

City of Millington
Meeting of the Board of Mayor and Aldermen
7930 Nelson Street
Millington, TN 38053
September 4, 2012, 6 p.m.
Agenda

1. Prayer
2. Pledge Of Allegiance
3. Roll Call
4. Approval Of Minutes
 - 4.I. Minutes
Regular Meeting August 6, 2012

Documents: [08 AUGUST 6 REGULAR MINUTES 8-14-12.PDF](#)
 - 4.II. Minutes For Special Called Meetings
August 20, 2012
August 27, 2012

Documents: [AUGUST 20 SPECIAL MINUTES 8-28-12.PDF](#), [AUGUST 27 SPECIAL MINUTES 8-29-12.PDF](#)
5. Receive And File Dept. Reports
6. Introduction Of 2012-2013 Leadership Millington Class
7. Presentations By Mayor Carter
8. Approve Change Orders #39 & 40 For Veterans Parkway
9. Memo Of Agreement Between Memphis Division Of Fire Services & Millington Fire Dept.
Regarding Tennessee Task Force One Urban Search & Rescue
10. Business From Floor
11. Adjourn

The City of Millington is in compliance with the Americans with Disabilities Act. Should you need accommodation for the above meeting, please call City Hall at 901.872.2211 at least 48 hours in advance of the meeting.

MINUTES OF REGULAR MEETING OF THE BOARD OF MAYOR AND
ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON AUGUST 6, 2012

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND PRAYER

The Board of Mayor and Aldermen of the City of Millington, Tennessee met in regular session at Millington City Hall on August 6, 2012. The meeting was called to order at 6:00 p.m. and was opened with a prayer by Mr. Morgan. Mayor Carter led the Pledge of Allegiance.

ROLL CALL AND QUORUM DETERMINATION

The following members were present:

Mayor Linda L. Carter
Keith D. Barger
James O. Brown
Michael E. Caruthers
D. Christopher Ford
Donald L. Lowry
Brett A. Morgan
Jimmy E. Pike

A quorum being present, the following proceedings were held:

MINUTES OF PRIOR MEETINGS

The minutes of the regular meeting held on July 2, 2012, and the special called meetings held on July 10 and July 19, 2012 had previously been given to the Aldermen. Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve the minutes.

MONTHLY REPORTS

Reports for July, 2012 for the departments listed below had been delivered to all the Aldermen prior to meeting:

1. Finance Department
2. Police Department;
3. Fire Department;
4. Arts and Recreation Department and USA Stadium; and
5. City Court.

Darek Baskin, Director of Planning and Economic Development, gave an update on Veterans Parkway, including the noise wall being installed at Jordan's Crossing and the bridge over the railroad tracks; and on the status of the water treatment plant roof, Millington Housing Authority drainage improvements in the Greenhill/North End area, improvements at the Navy Road/Church Street intersection, public works and Old Town lighting. He also reported that his office is pursuing several grant opportunities through Shelby County Housing. Upon motion by Mr. Morgan, seconded by Mr. Lowry, the Board voted unanimously to accept the reports.

APPRECIATION/COMMENDATION RE USA STADIUM EVENTS

Mayor Carter read emails expressing appreciation for the State Farm/Shelby County All Star baseball games held at USA Stadium and commended City employees Johnny Ray, Ernie Bennett and Tommy Rogers for their work in managing events at USA Stadium.

SHELBY COUNTY TRUSTEE

Shelby County Trustee David Lenoir made a presentation regarding tax collections for

the City of Millington and Shelby County.

CHARLES GULOTTA

Charles Gulotta, President and CEO of the Chamber of Commerce and Executive Director of the Millington Industrial Development Board, and Teri Flanagan, Chamber of Commerce Director of Operations, reported on activities of both entities.

REMARKS BY CAPTAIN FIMPLE

Captain Stephen Fimple, Commanding Officer, NSA Mid-South, announced that National Night Out will be on October 2nd and said that everyone was encouraged to participate.

INTRODUCTION OF ALDERMEN

Mayor Carter introduced and congratulated the Aldermen elected at the August 2nd election:

Bethany Huffman – Position 1
Hank Hawkins – Position 2
Frankie Dakin – Position 3
Larry Dagen – Position 4
Thomas McGhee – Position 5
Chris Ford – Position 6
Mike Caruthers – Position 7

REPORT ON STATUS OF LUCY ANNEXATION

City Attorney Barbara Lapidés described the lawsuit that was filed by Claiborne Ferguson to challenge the ordinance annexing the Lucy community on grounds that the annexation was unreasonable. She said that the filing of the lawsuit stayed the annexation pending resolution of the lawsuit, so that residents of the Lucy area are not citizens of the City of Millington and were not eligible to vote in the August 2nd Millington elections. She reported that the Board of Mayor and Aldermen is going to repeal the ordinance annexing Lucy, and that she expects the lawsuit will then be dismissed because it will be moot. She said the Board of Mayor and Aldermen is going to pass a resolution calling for a referendum for annexation on November 6th, in which the residents of the Lucy area will vote. If a majority of the Lucy voters approve the annexation in that election, the Lucy area will be annexed into the City of Millington thirty days after certification of the election.

Ms. Lapidés also said that the City had discovered that voters in the Lucy-1 precinct had been given ballots on August 2nd that included the Millington election. She said that because the referendum to increase the Millington sales tax failed by only three votes, the City was going to file suit against the Election Commission to contest the erroneous voting.

CONSIDERATION OF ORDINANCE 2012-20

The next order of business was consideration of Ordinance 2012-20, as follows:

ORDINANCE 2012-20
ORDINANCE REPEALING ORDINANCE 2012-12, ORDINANCE ANNEXING INTO
THE CITY OF MILLINGTON THE TERRITORY GENERALLY KNOWN AS THE
TOWN OR COMMUNITY OF LUCY

WHEREAS, on June 14, 2012, the Board of Mayor and Aldermen adopted Ordinance 2012-12 on third reading for the purpose of annexing into the corporate boundaries of the City of Millington the territory described therein, which territory is generally known as the unincorporated town or community of Lucy; and

WHEREAS, the Board of Mayor and Aldermen has determined that it is not in the best interest of the City of Millington to continue this annexation by ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee as follows:

Section 1. That Ordinance 2012-12 be, and the same hereby is, repealed and made null and void, and shall be of no further force and effect to annex into the City of Millington the territory described therein, which territory is described as follows;

Beginning at a point at the intersection of the eastern right of way (hereafter abbreviated as "r.o.w.") of Hwy 51 N and the north r.o.w. of Sykes Rd; thence 100' +/- southeasterly along the north r.o.w. of Sykes Rd to a point; thence southeasterly 300' +/-; thence continuing along said r.o.w. 7000' +/- to the intersection of said r.o.w. with the eastern r.o.w. of Canadian National Railroad ("CNRR"); thence southwesterly along said CNRR r.o.w. 2500' +/- to its intersection with the north r.o.w. of Pleasant Ridge Rd; thence southeasterly a distance of 500' +/- along said north r.o.w. of Pleasant Ridge Rd. to a point; thence southwesterly along the east property line of parcel no. D0126 00259, as identified in the records of the Shelby County Assessor, 675' +/- to a point; thence northwesterly along the east property line of parcel no. D0126 00259 910' +/- to its intersection with the eastern r.o.w of CNRR; thence southwesterly along said CNRR r.o.w. 400' +/- to a point; thence in a southerly direction 1800' +/- along the existing southwestern corporate limits of the City of Millington to a point; then continuing 390' +/- - westerly along said corporate limits to a point; thence northeasterly 250' +/- along said corporate limits to a point; thence northwesterly 220' +/- along said corporate limits to a point; thence southwesterly 390' +/- along said corporate limits to a point; thence northwesterly 670' +/- along said corporate limits to a point at the intersection with the eastern r.o.w. of CNRR; thence southwesterly a distance of 1900' +/- along said eastern r.o.w. of CNRR, being the same as the existing corporate limits of the City of Millington to a point; thence 270' +/- in a southwesterly direction along said corporate limits to a point; thence 2600' +/- to a point on the eastern r.o.w. of Amherst Rd.; thence north along said eastern r.o.w. of Amherst Rd. a distance of 350'; thence northeast along the north property line of parcel no. D0125 00407 in said Assessor's records a distance of 320' +/-; thence northeasterly along said north property line and the existing City of Millington corporate limits a distance of 1470' +/-; thence southeasterly along the north property line of parcel no. D0125 00648 in said Assessor's records, and the existing City of Millington corporate limits a distance of 2150' +/- to a point intersecting the eastern r.o.w. of Raleigh Millington Rd.; thence southwesterly a distance of 2050' +/- along the eastern r.o.w. of Raleigh-Millington Rd. to a point intersecting the north r.o.w. of Amherst Rd.; thence northwesterly 1900' +/- along the north r.o.w. of Amherst Rd. and the southeast City of Millington existing corporate limits to a point intersecting the east r.o.w. of Amherst Rd.; thence continuing northwesterly along the existing City of Millington corporate limits to a point intersecting the east r.o.w. of CNRR for a distance of 2600' +/-; thence in a northwesterly direction a distance of 4500' +/- following the south property line of parcel no. D0125 00603 to a point; thence following the east property line of parcel no. D0125 00593 northeasterly a distance of 1600' +/- to a point; thence northwesterly along the north property line of parcel no. D0125 00593 a distance of 1350' +/- to its intersection with the eastern r.o.w. of Hwy 51 N; thence northeasterly along the eastern r.o.w. of Hwy 51 N a distance of 5000' +/- to the point of beginning. Said area measuring approximately 974 acres +/-.

