

MARTIN BOARD OF MAYOR AND ALDERMEN

NOVEMBER 14, 2011 5:15 PM CITY COURTROOM

BE IT REMEMBERED the regular meeting of the Board of Mayor and Aldermen for the City of Martin, Tennessee, was held Monday, November 14, 2011, at 5:15 pm in the City courtroom, when the following was held to wit:

MEMBERS PRESENT: HONORABLE RANDY BRUNDIGE, MAYOR
 HONORABLE DANNY NANNEY, ALDERMAN WARD I
 HONORABLE 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, Director of Parks and Recreation Brian Moore, Public Works Director Billy Wagster, Building Inspector Billy Stout, Human Resources Director Celeste Taylor, Director of Weldon Library Roberta Peacock, Fire Chief Russell Schwahn, Fireman Jason Hauhe, Police Captain Don Teal, Representative from Senior Citizens Advisory Committee Mary Hooper, Representative from Senior Citizens Advisory Committee Shirley Allison, Representative from Senior Citizens Advisory Committee Patsy Beale, Representative from Senior Citizens Advisory Committee Kathy Taravella, Fireman Robert Gertsch and family members, Weakley County Chamber of Commerce Director Barbara Virgin, and members of the Media, Mr. Brent Harris, Mr. David Fisher and Ms. Sabrina Bates

CALL TO ORDER AND INVOCATION

Mayor Brundige called the November 14th regular meeting of the City of Martin Board of Mayor and Aldermen to order. Aldermen Hankins gave the invocation.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

OCTOBER 10, 2011

Mayor Brundige introduced and presented for consideration the minutes of the October 10th regular meeting as written and asked if there were any additions or deletions. There were none. Therefore a motion to approve was requested and follows:

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Alderman Nanney made the motion to approve the minutes of the October 10th regular meeting of the City of Martin Board of Mayor and Aldermen as written, seconded by Alderman Harrison.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

DEPARTMENT HEAD REPORTS:

FIRE DEPARTMENT

FIRE CHIEF RUSSELL SCHWAHN

Chief Schwahn was present and presented the Fire Department's monthly reports and asked if there were any questions. There were none. A copy is attached to the minutes.

PUBLIC WORKS

DIRECTOR BILLY WAGSTER

Director Wagster was present and presented Public Works' monthly reports and asked if there were any questions. There were none. A copy is attached to the minutes.

BUILDING DEPARTMENT

INSPECTOR BILLY STOUT

Inspector Stout was present and asked if there were any questions. There were none.

C. E. WELDON PUBLIC LIBRARY

DIRECTOR ROBERTA PEACOCK

Director Peacock was present and presented the library's reports and asked if there were any questions. There were none. A copy is attached to the minutes.

Director Peacock further notified the board that the \$16,000.00 grant the library received is being put to good use by purchasing computers for our computer lab and scheduling classes for library patrons. Some of the classes will emphasize areas for seeking employment such as complying resumes and job interviews, plus Basic Computer, Publisher, and Microsoft Word classes.

PARKS AND RECREATION

DIRECTOR BRIAN MOORE

Director Moore was present and presented Parks and Recreation's monthly reports and asked if anyone had any questions. There were none. Copies of these reports are attached to the minutes.

Director Moore explained – Parks and Recreation will start setting up Santa's Village next week.

POLICE DEPARTMENT

CHIEF DAVID MOORE

Chief Moore was present and presented the Police Department's monthly reports and asked if there were any questions. There were none. A copy is attached to the minutes.

HUMAN RESOURCES

DIRECTOR CELESTE TAYLOR

Director Taylor was present and asked if there were any questions. There were none.

ADMINISTRATION

CITY RECORDER CHRIS MATHIS

Recorder Mathis was present and stated he had nothing to report at this time.

**WEAKLEY COUNTY CHAMBER OF COMMERCE
DIRECTOR BARBARA VIRGIN**

Director Virgin reported – I would like to introduce a state program, Start-Up-Tennessee. Details are in the Chamber newsletter. I have also listed each holiday event that the Weakley County cities are sponsoring. Leadership Weakley County will start a new session soon and the deadline to apply is November 1st. Forty members of the West Tennessee Region Leadership class are volunteering to help with Santa's Village this year. We hope this will be a great success.

