

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

**MAY 11, 2009 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, May 11, 2009, 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, Fire Chief Russell Schwahn, Public Works Director Billy Wagster, Parks & Recreation Director Brian Moore, Human Resources Manager Celeste Taylor, Community Development Director Kimberly Craddock, Building Inspector Billy Stout, members of the press.

### **CALL TO ORDER AND INVOCATION**

Mayor Brundige called the May 11<sup>th</sup> regular meeting of the City of Martin Board of Mayor and Aldermen to order. Alderman Harrison gave the invocation.

### **PLEDGE OF ALLEGIANCE**

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

### **APPROVAL OF MINUTES APRIL 13, 2009**

Mayor Brundige introduced and presented for consideration the minutes of the April 13, 2009 meeting for approval as written and asked if there were any additions or deletions. There were none.

Alderman Edwards made the motion to approve the minutes of the April 13<sup>th</sup> meeting as written, seconded by Alderman Hankins.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

## **DEPARTMENT HEAD REPORTS**

### **FIRE DEPARTMENT**

### **CHIEF RUSSELL SCHWAHN**

Chief Schwahn asked if anyone had any questions concerning the Fire Department's monthly report. No questions were asked. A copy is attached to the minutes.

Alderman Hankins asked are you to budget?

Chief Schwahn stated my department is under budget.

### **PUBLIC WORKS**

### **DIRECTOR BILLY WAGSTER**

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

Alderman Hankins asked are you to budget?

Director Wagster answered all my departments are at budget, most are under budget, and will return money back to the city.

### **POLICE DEPARTMENT**

### **CHIEF DAVID MOORE**

Chief Moore asked if anyone had any questions concerning the police department's monthly report. No questions were asked. A copy is attached to the minutes.

Alderman Hankins asked are you to budget?

Chief Moore stated my department is slightly under budget.

### **PARKS AND RECREATION**

### **DIRECTOR BRIAN MOORE**

Director Moore asked if anyone had any questions concerning Parks and Recreation. No questions were asked.

Director Moore explained last Tuesday lightning hit at MRC striking the 5-Plex Baseball Complex hitting one of our scoreboards, lights, and other items. We are in the process of repairing these items. TML insurance called today and a representative will be here tomorrow.

We have our annual carnival scheduled for May 30. They will be here from Saturday to Saturday.

Alderman Hankins, before you ask my department is under budget.

## **HUMAN RESOURCES MANAGER**

**CELESTE TAYLOR**

Ms. Taylor asked if anyone had any questions. There were no questions.

Ms. Taylor announced the Insurance Committee meeting is scheduled for May 13<sup>th</sup> at 11:30 am. All of you all are invited to attend.

Alderman Hankins asked are you to budget?

Officer Taylor responded my department does not have a budget.

## **COMMUNITY DEVELOPMENT DIRECTOR KIMBERLY CRADDOCK**

Director Craddock announced the Martin Business Association will meet tomorrow morning here in the courtroom.

Alderman Hankins asked are you to budget?

Director Craddock stated my department will be under budget also.

## **C. E. WELDON PUBLIC LIBRARY DIRECTOR ROBERTA PEACOCK**

Director Peacock was not present. The library's monthly report was in packets. A copy of the report is attached to the minutes.

## **OLD BUSINESS:**

There was no old business.

## **NEW BUSINESS:**

**Mayor Brundige explained the next items on the agenda to be considered are Ordinance O2009-02, Ordinance O2009-03, and Resolution R2009-09 concerning annexation of property to benefit the Weakley County Municipal Electric System located on Highway 22. I will ask Recorder Mathis to read O2009-02, O2009-03, and R2009-09 then we will conduct the Public Hearings. After the hearings are closed we will vote on O2009-02, O2009-03, and R2009-09**

**PUBLIC HEARING OF ORDINANCE O2009-02: AN ORDINANCE TO ANNEX CERTAIN TERRITORY (APPROXIMATELY 17.8 ACRES) AND INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE, PROPERTY MEASURING ONE FOOT NORTH OF THE SOUTHERN RIGHT OF WAY OF HIGHWAY 22 FROM THE CURRENT CORPORATE LIMITS TO AND INCLUDING PROPERTY OWNED BY WEAKLEY COUNTY, TN FOR THE BENEFIT OF WEAKLEY COUNTY MUNICIPAL ELECTRIC SYSTEM.**

Mayor Brundige introduced and presented for the public hearing Ordinance O2009-02: An ordinance to annex certain territory (approximately 17.8 acres) and incorporate same within the corporate boundaries of the City Of Martin, Tennessee, property measuring one foot north of the southern right of way of highway 22 from the current corporate limits to and including property owned by Weakley County, TN for the benefit of Weakley County Municipal Electric System. Published in the Weakley County Press April 23, 2009.

