

MINUTES OF REGULAR MEETING OF THE BOARD OF MAYOR AND ALDERMEN  
OF THE CITY OF MILLINGTON, TENNESSEE  
HELD ON FEBRUARY 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 February 6, 2012. Mayor Carter called the meeting to order at 5:58 p.m. Mr. Morgan gave a prayer, and 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 MEETING

The minutes of the regular meeting held on January 3, 2012 and the special meetings held on January 5<sup>th</sup> and January 13<sup>th</sup>, 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 January, 2012 for the departments listed below had been delivered to all the Aldermen prior to meeting:

1. The Police Department;
2. The Fire Department;
3. The Public Works Department;
4. The Arts and Recreation Department; and
5. The City Court.

Mr. Caruthers asked for a report on the status of hotel/motel tax revenue and whether all the hotels and motels in the City are paying the tax. With consent of the Aldermen, the reports were received and filed.

INTRODUCTION OF NAVAL OFFICERS

Mayor Carter introduced Rear Admiral Cindy Covell, Commander, Navy Personnel Command, and Captain Steve Fimple, Commanding Officer, Naval Support Activity Mid-South. Both made brief remarks to the Board.

INTRODUCTION OF CHARLES GULOTTA

Mayor Carter introduced Charles Gulotta, the new Executive Director of the combined Industrial Development Board and Chamber of Commerce.

PRESENTATION OF COMMENDATIONS

Commendations were presented to the following police officers:  
Officer Mike Rose, for apprehension of a bank robber;  
Officers Terry Reed, Jeff Gibson, Billy Gray, Paul Haulum, Robert Pensinger, Randy

O'Byrnes and Mike Rose; Sgts. Chris Stokes, Dennis Brunson and Mike West; Lts. Steve White and Tully Reed; and Inspectors Charles Coleman, Reginald Fields and Jimmy Little for apprehension of a burglary suspect.

Commendations were also presented to Virgil Hunt, James Johnson, Charles Culbreath and Ronnie Moore of the Public Works Department for extra efforts in providing services to citizens of the community.

#### CHANGE OF ROLL CALL PROCEDURE

Mr. Brown moved to change the method of conducting roll calls of the Aldermen to the following: Voting will be by the Aldermen's positions. The Alderman holding position # 1 will cast the first vote on the first matter to be voted on at each meeting, and the Alderman holding position # 2 will cast the first vote on the second matter to be voted on at that meeting. The first vote on subsequent matters at a meeting will rotate through each of the seven positions. If there should be more than seven matters voted on at a meeting, the rotation for casting the first vote will repeat. Mr. Lowry seconded the motion, and the Board voted unanimously to approve the motion.

#### CONSIDERATION OF ORDINANCE 2011-7

The next order of business was consideration of Ordinance 2011-7, An Ordinance to Amend the Millington Municipal Code, Title 13, By Deleting Existing Section's 13-105 and 13-106 and Replacing Them with New Provisions Regarding Removal of Vegetation and Debris From Overgrown and Dirty Lots and Penalties For Violation. Upon motion by Mr. Caruthers, seconded by Mr. Morgan, the Board voted unanimously to postpone consideration of this Ordinance.

#### CONSIDERATION OF ORDINANCE 2011-11

The next order of business was consideration of Ordinance 2011-11, Ordinance Amending Title 17, Refuse and Trash Disposal. Mayor Carter removed this item from the agenda.

#### PUBLIC HEARING ON ORDINANCE 2012-1

Mayor Carter announced that the Public Hearing on Ordinance 2012-01 was open and asked if there were comments or questions. Ms. Kaye Gillis expressed concern that her property could flood if development occurred on the property being rezoned. She was assured that the Planning Commission will address drainage issues prior to development being approved. There being no further comments or questions, upon motion by Mr. Lowry, seconded by Mr. Brown, the Board voted unanimously to close the public hearing.