Director Virgin further encouraged everyone to shop at home as it benefits everyone by keeping our tax dollars in Weakley County. Our economy desperately needs it and if you can't find it in Weakley County, you don't need it.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

INTRODUCTION AND FIRST READING OF O2011-03: AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING TWO TRACTS OF LAND LOCATED AT 409 AND 411 LEE STREET FROM R-2 (MEDIUM DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) RECOMMENDATION FROM THE PLANNING COMMISSION

Mayor Brundige introduced and presented for consideration the first reading of O2011-03: An ordinance to amend the Municipal Zoning Ordinance and Map for Martin, Tennessee, by rezoning two tracts of land located at 409 and 411 Lee Street from R-2 (Medium Density Residential) to R-3 (High Density Residential). This is a recommendation from the Planning Commission.

Recorder Mathis read Ordinance O2011-03. A copy was available to members of the news media and any interested citizens. A copy follows:

ORDINANCE O2011-03

AN ORDINANCE TO AMEND THE MUNICIPAL ZONING ORDINANCE AND MAP FOR MARTIN, TENNESSEE, BY REZONING TWO TRACTS OF LAND LOCATED AT 409 AND 411 LEE STREET 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 amendments to the Martin 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 tracts of land located at 409 and 411 Lee Street and further described as:

Weakley County Tax Map 73M, Group B, Parcels 02202 and 02203

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

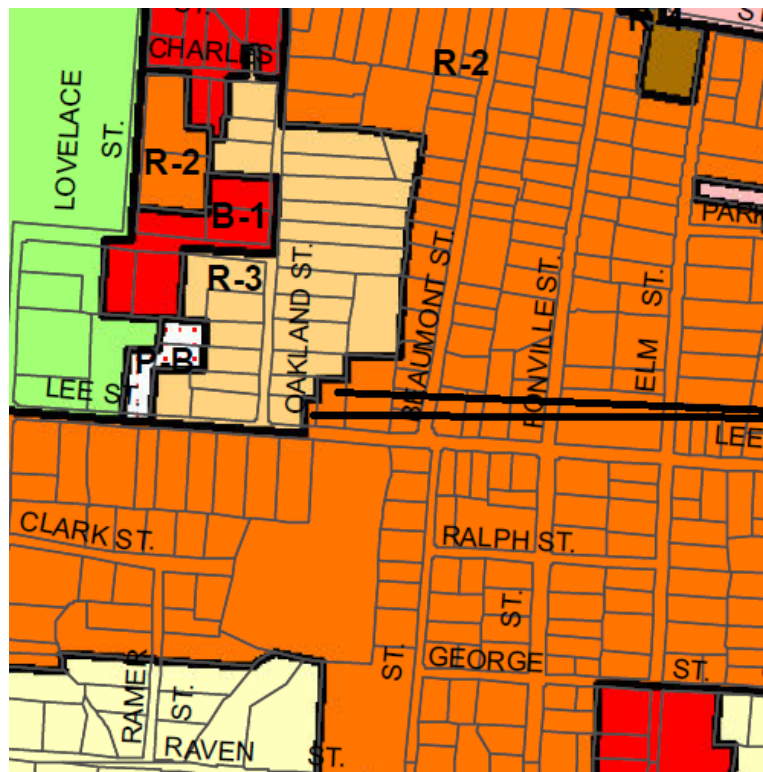
ATTESTED:

Chris Mathis, CPA
City Recorder

Date of Public Hearing

APPROVED:

Randy Brundige,
Mayor



Properties located at 409 & 411 Lee Street to be rezoned from R-2 to R-3

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Mayor Brundige explained – You have heard the reading of Ordinance O2011-03, is there a motion?

Alderman Harrison made the motion to approve the first reading Ordinance O2011-03: An ordinance to amend the Municipal Zoning Ordinance and Map For Martin, Tennessee, by rezoning two tracts of land located at 409 and 411 Lee Street from R-2 (Medium Density Residential) to R-3 (High Density Residential), seconded by Alderman Nanney.

Mayor Brundige explained – we have a motion and second to approve the first reading, is there any discussion? There was none, therefore a roll call vote was requested and follows:

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

Mayor Brundige declared the ordinance approved on the first reading and set the second and final reading for December 12, 2011 at 5:15 pm.

