

MARTIN BOARD OF MAYOR AND ALDERMEN

OCTOBER 12, 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, October 12, 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, Building Inspector Billy Stout, Human Resources Director Celeste Taylor, Public Works Director Billy Wagster, Library Director Roberta Peacock, Community Development Director Kimberly Craddock, Police Captain Don Teal, and members of the press.

CALL TO ORDER AND INVOCATION

Mayor Brundige called the October 12th regular meeting of the City of Martin Board of Mayor and Aldermen to order. Alderman Nanney gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES SEPTEMBER 14TH REGULAR MEETING & SEPTEMBER 28TH CALLED MEETING

Mayor Brundige introduced and presented for consideration the minutes of the September 14th Regular Meeting and September 28th Special Called Meeting as written and asked if there were any additions or deletions. There were none.

Alderman Harrison made the motion to approve the September 14th Regular Meeting and September 28th Special Called Meeting minutes of the City of Martin Board of Mayor and Aldermen as written, seconded by Alderman Hankins.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

DEPARTMENT HEAD REPORTS

LIBRARY

DIRECTOR ROBERTA PEACOCK

Director Peacock presented the board with the library monthly and quarterly reports and asked if there were any questions. Copies are attached to the minutes.

Director Peacock further explained the library will sponsor three workshops this month Dog Safety for Children, Home Buying, and Genealogy. To celebrate Halloween the library will host the Great Pumpkin Party. The downtown merchants are being very gracious by participating in the Halloween Celebration by allowing our children to trick or treat the business.

COMMUNITY DEVELOPMENT DIRECTOR KIMBERLY CRADDOCK

Director Craddock announced the Martin Business Association will meet tomorrow morning in the courtroom at 7:30 am.

Director Craddock explained the Veteran's Day Parade is scheduled for Saturday, November 7th and the City of Martin/Kiwanis Club Christmas Parade is scheduled for Monday, December 7th.

BUILDING INSPECTOR

BILLY STOUT

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

HUMAN RESOURCES

DIRECTOR CELESTE TAYLOR

Director Taylor was present and explained extra dispensers containing hand sanitizers are being installed for all employees to use. We hope this will prevent the spread of the flu.

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.

Chief Schwahn further explained former Fire Chief Oran True's brother passed away after a long illness. Our department showed our respect for Chief True by sending flowers and two of my firefighters attended the funeral. Chief True really appreciated our support for him and his family.

PUBLIC WORKS

DIRECTOR BILLY WAGSTER

Director Wagster asked if there were any questions concerning his monthly report.

Director Wagster further explained the street restoration company will be back in Martin in the next couple of weeks to complete street restoration. We plan to do restoration on Harrison Road and Main Street. If you all have any other areas we need to consider please let us know.

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.

Chief Moore explained I just returned from Denver where I attended a workshop for retrofitting or building Public Safety facilities. I gleaned a lot of information and hope to use this when we renovate this building. The Mayor and I will be meeting with TLM Engineers on Wednesday of this week and I will take this information to share with the engineers that will be helping us with the renovation.

I represented the State of Tennessee at the International Chief's Association Conference this last week. Through this organization a prototype for officer safety issues called Project Safe Shield has been developed that will focus on officer safety through the Safe Cop Program. The pilot study will include five states with three cities in each state. The Martin Police Department has been asked to participate in the program.

Every five years the police department tries to replace our bulletproof vests. My department will be utilizing a 50% match Vest Grant. The vests will cost approximately \$15,000.00 and our match will be paid from the drug fund. We are looking at going with an outside-the-uniform vest hoping to encourage more use.

OLD BUSINESS:

There was none.

ANY OTHER BUSINESS

There was none.

NEW BUSINESS:

**INTRODUCTION AND PRESENTATION OF RESOLUTION R2009-22:
RESOLUTION AUTHORIZING THE CITY OF MARTIN, TENNESSEE,
TO COMPLY WITH THE MINIMUM TRAINING REQUIREMENT FOR
FIREFIGHTERS**

Mayor Brundige introduced and presented for consideration Resolution R2009-22: Resolution authorizing the City of Martin, Tennessee, to comply with the minimum training requirements for firefighters.

Recorder Mathis read R2009-22. A copy was given to all interested persons and members of the media. A copy follows:

RESOLUTION 2009-22

**RESOLUTION AUTHORIZING THE CITY OF MARTIN,
TENNESSEE TO COMPLY WITH THE MINIMUM
TRAINING REQUIREMENT FOR FIREFIGHTERS**

WHEREAS, *Tennessee Code Annotated*, Title-I, Chapter 24, Section 112 was amended by the 1416th Tennessee General Assembly requiring additional requirements for firemen: however the City of Martin was excluded from this law: and

WHEREAS, City of Martin Firemen are continuously in the process of satisfying these requirements and it is the intent of this resolution to apply such requirements of TCA 4-24-112 to City of Martin Firemen.