#### CONSIDERATION OF ORDINANCE 2012-1

The next order of business was consideration of Ordinance 2012-1, as follows:

##### ORDINANCE 2012-1

ORDINANCE AMENDING THE ZONING ORDINANCE OF MILLINGTON, TENNESSEE BY AMENDING THE ZONING MAP OF MILLINGTON, TENNESSEE TO RE-ZONE FROM R-4 Residential District (High Density) TO B-2 (General Commercial) A 48.01 TRACT SURROUNDING THE EXISTING LOWE'S PROPERTY AND A 4.71 TRACT LOCATED GENERALLY SOUTH AND WEST OF THE EXISTING LOWES HOME CENTERS, INC. PROPERTY, AS SHOWN ON EXHIBIT A TO THIS ORDINANCE AND AS DESCRIBED ON EXHIBIT B TO THIS ORDINANCE

WHEREAS, Sections 13-7-201 through 13-7-210 of the Tennessee Code Annotated empowered the City of Millington to enact the Zoning Ordinance of Millington, Tennessee and provide for its administration and enforcement; and

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, morals and general welfare of the City to amend said Ordinance; and

WHEREAS, the Millington Planning Commission reviewed the proposed amendments pursuant

to Sections 13-7-203 and 13-7-204 of the Tennessee Code Annotated on December 19, 2011 and recommends such amendments to the Millington Board of Mayor and Aldermen; and

WHEREAS, the Board of Mayor and Aldermen has given due public notice of hearings on said amendments and has held public hearings thereon; and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, with regard to the amendment of a zoning ordinance by the Board of Mayor and Aldermen upon recommendation by the Planning Commission have been met;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee that the Zoning Ordinance of Millington, Tennessee, be amended as follows:

1. By revising the zoning map of the City to re-zone the 48.01 acre tract surrounding Lowes Home Centers, Inc., as shown on Exhibit A and as described on Exhibit B to this Ordinance, from R-4 Residential District (High Density) to B-2 (General Commercial); and
2. By revising the zoning map of the City to re-zone the 4.71 acre tract adjacent to Wilkinsville Road, as shown on Exhibit A and as described on Exhibit B to this Ordinance, from R-4 Residential District (High Density) to B-2 (General Commercial); and

BE IT FURTHER ORDAINED, that this Ordinance shall become effective ten (10) days after its final adoption, the public welfare requiring it.

Upon motion by Mr. Lowry, seconded by Mr. Ford, the Board voted with six "ayes" to approve Ordinance 2012-1 on third reading. Mr. Barger abstained.

#### PUBLIC HEARING ON ORDINANCE 2012-2

Mayor Carter announced that the public hearing on Ordinance 2012-2 was open and asked if there were any comments or questions. There were none. Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to close the public hearing.

#### CONSIDERATION OF ORDINANCE 2012-2

The next order of business was consideration of Ordinance 2012-2, Ordinance amending the Personnel Control Budget for Fiscal Year 2011-2012, a copy of which is attached to these minutes as **Exhibit A**. Upon motion by Mr. Lowry, seconded by Mr. Pike, the Board voted unanimously to approve Ordinance 2012-2 on third reading.

#### CONSIDERATION OF ORDINANCE 2012-3

The next order of business was consideration of Ordinance 2012-3, as follows:

### ORDINANCE 2012-3

AN ORDINANCE TO AMEND THE MILLINGTON MUNICIPAL CODE TO AUTHORIZE THE CREATION AND FUNDING OF A MUNICIPAL SCHOOL DISTRICT IN THE CITY OF MILLINGTON AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MILLINGTON AT A SPECIAL REFERENDUM TO BE HELD ON \_\_\_\_\_, 2012

WHEREAS, a special referendum in the City of Memphis conducted on March 8, 2011 and certified on March 17, 2011 transferred the administration of Memphis City Schools to the Shelby County School System, with the transfer taking effect at the beginning of the 2013-2014 school year;

WHEREAS, the Tennessee Legislature passed Chapter One of the 2011 Public Acts to Tennessee Code Annotated § 49-2-502(b), which removed the restrictions imposed by Tennessee Code Annotated § 6-58-112(b) on the creation of municipal school districts by certain municipalities, including the City of Millington;

