

MINUTES OF SPECIAL MEETING OF THE BOARD OF MAYOR AND ALDERMEN
OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON MAY 21, 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 May 21, 2012. The meeting was called to order at 6:00 p.m. and was opened with a prayer by Mr. Morgan. 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
Donald L. Lowry
Brett A. Morgan
Jimmy E. Pike

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

PUBLIC HEARING ON ORDINANCE 2012-9

Mayor Carter announced that the public hearing on Ordinance 2012-9 was open and asked if there were any comments or questions. William Barber asked what the Millington Sports Authority is, and Mayor Carter responded. There being no further questions or comments, upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to close the public hearing.

CONSIDERATION OF ORDINANCE 2012-9

The next order of business was consideration of Ordinance 2012- 9, as follows:

ORDINANCE 2012- 9
ORDINANCE REPEALING ORDINANCES 2009-17 AND 2010- 1
AND TERMINATING EXISTENCE OF MILLINGTON SPORTS AUTHORITY

WHEREAS, the Board of Mayor and Aldermen (the "Board") adopted Ordinances 2009-17 and 2010-1 pursuant to which it established the Millington Sports Authority as a volunteer board to assist the City in the management, operations and marketing of the USA Stadium property and adjacent property and to establish it as a department of City government; and

WHEREAS, the Board has now determined that the Millington Sports Authority should be terminated as a separate entity;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee that Ordinances 2009-17 and 2010-1 are hereby repealed in their entirety, and the existence of the Millington Sports Authority as a separate entity is terminated.

BE IT FURTHER ORDAINED that any and all funds, contracts, bills, statements, invoices and any other City property which may be in the possession or control of the Millington Sports Authority shall be delivered to the City, together with a written explanation of the source, use or proposed use or reason for such items.

This Ordinance shall take effect upon its passage on third and final reading, the public welfare requiring it.

Adopted this ___ day of _____, 2012.

Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve Ordinance 2012-9 on third reading.

PUBLIC HEARING ON ORDINANCE 2012-10

Mayor Carter announced that the public hearing on Ordinance 2012-10 was open and asked if there were any comments or questions. Bobbie Percer and County Commissioner Terry Roland addressed the Board regarding this Ordinance. There being no further questions or comments, upon motion by Mr. Caruthers, seconded by Mr. Morgan, the Board voted unanimously to close the public hearing.

CONSIDERATION OF ORDINANCE 2012-10

The next order of business was consideration of Ordinance 2012-10, as follows:

ORDINANCE 2012-10

AN ORDINANCE TO ADD TITLE 1, CHAPTER 5, MUNICIPAL SCHOOL DISTRICT, TO THE MILLINGTON MUNICIPAL CODE AUTHORIZING THE CREATION AND FUNDING OF A MUNICIPAL SCHOOL DISTRICT IN THE CITY OF MILLINGTON AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY AT A REFERENDUM TO BE HELD ON AUGUST 2, 2012 OR OTHER APPROPRIATE DATE

WHEREAS, A special referendum in the City of Memphis conducted on March 8, 2011 and certified on March 17, 2011 transferred the administration of Memphis City Schools to the Shelby County School System, with the transfer taking effect at the beginning of the 2013 - 2014 school year;

WHEREAS, The Tennessee Legislature passed Chapter One of the 2011 Public Acts to amend Tennessee Code Annotated § 49-2-502(b), which removed the restrictions imposed by Tennessee Code Annotated § 6-58-112(b) on the creation of municipal school districts by certain municipalities, including the City of Millington;

WHEREAS, The Tennessee Legislature passed Chapter 905 of the 2012 Public Acts to add Tennessee Code Annotated, which authorizes the governing body of a municipality to request the county election commission to conduct a referendum regarding the creation of a municipal school system pursuant to Tennessee Code Annotated § 49-2-106, if by a majority vote of the total membership of the governing body the municipality determines that a municipal school system is authorized by the municipality's charter, would promote the public welfare through enhancement of educational innovation, opportunity, and achievement, and would possess a student population of sufficient size to comply with State requirements;