INTRODUCTION AND FIRST READING OF ORDINANCE 2011-04: AN ORDINANCE OF THE MARTIN, TENNESSEE BOARD OF MAYOR AND ALDERMEN AMENDING UPDATED AND REVISED PORTIONS OF THE CITY OF MARTIN'S PERSONNEL POLICIES AND PROCEDURES MANUAL

Mayor Brundige introduced and presented for consideration the first reading of Ordinance 2011-04: An ordinance of the Martin, Tennessee Board of Mayor and Aldermen amending updated and revised portions of the City of Martin's Personnel Policies and Procedures Manual. This is a recommendation from the Human Resources department.

Recorder Mathis read Ordinance O2011-04. A copy was available to members of the news media and any interested citizens. A copy follows:

ORDINANCE 2011-04

AN ORDINANCE OF THE MARTIN, TENNESSEE BOARD OF MAYOR AND ALDERMEN AMENDING UPDATED AND REVISED PORTIONS OF THE CITY OF MARTIN’S PERSONNEL POLICIES AND PROCEDURES MANUAL

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 and

WHEREAS, The Board of Mayor and Alderman now desire to amend said personnel policy

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

Section 1. The Martin Board of Mayor and Aldermen does hereby adopt and implement the attached document marked as:

Personnel Rules and Regulations
City of Martin

Section 2. BE IT FURTHER ORDAINED that this ordinance shall become effective immediately upon its Passage, **THE PUBLIC WELFARE REQUIRING IT.**

Date Passed First Reading

Date Passed Second Reading

Date of Public Hearing

ATTESTED:

Chris Mathis, CPA
City Recorder

APPROVED:

Randy Brundige,
Mayor

A copy of the proposed revised personnel policy is on file in the Human Resources office.

Mayor Brundige explained – You have heard the reading of Ordinance O2011-04, is there a motion?

Alderman Harrison made the motion to approve the first reading Ordinance O2011-04: An ordinance of the Martin, Tennessee Board of Mayor and Aldermen amending updated and revised portions of the City of Martin’s Personnel Policies and Procedures Manual, seconded by Alderman Edwards.

Mayor Brundige explained – we have a motion and second to approve the first reading, is there any discussion? There was none, therefore a roll call vote was requested and follows:

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

Mayor Brundige declared the ordinance approved on the first reading and set the second and final reading for December 12, 2011 at 5:15 pm.

APPOINT MS. KAREN HICKS TO THE FINANCE COMMITTEE

Mayor Brundige made the recommendation to appoint Ms. Karen Hicks to the City of Martin Finance Committee. Do I have a motion to appoint Ms. Hicks?

Alderman Belote made the motion to appoint Ms. Karen Hicks to the City of Martin Finance Committee, seconded by Alderman Harrison.

Mayor Brundige asked for a voice vote of approval.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

APPOINT MR. ROBERT SNOOK TO REPLACE MS. ANNICE ARNOLD, WHO HAS MOVED OUT OF TOWN, TO THE MARTIN SENIOR CITIZENS ADVISORY COMMITTEE, TERM TO EXPIRE DECEMBER 31, 2012

Mayor Brundige made the recommendation to appoint Mr. Robert Snook to replace Ms. Annice Arnold who moved out of town, to the Martin Senior Citizens Advisory Committee, term to expire December 31, 2012. Do I have a motion to appoint Mr. Snook?

Alderman Harrison made the motion to appoint Mr. Robert Snook to the Martin Senior Citizens Advisory Committee, term to expire December 31, 2012, seconded by Alderman Tuck.

Mayor Brundige asked for a voice vote of approval.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

A REQUEST FROM MARTIN SENIOR CITIZENS ADVISORY COMMITTEE TO AMEND THEIR BY-LAWS: AMENDMENT 1 – PAGE 3; ARTICLE VI SECTION A: (FIRST SENTENCE) CHANGE EVERY OTHER MONTH TO QUARTERLY

Mayor Brundige introduced and presented for consideration a request from Martin Senior Citizens Advisory Committee to amend their by-laws: Amendment 1 – Page 3; Article VI Section A: (first sentence) change every other month to quarterly. Do I have a motion to amend the by-laws?

