

MINUTES OF SPECIAL MEETING OF THE BOARD OF MAYOR AND ALDERMEN  
OF THE CITY OF MILLINGTON, TENNESSEE  
HELD ON JUNE 14, 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 June 14, 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  
D. Christopher Ford  
Michael E. Caruthers  
Donald L. Lowry  
Brett A. Morgan  
Jimmy E. Pike

A quorum being present, the following proceedings were held:

RESIGNATION OF POLICE CHIEF RAY DOUGLAS

Mayor Carter announced that Police Chief Ray Douglas had resigned and asked that the Board vote to accept his resignation. Upon motion by Mr. Caruthers, seconded by Mr. Barger, the Board voted unanimously to accept Chief Douglas's resignation.

CONSIDERATION OF RESOLUTION 27-2012

The next order of business was consideration of Resolution 27-2012, as follows:

RESOLUTION 27-2012  
RESOLUTION APPOINTING LIEUTENANT RITA STANBACK AS CHIEF  
OF POLICE FOR THE CITY OF MILLINGTON

WHEREAS, Section 5.02 (a) of the Charter of the City of Millington provides that operating department heads are to be appointed by majority vote of the Board of Mayor and Aldermen; and

WHEREAS, Police Chief Ray Douglas has resigned, and the Mayor has appointed Police Lieutenant Rita Stanback as interim Chief of Police and has recommended that she be appointed to serve as Chief of Police of the City of Millington; and

WHEREAS, Ms. Stanback has served with distinction as an officer of the Millington Police Department for 15 years; and

WHEREAS, the Board desires to confirm the appointment of Ms. Stanback to the position of Chief of Police;

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

1. Police Lieutenant Rita Stanback is hereby appointed to serve as Chief of Police of the City of Millington;

2. If either the Board of Mayor and Aldermen or Ms. Stanback should determine that the City would be better served by appointment of another person as Chief of Police, and provided the conditions listed below are met, Ms. Stanback may be reassigned to the rank of Lieutenant in

the Millington Police Department. Upon such reassignment, Ms. Stanback shall perform duties and shall receive compensation and benefits commensurate with the rank of Lieutenant.

3. Such reassignment shall be contingent upon the following:

A. That the resignation or removal of Ms. Stanback is not for reasons of wrongful conduct or malfeasance or misfeasance in office by Ms. Stanback;

B. That at the time of reassignment, Ms. Stanback is not subject to any condition or illness that would render her unable to perform the duties of a Lieutenant in the Millington Police Department;

C. That upon reassignment, Ms. Stanback shall be subject to all personnel and other policies of the City of Millington applicable to employees of the rank of Lieutenant in the Millington Police Department.

This Resolution is adopted as of the 14<sup>th</sup> day of June, 2012.

Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve Resolution 27-2012. Chief Stanback's husband, Rodney Stanback, pinned on her badge, and City Attorney Barbara Lapidés administered the oath of office.

#### PUBLIC HEARING ON PLAN OF SERVICES FOR LUCY

Mayor Carter announced that the public hearing on the Plan of Services approved by the Planning Commission for the annexation of the Lucy community into the City by 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. Morgan, the Board voted unanimously to approve the Plan of Services.

#### CONSIDERATION OF RESOLUTION 24-2012

The next order of business was consideration of Resolution 24-2012, as follows:

#### RESOLUTION 24-2012

#### RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE TERRITORY SOUTH OF AND ADJACENT TO THE CURRENT CITY LIMITS OF THE CITY OF MILLINGTON GENERALLY KNOWN AS THE LUCY COMMUNITY TO BE ANNEXED BY ORDINANCE 2012-12

WHEREAS, Tennessee Code Annotated Section 6-51-102 (b) requires that the City of Millington adopt a Plan of Services prior to annexation of territory into the corporate boundaries of the City; and

WHEREAS, the City plans to annex the territory generally known as the Lucy community, as described in Ordinance 2012-12; and

WHEREAS, the City has complied with the notice and hearing provisions of Tennessee Code Annotated Section 6-51-102(b)(4) regarding the proposed Plan of Services and has submitted said Plan of Services for study to the City's Planning Commission, which has recommended its adoption in writing; and

WHEREAS, the Board of Mayor and Aldermen of the City of Millington desires to adopt the Plan of Services for the territory to be annexed by Ordinance 2012-12;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City Of Millington, Tennessee, that the Plan of Services attached to this Resolution 23-2012 as Exhibit A and incorporated herein by reference as if set out herein verbatim be, and the same hereby is, adopted for the territory described in Ordinance 2012-12.

BE IT FURTHER RESOLVED that this Resolution shall take effect upon its adoption,

and the Plan of Services attached hereto as Exhibit A and incorporated herein shall become operative for the annexed territory described herein and in Ordinance 2012-12 upon the effective date of annexation of said territory.

This Resolution is adopted as of the 14th day of June, 2012.

#### EXHIBIT A TO RESOLUTION 24-2012

##### Plan of Services for Lucy Annexation

The Plan of Services set out below shall apply to the community generally known as the Lucy community, as such territory is described in Ordinance 2012-12, upon its annexation into the City of Millington (the “Annexed Territory”).

