

MINUTES OF REGULAR MEETING OF THE BOARD OF MAYOR AND
ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON OCTOBER 1, 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 October 1, 2012. The meeting was called to order at 6:00 p.m. and was opened with a prayer by Mr. Ford. 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
Jimmy E. Pike

A quorum being present, the following proceedings were held:

MINUTES OF PRIOR MEETINGS

The minutes of the regular meeting held on September 4, 2012, and the special called meeting held on September 13, 2012 had previously been given to the Aldermen. Upon motion by Mr. Morgan, seconded by Mr. Lowry, the Board voted unanimously to approve the minutes.

MONTHLY REPORTS

Reports for the month of September 2012 for the departments listed below had been delivered to all the Aldermen prior to meeting:

1. Police Department;
2. Fire Department;
3. Arts and Recreation Department and USA Stadium; and
4. City Court.

Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to accept the reports.

CAPTAIN FIMPLE

Captain Stephen Fimple, Commanding Officer, Naval Support Activity Mid-South, announced dates of future events and said that National Night Out had been cancelled because of the weather.

CHARLES GULOTTA

Charles Gulotta, President and CEO of the Millington Chamber of Commerce and Executive Director of the Millington Industrial Development Board reported on activities of the MIDB and the Chamber.

CONSIDERATION OF ORDINANCE 2012-21

The next order of business was consideration of Ordinance 2012-21, as follows:

ORDINANCE NO. 2012-21

AN ORDINANCE TO AMEND THE FISCAL YEAR 2013 OPERATING BUDGET

WHEREAS, the Board of Mayor and Aldermen adopted the budget for the City of Millington for fiscal year 2013 by Ordinance 2012-17; and

WHEREAS, the Board has authorized the city to be involved in several lawsuits related to the efforts to implement its own school system and legal fees will be significantly more than budgeted for FY13; and

WHEREAS, the FY13 budget for the Capital Projects Fund included funding for drainage improvements in cooperation with the Millington Housing Authority and it has been determined that the Stormwater Fund can fund this project, which will cost \$76,055.00

WHEREAS, it is necessary to amend the FY13 budget in the amount of \$176,055.00 to provide the funding necessary for the purpose described above.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the FY 2013 Operating Budget for the General Fund is amended as follows:

General Fund Revenues	
Planned Use of Fund Balance	\$ 100,000.00
General Fund Expenditures	
General Government – Legal and Professional Services	\$ 100,000.00
Stormwater Fund Revenues	
Planned Use of Fund Balance	\$ 76,055.00
Stormwater Fund Expenditures	
Drainage Control	\$ 76,055.00

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

Upon motion by Mr. Brown, seconded by Mr. Caruthers, the Board voted unanimously to approve Ordinance 2012-21 on second reading. Mayor Carter announced that the public hearing on this Ordinance will be held at the November 5th regular meeting of the Board.

CONSIDERATION OF ORDINANCE 2012-22

The next order of business was consideration of Ordinance 2012-22, Ordinance Amending the City of Millington Position Control Budget and Compensation Policy for Fiscal Year 2012-2013, a copy of which is attached to these minutes as Exhibit A. Upon motion by Mr. Brown, seconded by Mr. Caruthers, the Board voted unanimously to approve Ordinance 2012-22 on first reading.

CONSIDERATION OF RESOLUTION 38-2012

The next order of business was consideration of Resolution 38-2012, as follows:

RESOLUTION 38-2012

RESOLUTION APPROVING AND ACCEPTING CONVEYANCE

OF REAL PROPERTY ADJACENT TO USA STADIUM
FROM MILLINGTON TELEPHONE COMPANY, INC.

WHEREAS, Millington Telephone Company, Inc. has offered to convey to the City of Millington the real property adjacent to USA Stadium and described on the deed attached to this Resolution as Exhibit A (the "Property") without cost; and

WHEREAS, the Board of Mayor and Aldermen believes it is in the best interest of the City to acquire the Property;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee that the City is authorized to accept the conveyance from Millington Telephone Company, Inc. of the real property adjacent to USA Stadium and described on Exhibit A to this Resolution.

This Resolution is adopted as of the 1st day of October, 2012.

Upon motion by Mr. Barger, seconded by Mr. Lowry, the Board voted unanimously to approve Resolution 38-2012.

CONSIDERATION OF RESOLUTION 39-2012

The next order of business was consideration of Resolution 39-2012, as follows:

RESOLUTION 39-2012

RESOLUTION AUTHORIZING AMENDMENT OF CONTRACTS WITH DEMENT CONSTRUCTION COMPANY, LLC AND AUTHORIZING MAYOR TO SIGN CHANGE ORDERS FOR VETERANS PARKWAY WHERE CITY'S COST DOES NOT EXCEED \$ 10,000 PER CHANGE ORDER WITHOUT CONSENT OF BOARD

WHEREAS, the City entered into two general contracts with Dement Construction Company, Inc. dated as of _____ for construction of Veterans Parkway South and Veterans Parkway West; and

WHEREAS, the Board of Mayor and Aldermen, in order to provide for efficient and timely administration of the Contracts and construction of Veterans Parkway, desires to amend the Contracts to provide that the Mayor, upon consultation with the City Engineer, may without prior consent of the Board approve and sign changes orders for which the City's obligation will not exceed \$ 10,000 per change order;

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

1. The Amendment to the Contracts for construction of Veterans Parkway South and Veterans Parkway West between the City and Dement Construction Company, LLC ("Dement"), attached to this Resolution as Exhibit A, is approved, and the Mayor is authorized to sign and deliver the Amendment on behalf of the City;
2. After execution of the Amendment by the City and Dement, the Mayor is authorized to sign change orders to the Contracts, without prior approval of such change orders by the Board of Mayor and Aldermen, when the amount of additional cost to be paid by the City for each change order will be equal to or less than \$ 10,000.00.

