

MINUTES OF SPECIAL MEETING OF THE BOARD OF MAYOR AND ALDERMEN
OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON JANUARY 13, 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 January 13, 2012. City Clerk Bruce Rasmussen opened the meeting at 4:00 p.m. Mr. Brown gave a prayer and led the Pledge of Allegiance.

ROLL CALL AND QUORUM DETERMINATION

The following members were present:

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

Mayor Hodges was absent. A quorum being present, the following proceedings were held:

ELECTION OF ALDERMAN TO CHAIR MEETING

Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to elect Alderman D. Christopher Ford to chair the meeting.

CONSIDERATION OF ORDINANCE 2012-1

The first 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.

**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.

Exhibit A to Ordinance 2012-1 is attached to these minutes.

It was announced that Ordinance 2012-1 was to be amended by consent of the rezoning applicant to remove the 5.88 acre parcel, which is already zoned R-4. Upon motion by Mr. Caruthers, seconded by Mr. Morgan, the Board voted unanimously to approve the amendment to delete that parcel from the Ordinance. Ms. Brown asked if letters had been mailed to notify residents within 1000 feet of the proposed zoning change, and City Engineer Darek Baskin said they had been mailed.

Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-1 as amended on second reading.

CONSIDERATION OF ORDINANCE 2012-2, ORDINANCE AMENDING THE PERSONNEL CONTROL BUDGET

The next order of business was consideration of Ordinance 2012-2, Ordinance Amending the Personnel Control Budget for FY 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 second reading.

ELECTION OF INTERIM MAYOR

The next order of business was the election of an interim Mayor, to serve the remainder of the unexpired term of Mayor Richard Hodges, whose resignation was effective prior to this meeting. Mr. Ford read the procedure for selecting the interim Mayor. Mr. Caruthers asked former Mayor George R. Harvell, Jr. to speak to the Board, and he and Mr. Brown asked questions of Mr. Harvell.

Mr. Ford announced that the floor was open for nominations from the Aldermen.

Mr. Barger nominated George R. Harvell, Jr.; Mr. Brown nominated Linda Carter; and Mr. Lowry nominated Jim Music. There being no further nominations, upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to close the nominations.

In the first round of voting, Ms. Carter and Mr. Harvell each received three votes, and Mr. Music received one vote. In accordance with the procedure set out in Resolution 43-2011, Mr. Music's name was dropped from consideration. In the second round of voting, Ms. Carter received four votes and Mr. Harvell received three votes. Aldermen Barger, Caruthers and Ford, who had initially voted for Mr. Harvell, then changed their votes, so that Ms. Carter was elected unanimously.

City Attorney Barbara Lapidés administered the Oath of Office to Mayor Carter, who then addressed the Board and the public.

ADJOURNMENT

There being no further business, upon motion by Mr. Brown, seconded by Mr. Pike and unanimous approval of the Board, the meeting was adjourned at 4:28 p.m.

Hon. Linda Carter, Mayor

Bruce Rasmussen, City Clerk