WHEREAS, Article II, Section 2.02 (a)(28) of the Charter of the City of Millington gives the City of Millington the specific right to establish schools;

WHEREAS, Article II, Section 2.02 (a)(1) of the Charter of the City gives the City of Millington the right to assess, levy and collect taxes for all general and special purposes on all subjects and objects of taxation authorized by law;

WHEREAS, State Board of Education Rule 0520-1-8-.01(5) provides that a municipal school system must spend each fiscal year for the current operation of its public schools an amount of money in addition to the amount required to be raised by the county at least equal to that which a fifteen cents (\$.15) tax increase levy on each One Hundred Dollars (\$100.00) of taxable property for the current year in the municipal school district would produce if the same were all collected;

WHEREAS, State Board of Education Rule 0520-1-8-.01(6) provides that no municipal school system shall be created unless it furnishes certain information to the State Board of Education, including the certified results of a referendum election indicating the willingness of the people of the city to meet the standards of adequacy set forth by Rule 0520-1-8-.01 and to provide the necessary local funds to do so, after the municipal school system's share of the state and other school funds has first been applied;

WHEREAS, Tennessee Code Annotated § 49-2-106(b)(3) states that the State Board of Education, in establishing standards, should consider the expressed willingness of the people of the city or special school district, as indicated by a majority of its legal voters in a referendum, to raise local funds, which, together with school funds received from the State and other sources, shall be sufficient to provide adequate educational opportunities for their children;

WHEREAS, The Board of Mayor and Aldermen desires to create and fund a municipal school district for the City of Millington to take effect at the beginning of the 2013 - 2014 school year or as soon thereafter as practical, having determined that a municipal school system is authorized by the Charter of the City of Millington, would promote the public welfare of the City of Millington through enhancement of educational innovation, opportunity, and achievement, and would possess a student population of sufficient size to comply with State requirements and, further, having determined such school system necessary to promote the education, health, safety, and morals of the residents of the City of Millington;

WHEREAS, It is the intent of the Board of Mayor and Aldermen to enact an ordinance calling for a municipal special referendum on the authorization of the creation and funding of a municipal school district in the City of Millington, to be held on August 2, 2012 or on another appropriate date;

WHEREAS, A public hearing before the Board of Mayor and Aldermen of the City of Millington on this Ordinance was held on May 21, 2012 pursuant to notice thereof being published in a newspaper of general circulation within the City of Millington on May 12, 2012;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE, THAT:

Section 1. A municipal special referendum on the authorization of the creation and funding of a municipal school district in the City of Millington shall be held on August 2, 2012 or another appropriate date that submits the following question to the qualified voters of the City of Millington :

QUESTION:

Shall the City of Millington be authorized to create a municipal school district that shall meet the standards of adequacy established by applicable State law and regulation, which standards include raising and spending each year the required amount of local funds for the operation of the municipal school district that, for calculation purposes only, would at least be equal to the amount that would be raised through a fifteen cents (\$.15) tax levy on each One Hundred Dollars (\$100.00) of taxable property for each year if all such taxes were collected?

YES: _____

NO: _____

Section 2. The City of Millington, in accordance with state law, shall file this ordinance with the Shelby County Election Commission with a request that the referendum question be placed on the ballot for a municipal special referendum on August 2, 2012.

Section 3. If the Shelby County Election Commission cannot hold the municipal special referendum on August 2, 2012, the municipal special referendum shall be held on a date within the time prescribed by applicable State law.

Section 4. BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its passage on third and final reading, the health, safety and welfare of the citizens requiring it.