BE IT FURTHER ORDAINED that notwithstanding the repeal of Ordinance 2012-12, this Ordinance 2012-20 does not repeal or nullify the Plan of Services for the Lucy community that was adopted by the Board of Mayor and Aldermen on June 14, 2012 by Resolution 24-2012, and said Plan of Services remains in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its adoption on third and final reading, the public welfare requiring it.

Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-20 on first reading.

ITEM ADDED TO AGENDA:

Upon consent of the Aldermen, the following matter was added to the agenda:

CONSIDERATION OF RESOLUTION 37-2012

The next order of business was consideration of Resolution 37-2012, as follows:

RESOLUTION 37-2012

RESOLUTION AUTHORIZING CITY OF MILLINGTON TO FILE SUIT AGAINST
SHELBY COUNTY ELECTION COMMISSION TO CHALLENGE AUGUST 2, 2012
REFERENDUM FOR INCREASE OF SALES TAX IN WHICH PERSONS NOT
CITIZENS OF THE CITY OF MILLINGTON WERE ALLOWED TO VOTE

WHEREAS, pursuant to Ordinance 2012-4, the City of Millington requested the Shelby County Election Commission to hold a referendum election at which the question to be voted on by citizens of the City of Millington was “Shall Millington Ordinance No. 2012-4, which increases the municipality’s sales tax from 2.25% to 2.75% except where the sales tax rate is limited or modified by statute be approved?”; and

WHEREAS, said sales tax increase referendum election was held on August 2, 2012, and the referendum failed by three (3) votes; and

WHEREAS, the City has learned that residents of the Lucy community who were not citizens of the City of Millington and therefore were not eligible voters in Millington elections were given ballots to vote and did vote at the precinct known as Lucy-1 in the Millington sales tax referendum election; and

WHEREAS, the City believes that the sales tax increase would have been approved by citizens and eligible voters of the City of Millington had there not been irregularities that allowed non-citizens of the City to vote, so that the true results of the referendum cannot be determined;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee that the City is authorized to file suit against the Shelby County Election Commission to contest the sales tax increase referendum in accordance with TCA Sec. 2-17-101 *et seq.* and any other applicable law;

BE IT FURTHER RESOLVED that the Mayor of the City, in consultation with the City Attorney, is authorized to engage counsel to represent the City in such lawsuit.

This Resolution is adopted as of the 6th day of August, 2012.

Upon motion by Mr. Ford, seconded by Mr. Barger, the Board voted unanimously to approve Resolution 37-2012.

ANNOUNCEMENT OF SPECIAL CALLED MEETINGS

Mayor Carter announced that there will be special called meetings of the Board on August 20th at 7:00 p.m. and on August 27th at 6:00 p.m. to consider Ordinance 2012-20 and the resolutions regarding annexation of the Lucy and Kerrville areas.

CONSIDERATION OF RESOLUTION 31-2012

The next order of business was consideration of Resolution 31-2012, as follows:

RESOLUTION 31-2012

RESOLUTION TO AUTHORIZE AND APPROVE GIVING POLICE DEPARTMENT
DOG “THING” TO ITS HANDLER

WHEREAS, the Police Department of the City of Millington is the owner of a dog by the name of “Thing,” which dog has been used for approximately the last three years as a Police dog; and

WHEREAS, the Police Department no longer needs to keep said dog and desires to give it to its handler;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of

the City of Millington, Tennessee, that upon execution of an appropriate acceptance, agreement by the City and Degreaun Frazier, the handler of the dog "Thing," the Police Department is authorized to give and deliver said dog to Mr. Frazier.

This Resolution is adopted as of the 6th day of August, 2012.

Upon motion by Mr. Ford, seconded by Mr. Barger, the Board voted unanimously to approve Resolution 31-2012.

CONSIDERATION OF BID # 2013-1 FOR SLUDGE APPLICATION VEHICLE

One bid was received for a sludge application vehicle. Jim Cox of Fisher & Arnold, Inc. recommended acceptance of the bid from Field Gymmy, Inc. in the amount of \$232,626.00. Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to accept the bid.

CONSIDERATION OF BID # 2013-3 FOR NINETY-FIVE GALLON ROLL-OUT CARTS

Three bids were received. Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve the low bid of Rehrig Pacific Company for 486 roll-out carts for \$ 49.00 each, for a total price of \$ 23,814.00.

CONSIDERATION OF BID # 2013-4 FOR FOUR-WHEEL ALL TERRAIN VEHICLES

One bid, in the amount of # 25,398.20, was received from Polaris of Memphis for two ATV's. Upon motion by Mr. Brown, seconded by Mr. Ford, the Board voted unanimously to accept the bid.

CONSIDERATION OF RFP FOR ACTUARIAL SERVICES

Three bids were received in response to the request for proposals for actuarial services. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to accept the low bid with CapRisk Consulting Group for provision of an actuarial valuation of "other post-retirement benefits" for June 30, 2012, June 3, 2014 and June 0, 2014, in the amount of \$ 3,450.00 for each listed year.

CONSIDERATION OF FIREHOUSE SOFTWARE CONTRACT

Fire Chief Gary Graves presented a contract that will add connectivity and other benefits to Fire Department software capabilities. He said the annual cost now is \$ 1,332.00, and the new annual cost would be \$ 2,367.00, and he said the additional benefits the City will get is well worth the additional cost. Upon motion by Mr. Barger, seconded by Mr. Brown, the Board voted unanimously to approve the five-year agreement with Firehouse Software, as approved by the City Attorney.

CONSIDERATION OF AGREEMENT WITH SHELBY COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR ENVIRONMENTAL STUDY

Mr. Baskin asked for the Board's approval of an agreement with Shelby County for a \$ 15,000.00 Community Development Block Grant for an environmental study required in connection with installation of Newport Channel Flood Pumps. Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve the agreement.

CONSIDERATION OF AGREEMENT WITH SHELBY COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FOR DITCH IMPROVEMENTS

Mr. Baskin asked for approval of an agreement with Shelby County for a \$ 15,000.00 Community Development Block Grant for Newport Channel ditch improvements. He said this grant is for an environmental study that is required for this project. Upon motion

by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve the agreement.

MATTERS ADDED TO AGENDA:

Upon consent of the Aldermen, the following matters were added to the agenda:

CONSIDERATION OF VETERANS PARKWAY CHANGE ORDER # 38

Mr. Baskin presented change order # 38 for the Veterans Parkway project. Upon motion by Mr. Caruthers, seconded by Mr. Brown, the Board voted unanimously to approve the change order.

CONSIDERATION OF RESOLUTION 36-2012

The next order of business was consideration of Resolution 36-2012, as follows:

RESOLUTION 36 -2012

RESOLUTION APPOINTING MEMBERS TO THE MILLINGTON
MUNICIPAL SCHOOL TRANSITION COMMITTEE

WHEREAS, the Board of Mayor and Aldermen of the City of Millington desires to establish the Millington Municipal School Transition Committee (the Committee); and

WHEREAS, the term of the Committee shall be one year, beginning August 6, 2012 and expiring August 6, 2013;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that Brenda Barber, Oscar Brown, Mike Caruthers, Sue Nan Hartley, and Bruce Rasmussen, are hereby appointed to serve as members of the Millington Municipal School Transition Committee, for one year terms beginning August 6, 2012 and ending August 6, 2013.

This Resolution is adopted as of the 6th day of August, 2012.

Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted with six “ayes” to approve Resolution 36-2012. Mr. Caruthers abstained.

BUSINESS FROM THE FLOOR

Ms. Louise Kennon, County Commissioner Terry Roland, Thomas McGhee, Oscar Brown, and Gregg Ritter addressed the Board regarding school issues.

ADJOURNMENT

There being no further business, upon motion by Mr. Brown and the unanimous vote of the Aldermen, the meeting was adjourned at 8:00 p.m.

