

MINUTES OF REGULAR MEETING OF THE BOARD OF MAYOR AND
ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON APRIL 2, 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 April 2, 2012. The meeting was called to order at 6:00 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
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 March 8, 2012, and the special called meeting held on March 27, 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 March, 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 Arts and Recreation Department and USA Stadium; and
4. The City Court.

Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve the reports.

CONSIDERATION OF ORDINANCE 2012-8

The next order of business was consideration of Ordinance 2012-8, as follows:

ORDINANCE 2012- 8

ORDINANCE AMENDING SECTION 5-103 OF THE MILLINGTON MUNICIPAL
CODE TO INCREASE SERVICE CHARGE FOR BAD CHECKS
IN EXCESS OF \$ 2,000.00

WHEREAS, the Board of Mayor and Aldermen desires to amend the Millington Municipal Code to increase the service charge for bad checks given to the City for payment of water department fees, City taxes and other City charges, including checks paid to the City Court Clerk, as permitted by state law;

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

Section 1. Section 5-103 of the Millington Municipal Code, Service Charge on

bad checks, is deleted in its entirety and replaced by the following:

“5-103. Service Charge for Bad Checks. All collecting agents for the City water department and general City government, including the City Court Clerk, are hereby authorized to assess and collect a service charge for every check that is returned for non-payment because of insufficient funds in the drawer’s account or for any other legitimate reason that payment in good funds is not made. The amount of such service charge shall be as follows:

1. For each payment due to the City in the amount of \$2,000.00 or less, the service charge shall be \$20.00.
2. For each payment due to the City in amounts excess of \$2,000.00, the service charge shall be one percent (1%) of the amount of such.
3. This service charge applies to all checks paid to any arm or division of City government, including but not limited to payments for taxes, fees, permits and checks to City Court.”

Section 2. This Ordinance shall take effect ten days after its final passage, the public welfare requiring it.

Upon motion by Mr. Brown, seconded by Mr. Ford, the Board voted unanimously to approve Ordinance 2012- 8 on first reading.

CONSIDERATION OF CONTRACT WITH AUDITOR

The next order of business was consideration of the contract for Watkins Uiberall PLLC to provide auditing services for the City for fiscal year 2012. The amount of the proposed contract is \$ 43,000.00. Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve the contract.

CONSIDERATION OF RENEWAL OF LEASE WITH MILLINGTON REALTY PARTNERS I, L.P.

The next order of business was consideration of renewal of the lease with Millington Realty Partners I, L.P. for the City to lease approximately 50 acres of real property adjacent to USA Stadium for calendar year 2012. A copy of said lease is attached to these minutes as Exhibit A. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve the lease.

CONSIDERATION OF RESOLUTION 12-2012

The next order of business was consideration of Resolution 12-2012, as follows:

RESOLUTION 12-2012

RESOLUTION NAMING MILLINGTON CIVIC CENTER
THE GEORGE R. HARVELL JR. CENTER

WHEREAS, GEORGE ROBERT HARVELL, JR., a lifelong resident of Millington, Tennessee, did on November 5, 2004, complete nearly two decades of continuous service to the City of Millington as Mayor, having prior thereto given sixteen years of time and service as a City Alderman; and

WHEREAS, George R. Harvell, Jr. is a man of wisdom, courtesy, patience and deep dedication to his community and its citizens, all of which were well demonstrated during the years he fulfilled his professional obligations; and

WHEREAS, he brought honor and recognition to the City of Millington as President of the Tennessee Municipal League, also serving as a director and being chosen to receive the honor of “Tennessee Mayor of the Year”; and

WHEREAS, he served as a Member of the Board of Directors for the National

League of Cities, bringing the perspective of the small city and the needs of its people to the forefront on the national level; and.