WHEREAS, Section 9 (10) of the Charter of the City of Millington gives the City of Millington the right to provide for the acquisition, construction, building, operation and maintenance of educational institutions and facilities;

WHEREAS, Section 9 (1) of the Charter of the City of Millington gives the City of

Millington the right to levy and collect taxes for corporate purposes upon all property and privileges taxable by law for state purposes;

WHEREAS, Section 9 (4) of the Charter of the City of Millington gives the City of Millington the right to authorize the expenditure of money for any municipal purpose;

WHEREAS, State Board of Education Rule 0520-1-8-.01(5) provides that a municipal school system must spend each fiscal year for the current operation of its public schools an amount of money in addition to the amount required to be raised by the county at least equal to that which a fifteen cents (\$.15) tax increase levy on each One Hundred Dollars (\$100.00) of taxable property for the current year in the municipal school district if the same were all collected;

WHEREAS, State Board of Education Rule 0520-1-8-.01(6) provides that no municipal school system shall be created unless it furnishes certain information to the State Board of Education, including the certified results of a referendum election indicating the willingness of the people of the city to meet the standards of adequacy set forth by Rule 0520-1-8-.01 and to provide the necessary local funds to do so, after the municipal school system's share of the state and other school funds has first been applied;

WHEREAS, Tennessee Code Annotated § 49-2-106(b)(3) states that the State Board of Education, in establishing standards, should consider the expressed willingness of the people of the city or special school district, as indicated by a majority of its legal voters in a referendum, to raise local funds, which, together with school funds received from the state and other sources, shall be sufficient to provide adequate educational opportunities for their children;

WHEREAS, the Board of Mayor and Aldermen desire to create and fund a municipal school district for the City of Millington, to take effect at the beginning of the 2013-2014 school year or as soon thereafter as practical, such school district being deemed necessary to promote the education, health, safety, and morals of the residents of the City of Millington;

WHEREAS, it is the intent of the Board of Mayor and Aldermen to enact an ordinance calling for a \_\_\_\_\_, 2012 municipal special referendum on the creation and funding of a municipal school district in the City of Millington;

WHEREAS, a public hearing before the Board of Mayor and Aldermen on this Ordinance was held on \_\_\_\_\_, 2012, pursuant to notice thereof being published in a newspaper of general circulation within the City of Millington on \_\_\_\_\_.

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

Section 1. A municipal special referendum on the creation and funding of a municipal school district in the City of Millington shall be held on \_\_\_\_\_, 2012, that submits the following questions to the qualified voters of the City of Millington:

QUESTION:

*Shall the City of Millington create a municipal school district that shall meet the standards of adequacy established by applicable State law and regulation, which standards include raising and spending each year the required amount of local funds for the operation of the municipal school district that, for calculation purposes only, would at least be equal to the amount that would be raised through a fifteen cents (\$.15) tax levy on each One Hundred Dollars ( \$100.00) of taxable property for each year if all such taxes were collected?*

YES \_\_\_\_\_  
NO \_\_\_\_\_

Section 2. The City of Millington shall file this Ordinance with the Shelby County Election Commission with a request that the referendum question be placed on the ballot for a municipal special referendum on \_\_\_\_\_, 2012, not less than sixty (60) days prior to that date.

Section 3. BE IT FURTHER ORDAINED that this Ordinance shall take effect ten days after its passage on third and final reading, the health, safety and welfare of the citizens requiring it.

Mayor Carter said that this would start the process of establishing a municipal school district and that there will be several public meetings to discuss this matter before final passage of this ordinance. Upon motion by Mr. Brown, seconded by Mr. Caruthers, the Board voted unanimously to approve Ordinance 2012-3 on first reading.