Linda L. Carter, Mayor

Carolyn K. Conley, City Clerk

MINUTES OF SPECIAL MEETING OF THE BOARD OF MAYOR AND ALDERMEN
OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON AUGUST 20, 2012

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND PRAYER

The Board of Mayor and Aldermen of the City of Millington, Tennessee met in special session at Millington City Hall on August 20, 2012. The meeting was called to order at 7:03 p.m. and was opened with a prayer by Mr. Brown. Mayor Carter led the Pledge of Allegiance.

ROLL CALL AND QUORUM DETERMINATION

The following members were present:

Mayor Linda L. Carter
Keith D. Barger
James O. Brown
Michael E. Caruthers
Donald L. Lowry
Brett A. Morgan
Jimmy E. Pike

Mr. Ford was absent. A quorum being present, the following proceedings were held:

CONSIDERATION OF ORDINANCE 2012-20

The first order of business was consideration of Ordinance 2012-20, as follows:

ORDINANCE 2012-20

ORDINANCE REPEALING ORDINANCE 2012-12 , ORDINANCE ANNEXING INTO THE
CITY OF MILLINGTON THE TERRITORY GENERALLY KNOWN AS THE TOWN OR
COMMUNITY OF LUCY

WHEREAS, on June 14, 2012, the Board of Mayor and Aldermen adopted Ordinance 2012-12 on third reading for the purpose of annexing into the corporate boundaries of the City of Millington the territory described therein, which territory is generally known as the unincorporated town or community of Lucy; and

WHEREAS, the Board of Mayor and Aldermen has determined that it is not in the best interest of the City of Millington to continue this annexation by ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee as follows:

Section 1. That Ordinance 2012-12 be, and the same hereby is, repealed and made null and void, and shall be of no further force and effect to annex into the City of Millington the territory described therein, which territory is described as follows;

Beginning at a point at the intersection of the eastern right of way (hereafter abbreviated as "r.o.w.") of Hwy 51 N and the north r.o.w. of Sykes Rd; thence 100' +/- southeasterly along the north r.o.w. of Sykes Rd to a point; thence southeasterly 300' +/- ; thence continuing along said r.o.w. 7000' +/- to the intersection of said r.o.w. with the eastern r.o.w. of Canadian National Railroad ("CNRR"); thence southwesterly along said CNRR r.o.w. 2500' +/- to its intersection with the north r.o.w. of Pleasant Ridge Rd; thence southeasterly a distance of 500' +/- along said north r.o.w. of Pleasant Ridge Rd. to a point; thence southwesterly along the east property line of parcel no. D0126 00259, as identified in the records of the Shelby County Assessor, 675' +/- to a point; thence northwesterly along the east property line of parcel no. D0126 00259 910' +/- to its intersection with the eastern r.o.w of CNRR; thence southwesterly along said CNRR r.o.w. 400' +/- to a point; thence in a southerly direction 1800' +/- along the existing southwestern corporate limits of the City of Millington to a point; then continuing 390'

+/- westerly along said corporate limits to a point; thence northeasterly 250' +/- along said corporate limits to a point; thence northwesterly 220' +/- along said corporate limits to a point; thence southwestly 390' +/- along said corporate limits to a point; thence northwesterly 670' +/- along said corporate limits to a point at the intersection with the eastern r.o.w. of CNRR; thence southwestly a distance of 1900' +/- along said eastern r.o.w. of CNRR, being the same as the existing corporate limits of the City of Millington to a point; thence 270' +/- in a southwestly direction along said corporate limits to a point; thence 2600' +/- to a point on the eastern r.o.w. of Amherst Rd.; thence north along said eastern r.o.w. of Amherst Rd. a distance of 350'; thence northeast along the north property line of parcel no. D0125 00407 in said Assessor's records a distance of 320' +/-; thence northeasterly along said north property line and the existing City of Millington corporate limits a distance of 1470' +/-; thence southeasterly along the north property line of parcel no. D0125 00648 in said Assessor's records, and the existing City of Millington corporate limits a distance of 2150' +/- to a point intersecting the eastern r.o.w. of Raleigh Millington Rd.; thence southwestly a distance of 2050' +/- along the eastern r.o.w. of Raleigh-Millington Rd. to a point intersecting the north r.o.w. of Amherst Rd.; thence northwesterly 1900' +/- along the north r.o.w. of Amherst Rd. and the southeast City of Millington existing corporate limits to a point intersecting the east r.o.w. of Amherst Rd.; thence continuing northwesterly along the existing City of Millington corporate limits to a point intersecting the east r.o.w. of CNRR for a distance of 2600' +/-; thence in a northwesterly direction a distance of 4500' +/- following the south property line of parcel no. D0125 00603 to a point; thence following the east property line of parcel no. D0125 00593 northeasterly a distance of 1600' +/- to a point; thence northwesterly along the north property line of parcel no. D0125 00593 a distance of 1350' +/- to its intersection with the eastern r.o.w. of Hwy 51 N; thence northeasterly along the eastern r.o.w. of Hwy 51 N a distance of 5000' +/- to the point of beginning. Said area measuring approximately 974 acres +/-.

BE IT FURTHER ORDAINED that notwithstanding the repeal of Ordinance 2012-12, this Ordinance 2012-20 does not repeal or nullify the Plan of Services for the Lucy community that was adopted by the Board of Mayor and Aldermen on June 14, 2012 by Resolution 24-2012, and said Plan of Services remains in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its adoption on third and final reading, the public welfare requiring it.

Upon motion by Mr. Brown, seconded by Mr. Morgan, the Board voted unanimously to approve Ordinance 2012-20 on second reading.

ADJOURNMENT

There being no further business, upon motion by Mr. Brown, seconded by Mr. Lowry, and unanimous consent of the Aldermen, the meeting was adjourned at 7:06 p.m.

Linda L. Carter, Mayor

Carolyn K. Conley, City Clerk

MINUTES OF SPECIAL MEETING OF THE BOARD OF MAYOR AND ALDERMEN
OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON AUGUST 27, 2012

CALL TO ORDER, PLEDGE OF ALLEGIANCE AND PRAYER

The Board of Mayor and Aldermen of the City of Millington, Tennessee met in special session at Millington City Hall on August 27, 2012. The meeting was called to order at 6:05 p.m. and was opened with a prayer by Mr. Barger. Mayor Carter led the Pledge of Allegiance.

ROLL CALL AND QUORUM DETERMINATION

The following members were present:

Mayor Linda L. Carter
Keith D. Barger
Michael E. Caruthers
D. Christopher Ford
Donald L. Lowry

Mr. Brown and Mr. Pike were absent. A quorum being present, the following proceedings were held:

FIRE CHIEF GARY GRAVES REPORT

Fire Chief Gary Graves reported on the anticipated effects of Hurricane Isaac and gave information regarding response preparations.

PUBLIC HEARING ON ORDINANCE 2012-20

Mayor Carter announced that the public hearing on Ordinance 2012-20 was open and asked if there were comments or questions. Larry Brown stated his concern that if this annexation ordinance is repealed, the citizens of the Lucy area may not vote to be annexed. Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to close the public hearing.

CONSIDERATION OF ORDINANCE 2012-20

The first order of business was consideration of Ordinance 2012-20, as follows:

ORDINANCE 2012-20

ORDINANCE REPEALING ORDINANCE 2012-12 , ORDINANCE ANNEXING INTO THE
CITY OF MILLINGTON THE TERRITORY GENERALLY KNOWN AS THE TOWN OR
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NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee as follows:

Section 1. That Ordinance 2012-12 be, and the same hereby is, repealed and made null and void, and shall be of no further force and effect to annex into the City of Millington the territory described therein, which territory is described as follows;