WHEREAS, his leadership roles in environmental and municipal areas set a standard respected throughout Tennessee.; and his guidance through significant events such as the 1987 flood and transfer of property from Naval Air Station Memphis to the Millington Industrial Development Board and the Millington Municipal Airport Authority helped Millington to become a sustainable community; and

WHEREAS, George has led by example, seeking a better future for Millington through being a strong advocate to improve the schools, knowing that the education of our young people is critical to Millington; and

It is THEREFORE, fitting that the citizens of Millington through the Board of Mayor and Aldermen let George know of the respect and admiration that all have for him;

NOW, THEREFORE, BE IT RESOLVED UNANIMOUSLY by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the Millington Civic Center be named the “George R. Harvell, Jr. Center” and his name be appropriately placed thereon.

Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve Resolution 12-1202.

REMARKS BY CAPTAIN STEPHEN FIMPLE

Captain Stephen Fimple, Commanding Officer, NSA Mid-South, expressed appreciation for the great support and cooperation from the Millington Police and Fire Departments and from the entire community during Exercise Solid Curtain Citadel Shield, and for the military appreciation breakfast sponsored by the Millington Chamber of Commerce.

CONSIDERATION OF RESOLUTION 14-1202

The next order of business was consideration of Resolution 14-1202, as follows:

RESOLUTION 14-2012

RESOLUTION APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF CERTIFICATE OF RESOLUTIONS FOR CASH MANAGEMENT SERVICES WITH TRUSTMARK NATIONAL BANK

WHEREAS, the Board of Mayor and Aldermen has previously approved Trustmark National Bank (“Trustmark”) as a depository bank for the City of Millington; and

WHEREAS, the Board of Mayor and Aldermen desires to adopt and certify the Certificate of Resolutions for Cash Management Services attached to this Resolution as Exhibit B, for the purpose of authorizing any of Mayor Linda L. Carter, City Clerk Carolyn K. Conley and City Finance Director John Trusty to perform the cash management activities described in said Certificate of Resolutions for Cash Management Services.

NOW, THEREFORE, BE IT RESOLVED, that the Certificate of Resolutions for Cash Management Services to be provided to the City by Trustmark National Bank attached hereto as Exhibit B and incorporated herein by reference be, and the same hereby is, approved.

BE IT FURTHER RESOLVED that each of Mayor Linda L. Carter, City Finance Director John Trusty, and City Clerk Carolyn Conley is authorized to act on behalf of the City in connection with the internal transfers of funds and other cash management services described in said Certificate of Resolutions for Cash Management Services.

BE IT FURTHER RESOLVED that this Resolution does not authorize the

signing of checks, either by writing on paper or electronically, for payments to third parties, except in accordance with Section 13.14 of the City Charter, which Section states that checks are to be signed by the Mayor and countersigned by the City Clerk.

This Resolution is adopted as of the 2nd day of April, 2012.

Upon motion by Mr. Lowry, seconded by Mr. Barger, the Board voted unanimously to approve Resolution 14-2012.

CONSIDERATION OF RESOLUTION 15-2012

The next order of business was consideration of Resolution 15-2012, as follows:

RESOLUTION 15 -2012

RESOLUTION APPOINTING MEMBERS TO THE MILLINGTON PUBLIC LIBRARY BOARD

WHEREAS, the Board of Mayor and Aldermen of the City of Millington has established the Millington Public Library (the "Library Board") pursuant to Tennessee Code Annotated, § 10-3-103; and

WHEREAS, the terms of four members of the Library Board have expired, and the Mayor desires to appoint, and the Board desires to approve members to serve on the Library Board to replace the members whose terms have expired;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the persons listed below be, and they hereby are, appointed to serve as members of the Library Board, for terms beginning as of April 2, 2012 and ending May 30, 2014, and thereafter until their successors have been appointed and qualified, and their appointments are approved. Provided, however, that the Members of the Library Board are subject to removal by the Board of Mayor and Aldermen, with or without cause, at any time.

Virginia Harvell
Bitha Luze
Ashlyn Jones
Douglas Jones

This Resolution is adopted as of the 2nd day of April, 2012.