#### CONSIDERATION OF ORDINANCE 2012-4

The next order of business was consideration of Ordinance 2012-4, as follows:

#### ORDINANCE 2012-4

#### ORDINANCE TO RAISE THE SALES AND USE TAX IN THE CITY OF MILLINGTON FROM 2.25% TO 2.75% AND TO REQUEST A REFERENDUM OF THE PEOPLE TO APPROVE THE ORDINANCE

WHEREAS, Tennessee Code Annotated, § 67-6-701 *et seq.* authorizes municipalities to set local option sales tax rates up to 2.75% on the first \$1,600.00 of any single article of personal property; and

WHEREAS, through a previous referendum and ordinance, the City of Millington has set the local option sales tax rate at 2.25%; and

WHEREAS, the City of Millington is in need of funding for furnishing services; and

WHEREAS, Tennessee Code Annotated, § 67-6-706 requires the voters of the City of Millington to approve in an election this Ordinance and the subsequent sales tax increase.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE, as follows:

Section 1. Under the authority of Tennessee Code Annotated, § 67-6-701 *et seq.*, the sales tax of the City of Millington is increased from 2.25% to 2.75%, except where different sales tax rates for particular goods and services are set by statute and are not subject to variation by ordinance.

Section 2. The City of Millington shall furnish a certified copy of this Ordinance to the State Department of Revenue in accordance with regulations prescribed by the Department.

Section 3. As required by Tennessee Code Annotated, § 67-6-710(d)(2), the City of Millington designates the mayor as the municipal officer against whom suit can be filed for the recovery of sales taxes illegally assessed or collected.

Section 4. That the City Clerk shall submit this ordinance to the Shelby County Election Commission with a request that the following question be placed on the ballot in a special called election:

*Shall Millington Ordinance 2012-04, 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?*

For the Ordinance \_\_\_\_\_

Against the Ordinance \_\_\_\_\_

Section 5. If a majority of those voting in the election required by Tennessee Code Annotated, Section 67-6-706 vote for the increase in the tax imposed by this Ordinance, collection of the increased tax levied by this Ordinance shall begin on the first day of the month occurring thirty (30) or more days after the County Election Commission makes its official canvass of the election returns. If a majority of those voting in the election votes against this Ordinance, the increase in sales tax will not take effect.

Section 6. BE IT FURTHER ORDAINED that this Ordinance shall take effect ten days after its passage on third and final reading, the health, safety and welfare of the citizens requiring it.

Mayor Carter said that this Ordinance was also in conjunction with creating a municipal school district. Mr. Caruthers requested that the Ordinance restrict the use of funds raised through this Ordinance solely for municipal schools. Mr. Morgan asked if the City would receive all the proceeds of the increased taxes, and City Finance Director John Trusty said that a portion would be divided among all school districts in the county.

Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve Ordinance 2012-4 on first reading.

#### CONSIDERATION OF ORDINANCE 2012-5

The next order of business was consideration of Ordinance 2012-5, Ordinance Amending the Fiscal Year 2011-2012 Budget, a copy of which is attached to these minutes as **Exhibit B**. Mr. Trusty read the proposed changes to the budget and described the purposes for the changes. Mr. Brown asked if the bid for the garbage truck included a single arm truck, and was told that it did not.

Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-05 on first reading.

#### CONSIDERATION OF ORDINANCE 2012-6

The next order of business was consideration of Ordinance 2012-6, as follows:

##### ORDINANCE 2012- 6

##### ORDINANCE AMENDING SECTION 14-1204(9) OF THE ZONING ORDINANCE OF THE CITY OF MILLINGTON REGARDING THE DISTANCE BETWEEN PROPERTY ZONED FOR RESIDENTIAL USE AND THE LOCATION OF A COMMERCIAL MOBILE COMMUNICATIONS SERVICE TOWER

WHEREAS, Sections 13-7-201 through 13-7-210 of the Tennessee Code Annotated empowered the City of Millington to enact the Zoning Ordinance of Millington, Tennessee and provide for its administration and enforcement; and

WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting health, safety, morals and general welfare of the City to amend Section 14-1204 (9) of the Zoning Ordinance to adopt a clear and workable standard for the distance required between a Commercial Mobile Communications Service Tower ( a "CMCS" or "cell tower"); and

WHEREAS, the Millington Planning Commission has reviewed the proposed amendment set out herein pursuant to Sections 13-7-203 and 13-7-204 of the Tennessee Code Annotated and recommends such amendment to the Board of Mayor and Aldermen; and

WHEREAS, the Board of Mayor and Aldermen has given due public notice of a hearing on the proposed amendment and has held a public hearing thereon; and

WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, with regard to the amendment of a zoning ordinance have been met;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that Section 14-1204(9) of the Zoning Ordinance of the City of Millington, which reads as set out below, is amended by deleting said Section in its entirety:

"14-1204 (9) The edge of the lot line the tower is locating on shall not be closer than 500 feet from any property zoned for residential use."