City Attorney Barbara Lapidés pointed out that this Ordinance had been revised to insert the dates of the published notice and the public hearing. Upon motion by Mr. Caruthers, seconded by Mr. Brown, the Board voted unanimously to approve the amendments. Upon motion by Mr. Lowry, seconded by Mr. Brown, the Board voted unanimously to approve Ordinance 2012-10 as amended on second reading.

PUBLIC HEARING ON ORDINANCE 2012-11

Mayor Carter announced that the public hearing on Ordinance 2012-11 was open and asked if there were any comments or questions. Mr. Percer asked about the size of the proposed school board and invited all present to attend the meeting to be held at the Civic Center about a Millington school district. There being no other questions or comments, upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to close the public hearing.

CONSIDERATION OF ORDINANCE 2012-11

The next order of business was consideration of Ordinance 2012-11, as follows:

ORDINANCE 2012-11

AN ORDINANCE TO ADD NEW TITLE 1, CHAPTER 6, MILLINGTON SCHOOL BOARD, TO THE CODE OF ORDINANCES OF THE CITY OF MILLINGTON TO ESTABLISH A MUNICIPAL SCHOOL BOARD AND TO SUBMIT THE ELECTION OF THE MEMBERS OF THE MUNICIPAL SCHOOL BOARD TO THE QUALIFIED VOTERS OF THE CITY OF MILLINGTON ON NOVEMBER 6, 2012, THE DATE OF A GENERAL ELECTION IN SHELBY COUNTY, OR AN ELECTION TO BE HELD ON SOME OTHER APPROPRIATE DATE

WHEREAS, Article II, Section 2.02 (a)(28) of the Charter of the City of Millington gives the City of Millington the specific right to establish schools;

WHEREAS, It is anticipated that City of Millington Ordinance 2012-10 will be enacted by the City of Millington on May 29, 2012 calling for a municipal special referendum on the creation and funding of a municipal school district in the City of Millington to be held on August 2, 2012 or another appropriate date;

WHEREAS, If the question presented by the municipal special referendum on the creation and funding of a municipal school system is answered in the affirmative by a majority of the qualified voters of the City of Millington participating in the referendum, the people of the City of Millington will have indicated their willingness to meet the standards of adequacy and funding requirements set forth by State Board of Education Rule 0520-1-8-.01 and Tennessee Code Annotated § 49-2-106(b)(3) and authorized the creation of a municipal school system in the City of Millington;

WHEREAS, The Tennessee Legislature passed Public Chapter 905 of the 2012 Public Act (hereinafter called "Chapter 905), which authorizes the governing body of a municipality to establish, by ordinance, a municipal board of education in compliance with Tennessee Code Annotated § 49-2-201 and said Chapter 905;

WHEREAS, provides that there shall be not less than three (3) nor more than eleven (11) members of the municipal board of education;

WHEREAS, Chapter 905 provides that the members of the municipal board of education shall be elected from districts of substantially equal population established by ordinance by the governing body of the municipality;

WHEREAS, Chapter 905 provides that the governing body of the municipality is authorized to establish initial terms for members of the municipal board of education that vary in length, provided that all subsequently elected members, other than members to fill a vacancy, shall be elected to four-year terms;

WHEREAS, provides that the governing body of the municipality is authorized to request the county election commission to conduct an election to select the members of the initial municipal board of education by either a general or special election;

WHEREAS, Chapter 905 provides that the initial municipal board of education shall take office on the first day of the first month following certification of the results of the election to select the members of the initial municipal board;

WHEREAS, The Board of Mayor and Aldermen has determined that a municipal school system is authorized by the Charter for City of Millington, would promote the public welfare of the City of Millington through enhancement of educational innovation, opportunity, and achievement, and would possess a student population of sufficient size to comply with State requirements;

WHEREAS, If the question presented by the municipal special referendum on the creation and funding of a municipal school district is answered in the affirmative by a majority of the qualified voters of the City of Millington participating in the referendum, the Board of Mayor and Aldermen desires to establish a municipal school board to plan and manage the formation of a municipal school district as well as to manage and operate a municipal school district for the City of Millington to take effect at the beginning of the 2013-2014 school year or as soon thereafter as practical, such school district being deemed necessary to promote the education, health, safety, and morals of the residents of the City of Millington;