NOW, THEREFORE BE IT RESOLVED, by the Board of Mayor and Aldermen for the City of Martin, Tennessee assembled in regular session on this the 12th day of October 2009 in Martin, Tennessee that all City of Martin Firemen are now subject to the requirements of TCA 4-24-112.

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

BE IT FURTHER RESOLVED, that this resolution takes effect from and after its passage, **THE PUBLIC WELFARE REQUIRING IT**. This resolution shall be spread upon the minutes of the City of Martin Board of Mayor and Aldermen. Date Approved: _____.

ATTEST:

Chris Mathis, CPA
City Recorder

SIGNED:

Randy Brundige,
Mayor

Alderman Edwards made the motion to approve Resolution R2009-22: Resolution authorizing the City of Martin, Tennessee, to comply with the minimum training requirements for firefighters, seconded by Alderman Nanney.

Mayor Brundige asked if there was any discussion concerning R2009-22. There was none. Roll call vote:

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

Mayor Brundige declared Resolution R2009-22 approved.

**INTRODUCTION AND PRESENTATION OF RESOLUTION R2009-23:
RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION
REQUESTING FUNDS FOR THE 2010 TRANSPORTATION
ENHANCEMENT PROJECT (TEP) PHASE III OF THE DOWNTOWN
IMPROVEMENT PROJECT**

Mayor Brundige introduced and presented for consideration Resolution R2009-23: Resolution authorizing submittal of an application requesting funds for the 2010 Transportation Enhancement Project (TEP) Phase III of the Downtown Improvement Project.

Recorder Mathis read Resolution R2009-23. A copy was given to all interested persons and members of the media. A copy follows:

RESOLUTION 2009-23

**AUTHORIZING THE SUBMITTAL OF AN APPLICATION REQUESTING FUNDS
FOR THE 2010 TRANSPORTATION ENHANCEMENT PROJECT (TEP) PHASE III
OF THE MARTIN DOWNTOWN IMPROVEMENT PROJECT**

WHEREAS, the Tennessee Department of Transportation has responsibility for the administration of the Tennessee Department of Transportation-Transportation Enhancement Program (TEP), which is, designed to assist communities in their efforts to enhance transportation concerns.

WHEREAS, the City of Martin, acting by and through its Board of Aldermen proposes to apply for 2010 TEP funds for the purpose of performing eligible transportation enhancement activities that will benefit the majority of the residents of the City of Martin.

WHEREAS, the City of Martin will provide local financial support in conjunction with the TEP funds to complete the project; and

WHEREAS, the City of Martin, as a recipient is required to designate and appoint a Financial Officer to perform certain duties in the administration of said grant.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Martin as follows:

THAT, Mayor Randy Brundige is hereby authorized to execute and submit an application with appropriate assurances to the State of Tennessee, Department of Transportation, requesting Fiscal Year 2010 TEP funds for Phase III of the Martin Downtown Improvement Project: and

THAT, the City of Martin will be responsible for the local cash/match toward the project to be provided in full by the general account; and

THAT, Mayor Randy Brundige be and is hereby designated and appointed as Financial Officer and to perform on behalf of the City of Martin, Tennessee, those acts and assume such duties as are consistent with said position.

BE IT FURTHER RESOLVED that this resolution shall take effect from and after its passage,

THE PUBLIC WELFARE REQUIRING IT.

Read and adopted this 12th day of October in the year of 2009.

ATTEST:

Chris Mathis CPA, City Recorder

SIGNED:

Randy Brundige, Mayor

Alderman Nanney made the motion to approve Resolution R2009-23: Resolution authorizing submittal of an application requesting funds for the 2010 Transportation Enhancement Project (TEP) Phase III of the Downtown Improvement Project, seconded by Alderman Belote.

Mayor Brundige asked if there was any discussion concerning R2009-23. There was none. Roll call vote:

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

Mayor Brundige declared Resolution R2009-23 approved.

INTRODUCTION, PRESENTATION AND FIRST READING OF ORDINANCE O2009-08: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING A TRACT OF LAND LOCATED AT THE NORTHWEST INTERSECTION OF CHURCH AND CARLTON STREETS FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL). RECOMMENDED BY THE PLANNING COMMISSION.

Mayor Brundige introduced and presented for consideration the first reading of Ordinance O2009-08: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning a tract of land located at the northwest intersection of Church and Carlton Streets from R-2 (Medium Density Residential) to R-3 (High Density Residential).