Recorder Mathis read Ordinance O2009-02. A copy was provided to members of the press and any interested citizens. A copy follows:

**ORDINANCE O2009-02**

**AN ORDINANCE TO ANNEX CERTAIN TERRITORY (APPROXIMATELY 17.8 ACRES) AND INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE, PROPERTY MEASURING ONE FOOT NORTH OF THE SOUTHERN RIGHT OF WAY OF HIGHWAY 22 FROM THE CURRENT CORPORATE LIMITS TO AND INCLUDING PROPERTY OWNED BY WEAKLEY COUNTY, TN FOR THE BENEFIT OF WEAKLEY COUNTY MUNICIPAL ELECTRIC SYSTEM.**

**WHEREAS**, pursuant to Tennessee Code Annotated, 6-51-102 the Martin Municipal-Regional Planning Commission has recommended for such annexation and recommended a plan of services for said annexed property; and,

**WHEREAS** pursuant to Tennessee Code Annotated 6-51-102, the Martin Board of Mayor and Aldermen has approved the plan of services for the annexed territory; and

**WHEREAS**, pursuant to Tennessee Code Annotated 6-51-102, a public hearing was held, the time and place of which was published with fifteen days advance notice; and

**WHEREAS**, the Martin Board of Mayor and Aldermen has deemed such an annexation to be in the interest of the public welfare.

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

**Section 1.** Pursuant to authority conferred by Sections 6-51-101 through 6-51-117, Tennessee Code Annotated, there is hereby annexed to the City of Martin, Tennessee, and

incorporated within the corporate boundaries thereof, the following described territory adjoining the present corporate boundaries:

Beginning at a point, said point being the intersection of the southern right of way of State Route 22 and the easternmost current corporate limits boundary of Martin, Tennessee as of March 31, 2009; thence in a northerly direction along said eastern corporate limits boundary a distance of one foot to a point; thence in a easterly and southeasterly direction along a projected line, maintaining a distance of one foot north of and parallel to the southern right of way of State Route 22 to a point, said point being the intersection of said projected line and a northerly projected line of the eastern boundary of parcel 10.01, Weakley County tax map 91, 2008; thence in a southerly direction along said projected line and continuing in a southerly direction along the eastern boundary of said parcel 10.01 to it's intersection with the current Urban Growth Boundary for Martin, Tennessee; thence in a northwesterly direction along the current Urban Growth Boundary of Martin, Tennessee to it's intersection with the eastern boundary of parcel 6.00, Weakley County tax map 91, 2008; thence in a northerly direction along the eastern boundary of said parcel 6.00 to the southernmost corner of parcel 7.00, Weakley County tax map 91, 2008; thence in a northeasterly direction along the eastern boundary of said parcel 7.00 to it's intersection with the southern right of way of State Route 22; thence in a northwesterly and then westerly direction along said southern right of way to the point of beginning.

Said area consists of approximately 17.8 acres)

Section 2. BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days from and after its passage, THE WELFARE OF THE CITY REQUIRING IT.

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Passed First Reading

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Passed Second Reading

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Public Hearing

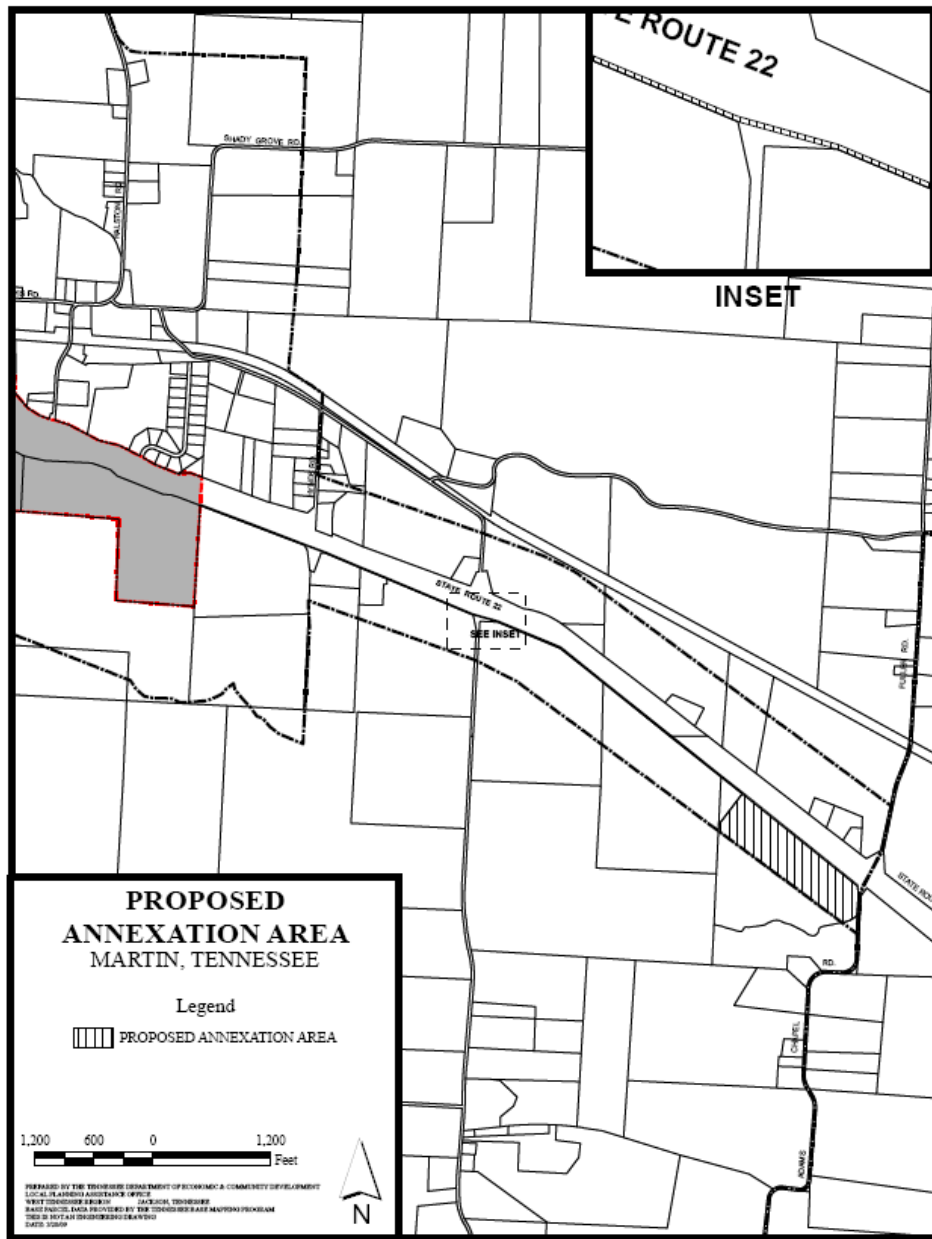
ATTEST:

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Chris Mathis, City Recorder

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Randy Brundige, Mayor



**PUBLIC HEARING FOR ORDINANCE O2009-02:**

Mayor Brundige opened the public hearing by asking if there was anyone present wishing to speak for or against Ordinance O2009-02.

No one spoke.

Mayor Brundige closed the Public Hearing for Ordinance O2009-02.

**PUBLIC HEARING OF ORDINANCE O2009-03: AN ORDINANCE TO PROVIDE ZONING SERVICES FOR A CERTAIN TERRITORY (APPROXIMATELY 17.8 ACRES) WITHIN THE NEWLY INCORPORATED BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE, TO RECEIVE A ZONING DESIGNATION OF R-1 (LOW-DENSITY RESIDENTIAL): PROPERTY MEASURING ONE FOOT NORTH OF THE SOUTHERN RIGHT OF WAY OF HIGHWAY 22 FROM THE CURRENT CORPORATE LIMITS TO AND INCLUDING PROPERTY OWNED BY WEAKLEY COUNTY, TN FOR THE BENEFIT OF WEAKLEY COUNTY MUNICIPAL ELECTRIC SYSTEM. PUBLISHED IN THE WEAKLEY COUNTY PRESS APRIL 23, 2009.**

Mayor Brundige introduced and presented for the public hearing Ordinance O2009-03: An ordinance to provide zoning services for a certain territory (approximately 17.8 acres) within the newly incorporated boundaries of the City Of Martin, Tennessee, To Receive A Zoning Designation Of R-1 (Low-Density Residential): Property measuring one foot north of the southern right of way of highway 22 from the current corporate limits to and including property owned by Weakley County, TN for the benefit of Weakley County Municipal Electric System. Published in the Weakley County Press April 23, 2009.

Recorder Mathis read Ordinance O2009-03. A copy was provided to members of the press and any interested citizens. A copy follows:

**ORDINANCE O2009-03**

**AN ORDINANCE TO PROVIDE ZONING SERVICES FOR A CERTAIN TERRITORY (APPROXIMATELY 17.8 ACRES) WITHIN THE NEWLY INCORPORATED BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE, TO RECEIVE A ZONING DESIGNATION OF R-1 (LOW-DENSITY RESIDENTIAL): PROPERTY MEASURING ONE FOOT NORTH OF THE SOUTHERN RIGHT OF WAY OF HIGHWAY 22 FROM THE CURRENT CORPORATE LIMITS TO AND INCLUDING PROPERTY OWNED BY WEAKLEY COUNTY, TN FOR THE BENEFIT OF WEAKLEY COUNTY MUNICIPAL ELECTRIC SYSTEM**

**WHEREAS**, pursuant to Tennessee Code Annotated Sections 13-7-201 through 13-7-210 a municipal zoning ordinance has been adopted for the City of Martin; and,

**WHEREAS**, the Martin Municipal-Regional Planning Commission has recommended the following amendment to the Zoning Map to zone said property R-1; and,

**WHEREAS**, pursuant to Tennessee Code Annotated Section 13-7-203, a public hearing was held, the time and place of which was published with fifteen days advance notice;

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

**Section 1.** That the Martin Municipal Zoning Map be amended by providing zoning services in the form of an R-1 (Low-Density Residential) designation to an annexed area referred to as a portion of the Old Salem Road and more fully described as follows:

Beginning at a point, said point being the intersection of the southern right of way of State Route 22 and the easternmost current corporate limits boundary of Martin,

Tennessee as of March 31, 2009; thence in a northerly direction along said eastern corporate limits boundary a distance of one foot to a point; thence in a easterly and southeasterly direction along a projected line, maintaining a distance of one foot north of and parallel to the southern right of way of State Route 22 to a point, said point being the intersection of said projected line and a northerly projected line of the eastern boundary of parcel 10.01, Weakley County tax map 91, 2008; thence in a southerly direction along said projected line and continuing in a southerly direction along the eastern boundary of said parcel 10.01 to it's intersection with the current Urban Growth Boundary for Martin, Tennessee; thence in a northwesterly direction along the current Urban Growth Boundary of Martin, Tennessee to it's intersection with the eastern boundary of parcel 6.00, Weakley County tax map 91, 2008; thence in a northerly direction along the eastern boundary of said parcel 6.00 to the southernmost corner of parcel 7.00, Weakley County tax map 91, 2008; thence in a northeasterly direction along the eastern boundary of said parcel 7.00 to it's intersection with the southern right of way of State Route 22; thence in a northwesterly and then westerly direction along said southern right of way to the point of beginning. Said area consists of approximately 17.8 acres.

**Section 2.** BE IT FURTHER ORDAINED that this Ordinance shall take effect 30 days from and after its passage, THE WELFARE OF THE CITY REQUIRING IT.

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Passed First Reading

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Passed Second Reading

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Public Hearing

ATTEST:

SIGNED:

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Chris Mathis, City Recorder

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Randy Brundige, Mayor

**PUBLIC HEARING FOR ORDINANCE O2009-03:**

Mayor Brundige opened the public hearing by asking if there was anyone present wishing to speak for or against Ordinance O2009-03.

No one spoke.

Mayor Brundige closed the Public Hearing for Ordinance O2009-03.



**PUBLIC HEARING OF RESOLUTION R2009-09: A RESOLUTION ADOPTING A PLAN OF SERVICES FOR AN AREA (APPROXIMATELY 17.8 ACRES) MEASURING ONE FOOT NORTH OF THE SOUTHERN RIGHT OF WAY OF HIGHWAY 22 FROM THE CURRENT CORPORATE LIMITS TO AND INCLUDING PROPERTY OWNED BY WEAKLEY COUNTY, TN FOR THE BENEFIT OF WEAKLEY COUNTY MUNICIPAL ELECTRIC SYSTEM. PUBLISHED IN THE WEAKLEY COUNTY PRESS APRIL 23, 2009.**

Mayor Brundige introduced and presented for the public hearing Resolution R2009-09: A resolution adopting a plan of services for an area (approximately 17.8 acres) measuring one foot north of the southern right of way of highway 22 from the current corporate limits to and including property owned by Weakley County, TN for the benefit of Weakley County Municipal Electric System. Published in the Weakley County Press April 23, 2009.

Recorder Mathis read Resolution R2009-09. A copy was provided to members of the press and any interested citizens. A copy follows:

**RESOLUTION R2009-09**

**A RESOLUTION ADOPTING A PLAN OF SERVICES FOR AN AREA (APPROXIMATELY 17.8 ACRES) MEASURING ONE FOOT NORTH OF THE SOUTHERN RIGHT OF WAY OF HIGHWAY 22 FROM THE CURRENT CORPORATE LIMITS TO AND INCLUDING PROPERTY OWNED BY WEAKLEY COUNTY, TN FOR THE BENEFIT OF WEAKLEY COUNTY MUNICIPAL ELECTRIC SYSTEM**

**WHEREAS**, Tennessee Code Annotated 6-51-102 as amended requires that a plan of service be adopted by the governing body of a city upon annexing an area; and,

**WHEREAS**, the Martin Municipal-Regional Planning Commission has recommended the following Plan of Services for the annexation of an area one foot north of the southern Highway 22 right of way to and including property owned by Weakley County, TN for the benefit of Weakley County Municipal Electric System.

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

**SECTION 1.** Pursuant to Tennessee Code Annotated Section 6-51-102, there is hereby adopted for the proposed annexation area the following Plan of Services:

A. Police

- (1) Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment, will be provided on the effective date of annexation.
- (2) No additional personnel or equipment will be added during the first year after the effective date of annexation, but as the area develops, additional personnel and equipment will be expanded as needed.

- B. Fire
  - (1) Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided on the effective date of annexation.
  - (2) No additional personnel or equipment will be added during the first year after effective date of annexation, but with the growth and development of the area additional personnel and equipment will be expanded as needed.
- C. Water
  - (1) Water for domestic, commercial and industrial use will be provided at the rates presently charged by the City of Martin, on the effective date of annexation, and thereafter from new lines as extended in accordance with current policies of the city.
  - (2) Water for fire protection is currently available, with additional fire hydrants to be added as development occurs.
- D. Sewer

The necessary sewer lines will be installed on undeveloped property according to current city policies. Sewer is available to this area.
- E. Refuse Collection

The same regular refuse collection services now provided within the City will be extended to the annexed areas within one month after the effective date of annexation.
- F. Inspection Services

Any inspection services now provided by the city will begin in the annexed areas on the effective date of annexation.
- G. Planning and Zoning

The planning and zoning jurisdiction of the city will extend to the annexed areas on the effective date of annexation. City planning will thereafter encompass the annexed areas. According to an ordinance proposed by the Martin Municipal-Regional Planning Commission, the area will be zoned R-1 (Low-Density Residential).
- H. Miscellaneous

Street name signs where needed will be installed as new streets are opened in the annexed area.