WHEREAS, If the question presented by the municipal special referendum on the creation and funding of a municipal school district is answered in the affirmative by a majority of the qualified voters of the City of Millington participating in the referendum, the Board of Mayor and Aldermen intends to enact an ordinance establishing a municipal school board for a municipal school district in the City of Millington and authorizing the election of school board members on November 6, 2012 or some other appropriate date and, further, establishing the number of school board members, the school board geographical districts, initial terms for school board members that vary in length, and compensation of school board members;

WHEREAS, A public hearing before the Board of Mayor and Aldermen on this Ordinance was held on May 21, 2012 pursuant to notice thereof being published in a newspaper of general circulation within the City of Millington on May 10, 2012;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF MILLINGTON, TENNESSEE, AS FOLLOWS:

Section 1. The terms and provisions of this Ordinance are subject to the passage of the municipal special referendum authorizing the creation and funding of a municipal school district by a majority of the qualified voters of the City of Millington participating in the referendum.

Section 2. A municipal school board for the City of Millington shall be established in compliance with applicable State law.

Section 3. The municipal school board for the City of Millington shall consist of seven (7) members, who shall be elected at large, for positions one (1) through seven (7).

Section 4: Consideration of redefining districts for the City of Millington shall be done in accordance with applicable State law within one year after the official report on the latest ten (10) year census.

Section 5. In order to be eligible to be a member of the municipal school board for the City of Millington, one must be a citizen of the State of Tennessee, have achieved a high school diploma or GED and filed documentation satisfactory to the Shelby County Election Commission evidencing same, have attained the age of eighteen (18) years at the time of his or her election, be a resident and qualified voter of the City of Millington, and otherwise meet all other requirements of applicable State law at the time one seeks election.

Section 6. All elections for the municipal school board for the City of Millington shall be conducted on a non-partisan basis.

Section 7. No member of the governing body of the City of Millington shall be eligible for election as a member of the municipal school board for the City of Millington.

Section 8. The initial terms for members of the municipal school board for the City of Millington shall vary in length, provided that all subsequently elected members, other than members who fill a vacancy, shall be elected to four-year terms, with members elected to even

numbered positions elected for an initial term of two (2) years, and members elected to odd numbered positions elected for an initial term of four (4) years, as follows:

- POSITION 1: Initial four (4) year term
- POSITION 2: Initial two (2) year term
- POSITION 3: Initial four (4) year term
- POSITION 4: Initial two (2) year term
- POSITION 5: Initial four (4) year term
- POSITION 6: Initial two (2) year term
- POSITION 7: Initial four (4) year term

Section 9. Members of the municipal school board for the City of Millington may succeed themselves.

Section 10. Vacancies occurring on the municipal school board for the City of Millington shall be filled by the Board of Mayor and Aldermen by appointment of a person who would be eligible to serve as a member of the municipal school board, with such member to serve until a successor is elected and qualifies according to applicable law, the successor to be elected at the next general election for which candidates have sufficient time to qualify under applicable law.

Section 11. The initial municipal school board for the City of Millington shall take office on the first day of the first month following certification of the results of the election to select the members of the initial municipal board.

Section 12. Compensation for members of the municipal school board for the City of Millington shall be \$ 1,500.00 per annum.

Section 13. A municipal election to select the members of the initial municipal school board of the City of Millington shall be held on November 6, 2012, which is a general election date, or on another appropriate date.

Section 14. The City of Millington, in accordance with state law, shall file this ordinance with the Shelby County Election Commission with a request that the election to select the members of the initial municipal school board of the City of Millington be held on November 6, 2012.