Beginning at a point at the intersection of the eastern right of way (hereafter abbreviated as "r.o.w.") of Hwy 51 N and the north r.o.w. of Sykes Rd; thence 100' +/- southeasterly along the north r.o.w. of Sykes Rd to a point; thence southeasterly 300' +/- ; thence continuing along said r.o.w. 7000' +/- to the intersection of said r.o.w. with the eastern r.o.w. of Canadian National Railroad ("CNRR"); thence southwesterly along said CNRR r.o.w. 2500' +/- to its intersection with the north r.o.w. of Pleasant Ridge Rd; thence southeasterly a distance of 500' +/- along said north r.o.w. of Pleasant Ridge Rd. to a point; thence southwesterly along the east property line of parcel no. D0126 00259, as identified in the records of the Shelby County Assessor, 675' +/- to a point; thence northwesterly along the east property line of parcel no. D0126 00259 910' +/- to its intersection with the eastern r.o.w of CNRR; thence southwesterly along said CNRR r.o.w. 400' +/- to a point; thence in a southerly direction 1800' +/- along the existing southwestern corporate limits of the City of Millington to a point; then continuing 390' +/- westerly along said corporate limits to a point; thence northeasterly 250' +/- along said corporate limits to a point; thence northwesterly 220' +/- along said corporate limits to a point; thence southwesterly 390' +/- along said corporate limits to a point; thence northwesterly 670' +/- along said corporate limits to a point at the intersection with the eastern r.o.w. of CNRR; thence southwesterly a distance of 1900' +/- along said eastern r.o.w. of CNRR, being the same as the existing corporate limits of the City of Millington to a point; thence 270' +/- in a southwesterly direction along said corporate limits to a point; thence 2600' +/- to a point on the eastern r.o.w. of Amherst Rd.; thence north along said eastern r.o.w. of Amherst Rd. a distance of 350'; thence northeast along the north property line of parcel no. D0125 00407 in said Assessor's records a distance of 320' +/-; thence northeasterly along said north property line and the existing City of Millington corporate limits a distance of 1470' +/-; thence southeasterly along the north property line of parcel no. D0125 00648 in said Assessor's records, and the existing City of Millington corporate limits a distance of 2150' +/- to a point intersecting the eastern r.o.w. of Raleigh Millington Rd.; thence southwesterly a distance of 2050' +/- along the eastern r.o.w. of Raleigh-Millington Rd. to a point intersecting the north r.o.w. of Amherst Rd.; thence northwesterly 1900' +/- along the north r.o.w. of Amherst Rd. and the southeast City of Millington existing corporate limits to a point intersecting the east r.o.w. of Amherst Rd.; thence continuing northwesterly along the existing City of Millington corporate limits to a point intersecting the east r.o.w. of CNRR for a distance of 2600' +/-; thence in a northwesterly direction a distance of 4500' +/- following the south property line of parcel no. D0125 00603 to a point; thence following the east property line of parcel no. D0125 00593 northeasterly a distance of 1600' +/- to a point; thence northwesterly along the north property line of parcel no. D0125 00593 a distance of 1350' +/- to its intersection with the eastern r.o.w. of Hwy 51 N; thence northeasterly along the eastern r.o.w. of Hwy 51 N a distance of 5000' +/- to the point of beginning. Said area measuring approximately 974 acres +/-.

BE IT FURTHER ORDAINED that notwithstanding the repeal of Ordinance 2012-12, this Ordinance 2012-20 does not repeal or nullify the Plan of Services for the Lucy community that was adopted by the Board of Mayor and Aldermen on June 14, 2012 by Resolution 24-2012, and said Plan of Services remains in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its adoption on third and final reading, the public welfare requiring it.

Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve Ordinance 2012-20 on third reading.

PUBLIC HEARING ON RESOLUTION 32-2012

Mayor Carter announced that the public hearing on Resolution 32-2012 was open and asked if there were comments or questions. David Holland asked how much Millington taxes would be. Deborah Holland said she was disappointed that there had been no public meetings in the Lucy area regarding the proposed annexation and plan of services and said she wanted a good relationship with the City after annexation. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to close the public hearing.

CONSIDERATION OF RESOLUTION 32-2012

The next order of business was consideration of Resolution 32-2012, as follows:

RESOLUTION 32-2012

RESOLUTION AFFIRMING PLAN OF SERVICES ADOPTED BY RESOLUTION 24-2012
FOR THE TERRITORY SOUTH
OF AND ADJACENT TO THE CURRENT CITY LIMITS OF THE CITY OF MILLINGTON
GENERALLY KNOWN AS THE LUCY COMMUNITY

WHEREAS, Tennessee Code Annotated Section 6-51-104(b)(1)((A) requires that a resolution proposing annexation of any territory by referendum include a plan of services for the area proposed for annexation, which plan of services shall address the same services and timing of services as required by Tennessee Code Annotated Section 6-51-102; and

WHEREAS, the Board of Mayor and Aldermen enacted Resolution 24-2012 at its meeting on June 14, 2012, which Resolution adopted the Plan of Services for the territory known as the Lucy community; and

WHEREAS, the Board of Mayor and Aldermen desires to ratify and affirm the Plan of Services for Lucy that was adopted by Resolution 24-2012;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City Of Millington, Tennessee, that the Plan of Services attached to this Resolution 32-2012 as Exhibit A and incorporated herein by reference as if set out herein verbatim, which Plan of Services was approved and adopted by the Board on June 14, 2012 by Resolution 24-2012, be and the same hereby is, ratified and affirmed as the Plan of Services for the Lucy territory described in Resolution 33-2012, the Resolution calling for a referendum of annexation for the territory described therein.

BE IT FURTHER RESOLVED that the Plan of Services set out herein shall be incorporated into Resolution 33-2012 as if set out therein verbatim.

BE IT FURTHER RESOLVED that this Resolution shall take effect upon its adoption, and the Plan of Services attached hereto as Exhibit A and incorporated herein shall become operative for the territory described in Resolution 33-2012 upon the effective date of annexation of said territory.

EXHIBIT A TO RESOLUTION 32-2012

Plan of Services for Lucy Annexation

The Plan of Services set out below shall apply to the community generally known as the Lucy community, as such territory is described in Resolution 33-2012, upon its annexation into the City of Millington (the "Annexed Territory").

1. Millington fire, ambulance and police service as provided to existing citizens and properties in the City of Millington shall be provided in the Annexed Territory immediately upon the effective date of annexation.
2. Arts, parks, recreational programs, and other cultural and recreational amenities and activities of the City of Millington will be available to residents of the Annexed Territory beginning upon the effective date of annexation, to the same extent available to all citizens of the City of Millington. At such time, citizens in the Annexed Territory who desire to participate in such events, activities and amenities will begin to pay applicable City of Millington resident fees for programs and facility rentals.
3. Water services to residents and properties within the Annexed Territory will continue to be provided by Memphis Light, Gas & Water ("MLGW").
4. Sewer located within the Annexed Territory will be transferred to the City of Millington within four years to allow time for installation of new access lines and upgrades to lift stations. During the interim, the City of Memphis will continue to provide sewer service to the Annexed Territory, and MLGW will continue to bill residents and property owners in the Annexed Territory as is currently being done.
5. Sanitation services in the form of once-a-week garbage and trash pickups within the Annexed Territory will begin on November 1, 2012 and will be provided in the same manner as such services are provided to existing residents of the City of Millington. At such time, residents

and property owners within the Annexed Territory will begin to pay for sanitation services at the same rates and fees as are from time to time applicable to all users of such services within the City of Millington. This will allow time for the City of Millington to order and receive additional needed garbage cans. Prior to such date, sanitation services will continue to be provided by individual residents by contract.

6. All street lighting and street maintenance, repair and construction within the Annexed Territory will be performed in accordance with general policies and procedures of the City of Millington, beginning as of the effective of annexation.
7. Animal control services within the Annexed Territory will be provided in accordance with policies and procedures of the City of Millington, beginning as of the effective date of annexation.
8. Existing County zoning ordinances will remain in effect for the Annexed Territory until such time as the City of Millington amends its zoning ordinance so that zoning regulations applicable to the Annexed Territory conform to the existing City of Millington zoning ordinance with regard to district descriptions, uses allowed within each district and other provisions. Existing commercial uses, if any, will be permitted to continue within the Annexed Territory to the extent provided by state law.
9. The Annexed Territory is currently served by Shelby County Schools and will continue to be so served at the effective date of annexation.
10. Effective as of the date of annexation, storm water management and pollution control regulations will be in effect, and services will be provided, for residents and property owners in the annexed area in accordance with Title 14, Chapter 20 of the Millington Municipal Code (as such may be amended from time to time), in the same manner as applicable to and provided for existing City of Millington residents and property owners. Residents and property owners in the annexed area will be charged storm water fees in the same manner as existing City residents and property owners.

This Resolution is adopted as of the 27th day of August, 2012.

Upon motion by Mr. Barger, seconded by Mr. Lowry, the Board voted unanimously to approve Resolution 32-2012.

