

MINUTES OF REGULAR MEETING OF THE BOARD OF MAYOR AND  
ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE  
HELD ON JUNE 4, 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 June 4, 2012. The meeting was called to order at 6:00 p.m. and was opened with a prayer by Mr. Brown. 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:

MINUTES OF PRIOR MEETINGS

The minutes of the regular meeting held on May 7, 2012, and the special called meetings held on May 15, May 21 and May 29, 2012 had previously been given to the Aldermen. Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve the minutes.

MONTHLY REPORTS

Reports for May, 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 Planning Department;
4. The Arts and Recreation Department and USA Stadium; and
5. The City Court.

City Finance Director John Trusty said that the financial report would be sent to the Board by Wednesday. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to accept the reports.

PRESENTATION BY CAPTAIN FIMPLE

Captain Stephen Fimple presented certificates to Police Chief Ray Douglas and Fire Chief Gary Graves for support received from the Millington Police and Fire Departments during the June 2012 Navy 10 Nautical Miler Run.

BOY SCOUT PROCLAMATION

Mayor Carter recognized and thanked Boy Scout Troop 45 with a proclamation for their recent flag retirement ceremony, when they retired more than 400 American flags no longer fit for display.

HUFFMAN RETIREMENT

Mayor Carter read a letter from Public Works Director Jack Huffman announcing his retirement effective as of June 30, 2012. Mr. Huffman has been with the City since January of 1963.

RESCUE BOAT

Fire Chief Gary Graves announced that the Fire Department had taken delivery of a 16 foot aluminum rescue boat and trailer designed specifically for water rescues. The City's acquisition of the boat was funded by Homeland Security, and the City received 100% funding through FEMA and TEMA.

PUBLIC HEARING ON ORDINANCE 2011-11

Mayor Carter announced that the public hearing on Ordinance 2011-11 was open and asked if there were any questions or comments. Louise Kennon said she disagreed with the \$ 25 per appliance pick-up charge and asked about record keeping regarding tags that must be placed on an appliance to be picked up by the City. She also did not like wording regarding pick up of containers for persons with certified disabilities. There being no further comment, upon motion by Mr. Ford, seconded by Mr. Morgan, the Board voted unanimously to close the public hearing.

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:

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 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~~ **special needs or** 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) (b) is amended to reduce the monthly service charge for each residential dwelling unit and commercial locations receiving residential type service from \$24.00 to \$21.00 effective for the month that they city implements once a week residential collection service. The schedule of service codes and rates shall be adjusted to reflect this amendment.**

5. 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 **\$3.00** 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.”

6. 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.”

7. 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 \$25.00 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.”

8. 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.”

9. 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. “

10. 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 all Ordinances heretofore passed in conflict herewith are hereby repealed insofar as they are in conflict with this Ordinance.**

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

Mayor Carter pointed out the changes, which are in bold type. Upon motion by Mr. Caruthers, seconded by Mr. Brown, the Board voted unanimously to approve the amendments. Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2011-11 as amended on third and final reading.

#### PUBLIC HEARING ON ORDINANCE 2012-13

Mayor Carter announced that the public hearing on Ordinance 2012-13 was open and asked if there were any questions or comments. There being none, upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to close the public hearing.

#### 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. Barger, seconded by Mr. Brown, the Board voted unanimously to table Ordinance 2012-13 until the June 18<sup>th</sup> meeting, in accordance with Mr. Barger's suggestion that the Ordinance designate persons authorized to sign checks by position rather than by name.

#### CONSIDERATION OF ORDINANCE 2012-16

The next order of business was consideration of Ordinance 2012-16, as follows:

ORDINANCE 2012 - 16  
ORDINANCE REPEALING 2010-14 AND ADOPTING ORDINANCE 2012-16 TO  
AMEND RENT/USER FEES FOR MILLINGTON CIVIC CENTER, BAKER  
COMMUNITY CENTER, AND CITY PAVILIONS AND TO ESTABLISH FEES FOR  
RESERVATIONS AT USA STADIUM COMPLEX

WHEREAS, Section 2.02 (a)(25) of the Charter of the City of Millington grants power to the Board of Mayor and Aldermen to provide for the operation and maintenance of public buildings, including education and recreation facilities of the City; and