Section 15. If the Shelby County Election Commission cannot hold the election to select the members of the initial municipal school board of the City of Millington on said November 6, 2012, the election shall be held on a date within the time prescribed by applicable State law.

Section 16. BE IT FURTHER ORDAINED that this Ordinance shall take effect upon its passage on third and final reading, the health, safety and welfare of the citizens requiring it.

Ms. Lapidés stated that this Ordinance, also, had been revised to insert the dates of the publication of notice and the public hearing and to insert the amount of compensation for school board members. Mr. Brown suggested that the next to last paragraph and Section 4 should be revised to make clear that the school board members are elected at large. Upon motion by Mr. Morgan, seconded by Mr. Lowry, the Board voted unanimously to approve the amendments. Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-11 as amended on second reading.

PUBLIC HEARING ON ORDINANCE 2012-12

Mayor Carter announced that the public hearing on Ordinance 2012-12 was open and asked if there were any comments or questions. There being none, upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to close the public hearing.

CONSIDERATION OF ORDINANCE 2012-12

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

ORDINANCE 2012 - 12 AN ORDINANCE TO ANNEX TERRITORY GENERALLY KNOWN AS THE TOWN

OF LUCY WHICH IS ADJACENT TO THE CURRENT CITY LIMITS, AND TO INCORPORATE SAID TERRITORY WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF MILLINGTON, TENNESSEE

WHEREAS, Tennessee Code Annotated Sec. 6-51-102 authorizes the City of Millington to extend its corporate limits by ordinance; and

WHEREAS, the Board of Mayor and Aldermen of the City held a public hearing on May 21, 2012 regarding the proposed annexation of the area generally known as the town of Lucy, which is more particularly described below, pursuant to notice thereof published in *The Millington Star* as required by Tennessee Code Annotated Sec. 6-51-102(a)(1); and

WHEREAS, it appears that the prosperity of the City of Millington and the territory herein described will be materially retarded and the safety and welfare of the inhabitants and property thereof endangered if such territory is not annexed into the City of Millington; and

WHEREAS, the annexation of such territory is deemed necessary for the welfare of the residents and property owners thereof and the welfare of the City of Millington as a whole;

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

Section 1. Pursuant to authority conferred by Tennessee Code Annotated Sections 6-51-101 to 6-51-113, the following described area adjoining the present corporate boundaries of the City of Millington, Tennessee is hereby annexed into the City and incorporated within the corporate boundaries thereof:

Beginning at a point at the intersection of the eastern right of way (hereafter abbreviated as "r.o.w.") of Hwy 51 N and the north r.o.w. of Sykes Rd; thence 100' +/- southeasterly along the north r.o.w. of Sykes Rd to a point; thence southeasterly 300' +/-; thence continuing along said r.o.w. 7000' +/- to the intersection of said r.o.w. with the eastern r.o.w. of Canadian National Railroad ("CNRR"); thence southwesterly along said CNRR r.o.w. 2500' +/- to its intersection with the north r.o.w. of Pleasant Ridge Rd; thence southeasterly a distance of 500' +/- along said north r.o.w. of Pleasant Ridge Rd. to a point; thence southwesterly along the east property line of parcel no. D0126 00259, as identified in the records of the Shelby County Assessor, 675' +/- to a point; thence northwesterly along the east property line of parcel no. D0126 00259 910' +/- to its intersection with the eastern r.o.w. of CNRR; thence southwesterly along said CNRR r.o.w. 400' +/- to a point; thence in a southerly direction 1800' +/- along the existing southwestern corporate limits of the City of Millington to a point; then continuing 390' +/- westerly along said corporate limits to a point; thence northeasterly 250' +/- along said corporate limits to a point; thence northwesterly 220' +/- along said corporate limits to a point; thence southwesterly 390' +/- along said corporate limits to a point; thence northwesterly 670' +/- along said corporate limits to a point at the intersection with the eastern r.o.w. of CNRR; thence southwesterly a distance of 1900' +/- along said eastern r.o.w. of CNRR, being the same as the existing corporate limits of the City of Millington to a point; thence 270' +/- in a southwesterly direction along said corporate limits to a point; thence 2600' +/- to a point on the eastern r.o.w. of Amherst Rd.; thence north along said eastern r.o.w. of Amherst Rd. a distance of 350'; thence northeast along the north property line of parcel no. D0125 00407 in said Assessor's records a distance of 320' +/-; thence northeasterly along said north property line and the existing City of Millington corporate limits a distance of 1470' +/-; thence southeasterly along the north property line of parcel no. D0125 00648 in said Assessor's records, and the existing City of Millington corporate limits a distance of 2150' +/- to a point intersecting the eastern r.o.w. of Raleigh Millington Rd.; thence southwesterly a distance of 2050' +/- along the eastern r.o.w. of Raleigh-Millington Rd. to a point intersecting the north r.o.w. of Amherst Rd.; thence northwesterly 1900' +/- along the north r.o.w. of Amherst Rd. and the southeast City of Millington existing corporate limits to a point intersecting the east r.o.w. of Amherst Rd.; thence continuing northwesterly along the existing City of Millington corporate limits to a point intersecting the east r.o.w. of CNRR for a distance of 2600' +/-; thence in a northwesterly direction a distance of 4500' +/- following the south property line of parcel no. D0125 00603 to a point; thence following the east property line of parcel no. D0125 00593 northeasterly a distance of 1600' +/- to a point; thence northwesterly along the north property line of parcel no. D0125 00593 a distance of 1350' +/- to its intersection with the eastern r.o.w. of Hwy 51 N; thence northeasterly along the eastern r.o.w. of Hwy 51 N a distance of 5000' +/- to the point of beginning. Said area measuring approximately 974 acres +/-.

Section 2. This Ordinance shall take effect thirty (30) days following its passage on third and final reading, the public welfare requiring it.

Ms. Lapides said that she had revised the legal description of the area to be annexed to include parcel numbers as shown in the County Assessor's office. Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve the amendments. Upon motion by Mr. Morgan, seconded by Mr. Pike, the Board voted unanimously to approve Ordinance 2012-12 as amended on second reading.

CONSIDERATION OF ORDINANCE 2012-13

The next order of business was consideration of Ordinance 2012-13, as follows:

ORDINANCE 2012-13 ORDINANCE APPROVING AND DESIGNATING CITY OFFICIALS AUTHORIZED TO SIGN CHECKS AND APPROVE ELECTRONIC DISBURSEMENTS

WHEREAS, the Board of Mayor and Aldermen desires to designate the City officials authorized to sign checks and approve electronic disbursements as provided in Section 9.13 of the City Charter; and

WHEREAS, Section 9.13 of the City Charter requires that all checks be signed by two City officials, and that all electronic disbursements of any form be authorized in writing by two City officials;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that Mayor Linda L. Carter, City Finance Director John Trusty, and City Clerk Carolyn K. Conley be, and they hereby are, approved and designated as the City officials authorized to sign checks and approve electronic disbursements in accordance with Section 9.13 of the City Charter.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon its passage on third and final reading, the public welfare requiring it.

Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-13 on second reading. Mayor Carter said the public hearing on this Ordinance will be held at the June 4th regular meeting of the Board.