CONSIDERATION OF RESOLUTION 33-2012

The next order of business was consideration of Resolution 33-2012, as follows:

RESOLUTION 33-2012

RESOLUTION CALLING FOR REFERENDUM OF ANNEXATION OF THE TERRITORY KNOWN AS THE LUCY COMMUNITY INTO THE CITY OF MILLINGTON, TENNESSEE

WHEREAS, the Board of Mayor and Aldermen of the City of Millington desires to call for a referendum of annexation of the territory known as the Lucy community into the City;

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

Section 1. As provided in Tennessee Code Annotated Sections 6-51-104 and 6-51-105, it is proposed to annex the following described territory known as the Lucy community adjoining the present corporate boundaries of the City of Millington:

“Beginning at a point at the intersection of the eastern right of way (hereafter abbreviated as “r.o.w.”) of Hwy 51 N and the north r.o.w. of Sykes Rd; thence 100’ +/- southeasterly along the north r.o.w. of Sykes Rd to a point; thence southeasterly 300’ +/- ; thence continuing along said r.o.w. 7000’ +/- to the intersection of said r.o.w. with the eastern r.o.w. of Canadian National Railroad (“CNR”); thence southwesterly along said CNRR r.o.w. 2500’ +/- to its intersection with the north r.o.w. of Pleasant Ridge Rd; thence southeasterly a distance of 500’ +/- along said north r.o.w. of Pleasant Ridge Rd. to a point; thence southwesterly along the east property line of parcel no. D0126 00259, as identified in the records of the Shelby County Assessor, 675’ +/- to a point; thence northwesterly along the east property line of parcel no.

D0126 00259 910' +/- to its intersection with the eastern r.o.w of CNRR; thence southwesterly along said CNRR r.o.w. 400' +/- to a point; thence in a southerly direction 1800' +/- along the existing southwestern corporate limits of the City of Millington to a point; then continuing 390' +/- westerly along said corporate limits to a point; thence northeasterly 250' +/- along said corporate limits to a point; thence northwesterly 220' +/- along said corporate limits to a point; thence southwesterly 390' +/- along said corporate limits to a point; thence northwesterly 670' +/- along said corporate limits to a point at the intersection with the eastern r.o.w. of CNRR; thence southwesterly a distance of 1900' +/- along said eastern r.o.w. of CNRR, being the same as the existing corporate limits of the City of Millington to a point; thence 270' +/- in a southwesterly direction along said corporate limits to a point; thence 2600' +/- to a point on the eastern r.o.w. of Amherst Rd.; thence north along said eastern r.o.w. of Amherst Rd. a distance of 350'; thence northeast along the north property line of parcel no. D0125 00407 in said Assessor's records a distance of 320' +/-; thence northeasterly along said north property line and the existing City of Millington corporate limits a distance of 1470' +/-; thence southeasterly along the north property line of parcel no. D0125 00648 in said Assessor's records, and the existing City of Millington corporate limits a distance of 2150' +/- to a point intersecting the eastern r.o.w. of Raleigh Millington Rd.; thence southwesterly a distance of 2050' +/- along the eastern r.o.w. of Raleigh-Millington Rd. to a point intersecting the north r.o.w. of Amherst Rd.; thence northwesterly 1900' +/- along the north r.o.w. of Amherst Rd. and the southeast City of Millington existing corporate limits to a point intersecting the east r.o.w. of Amherst Rd.; thence continuing northwesterly along the existing City of Millington corporate limits to a point intersecting the east r.o.w. of CNRR for a distance of 2600' +/-; thence in a northwesterly direction a distance of 4500' +/- following the south property line of parcel no. D0125 00603 to a point; thence following the east property line of parcel no. D0125 00593 northeasterly a distance of 1600' +/- to a point; thence northwesterly along the north property line of parcel no. D0125 00593 a distance of 1350' +/- to its intersection with the eastern r.o.w. of Hwy 51 N; thence northeasterly along the eastern r.o.w. of Hwy 51 N a distance of 5000' +/- to the point of beginning. Said area measuring approximately 974 acres +/-.

1. Section 2. The Plan of Services for the territory described above, as adopted by Resolution 24-2012 and as reaffirmed by Resolution 32-2012, is attached to this Resolution as Exhibit A and is incorporated herein by reference, as if set out herein verbatim.
2. Section 3. The City Clerk is directed to have copies of this Resolution and the Plan of Services posted in three public places in the City of Millington and in three public places in the above-described territory, and to have the Resolution published in *The Millington Star* on August 30, September 6 and September 13, 2012. Copies of this Resolution shall be so posted on or before the first date of publication in said newspaper. The City Clerk shall immediately file with the Board of Mayor and Aldermen and the Shelby County Election Commission a certificate showing the dates on which such posting and publication in *The Millington Star* took place.
3. Section 4. The Shelby County Election Commission is requested to hold an election in the territory described above that is proposed for annexation at least thirty (30) days and not more than sixty (60) days after the last date of newspaper publication.
4. Section 5. This Resolution is adopted as of the 27th day of August, 2012.

EXHIBIT A TO RESOLUTION 33-2012

Plan of Services for Lucy Annexation

The Plan of Services set out below shall apply to the community generally known as the Lucy community, as such territory is described in Resolution 33-2012, upon its annexation into the City of Millington (the "Annexed Territory").

1. Millington fire, ambulance and police service as provided to existing citizens and properties in the City of Millington shall be provided in the Annexed Territory immediately upon the effective date of annexation.
2. Arts, parks, recreational programs, and other cultural and recreational amenities and activities of the City of Millington will be available to residents of the Annexed Territory

beginning upon the effective date of annexation, to the same extent available to all citizens of the City of Millington. At such time, citizens in the Annexed Territory who desire to participate in such events, activities and amenities will begin to pay applicable City of Millington resident fees for programs and facility rentals.

3. Water services to residents and properties within the Annexed Territory will continue to be provided by Memphis Light, Gas & Water (“MLGW”).
4. Sewer located within the Annexed Territory will be transferred to the City of Millington within four years to allow time for installation of new access lines and upgrades to lift stations. During the interim, the City of Memphis will continue to provide sewer service to the Annexed Territory, and MLGW will continue to bill residents and property owners in the Annexed Territory as is currently being done.
5. Sanitation services in the form of once-a-week garbage and trash pickups within the Annexed Territory will begin on November 1, 2012 and will be provided in the same manner as such services are provided to existing residents of the City of Millington. At such time, residents and property owners within the Annexed Territory will begin to pay for sanitation services at the same rates and fees as are from time to time applicable to all users of such services within the City of Millington. This will allow time for the City of Millington to order and receive additional needed garbage cans. Prior to such date, sanitation services will continue to be provided by individual residents by contract.
6. All street lighting and street maintenance, repair and construction within the Annexed Territory will be performed in accordance with general policies and procedures of the City of Millington, beginning as of the effective of annexation.
7. Animal control services within the Annexed Territory will be provided in accordance with policies and procedures of the City of Millington, beginning as of the effective date of annexation.
8. Existing County zoning ordinances will remain in effect for the Annexed Territory until such time as the City of Millington amends its zoning ordinance so that zoning regulations applicable to the Annexed Territory conform to the existing City of Millington zoning ordinance with regard to district descriptions, uses allowed within each district and other provisions. Existing commercial uses, if any, will be permitted to continue within the Annexed Territory to the extent provided by state law.
9. The Annexed Territory is currently served by Shelby County Schools and will continue to be so served at the effective date of annexation.
10. Effective as of the date of annexation, storm water management and pollution control regulations will be in effect, and services will be provided, for residents and property owners in the annexed area in accordance with Title 14, Chapter 20 of the Millington Municipal Code (as such may be amended from time to time), in the same manner as applicable to and provided for existing City of Millington residents and property owners. Residents and property owners in the annexed area will be charged storm water fees in the same manner as existing City residents and property owners.

Mr. Caruthers expressed concern about the cost of providing services in the Lucy area, and Mr. Barger said some Millington citizens had told him they wished they could vote on this annexation. Upon motion by Mr. Ford, seconded by Mr. Morgan, the Board voted with four “ayes” to approve Resolution 33-2012. Mr. Caruthers voted “no.”

PUBLIC HEARING ON RESOLUTION 34-2012

Mayor Carter announced that the public hearing on Resolution 34-2012 was open and asked if there were any comments or questions. Joe Densford asked if it would be possible for residents of areas that are very rural to be exempt from sanitation fees, since it would be difficult for them to push trash carts long distances to the road. Windell Barnes said that the City was already talking about exemptions for the elderly, and this could apply in very rural areas. He also said the City should be able to forecast what property taxes from the areas proposed for annexation will be in order for the City to recover its costs of providing services. Upon motion

by Mr. Morgan, seconded by Mr. Lowry, the Board voted unanimously to close the public hearing.