WHEREAS, the City is the owner and operator of pavilions located in certain parks within the City and the Millington Farmers' Market, and of the Millington Civic Center and Baker Community Center (together hereafter called the "Centers") and the USA Stadium Complex and desires to make the pavilions and the Centers available to the public for uses other than by City government; and

WHEREAS, the Board of Mayor and Aldermen has determined that in order to provide for users of the pavilions, including the pavilion at the Millington Farmers' Market and the Centers other than the City to pay a fair portion of the cost of maintaining, operating and staffing the pavilions and the Centers, it is necessary to amend the rental and user fees set out in Ordinance 2010-14 and to establish charges for rent of portions of the USA Stadium Complex; and

WHEREAS, there are programs and activities which the City desires to provide to its citizens, but for which it does not have qualified staff, and for which it contracts with third parties; and there are entities which use the Centers and which make significant contributions to the amenities and/or maintenance and staffing of the Centers, for which fair and reasonable fees may be established by the three-person Appeals Committee described herein; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that Ordinance 2010-14 is repealed in its entirety and this new Ordinance 2012-16 is adopted in its place to establish the rental and user fees and maintenance deposits for the pavilions within City parks and the Millington Farmers' Market and for Millington Civic Center, Baker Community Center, and USA Stadium Complex set out below are adopted, effective as of July 1, 2012.

RENT/USER FEES FOR MILLINGTON CIVIC CENTER, BAKER COMMUNITY  
CENTER, USA STADIUM COMPLEX, CITY PARK PAVILIONS AND  
MILLINGTON FARMERS' MARKET PAVILION

Except as otherwise provided below, the following rental rates shall apply to use of the:

1) Millington Civic Center

**Rental Time & Rates**

	<u>1 Hour</u>	<u>4 Hours</u>	<u>8 Hours</u>
Small Classroom (<350 square feet)	\$24	\$72	\$124
Medium Classroom (350-600 square feet)	\$30	\$90	\$156
Large Classroom (>600 square feet)	\$36	\$108	\$186
Executive Room	\$36	\$108	\$186
Chapel	\$72	\$216	\$432
Banquet Hall	\$72	\$216	\$432
Gymnasium	\$72	\$216	\$432
Auditorium	\$90	\$270	\$468

\* Fees above for Civic Center Auditorium do not include use of the sound system. The sound system must be run by a Millington Arts & Recreation employee and will be charged at a rate of \$15.00 per hour, with a maximum charge of \$150.00 per day.

Kitchen Use	When included with a rental	\$ 40.00/flat rate
As a Stand-Alone Rental		\$ 30.00/hour

Wedding Packages

- Package 1 - Rehearsal, Rehearsal Dinner, Ceremony, and Reception \$1,190  
 Includes:  
 Rooms: Auditorium, Banquet Hall, Kitchen, Buffet Room, Bride's & Groom's Rooms  
 Time: 8 hours on the day before and 10 hours on the wedding day  
 Services: Tables, Chairs, and their set-up as directed by the customer
- Package 2 - Rehearsal, Ceremony, and Reception \$1,082  
 Includes:  
 Rooms: Auditorium, Banquet Hall, Kitchen, Buffet Room, Bride's & Groom's Rooms  
 Time: 5 hours on the day before and 10 hours on the wedding day  
 Services: Tables, Chairs, and their set-up as directed by the customer
- Package 3 - Ceremony and Reception \$982  
 Includes:  
 Rooms: Auditorium, Banquet Hall, Kitchen, Buffet Room, Bride's & Groom's Rooms  
 Time: 8 hours on the wedding day  
 Services: Tables, Chairs, and their set-up as directed by the customer
- Package 4 - Rehearsal and Ceremony \$600  
 Includes:  
 Rooms: Auditorium, Bride's & Groom's Rooms  
 Time: 5 hours on the day before and 8 hours on the wedding day
- Package 5 - Ceremony \$360  
 Includes:  
 Rooms: Auditorium, Bride's & Groom's Rooms  
 Time: 8 hours on the wedding day
- Package 6 - Rehearsal, Rehearsal Dinner, Ceremony, and Reception \$1,070  
 Includes:  
 Rooms: Chapel, Banquet Hall, Kitchen, Buffet Room, Bride's & Groom's Rooms  
 Time: 8 hours on the day before and 10 hours on the wedding day  
 Services: Tables, Chairs, and their set-up as directed by the customer
- Package 7 - Rehearsal, Ceremony, and Reception \$962  
 Includes:  
 Rooms: Chapel, Banquet Hall, Kitchen, Buffet Room, Bride's & Groom's Rooms