Alderman Harrison made the motion to approve a request from Martin Senior Citizens Advisory Committee to amend their by-laws: Amendment 1 – Page 3; Article VI Section A: (first sentence) change every other month to quarterly, seconded by Alderman Belote.

Mayor Brundige asked if there was any discussion. There was none, therefore a roll call vote was requested. Roll call vote follows:

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

Mayor Brundige declared the motion approved.

APPOINT A COMMITTEE CONSISTING OF ALDERMAN DANNY NANNEY, ALDERMAN JOHNNY TUCK, ALDERMAN TERRY HANKINS, PARKS AND RECREATION DIRECTOR BRIAN MOORE, AND MS. SHIRLEY ALLISON TO EXPLORE POSSIBLE IMPROVEMENTS TO OR RELOCATION OF THE SENIOR ADULT CENTER

Mayor Brundige introduced and recommended that the Board appoint a committee consisting of Alderman Danny Nanney, Alderman Johnny Tuck, Alderman Terry Hankins, Parks and Recreation Director Brian Moore, and Ms. Shirley Allison to explore possible improvements to or relocation of the Senior Adult Center. Do I have a motion to appoint this committee?

Alderman Belote made the motion to appoint a committee consisting of Alderman Danny Nanney, Alderman Johnny Tuck, Alderman Terry Hankins, Parks and Recreation Director Brian Moore, and Ms. Shirley Allison to explore possible improvements to or relocation of the Senior Adult Center, seconded by Alderman Harrison.

Mayor Brundige asked if there was any discussion. There was none, therefore a voice vote was requested and follows:

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

TODAY IN AMERICA

Mayor Brundige introduced and presented for consideration a request to participate in the program “Today in America” featuring a segment highlighting the City of Martin. The program “Today in America” with Terry Brawshaw is considering Martin for a five minute segment on topics, trends, and issues related to “Hidden Gems to Live, Work and Play” in their “Discover America” series. This is a good opportunity but is costly as the price tag is \$20,000.00. I just don’t know if we can spend the money or not. What is pleasure of the board?

Alderman Harrison stated – I would not vote for this tonight but if you want to table the request for thirty days that would be fine. I am not willing to vote to spend \$20,000.00 at this time for this program.

Mayor Brundige explained – We can’t table the request as I have to give Mr. Bradshaw an answer in the morning.

Alderman Edwards stated – Would we be taking the money out of Board Approved Projects?

Mayor Brundige answered – Yes, and it would severely deplete the account. We only had \$28,000.00 in Board Approved Projects and we have already spent some of that.

Alderman Hankins stated – I think this is a good idea but we just don’t have enough wiggle to do this. What do you want from this Board?

Mayor Brundige stated – I just brought this to the board because it is an opportunity to share the City of Martin with a national audience for five minutes on Fox Network plus other stations usually pick this program up. Do I have a motion?

Alderman Edwards made the motion to participate in the program “Today in America”.

Mayor Brundige asked – is there a second for the motion? No second was received.

Mayor declared - the motion died for lack of a second.

LARRY MERRYMAN PROPERTY LOCATED ON HAMM ROAD

Mayor Brundige presented for consideration a request from Mr. Larry Merryman to remove his property from the City of Martin. This property was annexed into the City in 1994 before the current 1998 law mandated any annexed area be provided all city services within a certain period of time. When this property was annexed city services did not have to be provided. The city does service the area with fire and police protection and have since annexed. Mr. Merryman

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acquired this property in 1998 from H. L. Merryman through inheritance and does not live on the property. The first year city taxes were paid on the property was 1995. He has requested city sewer and water utilities be extended to the property and we can't do this because we would have to bore under a major road. I will ask for a motion to take this area out of the annexed area of the City of Martin.

Alderman Tuck made the motion to remove the Larry Merryman Property located on Hamm Road from the city limits of the City of Martin, seconded by Alderman Harrison.

Mayor Brundige asked – Is there any discussion?

Alderman Nanney asked – Are we going to take this out of city limits?

Mayor Brundige stated – That is the motion.

Alderman Tuck asked – Did you check to see if there was any other property located in the city that we can't provide services?

Mayor Brundige stated – Not that I am aware of, Director Wagster do you know of any areas?

Director Wagster answered – Not to my knowledge but I have not looked into the matter so I can't say for certain.