CONSIDERATION OF RESOLUTION 34-2012

The next order of business was consideration of Resolution 34-2012, as follows:

RESOLUTION 34-2012

RESOLUTION ADOPTING PLAN OF SERVICES FOR THE TERRITORY NORTH OF AND ADJACENT TO THE CURRENT CITY LIMITS OF THE CITY OF MILLINGTON GENERALLY KNOWN AS THE KERRVILLE AREA

WHEREAS, Tennessee Code Annotated Section 6-51-104(b)(1)((A) requires that a resolution proposing annexation of any territory by referendum include a plan of services for the area proposed for annexation, which plan of services shall address the same services and timing of services as required by Tennessee Code Annotated Section 6-51-102; and

WHEREAS, the Board of Mayor and Aldermen of the City of Millington desires to adopt the Plan of Services for the territory known as the Kerrville area, which is described in Resolution 35-2012, the Resolution calling for a referendum of annexation of said territory into the City of Millington; and

WHEREAS, the City has complied with the notice and hearing provisions of Tennessee Code Annotated Section 6-51-102(b)(4) regarding the proposed Plan of Services and has submitted said Plan of Services to the City's Planning Commission, which has recommended its adoption to the Board of Mayor and Aldermen;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City Of Millington, Tennessee, that the Plan of Services attached to this Resolution 34-2012 as Exhibit A and incorporated herein by reference as if set out herein verbatim be, and the same hereby is, adopted for the territory generally known as the Kerrville area described in Resolution 35-2012.

BE IT FURTHER RESOLVED that the Plan of Services set out herein shall be incorporated into Resolution 35-2012 as if set out therein verbatim.

BE IT FURTHER RESOLVED that this Resolution shall take effect upon its adoption, and the Plan of Services attached hereto as Exhibit A and incorporated herein shall become operative for the territory described in Resolution 35-2012 upon the effective date of annexation of said territory.

This Resolution is adopted as of the 27th day of August, 2012.

EXHIBIT A TO RESOLUTION 34-2012

Plan of Services for Kerrville Area

The Plan of Services set out below shall apply to the community generally known as the Kerrville area, as such territory is described in Resolution 35-2012, upon its annexation into the City of Millington (the "Annexed Territory").

11. Millington fire, ambulance and police service as provided to existing citizens and properties in the City of Millington shall be provided in the Annexed Territory immediately upon the effective date of annexation.

12. Arts, parks, recreational programs, and other cultural and recreational amenities and activities of the City of Millington will be available to residents of the Annexed Territory beginning upon the effective date of annexation, to the same extent available to all citizens of the City

of Millington. At such time, citizens in the Annexed Territory who desire to participate in such events, activities and amenities will begin to pay applicable City of Millington resident fees for programs and facility rentals.

13. Water services to residents and properties within the Annexed Territory will continue to be provided by Memphis Light, Gas & Water (“MLGW”).
14. For the residents within the Annexed Territory who currently have sewer service provided by MLGW, sewer service will continue to be provided by MLGW. Individual property owners with privately owned septic systems will continue to use such septic systems. At such time as Millington extends its sewer system into the Annexed Territory, all property owners will connect to the Millington Sewer System and be billed accordingly.
15. Sanitation services in the form of once-a-week garbage and trash pickups within the Annexed Territory will begin on or before March 1, 2013 and will be provided in the same manner as such services are provided to existing residents of the City of Millington. At such time, residents and property owners within the Annexed Territory will begin to pay for sanitation services at the same rates and fees as are from time to time applicable to all users of such services within the City of Millington. This will allow time for the City of Millington to order and receive additional needed garbage cans. Prior to such date, sanitation services will continue to be provided by individual residents by contract.
16. All street lighting and street maintenance, repair and construction within the Annexed Territory will be performed in accordance with general policies and procedures of the City of Millington, beginning as of the effective date of annexation.
17. Animal control services within the Annexed Territory will be provided in accordance with policies and procedures of the City of Millington, beginning as of the effective date of annexation.
18. Existing County zoning ordinances will remain in effect for the Annexed Territory until such time as the City of Millington amends its zoning ordinance so that zoning regulations applicable to the Annexed Territory conform to the existing City of Millington zoning ordinance with regard to district descriptions, uses allowed within each district and other provisions. Existing commercial uses, if any, will be permitted to continue within the Annexed Territory to the extent provided by state law.
19. The Annexed Territory is currently served by Shelby County Schools and will continue to be so served at the effective date of annexation.
20. Effective as of the date of annexation, storm water management and pollution control regulations will be in effect, and services will be provided, for residents and property owners in the annexed area in accordance with Title 14, Chapter 20 of the Millington Municipal Code (as such may be amended from time to time), in the same manner as applicable to and provided for existing City of Millington residents and property owners. Residents and property owners in the annexed area will be charged storm water fees in the same manner as existing City residents and property owners.

Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve Resolution 34-2012.

COSIDERATION OF RESOLUTION 35-2012

The next order of business was consideration of Resolution 35-2012, as follows:

RESOLUTION 35-2012

RESOLUTION CALLING FOR REFERENDUM OF ANNEXATION OF THE TERRITORY KNOWN AS THE KERRVILLE AREA INTO THE CITY OF MILLINGTON, TENNESSEE

WHEREAS the Board of Mayor and Aldermen of the City of Millington desires to call for a referendum of annexation of the territory known as the Kerrville area into the City;

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

Section 1. As provided in Tennessee Code Annotated Sections 6-51-104 and 6-51-105, it is proposed to annex the following described territory adjoining the present corporate boundaries of the City of Millington: the territory adjoining the northern boundary of the City of Millington, up to the Shelby County-Tipton County line, which territory is shown on the map attached to this Resolution as Exhibit A, which map is incorporated herein by reference. Said territory is identified on said map as "Millington proposed annexation Area 2, 1400 acres +/- and 200 parcels +/-" and is particularly described as follows:

BEGINNING AT A POINT, said point being the intersection of the north right-of-way (r.o.w.) line of Walker Road and the west r.o.w. line of Evander Road; thence along the west r.o.w. line of Evander Road the following calls: N 00°09'31" W, 963.89 feet, N 01°19'06" E, 1468.29 feet to a point in the Shelby County and Tipton County boundary line; thence along said Shelby County and Tipton County boundary line the following calls: S 87°04'04" E, 1.94 feet, S 87°08'38" E, 2016.22 feet, S 09°14'19" W, 143.44 feet, S 81°40'59" E, 844.43 feet, N 89°18'22" E, 523.10 feet to a point in the west r.o.w. line of Highway 51, thence crossing said Highway 51, S 82°23'43" E, 295.18 feet to a point; thence continuing along said Shelby County and Tipton County boundary line the following calls: S 82°13'36" E, 1225.02 feet, S 81°52'12" E, 75.48 feet, S 78°23'09" E, 149.65 feet, N 32°00'01" E, 326.51 feet, S 80°32'16" E, 393.40 feet, S 80°29'23" E, 594.18 feet, S 80°46'02" E, 182.45 feet, S 80°00'23" E, 139.31 feet, S 80°24'51" E, 322.50 feet, S 79°47'12" E, 598.46 feet, N 00°09'31" W, 226.68 feet, S 84°07'28" E, 351.72 feet, S 83°24'21" E, 25.24 feet to a point in the west r.o.w. line of Merrill Road, thence along the west r.o.w. line of Merrill Road the following calls: S 11°50'10" E, 105.48 feet, S 10°49'25" E, 71.60 feet, S 08°33'18" E, 67.73 feet, S 06°12'31" E, 76.44 feet, S 05°24'04" E, 58.15 feet, S 06°49'08" E, 71.05 feet, S 09°23'34" E, 165.59 feet, S 10°44'18" E, 162.04 feet, S 10°17'47" E, 296.83 feet, S 08°28'50" E, 162.85 feet, S 08°28'52" E, 183.86 feet, S 08°28'50" E, 124.62 feet, S 08°50'20" E, 265.27 feet to the north r.o.w. line of Old Tipton Road, thence crossing Old Tipton Road and continuing along the west r.o.w. line of Merrill Road the following calls: S 09°19'57" E, 52.44 feet, S 09°20'00" E, 328.80 feet, S 09°20'01" E, 293.17 feet, S 09°20'00" E, 313.08 feet, S 08°08'03" E, 212.89 feet, S 06°08'46" E, 139.92 feet, S 03°12'37" E, 71.63 feet, S 00°54'04" W, 71.63 feet, S 06°13'37" W, 646.59 feet, S 06°59'50" W, 378.24 feet, S 06°49'50" W, 554.54 feet, S 08°49'33" W, 96.97 feet, S 12°07'21" W, 63.34 feet, S 15°03'14" W, 79.17 feet, S 17°52'57" W, 108.95 feet to a point in the south r.o.w. line of Mudville Road, thence along the south r.o.w. line of Mudville Road the following calls: N 79°53'53" W, 43.67 feet, N 80°33'49" W, 126.01 feet, N 81°13'43" W, 186.05 feet, N 82°18'08" W, 224.15 feet, N 81°57'18" W, 275.66 feet, N 83°04'44" W, 123.25 feet, N 85°29'52" W, 180.20 feet, N 87°51'33" W, 151.46 feet, N 86°54'06" W, 642.68 feet, N 86°43'44" W, 62.30 feet, N 85°50'24" W, 80.06 feet, N 84°46'03" W, 99.19 feet to a point in the east r.o.w. line of Bethuel Road, thence along the east r.o.w. line of Bethuel Road the following calls: S 09°15'19" W, 224.91 feet, S 08°30'05" W, 203.27 feet, S 08°07'47" W, 224.48 feet, S 07°54'29" W, 933.75 feet, S 08°59'08" W, 23.77 feet, S 09°58'07" W, 15.56 feet, S 10°19'50" W, 52.83 feet, S 13°02'12" W, 57.62 feet, S 13°43'53" W, 28.05 feet, S 16°27'19" W, 21.30 feet, S 21°01'04" W, 19.85 feet, S 22°20'44" W, 16.83 feet, S 25°13'32" W, 19.47 feet, S 26°39'30" W, 319.66 feet, S 22°32'11" W, 23.91 feet, S 17°12'57" W, 22.33 feet, S 14°25'07" W, 23.32 feet, S 10°45'16" W, 16.52 feet, S 08°20'03" W, 14.39 feet, S 05°44'54" W, 13.58 feet, S 03°23'03" W, 16.90 feet, S 00°00'01" E, 23.40 feet, S 03°15'08" E, 23.98 feet, S 05°01'29" E, 35.59 feet, S 06°57'23" E, 22.93 feet, S 08°31'09" E, 37.34 feet, S 11°17'00" E, 29.20 feet, S 12°50'18" E, 27.35 feet, S 14°36'33" E, 35.66 feet, S 16°49'44" E, 14.36 feet, S 18°06'15" E, 4.96 feet, S 16°25'03" E, 10.59 feet, S 18°56'12" E, 36.05 feet, S 19°15'34" E, 221.23 feet, S 17°39'46" E, 70.71 feet, S 16°08'03" E, 44.62 feet, S 14°52'52" E, 106.73 feet, S 14°17'11" E, 19.80 feet, S 14°58'35" E, 50.27 feet, S 14°45'08" E, 53.97 feet, S 10°39'54" E, 18.28 feet, S 07°41'47" E, 22.43 feet, S 04°33'28" E, 20.80 feet, S 00°00'01" E, 18.93 feet, S 03°48'25" W, 42.64 feet, S 08°09'32" W, 727.85 feet, S 09°12'29" W, 366.33 feet to a point in the north r.o.w. line of Kerrville-Rosemark Road, thence along the north r.o.w. line of Kerrville-Rosemark Road the following calls: S 81°37'30" E, 344.07 feet, S 83°55'24" E, 217.35 feet, S 82°48'11" E, 81.89 feet, S 82°27'02" E, 72.68 feet, S 81°49'09" E, 182.09 feet, S 81°35'05" E, 415.34 feet, S 80°04'59" E, 88.42 feet, S 80°59'04" E, 106.30 feet, S 81°20'23" E, 34.44 feet to a point, thence along the west line of parcel number M0116 00020, S 09°04'14" W, 2880.79 feet to a point, thence along the north line of parcel M0116 00049, N 82°01'42" W, 1582.50 feet to a point in the west r.o.w. line of Bethuel Road, thence along the west r.o.w. line