Recorder Mathis read Ordinance O2009-08. A copy was given to all interested persons and members of the media. A copy follows:

ORDINANCE O2009-08

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING A TRACT OF LAND LOCATED AT THE NORTHWEST INTERSECTION OF CHURCH AND CARLTON STREETS FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL).

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 Mayor and Board of Aldermen has deemed such a rezoning of this territory from R-2 (Medium Density Residential) to R-3 (High Density Residential) 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 *Tennessee Code Annotated* Section 13-7-203 for the purpose of receiving public comment.

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

Section 1. That the Municipal Zoning Map and Zoning Ordinance for Martin, Tennessee be amended by rezoning from R-2 (Medium Density Residential) to R-3 (High Density Residential) the following tract of land located at the northwest intersection of Church and Carlton Streets and further described as:

Weakley County Tax Map 73E, Group A, Parcel 02900.

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:

APPROVED:

Chris Mathis, City Recorder

Randy Brundige, Mayor



PROPOSED REZONING

R-2 MEDIUM DENSITY RESIDENTIAL TO R-3 HIGH DENSITY RESIDENTIAL

MARTIN, TENNESSEE

Map Attachment For Ordinance # O2009-08



Alderman Tuck made the motion to approve on the first reading Ordinance O2009-08: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning a tract of land located at the northwest intersection of Church and Carlton Streets from R-2 (Medium Density Residential) to R-3 (High Density Residential), seconded by Alderman Harrison.

Mayor Brundige asked if there was any discussion concerning O2009-08. There was none. Roll call vote:

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

Mayor Brundige declared Ordinance O2009-08 approved on the first reading and set the second and final reading and public hearing for November 09, 2009 at 5:15 pm in the City Hall Courtroom.

**INTRODUCTION AND PRESENTATION OF RESOLUTION R2009-24:
RESOLUTION AMENDING THE CITY OF MARTIN'S PERSONNEL
POLICY REGARDING WORKERS' COMPENSATION SUPPLEMENTAL
PAYMENTS**

Mayor Brundige introduced and presented for consideration Resolution R2009-24: Resolution amending the City Of Martin's Personnel Policy regarding workers' compensation supplemental payments.

Recorder Mathis read R2009-24. A copy was provided for all interested persons and members of the media. A copy follows.

RESOLUTION R2009-24

**RESOLUTION AMENDING THE CITY OF MARTIN'S PERSONNEL POLICY
REGARDING WORKERS' COMPENSATION SUPPLEMENTAL PAYMENTS**

WHEREAS, the City of Martin Board of Mayor and Aldermen on February 9, 2004 adopted a personnel rules and regulations policy for the City of Martin which included policies regarding workers' compensation; and

WHEREAS, the Board of Mayor and Aldermen now desire to amend said personnel policy relating to workers' compensation issues.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Martin as follows:

SECTION 1. Section VI Part N (Workers' Compensation) be, and the same is hereby, repealed in its entirety, and the following policy is substituted in its place:

Employees on occupational disability leave due to an on-the-job injury will not be charged sick leave or vacation leave during the period of recovery. The employee will continue to accrue sick leave and vacation leave at the employee's regular rate while he/she is on occupational disability or injury leave.

Employees should immediately report any injury that is incurred in the course and scope of their employment, however minor, to their supervisor or department head and take such first aid or medical treatment as may be necessary. Any employee determined to have been able, but who fails to make such a report will not be eligible for occupational disability or injury leave. When an employee is injured on the job, the supervisor or department head will immediately notify the Human Resources Director, who will submit an accident report to the workers' compensation insurance provider and retain a copy in the safety file. Where an accident causes serious bodily injury or death to an employee, the department head will immediately notify the recorder who will notify the mayor.

All injuries arising out of and in the course of an employee's employment shall be governed by the Tennessee Workers' Compensation Law.

The local government will pay, for up to thirty days, the difference between workers' compensation and the employee's regular take home pay, taking into account the tax-free provision of workers' compensation benefits. (Any monies received as a benefit under workers' compensation must be deposited by the employee in original check or draft form with the recorder. The total amount of monies paid the employee each pay period will not exceed the full pay the employee would have received for the period at his/her regular straight-time or normal work period pay rate in effect as of the date of the injury.

The employee may remain on disability leave for another 30 calendar days after the initial posting 30 calendar day period has lapsed for a total of 60 days after the date of injury, if necessary for medical reasons. However, after the 60-day period has lapsed, the employee will receive only the indemnity rate from workers' compensation. The employee can supplement that indemnity rate using all vacation, sick and comp time earned to date. The total amount of monies paid the employee each pay period, however, shall not exceed the full pay the employee would have received for the period at his/her regular straight-time or normal work period pay rate in effect as of the date of the injury.

