

MINUTES OF REGULAR MEETING OF THE BOARD OF MAYOR AND ALDERMEN
OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON JANUARY 3, 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 January 3, 2012. The meeting was called to order at 6:00 p.m. and was opened with a prayer by Mr. Morgan. Mayor Hodges led the Pledge of Allegiance.

ROLL CALL AND QUORUM DETERMINATION

The following members were present:

Mayor Richard L. Hodges
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 December 5, 2011 and the special meeting held on December 20, 2011 had previously been given to the Aldermen. Upon motion by Mr. Barger, seconded by Mr. Morgan, the Board voted unanimously to approve the minutes.

MONTHLY REPORTS

Reports for December, 2011 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.

Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to accept the reports. Mr. Caruthers asked for a monthly report on the status and tracking of funding for projects approved by the Board.

PUBLIC HEARING ON ORDINANCE 2011-12

Mayor Hodges announced that the public hearing on Ordinance 2011-12, Ordinance Changing the Date of Municipal Elections, was open. There were no comments or questions from the floor. Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to close the public hearing.

CONSIDERATION OF ORDINANCE 2011-12

The next order of business was consideration of Ordinance 2011-12, as follows:

ORDINANCE 2011-12
ORDINANCE CHANGING THE DATE OF MUNICIPAL ELECTIONS

TO COINCIDE WITH GENERAL ELECTION IN ACCORDANCE
WITH TENNESSEE CODE ANNOTATED SECTION 6-54-138

WHEREAS, Section 4 of the Charter of the City of Millington states that City elections will be held on the last Tuesday in September, 1980 and the last Tuesday in September in each fourth year thereafter; and

WHEREAS, Section 5 of said Charter provides that if a run-off election is necessary for one or more offices, such run-off election shall be held on the first Tuesday after the first Monday in November; and

WHEREAS, Tennessee Code Annotated Section 6-54-138 provides that, notwithstanding the above stated provision of the City's Charter, the Board of Mayor and Aldermen may by ordinance change the date of City elections to coincide with the August or November general elections; and

WHEREAS, in order to provide for more efficient elections in the City and to reduce the cost of holding elections for City offices, the Board of Mayor and Aldermen desires to change the date of City elections to coincide with the August or November general elections;

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

Section 1. Beginning with the year 2012, the election for the Mayor and Aldermen of the City of Millington and all other elected City officials shall be held on the same date in August in 2012 and every fourth year thereafter on which general elections are held. For 2012, the general election date is August 2, 2012.

Section 2. Beginning with the election in 2012, if in any election year a run-off for the position of Mayor or Alderman or any other elected City official should be necessary, such run-off election shall be held on the date of the November general election, which is the first Tuesday after the first Monday in November. For 2012, the November general election date is November 6, 2012.

Section 3. Section 5 of the City's Charter provides that newly elected officers shall take office on the first day of January following their election, so that no term of an elected official serving as of the date of adoption of this Ordinance will be abridged by the change of election date provided for hereby.

Section 4. The Mayor of the City of Millington shall file a certified copy of this Ordinance, upon its final passage, with the State Coordinator of Elections.

Section 5. This Ordinance shall take effect ten (10) days after its final passage, the public welfare requiring it.

In response to a question from Mr. Lowry, City Attorney Barbara Lapidés said the election date can be changed back to September one time. Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2011-12 on third reading.

PUBLIC HEARING ON ORDINANCE 2011-13

Mayor Hodges announced that the public hearing on Ordinance 2011-13 was open. City Finance Director John Trusty said the Ordinance required a clerical change to insert the words "be it ordained" in place of "be it resolved." There being no comments or questions, upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to close the public hearing.

CONSIDERATION OF ORDINANCE 2011-13

The next order of business was consideration of Ordinance 2011-13, Ordinance Amending the FY 2011-2012 Budget Ordinance, a copy of which is attached to these minutes as

Exhibit B. Upon motion by Mr. Caruthers, seconded by Mr. Barger, the Board voted unanimously to approve Ordinance 2011-13, with the replacement of “be it resolved” with “be it ordained,” on third reading.

PUBLIC HEARING ON ORDINANCE 2011-14

Mayor Hodges announced that the public hearing on Ordinance 2011-14 was open. There being no comments or questions, upon motion by Mr. Brown, seconded by Mr. Morgan, the Board voted unanimously to close the public hearing.