of Bethuel Road the following calls: N 08°52'47" E, 1404.51 feet, N 08°56'13" E, 163.03 feet, N 08°45'20" E, 24.71 feet, N 07°53'47" E, 108.76 feet, N 08°11'06" E, 20.93 feet, N 08°21'03" E, 26.79 feet, N 08°28'46" E, 28.79 feet, N 08°51'21" E, 11.51 feet to a point, thence along the north line of parcel M0116 00394 the following calls: N 82°56'35" W, 35.01 feet, N 82°56'36" W, 51.04 feet, N 82°30'15" W, 6.95 feet, N 83°02'50" W, 64.58 feet, N 82°57'55" W, 66.98 feet, N 82°58'32" W, 62.43 feet, N 82°32'04" W, 8.64 feet, N 83°47'15" W, 7.46 feet, N 82°45'02" W, 12.68 feet, N 83°02'37" W, 111.19 feet, N 83°07'25" W, 86.43 feet, N 82°42'05" W, 123.45 feet to a point, thence along the north and east line of parcel M0116 00154 the following calls: N 84°56'24" W, 452.64 feet, N 08°30'38" W, 225.86 feet, N 86°38'43" W, 91.26 feet, N 86°38'23" W, 76.66 feet, N 86°10'44" W, 26.92 feet, N 86°49'30" W, 21.93 feet, N 86°51'49" W, 27.42 feet, N 86°41'21" W, 45.46 feet, N 86°16'23" W, 344.82 feet, N 09°21'58" E, 563.26 feet to a point, thence along parcel M0115 00953 the following calls: N 09°33'20" E, 8.35 feet, N 09°35'05" E, 0.87 feet, N 09°35'55" E, 39.72 feet, N 09°45'00" E, 0.01 feet, N 09°35'54" E, 1.75 feet, N 09°39'43" E, 1.75 feet, N 09°24'14" E, 4.29 feet, N 09°26'47" E, 178.35 feet, N 09°30'14" E, 595.26 feet, N 12°01'41" E, 573.91 feet, N 36°01'38" E, 233.84 feet, N 35°08'02" E, 162.17 feet, N 34°17'12" E, 65.40 feet, N 41°59'13" E, 33.04 feet, N 30°57'49" E, 14.32 feet, N 35°23'41" E, 114.49 feet, N 48°33'48" W, 423.28 feet, N 48°53'20" W, 1371.17 feet, N 81°21'34" W, 508.98 feet, S 34°08'22" W, 1424.88 feet to a point, thence along parcels M0115 00953, M0115 00883, M0115 00949 and the IC Railroad r.o.w. the following calls: S 05°29'00" W, 332.01 feet, S 84°19'12" W, 2205.08 feet, S 09°39'35" W, 550.75 feet, N 80°10'04" W, 725.85 feet to a point, thence along parcels M0106 00327 and M0106 00326 the following calls: N 32°35'51" E, 2145.12 feet, S 57°22'37" E, 135.86 feet, N 32°40'27" E, 968.56 feet, N 32°40'03" E, 21.38 feet, N 32°40'27" E, 53.01 feet, N 32°40'28" E, 209.08 feet, N 32°40'05" E, 19.68 feet, N 32°44'01" E, 0.66 feet, N 35°40'13" E, 2.40 feet, N 35°28'05" E, 1.83 feet, N 35°45'21" E, 7.79 feet, N 35°40'05" E, 92.36 feet, N 35°40'15" E, 72.66 feet, N 35°40'16" E, 450.83 feet, N 35°40'22" E, 199.08 feet, N 35°27'32" E, 1.32 feet, N 37°20'52" E, 54.55 feet, N 38°33'46" E, 39.44 feet, N 38°33'47" E, 160.90 feet to a point in the south r.o.w. line of North Front Street, , thence along parcel M0106 00326 the following calls: N 49°15'51" W, 140.03 feet, S 86°44'36" W, 101.66 feet, N 52°44'54" W, 54.26 feet, N 87°06'52" W, 217.84 feet to a point, thence along parcel M0106 00172 the following calls: N 32°51'48" E, 302.24 feet, N 49°12'40" E, 17.95 feet, N 49°16'58" E, 94.18 feet, N 53°07'48" E, 35.15 feet, N 52°45'40" E, 525.86 feet, N 20°57'44" W, 176.13 feet to a point in the south r.o.w. line of Kerrville-Rosemark Road, thence along the south r.o.w. line of Kerrville-Rosemark Road the following calls: S 78°16'26" W, 40.10 feet, S 78°34'52" W, 14.54 feet, S 78°55'51" W, 13.32 feet, S 79°25'55" W, 24.53 feet, S 79°53'36" W, 10.77 feet, S 80°03'42" W, 3.35 feet, S 80°16'35" W, 11.64 feet, S 80°29'43" W, 5.21 feet, S 80°38'59" W, 7.62 feet, S 81°01'02" W, 18.88 feet, S 81°24'25" W, 11.77 feet, S 81°39'26" W, 6.66 feet, S 81°50'23" W, 4.82 feet, S 81°49'17" W, 2.09 feet, S 81°58'03" W, 2.56 feet, S 82°03'00" W, 4.97 feet, S 82°10'27" W, 4.00 feet, S 82°19'18" W, 7.78 feet, S 82°31'22" W, 6.92 feet, S 82°43'02" W, 7.90 feet, S 82°57'59" W, 11.73 feet, S 83°09'59" W, 3.56 feet, S 83°21'46" W, 2.96 feet, S 83°15'23" W, 3.67 feet, S 83°30'47" W, 9.40 feet, S 83°43'54" W, 7.44 feet, S 83°52'11" W, 0.92 feet, S 83°59'32" W, 1.54 feet, S 84°06'40" W, 0.88 feet, S 84°15'03" W, 1.40 feet, S 84°21'49" W, 1.05 feet, S 84°33'11" W, 1.94 feet, S 84°41'53" W, 1.42 feet, S 84°53'22" W, 1.32 feet, S 85°06'38" W, 3.63 feet, S 85°18'37" W, 0.78 feet, S 85°30'17" W, 1.65 feet, S 85°32'54" W, 0.15 feet, S 85°50'34" W, 4.92 feet, S 86°19'42" W, 3.41 feet, S 86°44'17" W, 5.12 feet, S 87°19'14" W, 5.40 feet, S 87°58'59" W, 10.51 feet, S 89°34'09" W, 13.25 feet, N 89°39'37" W, 4.03 feet, N 89°18'15" W, 3.22 feet, N 88°46'38" W, 5.29 feet, N 88°19'28" W, 5.20 feet, N 87°30'58" W, 7.61 feet, N 86°48'29" W, 6.86 feet, N 86°09'54" W, 4.24 feet, N 86°00'47" W, 0.37 feet, N 85°54'43" W, 0.86 feet, N 85°44'23" W, 1.56 feet, N 85°37'14" W, 1.46 feet, N 85°23'16" W, 2.26 feet, N 85°14'21" W, 0.90 feet, N 85°08'18" W, 0.72 feet, N 85°05'05" W, 1.16 feet, N 84°52'23" W, 1.08 feet, N 84°47'21" W, 1.32 feet, N 84°38'24" W, 2.03 feet, N 84°26'20" W, 1.51 feet, N 84°16'13" W, 1.37 feet, N 84°10'00" W, 1.36 feet, N 83°57'43" W, 1.00 feet, N 83°54'32" W, 0.89 feet, N 83°50'20" W, 1.41 feet, N 83°29'04" W, 4.04 feet, N 83°10'32" W, 1.14 feet, N 83°06'22" W, 0.79 feet, N 83°01'13" W, 1.09 feet, N 82°57'16" W, 0.36 feet, N 82°47'26" W, 1.53 feet, N 82°37'41" W, 2.13 feet, N 82°26'21" W, 1.03 feet, N 82°15'33" W, 3.01 feet, N 81°52'16" W, 3.27 feet, N 81°33'28" W, 3.16 feet, N 80°58'18" W, 8.77 feet, N 80°08'25" W, 2.44 feet, N 79°54'01" W, 5.38 feet, N 79°37'15" W, 0.26 feet, N 79°28'19" W, 1.97 feet, N 79°16'40" W, 2.10 feet, N 79°02'03" W, 1.98 feet, N 78°37'45" W, 6.08 feet, N 78°10'43" W, 1.75 feet, N 77°53'41" W, 4.16 feet, N 77°25'34" W, 4.63 feet, N 76°55'37" W, 4.41 feet, N 76°41'18" W, 0.22 feet, N 76°21'37" W, 6.01 feet, N 75°31'54" W, 9.54 feet, N 74°34'55" W, 8.07 feet, N 74°34'55" W, 1.92 feet, N 73°14'50" W, 1.69 feet, N 73°30'08" W, 4.82 feet, N 72°59'40" W, 4.87 feet, N 72°39'08" W, 1.55 feet, N 72°23'45" W, 3.04 feet,

