

MINUTES OF SPECIAL MEETING OF THE BOARD OF MAYOR AND ALDERMEN
OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON APRIL 19, 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 April 19, 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

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

CONSIDERATION OF ORDINANCE 2012-7

The first order of business was consideration of Ordinance 2012-7, An Ordinance to Amend the Fiscal Year 2012 Budget for the 2010 Capital Outlay Notes Project Fund to Approve Costs in Connection with Roof Replacement at the Police and Courts Building and for the Capital Improvement Fund for street lights and road project, a copy of which Ordinance is attached to these minutes as **Exhibit A** and incorporated herein by reference. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-7 on second reading.

Mayor Carter announced that there will be a public hearing on this Ordinance at the May 7th meeting of the Board.

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. Barger, the Board voted unanimously to approve ordinance 2012-8 on second reading.

Mayor Carter announced that there will be a public hearing on this Ordinance at the May 7th Board meeting.

CONSIDERATION OF RESOLUTION 16-2012

The next order of business was consideration of Resolution 16-2012, Resolution Amending City’s Personnel Policies and Procedures to Create a Comprehensive Policy for Use of City Vehicles. A copy of Resolution 16-2012 and the vehicle use policy adopted by said Resolution are attached to these minutes as collective **Exhibit B** and incorporated herein by reference. Mayor Carter proposed the changes shown in italics:

1. On Page 1, Purpose, Line 8 will be changed in part to read, “elected officials *are also required* to follow the policy guidelines.”
2. On Page 4, Section III, General Rules (7), the first sentence will be changed to read, “An Accident Review Committee shall be established *within each department to be made up of three appointees recommended by the department head and approved by the Mayor* to review all accidents involving employees driving City vehicles or driving private vehicles on City business.”

Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to approve the proposed changes. Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to approve Resolution 16-2012 as amended.

CONSIDERATION OF RESOLUTION 17-2012

The next order of business was consideration of Resolution 17-2012, as follows:

RESOLUTION 17-2012

RESOLUTION APPOINTING MEMBER 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 term of Karla Hornsby has expired, and the Mayor desires to reappoint, and the Board desires to approve Karla Hornsby to serve on the Library Board;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that Karla Hornsby be, and hereby is, reappointed to serve as a member of the Library Board, for a term beginning April 19, 2012 and ending May 30, 2016, and thereafter until her successor has been appointed and qualified, and their appointment is 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.

This Resolution is adopted as of the 19th day of April, 2012.

Upon motion by Mr. Barger, seconded by Mr. Caruthers, the Board voted unanimously to approve Resolution 17-2012.

CONSIDERATION OF RESOLUTION 18-2012

The next order of business was consideration of Resolution 18-2012, as follows:

RESOLUTION 18 -2012

RESOLUTION APPOINTING BARBARA GRAY TO
MILLINGTON HOUSING AUTHORITY

WHEREAS, T.C.A. Section 13-20-408(a) authorizes the Mayor to appoint members of the Millington Housing Authority (the "Authority"); and

WHEREAS, the seat of Ernie Owens has been vacated by his death and Mayor Linda L. Carter desires to appoint Barbara Gray to serve a four-year term on the Authority;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the Mayor appoints Barbara Gray and the Board approves her appointment, to serve a four-year term on the Millington Housing Authority, beginning April 19, 2012 and continuing until April 19, 2016, and thereafter until her successor is appointed.

This Resolution is adopted as of the 19th day of April, 2012.

Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve Resolution 18-2012.

CONSIDERATION OF AGREEMENT WITH KIMLEY-HORN

The next order of business was consideration of a letter agreement with Kimley-Horn and Associates, Inc., for professional services in connection with realignment of Raleigh-Millington Road. A copy of said letter agreement is attached to these minutes as **Exhibit C** and incorporated herein by reference.

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

CONSIDERATION OF POLICE DEPARTMENT EXPENDITURES UNDER UASI GRANT

The next order of business was consideration of the proposed expenditure of \$ 10,999.02 out of the UASI grant for mobile radios. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve the expenditure.

CONSIDERATION OF JAG GRANT EXPENDITURES

The next order of business was consideration of the proposed expenditure of \$ 18,308.48 for two mobile radios and three portable radios for the Police Department out of the JAG grant. Upon motion by Mr. Brown, seconded by Mr. Caruthers, the Board voted unanimously to approve the expenditure.

CONSIDERATION OF COMPUTER SYSTEM PURCHASE FOR SOUTH WATER PLANT

Mayor Carter asked the Board to approve purchase of a complete new computer system for the City's south water plant as an emergency expenditure. She said the current system is ten years old and is completely computer-operated, but that it is so out of date that component parts are not available when needed. Upon motion by Mr. Lowry, seconded by Mr. Barger, the Board voted unanimously to approve this emergency purchase in the amount of \$ 22,000.00

CONSIDERATION OF BIDS FOR REPAIR OF VEHICLES DAMAGED BY EXPLODING WATER PIPE

The next order of business was consideration of bids for repair of two privately-owned vehicles damaged when City water pipe exploded at the end of Arapaho Street. Estimates to repair the vehicle owned by Clara Lee are as follows:

Carey's Body Shop	\$ 913.50
Norman's Body Shop	\$1,691.70
Brewer's Body Shop	\$ 441.15

Estimates to repair the vehicle owned by Hailey Martin are as follows:

Carey's Body Shop	\$ 4,515.75
Norman's Body Shop	\$ 4,615.00
Cordova Collision Center	\$ 4,499.56

Mayor Carter recommended acceptance of the low bid for each vehicle. Mr. Lowry moved to accept the bids of Brewer's Body Shop for Ms. Lee's vehicle and the bid of Carey's Body Shop for Ms. Martin's vehicle, but there was no second. After discussion by the Board and comments by Ms. Martin, upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to accept the bid of Brewer's Body Shop for Ms. Lee's vehicle and the bid of Cordova Collision Center for Ms. Martin's vehicle.

CONSIDERATION OF SECOND AMENDMENT TO LEASE FOR ATTACHMENT OF MOBILE COMMUNICATIONS EQUIPMENT ON CITY'S WATER TOWER

The next order of business was consideration of the Second Amendment to Tower Lease Agreement between City as Lessor and New Cingular Wireless PCS, LLC, successor in interest to BellSouth Mobility, Inc., as Lessee, which amends the 1996 lease for installation of mobile communications equipment on the City's water tower. A copy of said Second Amendment is attached to these minutes as **Exhibit D**. City Attorney Barbara Lapidés explained the Second Amendment changes she had made to the Lessee's standard form.

Upon motion by Mr. Lowry, seconded by Mr. Brown, the Board voted unanimously to approve the Second Amendment

COMMISSIONER ROLAND

Commissioner Terry Roland gave a brief update on the Shelby County Commission and spoke about possible county tax increases as a result of the unified school district.

ADJOURNMENT

There being no further business, upon motion by Mr. Brown, seconded by Mr. Lowry, and unanimous consent of all the Aldermen, the meeting was adjourned at 6:45 p.m.

Linda L. Carter, Mayor

Carolyn K. Conley, City Clerk