**SECTION 2.** THAT THIS RESOLUTION shall take effect 30 days from and after the date of final reading of the annexation ordinance, THE WELFARE OF THE CITY REQUIRING IT.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2009, FOLLOWING A PUBLIC HEARING.

ATTEST:

SIGNED:

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Chris Mathis, City Recorder

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Randy Brundige, Mayor

### **PUBLIC HEARING FOR RESOLUTION R2009-09:**

Mayor Brundige opened the public hearing by asking if there was anyone present wishing to speak for or against Resolution R2009-09.

No one spoke.

Mayor Brundige closed the Public Hearing for Resolution R2009-09.

### **REOPEN REGULAR MEETING**

Mayor Brundige reopened the regular meeting.

**VOTE: SECOND AND FINAL READING OF ORDINANCE O2009-02: AN ORDINANCE TO ANNEX CERTAIN TERRITORY (APPROXIMATELY 17.8 ACRES) AND INCORPORATE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE, PROPERTY MEASURING ONE FOOT NORTH OF THE SOUTHERN RIGHT OF WAY OF HIGHWAY 22 FROM THE CURRENT CORPORATE LIMITS TO AND INCLUDING PROPERTY OWNED BY WEAKLEY COUNTY, TN FOR THE BENEFIT OF WEAKLEY COUNTY MUNICIPAL ELECTRIC SYSTEM.**

Mayor Brundige introduced and presented for consideration the second and final reading Ordinance O2009-02: An ordinance to annex certain territory (approximately 17.8 acres) and incorporate same within the corporate boundaries of the City Of Martin, Tennessee, property measuring one foot north of the southern right of way of highway 22 from the current corporate limits to and including property owned by Weakley County, TN for the benefit of Weakley County Municipal Electric System. Ordinance O2009-02 has been read and the public hearing held. I will ask for a motion to approve Ordinance O2009-02 on the second and final reading.

Alderman Belote made the motion to approve the second and final reading of Ordinance O2009-02: An ordinance to annex certain territory (approximately 17.8 acres) and incorporate same within the corporate boundaries of the City Of Martin, Tennessee, property measuring one-foot north of the southern right of way of highway 22 from the current corporate limits to and including property owned by Weakley County, TN for the benefit of Weakley County Municipal Electric System, seconded by Alderman Edwards.

Mayor Brundige asked if there was any discussion concerning Ordinance O2009-02. If not, I will ask for roll call vote. There was none.

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

Mayor Brundige declared Ordinance O2009-02 approved on the second and final reading.

**VOTE: SECOND AND FINAL READING OF ORDINANCE O2009-03: AN ORDINANCE TO PROVIDE ZONING SERVICES FOR A CERTAIN TERRITORY (APPROXIMATELY 17.8 ACRES) WITHIN THE NEWLY INCORPORATED BOUNDARIES OF THE CITY OF MARTIN, TENNESSEE, TO RECEIVE A ZONING DESIGNATION OF R-1 (LOW-DENSITY RESIDENTIAL): PROPERTY MEASURING ONE FOOT NORTH OF THE SOUTHERN RIGHT OF WAY OF HIGHWAY 22 FROM THE CURRENT CORPORATE LIMITS TO AND INCLUDING PROPERTY OWNED BY WEAKLEY COUNTY, TN FOR THE BENEFIT OF WEAKLEY COUNTY MUNICIPAL ELECTRIC SYSTEM.**

Mayor Brundige introduced and presented for consideration the second and final reading Ordinance O2009-03: An ordinance to provide zoning services for a certain territory (approximately 17.8 acres) within the newly incorporated boundaries of the City Of Martin, Tennessee, To Receive A Zoning Designation Of R-1 (Low-Density Residential): Property measuring one foot north of the southern right of way of highway 22 from the current corporate limits to and including property owned by Weakley County, TN for the benefit of Weakley County Municipal Electric System. Ordinance O2009-03 has been read and the public hearing held. I will ask for motion to approve Ordinance O2009-03 on the second and final reading.

Alderman Belote made the motion to approve Ordinance O2009-03: An ordinance to provide zoning services for a certain territory (approximately 17.8 acres) within the newly incorporated boundaries of the City Of Martin, Tennessee, To Receive A Zoning Designation Of R-1 (Low-Density Residential): Property measuring one foot north of the southern right of way of highway 22 from the current corporate limits to and including property owned by Weakley County, TN for the benefit of Weakley County Municipal Electric System, seconded by Alderman Hankins.