Alderman Hankins asked – How much city taxes are we getting?

Mayor Brundige answered – \$365.00 per year.

Alderman Hankins stated – If the property is removed from the city limits fire and police protection will not be provided. If the owner wants fire protection he will have to purchase the \$100.00 Rural Fire Service.

Mayor Brundige stated – That is correct.

Alderman Hankins asked – Does everyone understand in 1995 when this property was annexed the city was not required to furnish city services. Are we sure this is the only piece of property of this nature in the city? Are we going to open a can of worms?

Director Wagster stated – To my knowledge this is the only one but I am not totally sure.

Mayor Brundige suggested – If you would like to table the request and let Director Wagster look into this we can do so.

Alderman Tuck stated – We need more information and with that in mind I will withdraw my motion.

Alderman Harrison removed his second.

Mayor Brundige asked – Do I have a motion to table the request?

Alderman Nanney made the motion to table the request to remove the Larry Merryman Property located on Hamm Road from the city limits of the City of Martin, seconded by Alderman Tuck.

Mayor Brundige asked – I will ask for a voice vote of approval.

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

Mayor Brundige declared the motion tabled.

REQUEST FROM FIREMAN ROBERT GERTSCH

Mayor Brundige introduced and presented for consideration a request from Fireman Robert Gertsch to be allowed to have other fireman donate sick leave to him in order for him to be vested and qualify to draw Tennessee Consolidated Retirement. Tennessee Consolidated Retirement System is the city's retirement conduit.

Mayor Brundige asked – Mr. Gertsch would you like to address the board?

Mr. Gertsch spoke – “This is a copy of the rules and regulations handbook. On page 31, if you will look at the bottom of the page the manual states, “An eight-hour absence from work while sick will constitute a charge of one day of sick leave for all employees, except members of the fire department who work 24 hour on and 48 hours off. Firefighters working these shifts will be charged one day of sick leave for each 12 hours absent from work due to illness, or two days sick leave for each 24 hours absent from work due to illness.” This says that if a firefighter is out for 12 hours you use 1 day of sick leave and if you are out the full 24 hours it equates two days of sick leave.

Mr. Gertsch further explained, “I checked with the State, again and asked if there was any particular reason that fire fighters were required, if their hours were different as far as their sick leave and they said there is no statute or ordinance or rule or anything. They said sick leave normally made for teachers and it is figured at 7.5 hours a day. However, the State allows for the city or the organization to tell them how many sick days they have and then they compute it into how many months. So, I went through it. A copy of the handbook we were given, members of the fire department who work twenty-four hours on and forty-eight hour off, firefighter will be charged 1 day of sick leave for each twelve hours absent from work due to illness, or two days sick leave for each twenty-four hours absent from work due to illness, thereby saying if I am gone for twelve hours it equates to one day. I don't see why it would be any different when I am trying to be vested. I estimated my total amount of time, sick leave accrued to the end of this month and it gives me 856.50 hours. The State or the retirement system says they count twenty days as a month. All right, if you take that twelve hour day times twenty, I've got seventy-one, a little better than seventy-one days of leave. I will be vested March 12th. Twenty days in December, twenty days in January, twenty days in February, ten days is all it will take in March. I should have enough time to be vested on my own. I have been told that now they are figuring a day at twenty-four hours as a day. I have got nothing in writing saying to change without anybody, without the information trickling down to the people that use it. So, if this publication that you all voted on is accurate, then I can withdraw my request to have traditional firefighters donate time for I have enough on my own. If this is not correct then why do we even have one?”

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Mayor Brundige asked – Celeste, do you have an answer?

Director Taylor spoke, “I do. He is totally misinterpreting what he is reading. May I look at a copy of what he is reading?”

Mr. Gertsch stated. “There it is in black and white. I don’t see how I could be misinterpreting it. Twelve hours equals one day.”

Director Taylor spoke, “Twelve hours for a fireman, if you take off twelve hours you are charged twelve hours. If you take off twenty-four you are charged twenty four hours, period, because you accumulate double what the traditional employee accumulates.”

Mr. Gertsch stated, “What does this say? Read this out loud, please.”

Director Taylor stated, “I will not read it out loud.”

Alderman Belote stated, “Somebody read it out loud.”