CONSIDERATION OF ORDINANCE 2011-11

The next order of business was consideration of Ordinance 2011-11, as follows:

ORDINANCE 2011-11 ORDINANCE AMENDING TITLE 17, REFUSE AND TRASH DISPOSAL, OF THE MILLINGTON MUNICIPAL CODE TO REVISE VARIOUS SECTIONS RELATIVE TO SERVICES, FEES AND ADJUSTMENT TO FEES

WHEREAS, the Board of Mayor and Aldermen, after a work session and in consultation with City staff, has conducted a review of practices which have developed over the years with regard to billing for water, sewer, sanitation and storm water services and fees and has determined that some such practices have been inconsistent with the Millington Municipal Code; ; and

WHEREAS, the Board desires to adopt the amendments to the Millington Municipal Code proposed by City staff as set out herein to insure that City practices are consistent with said Code;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE, that Title 17, Refuse and Trash Disposal, of the Millington Municipal Code, be and the same hereby is, amended as follows:

1. Chapter 1, Refuse, Section 17-103 is amended by deleting the present section in its entirety and substituting the following new Section 17-103:

“17-103 A. Duty to have containers.

It shall be the duty of every person in possession, charge or control of any premises where solid waste is created or accumulated and in the case of multiple dwellings or multiple occupancy, the owner of the premises, at all times to keep or cause to be kept a sufficient number of containers for the deposit of garbage generated on the premises. Only containers issued by the City shall be used for residential or commercial collection service provided by the City. It shall be incumbent upon every person in possession, charge or control of any premises to which a City-owned cart has been issued, to insure the security of such cart from the perils of theft and damage . The cost of damage or loss occurring to a cart as a result of a failure to adequately secure it shall be borne by the person in possession, charge or control of the premises who shall also be responsible for reporting any damage or loss of the cart to the City Public Works Division as soon as the damage or loss is realized. The cost of damage to the cart caused by fire shall be borne by the person in possession, charge or control of the premises, without regard to the time or location of the cart when such damage occurs.

B. Container requirements.

Lids or covers of all garbage containers shall be kept tightly closed at all times other than when solid waste is being deposited therein or removed therefrom. Containers used for the deposit of solid waste for collection by the City shall be in good condition so that the collection thereof shall not injure the person collecting the contents. Containers having ragged or sharp edges or other defects must be promptly reported to Public Works for replacement or repair.

C. Fifty-five gallon drums prohibited.

Fifty-five (55) gallon drums are specifically prohibited from use as containers for solid waste.

D. Cleanliness.

It shall be the duty of both the person in possession, charge or control of any premises, as well as the owner of the premises, to comply with the provisions of this sub-section regarding the cleanliness of the premises and keeping containers properly closed.”

2. Chapter 1, Refuse, Section 17-104 is amended by deleting said section in its entirety and substituting the following new Section 17-104:

“Residential refuse containers shall be placed curbside in front of the house for collection unless Public Works has designated an alley behind the property for collection. In such case the refuse container shall be placed curbside at the alley. Commercial containers must be located as required by Public Works based on property configuration. Public Works may authorize individuals with certified disabilities to receive service without placing their container curbside.”

3. Chapter 1, Refuse, Section 17-109 (1) (b) is amended by adding the following to the existing language:

“City staff shall calculate the prorated amount for partial month service.”

4. Chapter 1, Refuse, Section 17-109 (1) is amended to add new subsection (c), as follows:

“17-109(c) Residential locations serviced by the City may lease additional refuse containers for \$5.00 each per month in addition to the normal monthly rate established in Section 17-109 (1) (b). Previously purchased City refuse containers may be transferred to the Cart Lease Program in exchange for five (5) months of free lease service. The City will not provide any collections service for previously purchased carts after June 30, 2012. Commercial businesses, including churches, are not eligible for this service. This program can only be added and deleted once during the City’s fiscal year.”

5. Chapter 1, Refuse, Section 17-109 (5) is amended by adding the following language at the end of said Section:

“Business obtained non-shared commercial dumpster service may be billed for the sanitation service regardless of whether they are directly billed for a separate water meter.”

6. Chapter 1, Refuse, Section 17-109(7), is amended by adding the following new subparagraph thereto:

“Used home appliances from within the residential address may be picked up by the City, and the customer shall be required to pay \$25 per appliance. Tags indicating this payment has been made may be obtained at City Hall. These tags must be placed on the appliance before the pick up will be made.”