Upon motion by Mr. Morgan, seconded by Mr. Brown, the Board voted unanimously to approve Resolution 15-2012.

CONSIDERATION OF CHANGE ORDERS FOR VETERANS PARKWAY

Darek Baskin, City Engineer and Director of Economic Development and Planning, explained the reasons for the change orders for the project and the costs of each change order. The costs were:

Change Order # 26	\$ 15,070.77
Change Order # 27	\$ 800.00
Change Order # 28	\$ 18,605.00

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

CONSIDERATION OF AGREEMENT WITH KIMLEY-HORN

The next order of business was consideration of an agreement with Kimley-Horn and Associates, Inc. for professional engineering services for the realignment of Raleigh-Millington Road. City Attorney Barbara Lapides said she had not seen the agreement and requested that the Board delay voting on this agreement until she could review it and reach agreement with Kimley-Horn on any changes. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to postpone consideration of this agreement until its next meeting.

CONSIDERATION OF CONTRACT WITH SHELBY COUNTY FOR OLD TOWN LIGHTING IMPROVEMENTS

The next order of business was consideration of a contract with Shelby County for installation of lighting improvements at Old Town. Mr. Baskin explained that the grant would be funded with Community Development Block Grant funds and will provide funding up to \$ 45,000.00 for lighting improvements in the City's Old Town District.

Upon motion by Mr. Brown, seconded by Mr. Ford, the Board voted unanimously to approve the contract.

CONSIDERATION OF CONTRACT WITH SHELBY COUNTY FOR LIBRARY DOORS

The next order of business was consideration of a contract with Shelby County for purchase and installation of ADA-compliant doors for the Millington Public Library. Mr. Baskin said that the grant would be funded with Community Development Block Grant funds and will provide up to \$ 15,000.00 for purchase and installation of the doors.

Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve the contract.

CONSIDERATION OF PURCHASE OF SELF CONTAINED BREATHING APPARATUS

Fire Chief Gary Graves said this is the first year of a three-year program to replace approximately 75 Self Contained Breathing Apparatus (SCBA) bottles. The ones the Fire Department is currently using will expire in 2015 and will then no longer be certified for use. Chief Graves said that it is the intent of the Fire Department to replace part of the existing SCBA units each year for the next three years. He said there is a sole source provider, Drager Safety, Inc., that the cost for this year will be \$ 11,996.90, and that there is funding in the City's capital improvements budget for these items.

Upon motion by Mr. Barger, seconded by Mr. Brown, the Board voted unanimously to approve the purchase of SCBA units as described above.

PROPOSED PURCHASE OF AUTOMATIC DEFIBRILLATORS

Chief Graves requested approval for the purchase of four automatic external defibrillators with UASI FY10 grant funds. The sole source provider for these defibrillators is Physio Control, and the cost will be \$ 9,505.00. Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve the purchase.

ANNOUNCEMENTS BY MAYOR

Mayor Carter announced that there will be a public meeting on April 12th from 5:30-7:30 p.m. at the Pat Thompson Center. Information on I-69 will be given at this meeting.

She announced there will be a special called meeting of the Board of Mayor and Aldermen at City Hall on Thursday, April 19th at 6 p.m., and a third quarter budget

review and work session for the Board on April 24th.

BUSINESS FROM THE FLOOR

Mr. Dave Sinkowitz, Commander of the American Legion Post in Millington, asked the Board to waive fees for the two picnics the Post gives at USA Stadium in May and September for outpatient veterans. Mayor Carter said that beginning July 1st, the City will have to charge fees for use of the Stadium property in order to pay staff and provide supplies for operation of the Stadium. She said non-profit organizations will be charged a reduced rate, and the cost is considerably less than what the base charges.

Pat Bryant said she would donate the fees for the September picnic, and Alderman Don Lowry said he would donate the fees for the May, 2013 picnic.

ADJOURNMENT

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

Linda L. Carter, Mayor

Carolyn K. Conley, City Clerk