BE IT FURTHER ORDAINED that new Section 14-1204 (9) is adopted, as follows:

“14-1204 (9) The center of any CMCS tower, measured radially from the center of the tower, shall be at least five hundred (500) feet from the nearest property line of any real property that is zoned for residential use at the time the location of the CMCS tower is approved by the Board of Zoning Appeals, provided the CMCS tower is constructed at the approved location within 180 days following such approval.”

This Ordinance shall take effect ten (10) days after its passage on third and final reading, the public welfare requiring it.

City Director of Economic Development and Planning Darek Baskin presented the Ordinance. Upon motion by Mr. Pike, seconded by Mr. Morgan, the Board voted unanimously to approve Ordinance 2012-6 on first reading.

CONSIDERATION OF RESOLUTION 1-2012

The next order of business was consideration of Resolution 1-2012, as follows:

RESOLUTION 1-2012

RESOLUTION AUTHORIZING PAYMENT TO THE GULF SOUTH CONFERENCE, INC.  
FOR 2011 BASEBALL CHAMPIONSHIP TOURNAMENT  
PLAYED AT USA STADIUM

WHEREAS:

In January of 2008, The Gulf South Conference, Inc. (“GSC”) and USA Stadium, Inc., the operator of the USA Stadium at that time, entered a contract in January of 2008 pursuant to which GSC would play its baseball championship tournament for each of the years 2008, 2009 and 2010 at the USA Stadium (the “GSC Contract”); and

After the second GSC Tournament was played at the USA Stadium in 2009, the City acquired the USA Stadium from America’s Amateur Baseball Center, Inc. and began to operate the Stadium;

Although there is not and never has been a contract between the City and GSC for use of the USA Stadium and the City never assumed the GSC Contract, one or more representatives of the City, without authorization by the Board of Mayor and Aldermen, agreed that the GSC Tournament could be played at USA Stadium in 2010, but because of flooding in the City in 2010, the GSC Tournament was not played in the City that year; and

One or more representatives of the City, without authorization by the Board of Mayor and Aldermen, agreed that the GSC Tournament could be played at USA Stadium in 2011, and the GSC Tournament was played at USA Stadium in 2011, and the City collected fees from the sale of tickets to the GSC Tournament in 2011; and

GSC has now submitted to the City a claim that under the GSC Contract, a copy of which is attached to this Resolution as Exhibit A, it is owed a guaranteed payment for the 2011 GSC Tournament in the amount of \$16,350.00; and

Because there is not and never has been a contract between the City and GSC for the use of USA Stadium, and because the Board of Mayor and Aldermen never authorized or approved such a contract or any payment to GSC in connection with a GSC Tournament, the Board believes that it would be improper for the City to pay an amount to GSC that would cause the City to lose money on the 2011 GSC Tournament; and

The City received \$ 16,476.25 in payments for tickets to the GSC Tournament and related items and incurred expenses in the amount of \$ 8,692.97 in connection with the GSC Tournament, and the Board believes that it is appropriate to pay to GSC the sum of \$ 7,783.28, which is the excess of City receipts over City expenditures, so that the GSC Tournament will not be subsidized by tax dollars of the citizens of the City without proper authorization;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the City is authorized to pay to GSC the sum of \$ 7,783.28 upon execution by GSC and delivery to the City of a release and waiver of all claims GSC may now have or ever had against the City, the USA Stadium and the Millington Sports Authority, and the officers, agents, employees and representatives of each of them, in connection with the GSC Contract and the GSC Tournament played at the USA Stadium in 2011.

