

MINUTES OF SPECIAL MEETING OF THE BOARD OF MAYOR AND ALDERMEN
OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON JUNE 18, 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 18, 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
D. Christopher Ford
Donald L. Lowry
Brett A. Morgan
Jimmy E. Pike

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

CONSIDERATION OF ORDINANCE 2012-13

The first 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, the City Finance Director and the City Clerk 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 the City Manager is also approved and designated as a City official authorized to sign checks and approve electronic disbursements, effective as of the date that is thirty days after the date on which the City Manager first begins to work for the City.

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

Adopted the 18th day of June, 2012.

This Ordinance had been tabled to allow it to be amended and was removed from the table by consent. Mayor Carter announced that this Ordinance had been amended to identify the persons authorized to sign checks and approve electronic disbursements for the City by job description rather than by name. Upon motion by Mr. Brown, seconded by Mr. Morgan, the Board voted unanimously to approve the amendments. Upon motion by Mr. Lowry, seconded by Mr. Brown, the Board voted unanimously to approve Ordinance 2012-13 as amended on third and final reading.

PUBLIC HEARING ON ORDINANCE 2012-16

Mayor Carter announced that the public hearing on Ordinance 2012-16 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 close the public hearing.

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 1st, 2012, the public welfare requiring it.

Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-16 on third and final reading.

PUBLIC HEARING ON ORDINANCE 2012-17

Mayor Carter announced that the public hearing on Ordinance 2012-17 was open and asked if there were any comments or questions. There being none, upon motion by Mr. Morgan, seconded by Mr. Lowry, the Board voted unanimously to close the public hearing.

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. Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve Ordinance 2012-17 on third and final reading.

PUBLIC HEARING ON ORDINANCE 2012-18

Mayor Carter announced that the public hearing on Ordinance 2012-18 was open and asked if there were any comments or questions. There being none, upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to close the public hearing.

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.

PUBLIC HEARING ON ORDINANCE 2012-19

Mayor Carter announced that the public hearing on Ordinance 2012-19 was open and asked if there were any comments or questions. There being none, upon motion by Mr. Ford, seconded by Mr. Morgan, the Board voted unanimously to close the public hearing.

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. City Finance Director explained the amendments to Budget Exhibit, Page 6, to combine the administrative secretary and clerical specialist in the Police Department into the single position of office assistant, senior and add one dispatcher/jailer position. Upon motion by Mr. Morgan, seconded by Mr. Brown, the Board voted unanimously to approve the amendments. Upon motion by Mr. Brown, seconded by Mr. Morgan, the Board voted unanimously to approve Ordinance 2012-19 as amended on third and final reading.

CONSIDERATION OF RESOLUTION

The next order of business was consideration of Resolution 28 - 2012, as follows:

RESOLUTION 28-2012

RESOLUTION AUTHORIZING REFUND OF \$ 500.00 SEWER DEVELOPMENT FEE

WHEREAS, on February 12, 2012, Southern Home Design LLC paid a sewer development fee in the amount of \$ 500.00 for property located at 7246 Ryan Hill Drive in Thornhill Estates Subdivision, and it has been determined that the sewer development fee for that parcel had previously been paid by the developer of the Subdivision;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the sewer development fee paid on February 12, 2012 in the amount of \$ 500.00 was not owed and should be refunded to Southern Home Design, LLC.

This Resolution is adopted as of the 18th day of June, 2012.

Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to approve Resolution 28-2012.

CONSIDERATION OF PURCHASE OF SUV FOR STORMWATER DEPARTMENT

Mr. Lowry moved, upon recommendation of the Mayor and Mr. Baskin, to approve the

purchase of a 2012 Ford Escape in the amount of \$ 19,900 from Homer Skelton Ford. This purchase will be for the same amount as a previously awarded bid for this same vehicle and will be made on July 2nd, in the new budget year. This vehicle will be used by the storm water director and Mr. Baskin's office. Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted with five "ayes" to approve the purchase. Mr. Brown passed.

ADJOURNMENT

There being no further business, upon motion by Mr. Lowry and unanimous consent of all the Aldermen, the meeting was adjourned at 7:01 p.m.

Linda L. Carter, Mayor

Carolyn K. Conley, City Clerk