Time: 5 hours on the day before and 10 hours on the wedding day  
 Services: Tables, Chairs, and their set-up as directed by the customer

Package 8 - Ceremony and Reception \$862

Includes:

Rooms: Chapel, Banquet Hall, Kitchen, Buffet Room, Bride's & Groom's Rooms

Time: 8 hours on the wedding day

Services: Tables, Chairs, and their set-up as directed by the customer

Package 9 - Rehearsal and Ceremony \$480

Includes:

Rooms: Chapel, Bride's & Groom's Rooms

Time: 5 hours on the day before and 8 hours on the wedding day

Package 10 - Ceremony \$300

Includes:

Rooms: Chapel, Bride's & Groom's Rooms

Time: 8 hours on the wedding day

Package 11 - Reception \$475

Includes:

Rooms: Banquet Hall, Kitchen, & Buffet Room

Time: 4 hours on the day before and 4 hours on the wedding day  
 (All 8 hours can be used on wedding day, if preferred.)

Services: Tables, Chairs, and their set-up as directed by the customer

Extended Time Charges. There shall be a charge for any use of the Centers that exceeds the time periods for wedding packages stated above at the extended hourly rate for the areas used. This charge shall also apply if the areas used, including the kitchen, are not left in a clean and orderly manner, free of decorations, flowers and other items used in connection with weddings and related activities.

## 2) Baker Community Center

### Rental Time & Rates

	<u>1 Hour</u>	<u>4 Hours</u>	<u>8 Hours</u>
Small Classroom (<350 square feet)	\$24	\$72	\$124
Medium Classroom (350-600 square feet)	\$30	\$90	\$156
Large Classroom (>600 square feet)	\$36	\$108	\$18
Auditorium	\$72	\$216	\$432
Kitchen Use	When included with a rental		\$ 40.00/flat rate
As a Stand-Alone Rental			\$ 30.00/hour

## 3) USA Stadium Complex

### Rental Rates

<u>Hourly Rates</u>	<u>Regular</u>	<u>501(c) tax exempt entity</u>
Lake Area	\$50	\$25
Rodeo Arena & Rodeo Parking	\$100	\$50
Gin Area	\$50	\$25
Area behind Field #2	\$50	\$25
Parking Lot and Adjacent Field	\$50	\$25

- Four-hour minimum rental
- Rental time begins when gates are opened and ends when gates are closed
- Restrooms, electricity, and water usage are included in all rentals
- Parking lot is included for free when any other area of the complex is rented
- An employee who stays on the premises is included when two or more areas are rented
- If one area is rented, renter can add an employee to stay on the premises for \$10/hour
- Discounts for renting multiple areas: 2 areas (20%), 3 areas (25%), 4 areas (30%)

## 4) Park Pavilions

There shall be a charge of \$25.00 per day or portion of a day for reservation of the use of any pavilion located in a City of Millington park. City parks are open from dawn to dusk. The reservation charge shall be paid at the time the reservation is requested, and no reservation shall be scheduled or confirmed until the fee has been paid.

If your group will be using any equipment such as inflatable equipment, etc. a certificate of liability insurance policy in the amount of one million dollars (\$1,000,000) must be obtained. Before any equipment can be used on the park, you must have proper approval. Insurance certificates must be on file, in our office, before your reservation date.

There shall be a deposit of \$5.00 per key received by a citizen to the Aycock Park and Oak Park Tennis Courts. If a key is not returned within 14 days of the day it was received, the \$5.00 deposit will be forfeited.

## 5) Farmers' Market Pavilion

### Vendor Fees

Regular vendor fees for vendors who do not sell concessions are \$10.00 per day on weekdays and \$12.00 per day on Saturdays. Any vendor who would like to set up for the entire Farmers' Market season may pay a one-time fee of \$225.00 at the beginning of the season.