7. Chapter 1, Refuse, Section 17-110 is amended deleting said section in its entirety and substituting the following new Section 17-110:

“All non-residential locations within the City shall be responsible for commercially contracting for the pickup, storage and/or disposal of used tires in compliance with applicable federal and state laws related to disposal.

The City will pickup and dispose of used tires from residential locations unless the volume indicates a non-residential source of the tires. No additional fee shall be charged for this residential service.”

8. Chapter 1, Refuse, New Section 17-112 is added, as follows:

“17-112. Service required. All occupied residential properties must have service from the City, and all occupied non-residential properties must have service from the City or a licensed private contractor. Vacant property without current service may not place refuse or trash for disposal without prearrangement with the City. Such arrangement requires payment in advance at the rate of \$100 per truckload or any part thereof. “

9. Chapter 1, Refuse, New Section 17-113 is added, as follows:

“17-113. Contractor generated refuse and trash. Any customer who hires a third party to perform work on a property shall require the third party contractor to remove all refuse and trash, including yard waste, from the property on completion of the work.”

BE IT FURTHER ORDAINED, that this Ordinance shall take effect ten (10) days after

its final passage, the public welfare requiring it.

Upon motion by Mr. Lowry, seconded by Mr. Barger, the Board voted unanimously to approve Ordinance 2011-11 on second reading. Mayor Carter announced that the public hearing on this Ordinance will be held at the June 4th regular meeting of the Board.

CONSIDERATION OF RESOLUTION 23-2012

The next order of business was consideration of Resolution 23-2012, as follows:

RESOLUTION 23 -2012
RESOLUTION APPROVING APPOINTMENT OF MEMBERS TO THE MILLINGTON
ARTS, RECREATION, AND PARKS ADVISORY BOARD

WHEREAS, Resolution 22-2012 provides that members of the Millington Arts, Recreation and Parks Advisory Board be appointed by the Mayor: and

WHEREAS, the Mayor desires to appoint Dee Benson, Kasey Bomar, Larry Jackson, Brian McGovern, Jimmy Pike, Cary Vaughn and Ray Wilmer to serve on the Millington Arts, Recreation, and Parks Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that Jimmy Pike and Ray Wilmer are appointed to serve one year terms beginning May 15, 2012 and ending May 15, 2013 and that Kasey Bomar and Brian McGovern are appointed to serve two year terms beginning May 15, 2012 and ending May 15, 2014, and that Larry Jackson, Cary Vaughn and Dee Benson are appointed to serve three year terms beginning May 15, 2012 and ending May 15, 2015, and all thereafter until their successors are appointed.

This Resolution is adopted as of the 21st day of May, 2012.

Mayor Carter said that the Resolution should be amended to provide that the members' terms begin on May 21st and end on May 20th of the applicable years. Upon motion by Mr. Brown, seconded by Mr. Caruthers, the Board voted unanimously to approve the amendments. Upon motion by Mr. Lowry, seconded by Mr. Brown, the Board voted unanimously to approve Resolution 23-2012 as amended.

CONSIDERATION OF VEHICLE BIDS

Several bids were received for a full-size SU for use by the Mayor and City Manager and a mid-size SUV for use by the Arts, Recreation and Parks Department. The low bid on the full-size SUV was \$ 23,100.00 by Homer Skelton Ford in Millington, and the low bid on the mid-size SUV was \$ 19,900.00 from the same company. Upon motion by Mr. Brown, seconded by Mr. _____, the Board voted unanimously to accept the low bid for both vehicles.

BUDGET MEETING

Mayor Carter announced that the final budget meeting will be held on May 31st at 4 p.m.

ADJOURNMENT

There being no further business, upon motion by Mr. Lowry, seconded by Mr. Brown and unanimous consent of all the Aldermen, the meeting was adjourned at 7:12 p.m.

Linda L. Carter, Mayor

Carolyn K. Conley, City Clerk