval of the Board of Mayor and Aldermen until final 2004/2005 Fiscal Year Budget is adopted.
3. This Resolution shall take effect upon adoption.

Motion made by Alderman \_\_\_\_\_ that the forgoing resolution be approved, seconded by

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Alderman \_\_\_\_\_. Upon being put to a roll call vote, the motion \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

APPROVED:

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

Alderman Nanney made the motion to approve Resolution R2004-14: A Resolution adopting a tentative budget for the Fiscal Year 2004/2005 for the City of Martin, Tennessee, seconded by Alderman Harrison.

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

Mayor Brundige declared Resolution R2004-14 approved.

**A REQUEST FROM PUBLIC WORKS EMPLOYEES TO DONATE SICK LEAVE TO MR. GERALD RADZIEWICZ**

Mayor Brundige presented a request from City of Martin Public Works Department employees to donate sick leave to Mr, Gerald Radziewicz. Mr. Radziewicz has had open heart surgery and does not have enough accumulated sick leave to see him through his recuperation period. The fact that these employees wish to donate their time speaks well. This request has to be board approved.

Mayor Brundige submitted the following list of sick leave donors and hours donated for consideration: Harvey Luttrell - 40 hours (1 week), Roger Todd - 40 hours (1 week), Mike Stewart - 40 hours (1 week), Randy Winston - 16 hours (2 days), Tony Mills - 8 hours (1day), Marty Ables - 24 hours (3 days), and Kelly Taylor - 16 hours (2 days).

Alderwoman Boyd made the motion to allow the above stated sick leave hours be transferred to Mr. Gerald Radziewicz, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

**INTRODUCTION AND READING OF RESOLUTION R2004-15: MUTUAL AID AGREEMENT WITH CITY OF MARTIN, TENNESSEE, AND THE**

## **CITY OF FULTON, KENTUCKY**

Mayor Brundige introduced and read Resolution R2004-15: Mutual Aid Agreement with the City of Martin, Tennessee and the City of Fulton, Kentucky. A copy follows:

### **RESOLUTION R2004-15**

#### **MUTUAL AID AGREEMENT WITH CITY OF FULTON, KENTUCKY**

**THIS AGREEMENT** entered as the 29<sup>th</sup> day of June, 2004, by and among the City of Martin Fire Department and the City of Fulton, Kentucky Fire Department.

**WHEREAS**, Pursuant to *Tennessee Code Annotated*, Section 6-54-601, Relative to Fire Fighting Assistance and in consideration of the mutual covenants contained herein, the parties agree as follows:

4. The parties will respond to calls for Fire Fighting assistance only upon request for such assistance made by the senior fire fighting official on duty in the fire department of respective city . All requests for emergency fire assistance shall be made only to the Martin Dispatch or the Fulton Dispatch
5. Upon request for aid received as provided for in paragraph (1), the senior fire officer of the responding party will authorize a response as follows:

1. Each of the parties to this agreement will attempt to provide at least the following personnel and equipment in response to the request:

Minimum response - One (1) engine or aerial truck and one (1) fire fighter.

Maximum response - Fifty (50) percent of personnel and resources.

Each party's response will be determined by the severity of the emergency in the requesting party's jurisdiction as determined by the senior fire officer of the responding party after discussion with the senior fire officer of the requesting party.

2. If there is also an emergency in the jurisdiction of the responding party at the time a request is made, or one occurs in the course of responding to a request under this agreement, and the senior fire officer of the responding party reasonably determines, after a consideration of the severity of the emergency in his jurisdiction, that the responding party cannot comply with the minimal requirements under this agreement without endangering life or incurring significant property damages in his jurisdiction, or both, he may choose to

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use all equipment and personnel in his own jurisdiction. In this case, the senior fire officer of the responding party shall attempt to inform the senior fire officer of the requesting party of his decision.

3. In cases where two or more requests for mutual; aid assistance are made at the same time, thereby making compliance with the minimum requirements of this agreement impossible for the responding party, the senior fire officer of the responding party shall determine, based upon a reasonable appraisal of the emergencies of the requesting jurisdiction, how best to respond to the requests. The senior fire officer may determine to send all available resources under this agreement to the jurisdiction with the most dire emergency, or he may send some resources to each requesting jurisdiction. The senior fire officer shall inform the requesting parties of his decision.

In both situations outlined in this subsection (B) where compliance with the minimal duties of this agreement is impossible, the requesting party or parties will not expect full compliance with those minimal duties but will expect a fair appraisal of the emergencies involved and a commensurate response.