CONSIDERATION OF ORDINANCE 2011-14

The next order of business was consideration of Ordinance 2011-14, as follows:

ORDINANCE NO. 2011- 14

ORDINANCE AMENDING THE ZONING ORDINANCE OF MILLINGTON, TENNESSEE BY AMENDING THE ZONING MAP OF MILLINGTON, TENNESSEE TO RE-ZONE THE PROPERTY LOCATED AT 4903 and 4905 NAVY ROAD FROM B-2 GENERAL COMMERCIAL TO R-4 RESIDENTIAL DISTRICT (HIGH DENSITY)

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 said Ordinance; and

WHEREAS, the Millington Planning Commission has reviewed said proposed amendment pursuant to Sections 13-7-203 and 13-7-204 of the Tennessee Code Annotated and recommends such amendment 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 amendment 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 Planning Commission and subsequent action of the Board of Mayor and Aldermen 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 by revising the zoning map of the City to re-zone from B-2 General Commercial to R-4 Residential District (High Density) the real property municipally known as 4903 and 4905 Navy Road, Shelby County tax parcel identification number M01-15HB-00045, more particularly described as follows:

Lot 87, MILLINGTON HOMES SUBDIVISION, as shown on plat of record in Plat Book 12, Page 55, in the Register’s Office of Shelby County, Tennessee, being the same property conveyed to James Sneed and wife Tammy Sneed by Warranty Deed of record as Instrument No. 10133748 in said Register’s Office.

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. Brown, seconded by Mr. Morgan, the Board voted unanimously to approve Ordinance 2011-14 on third reading.

CONSIDERATION OF ORDINANCE 2012-1

City Engineer Darek Baskin presented 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; AND TO REZONE FROM

R-2 Residential District (Medium Density) TO R-4 Residential District (High Density) A 5.88 ACRE TRACT LOCATED NORTH OF AND ADJACENT TO THE EXISTING BELZ INVESTCO PROPERTY, ALL 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);
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
3. By revising the zoning map of the City to re-zone the 5.88 acre tract adjacent to, and north of, the Belz Investco, LP property, as shown on Exhibit A and as described on Exhibit B to this Ordinance, from R-2 Residential District (Medium Density) to R-4 Residential District (High Density).

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

EXHIBIT B
TO ORDINANCE 2012-1
DESCRIPTION OF PROPERTY TO BE ZONED B-2

48.01 ACRE PARCEL

DESCRIPTION of a 48.01 acre parcel of land located in the Millington, Tennessee, Shelby County, said property being more fully described as follows:

BEGINNING AT A POINT, said point being the southern terminus of Glencoe Way; thence, North 34°58'54" East, a distance of 453.81 feet, to a point; thence, South 55°01'06" East, a distance of 89.43 feet, to a point; thence, North 34°58'54" East, a distance of 311.68 feet, to a point; thence, North 55°01'06" West, a distance of 317.67 feet, to a point; thence, North 34°53'25" East, a distance of 1158.42 feet, to a point; thence, South 55°01'18" East, a distance of 996.32 feet, to a point; thence, South 17°19'00" West, a distance of 175.02 feet, to a point; thence, South 19°05'40" West, a distance of 199.79 feet, to a point; thence, South 26°57'54" West, a distance of 285.38 feet, to a point; thence, South 38°01'37" West, a distance of 243.00 feet, to a point; thence, South 39°02'26" West, a distance of 155.16 feet, to a point; thence, South 40°14'07" West, a distance of 384.37 feet, to a point; thence, South 35°52'34" West, a distance of 350.42 feet, to a point; thence, South 26°58'04" West, a distance of 107.87 feet, to a point; thence, North 55°01'06" West, a distance of 400.13 feet, to a point; thence, South 34°58'54" West, a distance of 315.16 feet, to a point; thence, North 55°01'06" West, a distance of 846.20 feet, to a point; thence, South 88°46'02" East, a distance of 135.11 feet, to a point; thence, North 34°58'54" East, a distance of 195.03 feet, to a

point; thence, South 55°01'06" East, a distance of 269.68 feet, to the **POINT OF BEGINNING** and containing 2,091,145 square feet or 48.01 acres of land, more or less.