Mayor Brundige asked if there was any discussion concerning Ordinance O2009-03. If not, I will ask for a roll call vote. There was none.



## **ANY OTHER OLD BUSINESS**

There was none.

## **NEW BUSINESS:**

### **APPOINTMENT TO THE WEAKLEY COUNTY ECONOMIC DEVELOPMENT BOARD; FOUR-YEAR TERM JULY 01, 2009 THROUGH JUNE 30, 2013: MS. HOLLIE HOLT AND MR. LARRY ALEXANDER**

Mayor Brundige introduced for consideration the appointment of Ms. Hollie Holt and Mr. Larry Alexander for a four-year term, July 01, 2009 through June 30, 2013 to the Weakley County Economic Development Board.

Alderman Nanney made the motion to appoint Ms. Hollie Holt and Mr. Larry Alexander for a four-year term, July 01, 2009 through June 30, 2013 to the Weakley County Economic Development Board, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

### **INTRODUCTION AND PRESENTATION FOR CONSIDERATION RESOLUTION R2009-13: IDENTITY THEFT POLICY AND ADOPTING RESOLUTION**

Mayor Brundige introduced and presented for consideration Resolution R2009-13: Identity Theft Policy and Adopting Resolution.

Recorder Mathis read R2009-13. A copy has been provided to all interested person and members of the press. A copy follows:

#### **RESOLUTION R2009-13**

##### **IDENTITY THEFT POLICY AND ADOPTING RESOLUTION**

WHEREAS, the Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, those rules become effective November 1, 2008, and require municipal utilities and other departments to implement an identity theft program and policy, and

WHEREAS, The City of Martin has determined that the following policy is in the best interest of the municipality and its citizens. NOW, THEREFORE,

BE IT RESOLVED by the City of Martin that the following is hereby approved:

## **IDENTITY THEFT POLICY**

### **SECTION 1: BACKGROUND**

The risk to the municipality, its employees and customers from data loss and identity theft is of significant concern to the municipality and can be reduced only through the combined efforts of every employee and contractor.

### **SECTION 2: PURPOSE**

The municipality adopts this sensitive information policy to help protect employees, customers, contractors and the municipality from damages related to the loss or misuse of sensitive information.

This policy will:

- Define sensitive information;

- Describe the physical security of data when it is printed on paper;

- Describe the electronic security of data when stored and distributed; and

- Place the municipality in compliance with state and federal law regarding identity theft protection.

This policy enables the municipality to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the municipality from fraudulent new accounts. The program will help the municipality:

- Identify risks that signify potentially fraudulent activity within new or existing covered accounts;

- Detect risks when they occur in covered accounts;

- Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and

- Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

### **SECTION 3: SCOPE**

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the municipality, including all personnel affiliated with third parties.

### **SECTION 4: POLICY**

#### **4.A: Sensitive Information Policy**

##### **4.A.1: Definition of Sensitive Information**

Sensitive information includes the following items whether stored in electronic or printed format:

##### **4.A.1.a: Credit card information, including any of the following:**

Credit card number (in part or whole)

Credit card expiration date

Cardholder name

Cardholder address

##### **4.A.1.b: Tax identification numbers, including:**

Social Security number

Business identification number

Employer identification numbers

##### **4.A.1.c: Payroll information, including, among other information:**

Paychecks

Pay stubs

##### **4.A.1.d: Cafeteria plan check requests and associated paperwork**

##### **4.A.1.e: Medical information for any employee or customer, including but not limited to:**

Doctor names and claims

Insurance claims



Prescriptions

Any related personal medical information

**4.A.1.f:** Other personal information belonging to any customer, employee or contractor, examples of which include:

Date of birth

Address

Phone numbers

Maiden name

Names

Customer number

**4.A.1.g:** Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Tennessee Public Records Act and the municipality's open records policy. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor. In the event that the municipality cannot resolve a conflict between this policy and the Tennessee Public Records Act, the municipality will contact the Tennessee Office of Open Records.

#### **4.A.2: Hard Copy Distribution**

Each employee and contractor performing work for the municipality will comply with the following policies:

File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.

Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.

Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.

Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.

When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD)-approved shredding device. Locked shred bins are labeled "*Confidential*

*paper shredding and recycling.*” Municipal records, however, may only be destroyed in accordance with the city’s records retention policy.

#### **4.A.3: Electronic Distribution**

Each employee and contractor performing work for the municipality will comply with the following policies:

Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.

Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

*“This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”*

### **SECTION 5: ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM**

If the municipality maintains certain covered accounts pursuant to federal legislation, the municipality may include the additional program details.

#### **5.A: Covered accounts**

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing customer account that meets the following criteria is covered by this program:

Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft; or

Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the municipality from identity theft, including financial, operational, compliance, reputation, or litigation risks.

#### **5.B: Red flags**

**5.B.1:** The following red flags are potential indicators of fraud. Any time a red flag, or a situation closely resembling a red flag, is apparent, it should be investigated for verification.