Mr. Brent Harris read, “Members of the fire department work 24 hours on and 48 hours off. Firefighters working these shifts will be charged one day of sick leave for each 12 hours absent from work due to illness, or two days sick leave for each 24 hours absent from work due to illness.”

Director Taylor explained, “A sick day for a firefighter is twenty-four hours. A half day is twelve hours. We are not doing anything any different for him than we have for anybody else.”

Mr. Gertsch stated, “That says twelve hours equals one day. It is in black and white. I don’t really understand how you can misinterpret what it says. I have given you each a copy to read. Read it for yourselves.”

Director Taylor explained, “One day is twenty-four hours.”

Mr. Gertsch stated, “No mam, it says twelve hours is one day, is what that says; charge one day of sick for each twelve hours absent. It doesn’t say twenty-four hours.”

Mr. Gertsch further stated, “No. Twenty-four hours is called two days.”

Director Taylor explained, “As I have said we are not doing anything any different for him than anybody else. They accumulate double time and when they take off it is double time.”

Mr. Gertsch stated, “We accumulate double time because we work 240 a month versus 160 that most employees work. It increases because of the number of hours we put in. I was under the impression that.....”

Director Taylor explained, “When you have an employee that works eight hours a day when they take off they are charged eight hours a day. You have a firefighter that works twenty-four hours a day when he takes off he is charged twenty-four hours a day.”

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Mr. Gertsch stated, "No, what you are saying is in this book if you take off twenty-four hours you are charged two days of sick leave is what that says."

Director Taylor explained, "That is giving you more if we allowed you to take off a day then take away twelve hours when you work twenty-four hour shifts."

Chief Schwahn stated, "You do not work twelve days a month. Two months you work nine days and every third month you work ten days. That is why FLSA (Fair Labor Standard Act) overtime kicks in and they are entitled to overtime."

Director Taylor explained, "They are compensated for that."

Chief Schwahn stated, "When you fill out your vacation forms, you are gone from 6:00 am to 6:00 am it is twenty-four hours. That is what we fill out and that is what we deduct out of payroll. That is the way it has been since he hired on and since I hired on. I don't want to take any side but a twenty-four shift is 6:00 am to 6:00 am. If you take a day of vacation or sick leave for the whole shift is twenty four, not twelve hours."

Director Taylor explained, "That is nothing new. That is nothing changed."

Chief Schwahn stated, "I think when that was interrupted in there the police officers worked twelve shifts. I am not saying that is what happened and there was some miscommunication when it was written. Twenty-four hours is what a firefighter works. Nine days in January, nine days in February, ten shifts or ten days in March, and April he works nine, June there is an extra shift and that is the very reason the FLSA overtime kicked in, so we can either instituteanything over 212 hours they are paid FLSA overtime."

Mr. Gertsch stated, "When it comes to computing vacation or the sick leave, this is thethe book clearly states you are charged one and I am not going to mix apples and oranges, hour versus days the bottom line is this according to the book that you all passed you are charged one day of sick leave for every twelve hours. The state is going to ask how many days sick leave does he have. If you take the 856.50 hours of sick leave I have accrued and divide it by twelve which is what this says equals one sick day I have got seventy-one plus days. Now you cut that is half if you say a shift versus a day. This talks two different things. It talks about a shift and it talks about a day. A day of sick leave is twelve hours. A shift is twenty-four hours."

Director Taylor explained, "I think the simplest way to understand it, is have you ever taken a vacation day?"

Mr. Gertsch stated, "I don't have a problem understanding it."

Director Taylor asked, "Have you ever taken a vacation day?"

Mr. Gertsch stated, "Yes mam."

Director Taylor explained, "Then you were charged twenty-four hours. Is that correct?"

Mr. Gertsch stated, "Right, if I took twenty-four hours vacation."

Director Taylor stated, "Exactly."

Mr. Gertsch stated, "And, no where did it say I was taking two days, it said I was taking x number of hours."

Director Taylor stated, "That is exactly right. And that is exactly the way we are going to compute it."

Mr. Gertsch stated, "That is not what your rules and regulations say. And why would a firefighter have to have twenty days, twenty hours a month, excuse me, twenty days at twenty-four hours a month and if you are toward my retirement not allowing me that."