6. When fire personnel are sent to another community pursuant to this a agreement, the jurisdiction, authority, rights, privileges, and immensities, including coverage under Worker's Compensation Laws, which they have in the sending fire department shall be extended to and include any geographic area necessary as a result of the request when these personnel are acting within the scope of the authority conferred by this agreement.
7. The party who requests mutual aid shall in no way be deemed liable or responsible for this personal property of the members of the fire department of the responding party that may be lost, stolen, or damaged while performing their duties in responding under the terms of this agreement.
8. The party responding to the request for mutual aid under the terms of this agreement assumes all liabilities and responsibilities as between the parties for damage to its own apparatus and /or equipment. The party responding also assumes all liability and responsibility between parties for any damage caused by its own apparatus and /or negligence of its personnel while en route to or returning from a specific location.
9. The party responding under the terms of this agreement assumes no responsibility for liability for property damages or destroyed or bodily injury at the actual scene of any emergency due to actions that are taken in responding under this agreement. The liability and responsibility as between the parties shall rest solely with the party requesting aid and within whose jurisdiction the property exists or the incident



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occurs.

- 10. No compensation will be paid by the parties under this agreement for mutual aid fire assistance rendered.
- 11. The respective parties agree that no claim for compensation will be made by either against the other for loss, damage, or personal injury occurring in consequence of mutual aid fire assistance rendered under this agreement, and all such rights or claims are hereby waived.

The senior fire officer whose community the emergency exists, and who places the request for assistance, shall in all instances be in command of the emergency as to strategy, tactics, and overall direction of the operations. All orders or directions regarding the operations of the responding party shall be relayed to the senior fire officer in command of the responding party.

NOW, THEREFORE, this agreement shall continue from year to year from June 29, 2004 through June 29, 2009, unless written notice of termination is given by either party hereto at least sixty (60) days prior to July 01 of any year. No further obligation or liabilities shall be imposed upon the withdrawing party after termination.

**THEREFORE, BE IT FURTHER RESOLVED** this agreement shall be valid only when it is executed by the Mayor and Fire Chiefs of the respective political jurisdictions pursuant to the resolution of each jurisdiction authorizing the Mayors and Fire Chiefs to execute it, **THE PUBLIC WELFARE REQUIRING IT.**

Motion made by Alderman Danny Nanney that the foregoing resolution be approved. Seconded by Alderman Stan Johnson. Upon being put to a roll call vote, the motion passed on the 29<sup>th</sup> day of June, 2004.

SIGNED:

\_\_\_\_\_  
Randy Brundige, Mayor City of Martin, TN.

\_\_\_\_\_  
Oran True, Fire Chief City of Martin, TN

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Eddie Crittendon, Mayor City of Fulton, KY

\_\_\_\_\_  
Shawn Bixler, Fire Chief City of Fulton, KY

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

Mayor Brundige explained, the city automatically has a mutual aid agreement with all Tennessee

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cities but Fulton being outside the state requires a separate mutual aid agreement.

Alderman Nanney made the motion to approve Resolution R2004-15: Mutual Aid Agreement with the City of Fulton, Kentucky, seconded by Alderman Johnson.

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

Mayor Brundige declared Resolution R2004-15 approved.

**A REQUEST FROM HARPER WRECKER SERVICE TO DONATE THREE CARS EVERY OTHER MONTH FOR EXTRICATION TRAINING IN-LIEU-OF THE RURAL FIRE FEE OF \$380.00.**

Fire Chief True presented a request from Harper's Wrecker Service to donate three cars every other month for the fire department to use in extrication training in-lieu-of the rural fire fee of \$380.00 he pays for rural fire protection. This is eighteen cars per year, that is a retail value to him of over \$2,000. There is no way I can place a value on the training these cars would provide for the fire department. The Public Safety Committee met last week and unanimously approved a motion to recommend the board grant this request. What I am asking is that you all allow Harper's Wrecker Service to donate eighteen cars a year in-lieu-of their rural fire fees of \$380.00. We actually extricate the cars on Harper's Wrecker Service property and leave the wreckage.

Alderman Nanney made the motion to approve a request from Harper's Wrecker Service to donate three cars every other month (18 total cars per year) for the fire department to use in extrication training in-lieu-of their rural fire fee of \$380.00, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

Chief True presented each alderman with a fire department shirt.

**LIBRARY**

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Director Roberta Peacock announced the Library has received a \$3,000.00 Grant to buy five new computer for the Library. Also, the federal mandated computer filtering will be installed in the library by the first of July.

**ADJOURN**

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

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

SIGNED:

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Randy Brundige, Mayor

RB: /bh

Saved: "June 29, 2004", Tape #245 (1 of1)