In highly unusual circumstances which shall be determined on a case by case basis and solely upon the discretion of approval by the governing body the total period of disability leave may be extended upon request by the employee from 60 days to 90 days. In addition, an employee may request advance vacation, sick, and comp time leave of up to 2 weeks. If advanced vacation leave is granted, it may be used to supplement the workers' compensation benefits as outlined in this subsection.

Employees on occupational disability leave due to an on-the-job injury will not be charged sick leave during the period of convalescence. They will not be charged vacation leave either unless they have chosen to supplement the workers' compensation benefits with vacation leave. Employees will continue to accrue sick leave and vacation leave at their regular rate while on occupational disability or injury leave.

In all cases of occupational disability, the responsibility of determining the character, degree and potential duration of an injury will rest with the treating physician (including any physician the employee is referred to and the treating physician for other treatment) selected by the employee from the panel of three licensed, practicing medical doctors designated by the mayor. The

treating medical doctor(s) may make periodic examinations, progress reports and recommendations as deemed necessary by or requested by the Human Resources Director

In the case where occupational disability to an employee occurs and the employee has been reported as occupationally disabled for a period of 90 calendar days, the department head will review the progress of the case with, and make recommendations to the governing body. They will determine if the best interest of both the local government and employee would be served by returning the employee to light duty for a specified period of time as long as the employee's treating physician (including any physician the employee is referred to by the treating physician for their treatment) has concurred with or approved of such light duty work.

Before an employee is returned to full duty following an on-the-job injury, the employee must be certified by the treating physician as capable of performing the essential functions of the job, The physician will be furnished a copy of the job description, a list of the essential job functions as determined by the Human Resources Director and the department head, and a form listing the required capabilities. The attending physician must complete the form provided by the Human Resources Director documenting the employee's ability to perform the essential job functions. The local government reserves the right to obtain a second medical opinion from a physician of its choosing before a final decision is made and a return to light or full duty is made.

If an employee is unable to return to the position held at the time of the injury, the governing body will take reasonable steps to place the individual in a comparable position if one is available for which he/she is qualified and able to perform the essential functions, with or without reasonable accommodations.

Should an employee be unable to return to full duty within 60 days after the date of injury, or within 90 days if the governing body has approved the extended time, and no comparable position for which the employee is qualified is available, the employee may be subject to separation only if: he/she cannot perform the essential functions of the job due to a disability that cannot reasonably be accommodated; or the employee poses a direct threat to himself/herself or others.

In the event an employee is killed on the job, the local government will notify the Tennessee Department of Labor within 2 hours. The mayor will also notify the individual's immediate family and members of the governing body.

SECTION 2. BE IT FURTHER RESOLVED, that all resolutions of the Board of Mayor and Aldermen of the City of Martin, which conflict with this resolution, are hereby repealed.

SECTION 3. BE IT FURTHER RESOLVED, that the resolution takes effect from and after its passage, **THE PUBLIC WELFARE REQUIRING IT.**

ATTESTED:

SIGNED:

Chris Mathis, City Recorder, CPA

Randy Brundige, Mayor

Minutes: City of Martin Board of Mayor and Aldermen, October 12, 2009

Alderman Nanney made the motion to approve Resolution R2009-24: Resolution amending the City Of Martin's Personnel Policy regarding workers' compensation supplemental payments, seconded by Alderman Tuck.

Mayor Brundige asked if there was any discussion concerning R2009-24. There was none. Roll call vote:

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

Mayor Brundige declared Resolution R2009-24 approved.

ACCEPTANCE OF GOVERNOR'S HIGHWAY SAFETY OFFICE GRANT

Mayor Brundige introduced the Governor's Highway Safety Office Grant in the amount of \$51,630.90 that the Police Department applied for and received. Information concerning this grant is attached to the minutes.

Chief Moore explained GHSO grant funds are applied for each year and are 100% funded, which means no matching funds are required. When we are awarded a grant it has to be accepted by the board. This grant will target overtime for youth alcohol activities and \$30,000.00 for computer software components that will help us with mapping. We are very excited about this software.

Mayor Brundige asked if there were any more questions. There were none. Do I have a motion to accept the Governor's Highway Safety Office Grant for \$51,630.90?

Alderman Belote made the motion to allow the police department to accept the Governor's Highway Safety Office Grant for \$51,630.90, seconded by Alderman Harrison.

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

Mayor Brundige declared the motion approved.

ANY OTHER BUSINESS

There was none.

NOVEMBER MEETINGS:

Informal City Board Meeting	November 03, 2009
Regular City Board Meeting	November 09, 2009

ADJOURN

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

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

ATTEST:

SIGNED:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

RB: CM/bh
Saved "October 12, 2009"