Director Taylor stated, "They are giving you more than with the twenty days. A month has thirty to thirty-one days in it. They are saying that twenty days will compute as a month so they are giving you more with the twenty days. That is to your benefit."

Mr. Gertsch stated, "Sick leave, you are only charged with sick leave for days you are required to work. So if that is the case, if you are going to look at it shifts and that type of stuff we only work nine or ten days a month. So we shouldn't be twenty days a month toward retirement but Tennessee Consolidated Retirement System figures it at twenty days a month. I would imagine that is why that twelve hours was figured in here for firefighters to let it be more equitable to the people that are doing it."

Director Taylor stated, "TCRS has nothing to do with our employees, especially the benefits. The city does not have to provide sick leave. They have nothing to do with the way we compute time, period."

Mr. Gertsch stated, "They require, all that they require of you, is for give them the number of sick days a person has and they compute how many months that equates to."

Director Taylor stated, "And, we report to them the same as we have"

Mr. Gertsch interrupted stating, "According to your book I have seventy-one days of sick leave."

Mayor Brundige asked, "According to our records, how many sick days has he got?"

Director Taylor stated, "Thirty-five."

Mr. Gertsch stated, "They are not charging me twice as much as the handbook says."

Director Taylor stated, "We are charging the same as we have for everybody else that has retired."

Mr. Gertsch stated, "Just because you repeat a mistake and no one asks about does not make it right."

Chief Schwahn stated, "Bottom line is when he was hired in his shift started at 6:00 am and he worked twenty-four hours, and he was off for forty-eight hours. I don't know whatever you all want to do but I need to get clarification because I have twenty-eight other guys that this is going to effect. That is a twenty-four hour shift, twenty-four hours in a day and I don't know how you can compute it. The TCRS thing is, there is traditional and a non-traditional employee and he works a twenty-four hour shift. Now we are going to throw the baby out with the bath water if we start saying he is going to get seventy-two days compared to thirty-five and half. I don't want to have come down here and ...when they take a sick day but are charged two days to be off."

Mr. Gertsch stated, "It has already been done, that."

Chief Schwahn stated, "You have never been charged that before, Bob."

Mr. Gertsch stated, "I have never taken a day of sick leave, since I have been here."

Chief Schwahn stated, "You have taken vacation."

Mr. Gertsch stated, "I have taken vacation."

Chief Schwahn stated, "That is twenty-four hours."

Mr. Gertsch stated, "But that is different from the sick leave. It doesn't say a day off, annual leave is twelve hours equals one day. The only thing that is addressed as to how many hours equals a day is right here where it says that twelve hours equals one day. I was also told when I was hired in since the handbook said you had to be sixty-two and twenty-five years of creditable service that I could stay as long as I could do the job."

Chief Schwahn stated, "That was before this board passed....."

Mr. Gertsch interrupted stating, "I understand, but you said when I was hired in it was this....."

Chief Schwahn stated, "You are bringing that up and I have no control over that. We come up here and fought for police and fire's early retirement."

Mr. Gertsch stated, "I understand that but this board also voted on this. This board voted to make twelve hours one day of sick leave and that is what I am asking for."

Chief Schwahn stated – I did not come up here to get in the middle of this but please keep in mind this will affect twenty-eight other people.

Mr. Gertsch stated, "They should be treated right."

Chief Schwahn stated, "That is right."

Director Taylor stated, "We are not changing the way that we interpret sick leave. An eight hour employee is charged eight hours when they take vacation and when they take sick leave."

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Firefighters are charged twenty-four hours for vacation and sick leave. Police officers that work twelve hour shifts they are charged twelve hours. It is across the board.”

Mr. Gertsch stated, “I understand the relevance, this is the way we do it. That is not what the book of rules and regulations states. This says twelve hours for a firefighter equals one day and going by that I have seventy-one point some odd days of sick leave. Apples and oranges, hours versus days and I mean we work two days because we start 6:00 am one day and get off at 6:00 am the next.”

Director Taylor stated, “He is asking that you look at this differently now to benefit him. He took a vacation day off and was charged twenty-four hours but that no longer benefits him, let’s go back and look at this different.”

Mr. Gertsch stated, “That is not what I am asking.”

Director Taylor stated, “That is exactly what you are asking.”

Alderman Harrison stated, “I don’t mean to interrupt but I don’t think we are getting anywhere.”