Alerts, notifications or warnings from a consumer reporting agency;

A fraud or active duty alert included with a consumer report;

A notice of credit freeze from a consumer reporting agency in response to a request for a

consumer report; or

A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

**5.B.2:** Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

A recent and significant increase in the volume of inquiries;

An unusual number of recently established credit relationships;

A material change in the use of credit, especially with respect to recently established credit relationships; or

**An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.**

**5.C: Suspicious documents**

**5.C.1:** Documents provided for identification that appear to have been altered or forged.

**5.C.2:** The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

**5.C.3:** Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

**5.C.4:** Other information on the identification is not consistent with readily accessible information that is on file with the municipality, such as a signature card or a recent check.

**5.C.5:** An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

**5.D: Suspicious personal identifying information**

**5.D.1:** Personal identifying information provided is inconsistent when compared against external information sources used by the municipality. For example:

The address does not match any address in the consumer report;

The Social Security number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File; or

Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.

**5.D.2:** Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the municipality. For example, the address on an application is the same as the address provided on a fraudulent application

**5.D.3:** Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the municipality. For example:

The address on an application is fictitious, a mail drop, or a prison; or

The phone number is invalid or is associated with a pager or answering service.

**5.D.4:** The SSN provided is the same as that submitted by other persons opening an account or other customers.

**5.D.5:** The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.

**5.D.6:** The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.

**5.D.7:** Personal identifying information provided is not consistent with personal identifying information that is on file with the municipality.

**5.D.8:** When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

#### **5.E: Unusual use of, or suspicious activity related to, the covered account**

**5.E.1:** Shortly following the notice of a change of address for a covered account, the municipality receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.

**5.E.2:** A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments

**5.E.3:** A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

Nonpayment when there is no history of late or missed payments;

A material change in purchasing or usage patterns

**5.E.4:** A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

**5.E.5:** Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

**5.E.6:** The municipality is notified that the customer is not receiving paper account statements.

**5.E.7:** The municipality is notified of unauthorized charges or transactions in connection with a customer's covered account.

**5.E.8:** The municipality receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the municipality

**5.E.9:** The municipality is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

## **SECTION 6: RESPONDING TO RED FLAGS**

**6.A: Once potentially fraudulent activity is detected, an employee must act quickly as a rapid appropriate response can protect customers and the municipality from damages and loss.**

**6.A.1:** Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Present this information to the designated authority for determination.

**6.A.2:** The designated authority will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.

**6.B: If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:**

Canceling the transaction;

Notifying and cooperating with appropriate law enforcement;

Determining the extent of liability of the municipality; and

Notifying the actual customer that fraud has been attempted.

## **SECTION 7: PERIODIC UPDATES TO PLAN**

**7.A:** At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

**7.B:** Periodic reviews will include an assessment of which accounts are covered by the program.

**7.C:** As part of the review, red flags may be revised, replaced or eliminated. Defining new red flags may also be appropriate.

**7.D:** Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the municipality and its customers.

## **SECTION 8: PROGRAM ADMINISTRATION**

### **8.A: Involvement of management**

The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs, and its importance warrants the highest level of attention.

The Identity Theft Prevention Program is the responsibility of the governing body. Approval of the initial plan must be appropriately documented and maintained.

Operational responsibility of the program is delegated to the Human Resources Department.

### **8.B: Staff training**

Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the municipality or its customers.

Human Resources Department is responsible for ensuring identity theft training for all requisite employees and contractors.

Employees must receive annual training in all elements of this policy.

To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

### **8.C: Oversight of service provider arrangements**

It is the responsibility of the municipality to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

A service provider that maintains its own identity theft prevention program, consistent with

the guidance of the red flag rules and validated by appropriate due diligence, may be considered to be meeting these requirements.

**Any specific requirements should be specifically addressed in the appropriate contract arrangements.**

This resolution will take effect immediately upon its passage, the public welfare requiring it.

Approved this 11<sup>th</sup> day of May, 2009

ATTEST:

SIGNED:

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

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

You all have heard the reading of Resolution 2009-13. Do I have a motion to adopt the resolution?

Alderman Hankins made the motion to approve Resolution R2009-13: Identify Theft Policy and Adopting Resolution, seconded by Alderman Harrison.

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

Mayor Brundige declared Resolution R2009-13 approved.

**INTRODUCTION AND PRESENTATION FOR CONSIDERATION THE FIRST READING OF ORDINANCE O2009-04: AN ORDINANCE TO AMEND THE EXISTING NOISE ORDINANCE FOUND IN CHAPTER 4 OF THE MARTIN MUNICIPAL CODE**

Mayor Brundige introduced and presented for consideration the first reading Ordinance O2009-04: An ordinance to amend the existing Noise Ordinance found in Chapter 4 of the Martin Municipal Code.