Concession vendor fees are \$50.00 per day for either weekdays or Saturdays.

### Rental Fees

There shall be a charge of \$25.00 per hour for the rental of the pavilion at the Millington Farmers' Market, with a minimum four-hour rental. The Farmers' Market pavilion is open from dawn to dusk. The reservation charge shall be paid at the time the reservation is requested, and no reservation shall be scheduled or confirmed until the fee has been paid.

The following provisions shall apply for all uses of all city facilities, unless otherwise noted:

### Payments

1. The rates set out above are for each hour or portion of an hour and except as otherwise expressly set out herein, shall apply for rent of the Centers, other than for wedding packages, Monday through Thursday from 8:00 a.m. to 10:00 p.m. and Friday from 8:00 a.m. to 5:00 p.m. Except as otherwise set out herein, rent at the extended hourly rate will be charged for use of the Centers on Friday after 5:00 p.m. and for all uses on Saturday and Sunday. If a Friday use is scheduled to begin before 5:00 p.m. and end after 5:00 p.m., the regular hourly rate shall apply for such use until 5:00 p.m., and the extended hourly rate shall apply after 5:00 p.m. If a Friday use that is scheduled to end at or before 5:00 p.m. does not end by 5:00 p.m., the extended hourly rate shall apply after 5:00 p.m.

The extended hourly rate shall be the hourly rate charged for the area used plus an additional 10% of the amount charged. Notwithstanding any other provisions of this Ordinance, there will be a four hour minimum charge for all uses of the Centers on Saturday and Sunday, with a minimum rent of \$100.00 for any use of the Centers on Sunday.

2. No reservation shall be scheduled and confirmed **until a 20% non-refundable down payment is received**. This down payment shall be applied to the total balance due for the facility rental. It is separate from and in addition to the maintenance deposit.
3. Final payment must be received no less than seven business days prior to the scheduled event; provided, however, that if any use extends beyond the scheduled time for which payment has been made, the charge for such extra time will be 1.5 times the applicable rental rate. This extra rent may be deducted from the

maintenance deposit (to the extent not needed to pay maintenance costs) or paid separately.

4. The person or entity using any part of the facilities shall be responsible for any damage to the facilities or city property and for any excessive cleanup costs. In addition to the rental fee, a **\$100.00 maintenance deposit** shall be required for each use of the Centers and USA Stadium Complex.

Maintenance deposits must be paid not later than the time final rental payment is due. The maintenance deposit (except such amounts as must be retained for repair of damage or excessive cleanup costs) will be available for pickup on the first business day after the event, provided that if any event (including events to which Wedding Packages apply) should last longer than the time agreed upon prior to the event or if additional charges should apply, as described in this Ordinance, the City shall have the right to retain so much of the maintenance deposit as is necessary to cover the extended charges. In such case, the City shall give the facility user a written description of any extended charges for which it retains all or a portion of the maintenance deposit. It is the responsibility of the renter to pick up the deposit. No maintenance deposit refund will be mailed. If there is damage to the facility or City property within the facility, or if excessive cleanup is necessary, the renter shall forfeit all or a portion of the deposit as determined by the Director of the Arts and Recreation Department.

