

MINUTES OF SPECIAL MEETING OF THE BOARD OF MAYOR AND ALDERMEN
OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON FEBRUARY 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 February 20, 2012. The meeting was called to order at 6:00 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
D. Christopher Ford
Donald L. Lowry
Brett A. Morgan

Mr. Jimmy E. Pike was absent. A quorum being present, the following proceedings were held:

REVISION OF AGENDA UPON CONSENT

Mayor Carter entertained a motion to revise the agenda to make public comment and questions on the proposed new charter the first item to be considered. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to revise the agenda as moved.

Comments were made by Charles Reed, 4693 Cedar Ridge, Louise Kennon, 4703 Cedar Rose; Jim Williams, 8111 West; Rhonda O'Dell, 4265 Autumn Sun; Calvin Reed, 4940 Montgomery; County Commissioner Terry Roland, 4998 Navy; Jon Crisp, 6991 Juana; Franklin Dakin, 4936 Bland; Bobbie Percer, 4401 Cuba-Millington; and Debra Sigee, 4181 Bennett Wood, regarding the proposed new charter.

Mayor Carter reminded everyone that there would be work sessions on Thursday, February 23 and Tuesday, February 28 to discuss the proposed new charter.

CONSIDERATION OF ORDINANCE 2012-5

The next order of business was consideration of Ordinance 2012-5, An Ordinance to amend the Fiscal Year 2012 Budget for the General Fund for Police and Fire Donations, 2010 Capital Outlay Notes Project Fund to Correct Previous Amendment, DEA Fund for Additional Shared Funds and Sanitation Fund for Truck Purchase, a copy of which is attached to these minutes as Exhibit A. Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve Ordinance 2012-5 on second 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.

Upon motion by Mr. Brown, seconded by Mr. Morgan, the Board voted unanimously to approve Ordinance 2012-6 on second reading.

CONSIDERATION OF RESOLUTION 5-2012

The next order of business was consideration of Resolution 5-2012, as follows:

RESOLUTION 5-2012
RESOLUTION APPROVING APPOINTMENT OF JEREMY ROCHELL TO SERVE
ON BOARD OF ZONING APPEALS

WHEREAS, Section 14-1402 of the Millington Municipal Code provides that members of the Board of Zoning Appeals shall be appointed by the Mayor; and

WHEREAS, the term of David Lark has expired, and the Mayor desires to appoint Jeremy Rochell to serve on the Board of Zoning Appeals;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that Jeremy Rochell is appointed, and his appointment is approved, to serve on the Board of Zoning Appeals for a term beginning as of February 20, 2012 and ending on February 28, 2017, and thereafter until his successor is appointed.

This Resolution is adopted as of the 20th day of February 20, 2012.

Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to approve Resolution 5-2012.

CONSIDERATION OF RESOLUTION 6-2012

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

RESOLUTION 6-2012
RESOLUTION RE-APPOINTING DIANE BAKER AND BRETT MORGAN
AS MEMBERS OF THE MILLINGTON PLANNING COMMISSION

WHEREAS, Section 14-101 of the Millington Municipal Code authorizes the Mayor to appoint members to serve on the Millington Planning Commission, and

WHEREAS, the Mayor desires to appoint Diane Baker and Brett Morgan, whose terms have expired, to serve additional terms on the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE that the Mayor appoints Diane Baker and Brett Morgan to serve as members of the Planning Commission, and the Aldermen approve such appointments, for terms to begin as of February 20, 2012 and end as of February 28, 2015, and thereafter until their successors are duly appointed.

This Resolution is adopted as of the 20th day of February, 2012.

Upon motion by Mr. Barger, seconded by Mr. Ford, the Board voted with five “ayes” to approve Resolution 6-2012. Mr. Morgan passed.

CONSIDERATION OF RESOLUTION 7-2012

The next order of business was consideration of Resolution 7-2012, as follows:

RESOLUTION 7-2012
RESOLUTION APPROVING ARCHITECTURAL AND ENGINEERING SERVICES
AGREEMENT WITH ASKEW HARGRAVES HARCOURT & ASSOCIATES, INC. IN THE
AMOUNT OF \$9,000.00 FOR ROOF REPLACEMENT AT THE WATER PLANT

WHEREAS, the roof at the City’s water treatment plant on Church Street is in need of replacement; and

WHEREAS, Askew Hargraves Harcourt & Associates, Inc. (A2H), has proposed that for a total fee of \$ 9,000.00, it will provide architectural and engineering services to design the project, develop specifications and bid documents, review bids and make a recommendation for the successful bidder and oversee construction of the new roof; and

WHEREAS, the Board of Mayor and Aldermen desires to contract with Askew Hargraves Harcourt & Associates, Inc., for this project; and

WHEREAS, this project, including both engineering services and construction costs, will be recorded as an asset and depreciated in future years and is therefore not coming from budgeted funds in the Water Fund.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the agreement with Askew Hargraves Harcourt & Associates, Inc. (A2H) in the amount of \$9,000.00 is approved for the purposes described in this Resolution.

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the agreement on behalf of the City and that a copy shall be maintained in the files of the City Clerk.

This Resolution is adopted as of the 20th day of February 2012.

Mr. Lowry moved to approve Resolution 7-2012, and Mr. Morgan seconded the motion. Darek Barger, City Economic Development and Planning Director, stated that his office had no knowledge of this contract and had not reviewed it. City Finance Director John Trusty stated that this is the firm that did the City's police and court building and that he had asked them for a proposal.

Mayor Carter recommended that the city withhold this bid and put out an RFP on the work.

Mr. Lowry and Mr. Morgan withdrew their motions to approve the agreement.

Mr. Lowry moved to have a request for proposal put out for this work, and Mr. Morgan seconded the motion. After further discussion, City Attorney Barbara Lapidés said that rather than a formal RFP process, perhaps the best way would be to have informal consultations with other engineering firms and include Askew Hargraves Harcourt & Associates.

Mr. Lowry and Mr. Morgan withdrew their motions to put out an RFP on the work.

Upon consent of the Aldermen, this item was tabled.

WORK SESSIONS ANNOUNCED

Mayor Carter announced times and dates for work sessions during the coming weeks.

ADJOURNMENT

There being no further business, upon motion by Mr. Brown and consent of all the Aldermen, the meeting was adjourned at 6:55 p.m.

Linda L. Carter, Mayor

Carolyn K. Conley, City Clerk