This Resolution is adopted as of the 6<sup>th</sup> day of February, 2012.

Mr. Lowry asked if an agreement had been made with the Gulf South Conference. There is no written agreement between the City and the Conference. Mr. Trusty said the amount of the payment to the Conference suggested in the resolution was the amount the City could pay, based on the difference between the City's revenue and its expenses for the Gulf South Conference 2011 baseball tournament held in the City, without having to use taxpayer dollars. Mr. Barger asked if there were any more events scheduled at the Stadium that would require funding by the City. Mayor Carter said she didn't think there were. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve Resolution 1-2012.

#### CONSIDERATION OF RESOLUTION 2-2012

The next order of business was consideration of Resolution 2-2012, as follows:

#### RESOLUTION 2 - 2012

##### RESOLUTION APPOINTING MEMBERS TO SERVE ON PERSONNEL APPEALS BOARD

WHEREAS, Section 12.07 of the Charter of the City of Millington provides that the Board of Aldermen shall appoint three members to serve on the Personnel Appeals Board for three year terms and further provides that such terms shall be staggered, with one member being appointed each year; and

WHEREAS, the terms of current members Bitha Luze and Barbara Gray have expired, and the term of Thomas McGhee will expire as of March 2, 2012; and

WHEREAS, the Board of Mayor and Aldermen desire to re-appoint Ms. Luze, Ms. Gray and Mr. McGhee to new terms in accordance with the staggering requirement of Section 12.07 of the City's Charter;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the persons named below are appointed to serve on the Personnel Appeals Board for terms beginning as of March 1, 2012 and ending on the dates set out by each of their names, and thereafter until their successors are appointed and qualified.

Barbara Gray	February 28, 2013
Bitha Luze	February 28, 2014
Thomas McGhee	February 28, 2015

This Resolution is adopted as of the 6<sup>th</sup> day of February, 2012.

Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to approve Resolution 2-2012.

#### CONSIDERATION OF RESOLUTION 3-2012

The next order of business was consideration of Resolution 3-2012, as follows:

#### RESOLUTION 3 -2012

RESOLUTION DISMISSING UNCOLLECTIBLE REAL PROPERTY TAXES AND  
AUTHORIZING REMOVAL OF PARCELS FROM TAX ROLLS

WHREAS, the City has determined that the Beechwood Corporation of Missouri (“Beechwood”) is out of business and the personal property taxes listed on Exhibit A to this Resolution are uncollectible; and that said taxes should be dismissed and Beechwood should be removed from the tax rolls; and

WHREAS, the City has determined that the businesses listed on Exhibit B to this Resolution are out of business and the personal property taxes listed on Exhibit B to this Resolution are uncollectible; and that said taxes should be dismissed and the companies listed on Exhibit B should be removed from the tax rolls;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the personal property taxes for the parcels shown on Exhibit A and Exhibit B to this Resolution, and all interest, penalties and cost related thereto are dismissed as to each of the taxpayers listed on Exhibit A and Exhibit B;

BE IT FURTHER RESOLVED, that the Mayor be, and he hereby is, authorized to perform such acts and give such notice to the County Assessor, County Trustee or other tax collector necessary to dismiss the taxes set out on Exhibit A and Exhibit B, together with all interest, penalties and costs related thereto, and to remove the tax parcels listed on Exhibit A and Exhibit B from the tax rolls.

This Resolution is adopted this \_\_\_\_ day of \_\_\_\_\_, 2012.

Upon motion by Mr. Caruthers, seconded by Mr. Brown, the Board voted unanimously to approve Resolution 3-2012.