Recorder Mathis read Ordinance O2009-04. A copy was provided for any interested citizens and members of the press. A copy follows:

## **ORDINANCE 02009-04**

### **AN ORDINANCE TO AMEND THE EXISTING NOISE ORDINANCE FOUND IN CHAPTER 4 OF THE MARTIN MUNICIPAL CODE**

**WHEREAS**, excessive sound is a hazard to the public health, welfare, safety, and quality of life; and

**WHEREAS**, a substantial body of science and technology exists to determine sound levels for determination of abatement needs; and

**WHEREAS**, such technology is available for use by appropriate authorities when needed; and

**WHEREAS**, the Martin Police Department or agents thereof may employ the use of such technology and devices as approved by the Chief of Police in order to determine noise levels upon complaint or detection for the purpose of abatement within the scope of the municipal noise ordinance.

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

**SECTION 1.** The following shall be added to the City of Martin Municipal Code, Title 11, Chapter 4, Offenses Against the Peace and Quiet

#### **CHAPTER 4**

##### **Section 11-403**

##### **Employment of Sound Detection Equipment**

When employing detection equipment used to determine the ambient sound level, an officer may attempt to determine any sound source on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the background sound level by at least 10 dBA during daytime (7:00 a.m. to 11:00 p.m.) hours and by at least 5 dBA during nighttime (11:00 p.m. to 7:00 a.m.) hours when measured at or within the real property line of the receiving property, except as provided in the exemptions section of this ordinance.

If sound detection equipment is used by an officer or agent of the Martin Police department and violations are determined based on use of such equipment, the following information should be documented by the officer upon issuance of a citation:

- a) The date, day of the week, and times at which measurements are taken;
- b) The weather conditions;
- c) The normal operating cycle of the sources in question with a description of the sources;



- d) The ambient sound level, in dBA, with the sources in question operating;
- e) Appropriate description of locations and relevant distances, containing sufficient information for another investigator to repeat the measurements under similar conditions.

Prior to taking noise measurements, the investigator shall explore the vicinity of the source in question to identify any other sound sources that could affect measurements, to establish the approximate location and character of the principal sound source, and to select suitable locations from which to measure the sound from the source in question.

Exemptions

The following are exempt from noise ordinance violations:

- a) Noise from emergency signaling devices;
- b) Noise from an exterior burglar alarm of any building provided such burglar alarm shall terminate its operation with 5 minutes of its activation;
- c) Noise from domestic power tools, lawn mowers, and agricultural equipment;
- d) Sound from church bells and chimes when a part of a religious observance or service;
- e) Noise from construction activity provided all motorized equipment used in such activity is equipped with functioning mufflers;
- f) The generation of sound for the purpose of alerting persons to the existence of an emergency;
- g) The generation of sound in the performance of emergency work; or
- h) Noise generated from municipally sponsored or approved celebrations or events.

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

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

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

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

ATTEST:

SIGNED:

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

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

Alderman Belote made a motion to approve Ordinance O2009-04: An ordinance to amend the existing Noise Ordinance found in Chapter 4 of the Martin Municipal Code, seconded by Alderman Harrison.

Mayor Brundige asked if there was any discussion concerning Ordinance O2009-04. If not, I will ask for a roll call vote. There was none.



**NOW, THEREFORE BE IT RESOLVED**, by the Board of Alderman of the City of Martin, that Randy Brundige, and successors urges the participation of local government, law enforcement, schools, community-based organizations, and families in the protection and education of all individuals about child abduction and sexual exploitation, appropriate protection measures, and ways to respond and seek help from law enforcement, social services, and the National Center of Missing & Exploited Children.

**THEREFORE, BE IT FURTHER RESOLVED** that the City of Martin, Martin, Tennessee encourages all individuals to take 25 minutes to help children stay safer.

**THEREFORE, BE IT FURTHER RESOLVED** by the City of Martin, Martin, Tennessee that May 25<sup>TH</sup> be set aside annually as National Missing Children's Day as part of the City of Martin's continuing efforts to prevent the abduction and sexual exploitation of children.

**BE IT FURTHER RESOLVED** that this resolution shall take effect from and after its passage, **THE PUBLIC WELFARE REQUIRING IT.**

Approved this 11th, day of May in the year of 2009

ATTEST:

SIGNED:

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

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

Mayor Brundige explained you have heard the reading of Resolution R2009-14. Do I have a motion to approve?

Alderman Hankins made the motion to approve Resolution R2009-14: Resolution for National Center for Missing and Exploited Children to establish National Children's Day, May 25<sup>th</sup>, seconded by Alderman Harrison.

Chief Moore spoke if you all pass the resolution, this will be the first year the City of Martin has recognized the state's Twenty-Five Program. It is scheduled for May 25<sup>th</sup>, however this year May 25<sup>th</sup> falls on a holiday. Therefore, the Police Department and the City will celebrate on May 22<sup>nd</sup>. We wanted to get it on the books as the National observation day, which is May 25<sup>th</sup> of each year. On May 22<sup>nd</sup> we will set up at Wal-Mart to fingerprint children, pass out literature, and talk to parents about child safety measures. The Martin Fire Department will assist the Police Department and our partner The Carl Perkins Center in this endeavor.

Mayor Brundige asked if there were any other discussion concerning Resolution R2009-14. If not, I will ask for a roll call vote. There was no other discussion.