Alderman Belote stated, “No, We are not getting anywhere and I would say that, ah, we need a little time. I don’t know how the rest of you all feel but this is very convoluted, it is very confusing at this particular time and I would like to have more information on how all of this is computed. And, I can certainly, if you are going to be hard and fast here I understand your point of view. I am not real sure that this says exactly what you are saying that it says because if it does then it is almost impossible to compute your sick leave. Because, are you out for twelve hours, eighteen hours, twenty-four hours? How do we know that for the future? You know, when we are computing this.”

Mr. Gertsch stated, “Excuse me, when we take, well I am assuming sick leave although I have never taken any, anytime we have taken leave we put down x number of hours. We want to take five days, ten days if I check vacation I put I want to be off at 0600 this day through 0600 this day and it computes to x number of hours. We don’t even discuss days. This does discuss days.

Alderman Belote asked, “So, when we compute your retirement, how do we know if it is a twelve hour day or a twenty-four hour day?”

Mr. Gertsch stated, “Because this book says it is a twelve hour day. It says if we miss two days, if we take a full twenty-four hours off it costs us two days. It is just terminology.”

Director Taylor explained – It is. And, David, if I could explain the twelve hours initially was looked at for the police department shift because they work a twelve hour shift so that was counted as a day. Because when they take off twelve hours it is counted as a day. Firefighters work twenty-four hours which makes twenty-four hours one day.

Mayor Brundige stated – we will see how sick leave in the past has been calculated and bring this information back to this board. Do I have a motion to table this?

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Alderman Edwards made the motion to table the request from Mr. Robert Gertsch, seconded by Alderman Belote.

Mayor Brundige asked – Is there was any discussion?

Alderman Edwards asked – Has the city’s attorney looked at this?

Mayor Brundige answered – No. I will send this matter to him for an opinion.

Alderman Hankins asked – How long have you been with the fire department?

Mr. Gertsch answered, “I started March 12, 2007.”

Alderman Hankins asked, “Has all of this been explained through the years? “

Chief Schwahn stated – When they are on it’s a twenty-four hour day and when they are off it is a twenty-four hour day.

Director Taylor stated – It has been this way since I have been Human Resources and before. I have asked Mr. Gertsch to come in to discuss. It is not like he has never heard this. When an employee takes eight hours he is charged eight hours, when an employee takes twelve hours he is charged twelve hours and when an employee takes twenty-four hours he is charged twenty-four hours. When Mr. Gertsch was hired on the retirement age was sixty-two but since his hire date the mandatory retirement age has been changed to sixty.

Alderman Hankins stated – We have a motion and second to table this, let’s vote on this.

Mayor Brundige asked for a roll call vote and it follows:

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

Mayor Brundige explained - The vote is tied and I will VOTE, YES, making the vote 4/3. I will now set a special called city board meeting for November 28, 2011 at noon here in the courtroom to finish this hearing.

Alderman Belote asked – When we say we will get all the information together exactly what do you mean?

Mayor Brundige stated – We will get records that will explain how everything has been computed on past firefighters’ sick leave.

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Alderman Belote asked, “Celeste, it is the obligation of the city to compute sick leave that would apply toward retirement? TCRS has nothing to do with this. So, it is what we have established, correct?”

Director Taylor responded – Correct.

Mayor Brundige stated – We will ask TCRS to do a study to show the actual cost to the City of Martin if this board votes to give Mr. Gertsch the time. This will cost the city money in the future.

Mayor Brundige further asked Director Taylor to email TCRS and ask for the study and if possible have to us within ten days and further explained TCRS did tell us to their knowledge, they had no other entities in their system that allows for unearned sick leave to apply toward retirement. They will not participate in the city process.

DATE FOR DECEMBER CITY BOARD MEETING

Mayor Brundige announced – The Informal City Board meeting will be Tuesday, December 06, 2011. Regular City Board meeting will be Monday, December 12, 2011 at 5:15 pm in the City’s courtroom.

ADJOURN

Mayor Brundige asked – is there a motion to adjourn?

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

VOTE: UNANIMOUS VOICE VOTE OF APPROVAL

ATTEST: SIGNED:

Chris Mathis, CPA
City Recorder

Randy Brundige,
Mayor

RB: CM/bh