1. Millington fire, ambulance and police service as provided to existing citizens and properties in the City of Millington shall be provided in the Annexed Territory immediately upon the effective date of annexation.
2. Arts, parks, recreational programs, and other cultural and recreational amenities and activities of the City of Millington will be available to residents of the Annexed Territory beginning upon the effective date of annexation, to the same extent available to all citizens of the City of Millington. At such time, citizens in the Annexed Territory who desire to participate in such events, activities and amenities will begin to pay applicable City of Millington resident fees for programs and facility rentals.
3. Water services to residents and properties within the Annexed Territory will continue to be provided by Memphis Light, Gas & Water (“MLGW”).
4. Sewer located within the Annexed Territory will be transferred to the City of Millington within four years to allow time for installation of new access lines and upgrades to lift stations. During the interim, the City of Memphis will continue to provide sewer service to the Annexed Territory, and MLGW will continue to bill residents and property owners in the Annexed Territory as is currently being done.
5. Sanitation services in the form of once-a-week garbage and trash pickups within the Annexed Territory will begin on November 1, 2012 and will be provided in the same manner as such services are provided to existing residents of the City of Millington. At such time, residents and property owners within the Annexed Territory will begin to pay for sanitation services at the same rates and fees as are from time to time applicable to all users of such services within the City of Millington. This will allow time for the City of Millington to order and receive additional needed garbage cans. Prior to such date, sanitation services will continue to be provided by individual residents by contract.
6. All street lighting and street maintenance, repair and construction within the Annexed Territory will be performed in accordance with general policies and procedures of the City of Millington, beginning as of the effective of annexation.
7. Animal control services within the Annexed Territory will be provided in accordance with policies and procedures of the City of Millington, beginning as of the effective date of annexation.
8. Existing County zoning ordinances will remain in effect for the Annexed Territory until such time as the City of Millington amends its zoning ordinance so that zoning regulations applicable to the Annexed Territory conform to the existing City of Millington zoning ordinance with regard to district descriptions, uses allowed within each district and other provisions. Existing commercial uses, if any, will be permitted to continue within the

Annexed Territory to the extent provided by state law.

9. The Annexed Territory is currently served by Shelby County Schools and will continue to be so served at the effective date of annexation.
10. Effective as of the date of annexation, storm water management and pollution control regulations will be in effect, and services will be provided, for residents and property owners in the annexed area in accordance with Title 14, Chapter 20 of the Millington Municipal Code (as such may be amended from time to time), in the same manner as applicable to and provided for existing City of Millington residents and property owners. Residents and property owners in the annexed area will be charged storm water fees in the same manner as existing City residents and property owners.

City Attorney Barbara Lapedes said that the word “ambulance” had been added in numbered Paragraph 1, after the words “Millington fire.” Upon motion by Mr. Brown, seconded by Mr. Pike, the Board voted unanimously to approve Resolution 24-2012 adopting the Plan of Services for the Lucy community.

#### 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.

Adopted this 14<sup>th</sup> day of June, 2012.

Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve Ordinance 2012-12 on third and final reading.

Lucy resident Ann Mills said she thought there would be an increased financial burden on elderly residents of the Lucy as a result of the annexation. Mayor Carter said that Lucy residents would no longer pay county fire fees after the annexation, that there would be no City property taxes due until February of 2014, and that there would be no sewer fees due until Millington takes over the Lucy sewer lines.

#### 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 be 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. Barger, seconded by Mr. Ford, the Board voted unanimously to approve Ordinance 2012-16 on second reading. Mayor Carter announced that the public hearing on this Ordinance will be held at the special meeting of the Board on June 18<sup>th</sup>.

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. Brown, seconded by Mr. Ford, the Board voted unanimously to approve Ordinance 2012-17 on second reading.

Mayor Carter announced that the public hearing on this Ordinance will be held at the special meeting of the Board on June 18<sup>th</sup>.

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 second reading.

Mayor Carter announced that the public hearing on this Ordinance will be held at the special meeting of the Board on June 18<sup>th</sup>.

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. Morgan, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-19 on second reading.

Mayor Carter announced that the public hearing on this Ordinance will be held at the special meeting of the Board on June 18<sup>th</sup>.

CONSIDERATION OF BIDS FOR AUDIBLE PEDESTRIAN SIGNALS

The next order of business was consideration of bids for audible pedestrian signals at the intersection of Navy Road and Nelson. Mr. Baskin reported that McCrory Electric had submitted the lowest and best bid and recommended that the contract be awarded to that company. He also said that the cost of these signals would be paid with CDBG funds. Upon motion by Mr. Lowry, seconded by Mr. Ford, the Board voted unanimously to accept the lowest and best bid of McCrory Electric in the amount of \$ 46,505.00.

CONSIDERATION OF CHEMICAL BIDS FOR WATER AND SEWER PLANTS

Two bids were received for chemicals for the water and wastewater treatment plants for fiscal year 2012-2013. Brenntag was the lowest bidder on all but one item, and its bid on that item was the same as the other bidder. Acceptance of the Brenntag bid was recommended by the Public Works Department.

Upon motion by Mr. Brown, seconded by Mr. Barger, the Board voted unanimously to accept the bid of Brenntag. Orders will be placed by purchase order as chemicals are needed, subject to available funds in the budget.

ADJOURNMENT

There being no further business, upon motion by Mr. Morgan, seconded by Mr. Lowry and unanimous consent of all the Aldermen, the meeting was adjourned at 6:49 p.m.

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Linda L. Carter, Mayor

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Carolyn K. Conley, City Clerk