#### Discounts

5. Any qualified non-profit organization or any community organization that wishes to use a meeting room at Baker Community Center between 7:00 a.m. and 4:00 p.m. on Monday through Friday will be allowed to do so at no charge, provided there is space available and that the proposed user submits all required paperwork to the Millington Arts & Recreation Department prior to the proposed use. The right to such use may be reserved for a period not to exceed one year, but may thereafter be renewed for additional periods of one year each, subject to the provisions of this Ordinance.
6. Any user of the Centers who rents the same area for the same purpose more than one day within a calendar month or for several consecutive days shall be entitled to a 20% discount from the regular rent payment that would be applicable to a single use, provided that the multiple or consecutive days are scheduled at the same time the first use is scheduled. Any user of the Centers who rents more than one room for simultaneous use shall be entitled to a 20% discount of the amount that would be due if each room was rented separately for 2 rooms, 25% for 3 rooms, and 30% for 4 or more rooms.
7. Each school located within the City of Millington is allowed one free event per school year of up to 4 hours on any day of operation. Each school located within the 38053 zip code but not within the city limits is allowed one event per year of up to 4 hours for \$15 per hour. In each case, the headmaster or principal of the school must designate that the event will be their free or discounted event for the school year. All other uses by schools within the city limits or 38053 zip codes will be charged at a rate of 50% of the rates listed in this ordinance, so as to cover the personnel, supplies, materials, equipment, and maintenance of the facilities. Any applicable discounts will be applied to the 50% off rate.
8. Except as otherwise provided in this Ordinance or agreed by the Appeals Committee in accordance with this Ordinance, (a) qualified non-profit organizations that are based in Millington or that hold substantially all their meetings and activities in Millington shall be allowed up to 4 hours per month use Baker Center without charge on Monday through Friday from 8 a.m. to 9 p.m.; and (b) qualified non-profit organizations that are not based in Millington but are based within the 38053 zip code shall be charged \$15.00 per hour for the first four hours each month and shall be charged the regular hourly rate thereafter, with applicable discounts, for use during such days and hours. If a qualified non-profit organization based in Millington does not use Baker Center on a regular basis, it will be allowed to use one of the facilities up to 8 hours per year on any single day other than Sunday at no charge, provided the space is available. If a qualified non-

profit organization not based in Millington but located within the 38053 zip code does not use Baker Center on a regular basis, that organization will be allowed to use one of the Baker Center for up to 8 hours per year on any single day other than Sunday at a charge of \$15.00 per hour, provided the space is available.

A “qualified non-profit organization” is an organization which is exempt from federal income taxes under Section 501(c) of the Internal Revenue Code. Evidence of federal tax exempt status must submitted to the City before or at the time any qualified non-profit organization either requests to pay rent applicable to qualified non-profit organizations under this Ordinance or seeks an adjustment of rent by the Appeals Committee.

9. For programs and activities which the City doesn't have qualified staff to provide, the City shall have the right to contract with third parties to provide such programs and activities. In each such case, the City shall receive a payment of 20% of the revenue received by the third party contractor for such programs and activities, except as expressly set out herein.

#### Appeals

10. There shall be an Appeals Committee, appointed by the Mayor with approval of the Board of Aldermen, which shall hear and decide requests by non-profit organizations qualified under Section 501(c)of the Internal Revenue Code and community organizations for adjustment of the rent that would otherwise be applicable under this Ordinance. The decision of the Appeals Committee shall be final in each case. Upon the establishment or modification of rent by the Appeals Committee, the proposed user of the Centers and the City shall execute a contract setting out the terms of such use and rent.
11. Any qualified non-profit or any community organization that requests to be charged rates other than the rates set out in this Ordinance must submit its proposal to the Appeals Committee within sufficient time prior to the first date of use to allow the Appeals Committee to review the information submitted and set the applicable rent.

#### Additional Rules

12. There will be NO SMOKING in the Centers or pavilions. Smoking will be permitted only in outside designated areas.
13. Teenage parties, including birthday parties, shall be limited to 50 guests (plus a sufficient number of adult chaperones) and must be over by 9:00 p.m. Music must not be audible in the nearest street. There must be at least one security guard for up to 25 guests and 2 security guards for 26-50 guests. The Millington Arts and Recreation Department shall have the right to end a party if these conditions are not met or if there is a condition or activities deemed unsafe for minors, and in the event of termination of any teenage party for such reasons, there shall be no refund of the user fee.

#### Rent and Regulations Agreement

14. All persons or groups who desire to use the Millington Civic Center, Baker Community Center, USA Stadium Complex or any park or Farmers' Market pavilion must have an authorized adult representative sign a Facilities Use Agreement at the time a reservation for such use is made. A Rules and Regulation Agreement must be signed by the user's authorized representative. These Agreements must be signed prior to use of the facilities.

BE IT FURTHER ORDAINED that this Ordinance shall take effect on July 1<sup>st</sup>, 2012, the public welfare requiring it.

Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve Ordinance 2012-16 on first reading.