CONSIDERATION OF RESOLUTION 4-2012

The next order of business was consideration of Resolution 4-2012, as follows:

RESOLUTION 4-2012  
RESOLUTION ELECTING CAROLYN K. CONLEY  
TO SERVE AS CITY CLERK AND TREASURER

WHEREAS, Section 6 and Section 11.01 of the Charter of the City of Millington provide that the Mayor and Board of Aldermen elect a City Clerk and Treasurer, who shall be responsible for keeping and preserving the City seal and all records of the Board of Aldermen, and for other duties as provided by law; and

WHEREAS, current City Clerk and Treasurer Bruce Rasmussen has submitted his resignation, and the Mayor and Aldermen desire to elect Carolyn K. Conley to serve as City Clerk and Treasurer beginning on the effective date of Mr. Rasmussen’s resignation;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Mayor and Aldermen of the City of Millington, Tennessee, hereby elects Carolyn K. Conley to serve as City Clerk and Treasurer, effective as of February 13, 2012, in accordance with Section 6 and Section 11.01 of the Charter of the City of Millington, to perform the duties set out therein and in the Official Code of the City, and as otherwise directed in accordance with the Charter and Code of the City.

This Resolution is adopted as of the 6<sup>th</sup> day of February, 2012.

Upon motion by Mr. Morgan, seconded by Mr. Lowry, the Board voted unanimously to approve Resolution 4-2012. City Attorney Barbara Lapidés administered the oath of office to Mrs. Conley.

RATIFICATION OF TRAFFIC SIGN MAINTENANCE POLICY

City Engineer Darek Baskin presented the Sign Maintenance Policy which he adopted for maintaining minimum sign retro-reflectivity compliance, as required by the U.S. Federal Highway Administration Manual on Uniform Traffic Control Devices, 2009 Edition. Copies of

this Policy had been given to the Aldermen. Upon motion by Mr. Lowry, seconded by Mr. Brown, the Board voted unanimously to ratify the adoption of this Policy.

#### CONSIDERATION OF ENGINEERING CHANGE ORDERS FOR VETERANS PARKWAY

The next order of business was consideration of engineering change orders for Veterans Parkway. Copies of the change orders had been given to the Aldermen, and Mr. Baskin explained the reason for each change order. The increases were as follows:

ECO 09	\$ 108,444.10
ECO 23	\$ 58,676.08
ECO 24	\$ 3,878.40
ECO 25	\$ 44,425.12

Upon motion by Mr. Morgan, seconded by Mr. Lowry, the Board voted unanimously to approve the change orders.

#### CONSIDERATION OF UASI GRANT FOR FIRE AND POLICE DEPARTMENTS

The next order of business was consideration of a grant under the Urban Area Security Initiative Grant Program in the amount of \$ 21,902.00, which will be split evenly between the City's fire and police departments. Approved equipment will be purchased with the grant. Upon motion by Mr. Lowry, seconded by Mr. Barger, the Board voted unanimously to approve the grant.

#### CONSIDERATION OF CHANGE OF DATE FOR REGULAR MARCH BOARD MEETING

Mayor Carter said that because she and several Aldermen will be at the TML Legislative Conference on the first Monday in March and will not be back in time for the meeting to be held the next day, the regular meeting of the Board needed to be changed to Thursday, March 8<sup>th</sup>. Upon motion by Mr. Lowry, seconded by Mr. Ford, the Board voted unanimously to change the March regular meeting to Thursday, March 8<sup>th</sup>.

#### MAYOR'S ANNOUNCEMENTS

Mayor Carter announced the following public meetings:

Special called meeting on February 20<sup>th</sup> at 4 p.m.

Work session for Board on February 9<sup>th</sup> at 3 p.m. to discuss the proposed new charter

Work session for Board of February 28<sup>th</sup> at 4 p.m. to review the FY 2010-2011 audit and to discuss, if available, the results of the SES school study

#### BUSINESS FROM THE FLOOR

County Commissioner Terry Roland addressed the Board about county redistricting. Mr. Pike said that the process for selecting an interim Mayor to replace Mayor Hodges had been decided by the Board and offered an apology to former Mayor Harvell for any wrongdoing that may have been addressed to him in connection with that process.

#### ADJOURNMENT

There being no further business, upon motion by Mr. Lowry and consent of the Aldermen, the meeting was adjourned at 7:54 p.m.

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Linda L. Carter, Mayor

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Carolyn K. Conley, City Clerk