N 72°03'42" W, 6.65 feet, N 72°02'52" W, 217.41 feet, N 72°14'23" W, 135.75 feet, N 72°27'05" W, 66.35 feet, N 72°35'34" W, 20.02 feet, N 72°44'19" W, 204.64 feet, N 73°10'46" W, 165.42 feet to a point in the south r.o.w. line of highway 51, thence crossing said Highway 51 r.o.w., N 22°07'02" W, 196.65 feet to a point in the north r.o.w. line of said Highway 51 and the west r.o.w. line of Evander Road, thence along the west r.o.w. of said Evander Road, N 00°09'31" W, 1389.62 feet, thence N 00°09'31" W, 5.77 feet to the POINT OF BEGINNING and containing approximately 1453.59 acres of land, more or less.

Section 2. The Plan of Services for this territory, as adopted by Resolution 34-2012, is attached to this Resolution as Exhibit B and is incorporated herein by reference, as if set out herein verbatim.

Section 3. The City Clerk is directed to have copies of this Resolution, including the map that is Exhibit A and the Plan of Services that is Exhibit B, posted in three public places in the City of Millington and in three public places in the above-described territory, and to have the Resolution published in The Millington Star on August 30 and September 13, 2012. Copies of this Resolution shall be so posted on or before the first date of publication in said newspaper. The City Clerk shall immediately file with the Board of Mayor and Aldermen and the Shelby County Election Commission a certificate showing the dates on which such posting and publication in The Millington Star took place.

Section 4. The Shelby County Election Commission is requested to hold an election in the territory described above that is proposed for annexation at least thirty (30) days and not more than sixty (60) days after the last date of newspaper publication.

Section 5. This Resolution is adopted as of the 27th day of August, 2012.

EXHIBIT B TO RESOLUTION 35-2012
Plan of Services for Kerrville Annexation

The Plan of Services set out below shall apply to the community generally known as the Kerrville area, as such territory is described in Resolution 35-2012, upon its annexation into the City of Millington (the "Annexed Territory").

1. Millington fire, ambulance and police service as provided to existing citizens and properties in the City of Millington shall be provided in the Annexed Territory immediately upon the effective date of annexation.
2. Arts, parks, recreational programs, and other cultural and recreational amenities and activities of the City of Millington will be available to residents of the Annexed Territory beginning upon the effective date of annexation, to the same extent available to all citizens of the City of Millington. At such time, citizens in the Annexed Territory who desire to participate in such events, activities and amenities will begin to pay applicable City of Millington resident fees for programs and facility rentals.
3. Water services to residents and properties within the Annexed Territory will continue to be provided by Memphis Light, Gas & Water ("MLGW").
4. For the residents within the Annexed Territory who currently have sewer service provided by MLGW, sewer service will continue to be provided by MLGW. Individual property owners with privately owned septic systems will continue to use such septic systems. At such time as Millington extends its sewer system into the Annexed Territory, all property owners will connect to the Millington Sewer System and be billed accordingly.

5. Sanitation services in the form of once-a-week garbage and trash pickups within the Annexed Territory will begin on or before March 1, 2013 and will be provided in the same manner as such services are provided to existing residents of the City of Millington. At such time, residents and property owners within the Annexed Territory will begin to pay for sanitation services at the same rates and fees as are from time to time applicable to all users of such services within the City of Millington. This will allow time for the City of Millington to order and receive additional needed garbage cans. Prior to such date, sanitation services will continue to be provided by individual residents by contract.
6. All street lighting and street maintenance, repair and construction within the Annexed Territory will be performed in accordance with general policies and procedures of the City of Millington, beginning as of the effective date of annexation.
7. Animal control services within the Annexed Territory will be provided in accordance with policies and procedures of the City of Millington, beginning as of the effective date of annexation.
8. Existing County zoning ordinances will remain in effect for the Annexed Territory until such time as the City of Millington amends its zoning ordinance so that zoning regulations applicable to the Annexed Territory conform to the existing City of Millington zoning ordinance with regard to district descriptions, uses allowed within each district and other provisions. Existing commercial uses, if any, will be permitted to continue within the Annexed Territory to the extent provided by state law.
9. The Annexed Territory is currently served by Shelby County Schools and will continue to be so served at the effective date of annexation.
10. Effective as of the date of annexation, storm water management and pollution control regulations will be in effect, and services will be provided, for residents and property owners in the annexed area in accordance with Title 14, Chapter 20 of the Millington Municipal Code (as such may be amended from time to time), in the same manner as applicable to and provided for existing City of Millington residents and property owners. Residents and property owners in the annexed area will be charged storm water fees in the same manner as existing City residents and property owners.

Upon motion by Mr. Lowry, seconded by Mr. Ford, the Board voted unanimously to approve Resolution 35-2012.

BIDS FOR ZERO TURN MOWERS

Five bids were received for zero turn mowers for the Arts, Recreation and Parks Department. Upon motion by Mr. Barger, seconded by Mr. Morgan, the Board voted unanimously to accept the lowest and best bid of The Grasshopper Company for two mowers, Model 325D/72, with additional TrimMaster Roller Kit, for the total price of \$ 21,364.00.

ADJOURNMENT

There being no further business, upon motion by Mr. Morgan and unanimous consent of the Aldermen, the meeting was adjourned at 7:10 p.m.

Linda L. Carter, Mayor

Carolyn K. Conley, City Clerk