CONSIDERATION OF ORDINANCE 2012-17

The next order of business was consideration of Ordinance 2012-17, Ordinance Adopting the FY 2013 Operating, Capital Improvement and Debt Service Budgets for the City of Millington and To Establish Budget Related Procedures and Controls, a copy of which is attached to these minutes as Exhibit A. Upon motion by Mr. Barger, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-17 on first reading.

CONSIDERATION OF ORDINANCE 2012-18

The next order of business was consideration of Ordinance 2012-18, Ordinance Levying and Assessing a Tax Rate for Ad Valorem Taxes upon Real Property and Personal Property in the City of Millington for the Tax Year 2012, a copy of which is attached to these minutes as Exhibit B. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-18 on first reading.

CONSIDERATION OF ORDINANCE 2012-19

The next order of business was consideration of Ordinance 2012-19, Ordinance Approving the City of Millington Position Control Budget and the Compensation Policy for Fiscal Year 2012-2013, a copy of which is attached to these minutes as Exhibit C. Upon motion by Mr. Brown, seconded by Mr. Morgan, the Board voted unanimously to approve Ordinance 2012-19 on first reading.

2012-2013 GROUND WATER INSTITUTE CONTRACT

The next order of business was consideration of the 2012-2013 contract with the University of Memphis for the Ground Water Institute, a copy of which is attached to these minutes as Exhibit D. Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve the contract.

ITEMS ADDED TO AGENDA

With consent of the Aldermen, the following Resolution was added to the agenda:

CONSIDERATION OF RESOLUTION 26-2012

The next order of business was consideration of Resolution 26-2012, as follows:

**RESOLUTION 26-2012**  
**RESOLUTION DISMISSING UNCOLLECTIBLE REAL AND PERSONAL**  
**PROPERTY TAXES AND AUTHORIZING REMOVAL OF PARCELS FROM TAX**  
**ROLLS**

WHEREAS, the City has determined that the personal property taxes listed on the documents attached as Exhibit A to this Resolution are uncollectible because the taxpayers are out of business; and that the real property taxes listed on documents attached as Exhibit B to this resolution are uncollectible because the parcels are government owned; and that said taxes should be dismissed and the taxpayers listed on Exhibit A and Exhibit B should be removed from the tax rolls;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the personal property taxes shown on Exhibit A and the real property taxes shown on Exhibit B to this Resolution, and all interest, penalties and costs related thereto are dismissed as to each of said taxpayers listed on Exhibit A and Exhibit B.

BE IT FURTHER RESOLVED, that the Mayor be, and she hereby is, authorized to perform such acts and give such notice to the County Assessor, County Trustee or other tax collector necessary to dismiss the taxes set out on Exhibit A and Exhibit B, together with all interest, penalties and costs related thereto, and to remove the tax parcels listed on Exhibit A and Exhibit B from the tax rolls.

This Resolution is adopted as of the 4<sup>th</sup> day of June, 2012.

Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve Resolution 26-2012.

WILKINSVILLE PARTNERS, LLC LETTER OF CREDIT

City Director of Planning and Economic Development Darek Baskin reported that construction was complete on the strip mall at the corner of Highway 51 and Wilkinsville Rd. developed by Wilkinsville Partners, LLC, except for the dumpster pads that were to have been located at the rear of the building. He said there is no way to put dumpster pads at the rear of the building and still have access for vehicles. He reported that the City had received a letter from Wilkinsville Partners, LLC stating that the City would not be held responsible for any asphalt damage to the parking lot caused by routine garbage pickups. Mr. Baskin recommended that letter of credit No. 1030 issued by First Citizens National Bank for the benefit of the City in connection with this project be released

Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to release the letter of credit.

MAYOR'S ANNOUNCEMENT

Mayor Carter announced that there would be an informational meeting on I-69 on June 6<sup>th</sup>, from 5 – 7 p.m. at the Pat Thompson Center.

BUSINESS FROM THE FLOOR

Billy Bennett, B & B Towing, asked about being on the City's wrecker rotation list. Mayor Carter said that he would be put on the list and that he should come to see her tomorrow.

ADJOURNMENT

There being no further business, upon motion made by Mr. Lowry, seconded by Mr. Ford, and the unanimous vote of the Aldermen, the meeting was adjourned at 7:00 p.m.

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Linda L. Carter, Mayor

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Carolyn K. Conley, City Clerk