4.71 ACRE PARCEL

DESCRIPTION of a 4.71 acre parcel of land located in the Millington, Tennessee, Shelby County, said property being more fully described as follows:

BEGINNING AT A POINT, said point being in the north line of Wilkinsville Road approximately 1,221.1 feet southwest of the intersection of Glencoe Way and Wilkinsville Road, thence, North 10°25'15" East, a distance of 117.91 feet, to a point; thence, South 79°34'45" East, a distance of 5.00 feet, to a point; thence, along a non-tangent curve to the right having a radius of 475.00 feet, a central angle of 24°44'41", a tangent length of 104.20 feet, the long chord of which bears North 22°47'36" East for a distance of 203.55 feet, with a radial line in of South 79°34'45" East and a radial line out of North 54°50'04" West for an arc length of 205.14 feet, to a point; thence, North 35°09'56" East, a distance of 441.59 feet, to a point; thence, South 75°35'05" East, a distance of 288.73 feet, to a point; thence, South 35°09'56" West, a distance of 543.89 feet, to a point; thence, along a tangent curve to the left with a radius of 205.00 feet, a tangent length of 45.49 feet, a central angle of 25°01'15", the radius of which bears South 54°50'04" East, the chord of which bears South 22°39'19" West for a distance of 88.81 feet,; Thence along the arc of said curve for a distance of 89.52 feet, to a point; thence, South 10°18'41" West, a distance of 116.40 feet, to a point; thence, North 79°41'19" West, a distance of 275.23 feet, to the **POINT OF BEGINNING** and containing 205,052 square feet or 4.71 acres of land, more or less.

DESCRIPTION OF PROPERTY TO BE ZONED R-4

5.88 ACRE PARCEL

DESCRIPTION of a 5.88 acre parcel of land located in the Millington, Tennessee, Shelby County, said property being more fully described as follows:

COMMENCING AT A POINT, said point being in the north line of Wilkinsville Road approximately 1,647.5 feet southwest of the intersection of Glencoe Way and Wilkinsville Road, thence, South 81°05'48" East, a distance of 625.55 feet, to the **POINT OF BEGINNING**, thence, South 81°05'48" East, a distance of 1196.59 feet, to a point; thence, South 05°53'52" West, a distance of 14.19 feet, to a point; thence, South 11°13'30" West, a distance of 204.08 feet, to a point; thence, North 80°42'23" West, a distance of 1194.27 feet, to a point; thence, North 10°18'54" East, a distance of 210.00 feet, to a point; the **POINT OF BEGINNING** and containing 255,999 square feet or 5.88 acres of land, more or less.

He said that the provisions of the Ordinance and the legal description dealing with the 5.88 acre parcel would need to be removed, since it had been determined that the property was already zoned R-4. He also said that installation of a cell tower to be located behind Lowe's was planned, and that it would be 150 feet tall. Mr. Morgan said the Planning Commission had recommended this site to the developer.

Upon motion by Mr. Morgan, seconded by Mr. Caruthers, the Board voted unanimously to approve Ordinance 2012-1 on first reading.

CONSIDERATION OF ORDINANCE 2012-2

The next order of business was consideration of Ordinance 2012-2, Ordinance Amending the FY 2011-2012 Personnel Control Budget, a copy of which is attached to these minutes as Exhibit C. Upon motion by Mr. Lowry, seconded by Mr. Brown, the Board voted unanimously to approve Ordinance 2012-2 on first reading.

ADDITIONS TO AGENDA

With consent of the Aldermen, Mayor Hodges added to the agenda consideration of an agreement between the City and Millington Realty Partners I, LLC that provides for the City to

acquire approximately 50 acres adjacent to USA Stadium from Millington Realty Partners I, LLC in exchange for approximately 26 acres to be conveyed to the City by the Millington Industrial Development Board, which the City would then convey to Millington Realty Partners I, LLC. Mayor Hodges said the acquisition of the new land adjacent to USA Stadium would enable the City to be eligible for grants to improve that property, and that such grants were not available for the existing USA Stadium. He said the Sports Authority is developing a new long range plan.

WORK SESSION

Mayor Hodges announced that there will be a work session for the Board of January 24th at City Hall to discuss the City's budget for the second quarter.

BUSINESS FROM THE FLOOR

Mayor Hodges asked if there was any business from the floor. Mr. Brown asked to discuss the procedures for the January 5th meeting, and Mayor Hodges excused himself. Mr. Brown suggested that applicants for the position of interim Mayor should wait in the lobby while other applicants were being interviewed, and that they be interviewed in alphabetical order. Mr. Lowry asked the City Clerk to notify each applicant of the time and place of the meeting.

ADJOURNMENT

There being no further business, upon motion by Mr. Barger, seconded by Mr. Ford, and unanimous vote of the Aldermen, the meeting was adjourned at 6:47 p.m.

Hon. Linda Carter, Mayor

Bruce Rasmussen, City Clerk