This Resolution is adopted as of the 1st day of October, 2012.

Upon motion by Mr. Brown, seconded by Mr. Barger, the Board voted unanimously to approve Resolution 39-2012.

CONSIDERATION OF CHANGE ORDERS FOR VETERANS PARKWAY PROJECT

City Engineer Darek Baskin presented changes orders # 29, 30, 31, 44, 45, 46, 47 and

48 for the Veterans Parkway construction project. Upon motion by Mr. Brown, seconded by Mr. Ford, the Board voted unanimously to approve the change orders.

CONSIDERATION OF RESOLUTION 40-2012

The next order of business was consideration of Resolution 40-2012, as follows:

RESOLUTION 40-2012

RESOLUTION APPROVING EXCHANGE OF PROPERTY
WITH MILLINGTON INDUSTRIAL DEVELOPMENT BOARD

WHEREAS, the City of Millington is the owner of the five tracts of property described in the quit claim deed attached to this Resolution as Exhibit A, which tracts are a part of the property generally known as Mud Flats (the “City Property”); and

WHEREAS, The Millington Industrial Development Board is the owner of the tracts of real property as described in the quit claim deed attached to this Resolution as Exhibit B, which tracts are generally known as the Farmers Market, the Police Impound Lot and the Fire Training Facility (the “IDB Property”); and

WHEREAS, the City has no use for the City Property and desires to convey it to the IDB in exchange for the IDB Property; and

WHEREAS, the IDB has no use for the IDB Property and desires to convey it to the City in exchange for the City Property; and

WHEREAS, each of the City and the IDB does have a use for the property which it is to receive in this exchange, and each of them believes that it is receiving fair value for the exchange of its property for the property of the other party;

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

1. The conveyance of the City Property described on Exhibit A to the IDB and the acceptance of the IDB Property described on Exhibit B from the IDB are hereby approved;
2. There shall be no cash compensation in connection with this exchange;
3. Each party shall convey its property to the other by quit claim deed, in accordance with the Agreement between the City and the IDB attached hereto as Exhibit C;
4. The Agreement between the City and the IDB regarding the exchange of property attached to this Resolution as Exhibit C is hereby approved;
5. The Mayor is authorized to execute and deliver said Agreement and to execute and deliver the quit claim deed to the IDB.

This Resolution is adopted as of the 1st day of October, 2012.

Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve Resolution 40-2012.

CONSIDERATION OF RESOLUTION 41-2012

The next order of business was consideration of Resolution 41-2012, as follows:

RESOLUTION 41-2012

RESOLUTION APPROVING CONTRACT BETWEEN CITY OF MILLINGTON
AND MILLINGTON INDUSTRIAL DEVELOPMENT BOARE
FOR ADVANCE OF COSTS FOR METAL UTILITY POLES
ALONG VETERANS PARKWAY

WHEREAS, the City of Millington and the Industrial Development Board of the City

of Millington, Tennessee (the “IDB”) agree that it would be in the best interest of both the City and the IDB to provide for metal rather than standard wooden utility poles along the part of Veterans Parkway that runs from Navy Road to the railroad bridge shown as bridge # 2 over the Canadian National Railroad on the plans for Veterans Parkway (the “IDB Road”); and

WHEREAS, the IDB has asked the City to advance funds in the amount of up to \$ 250,000.00, which is the amount by which the cost of metal utility poles exceeds the \$ 300,000.00 estimated cost for standard wooden poles along the IDB Road; and

WHEREAS, the City agrees to advance the additional cost, up to \$ 250,000.00, in accordance with the terms of the Agreement between the City and the IDB attached to this Resolution as Exhibit A;

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

1. The City is authorized to advance payment to MLGW in the amount of up to \$ 250,000.00 for the cost by which metal utility poles to be installed along the IDB Road exceeds the amount of \$ 300,000.00.
2. Such advance shall be made in accordance with and subject to the Agreement between the City and the IDB attached to this Resolution as Exhibit A.
3. The Mayor is authorized to execute and deliver the Agreement with the IDB attached hereto as Exhibit A on behalf of the City.

BE IT FURTHER RESOLVED, that this Resolution shall take effect upon its adoption, the public welfare requiring it.

Upon motion by Mr. Morgan, seconded by Mr. Lowry, the Board voted unanimously to approve Resolution 41-2012.

CONSIDERATION OF CDBG DISASTER RECOVERY PROGRAM CONTRACT

The next order of business was consideration of a contract with Shelby County, using Community Development Block Grant funds, to prepare environmental assessments for certain flood protection work, as described in the Performance Statement attached to the contract as Exhibit A. Upon motion by Mr. Brown, seconded by Mr. Caruthers, the Board voted unanimously to approve the contract.

PURCHASE OF FLOORING FOR TWO FIRE STATIONS

One bid was received for replacement of flooring for two City fire stations. The bid was from Gookins Floor Store of Covington in the amount of \$ 10,636.50. Upon motion by Mr. Caruthers, seconded by Mr. Lowry, the Board voted unanimously to approve the purchase of new flooring and to accept the Gookins bid.

PURCHASE OF OFFICE CHAIRS FOR POLICE DISPATCHERS

Two bids were received for office chairs for police dispatchers, as follows:

Office Scapes, Inc.	\$ 552.98 per chair
Natural Posture, Inc.	\$ 625.80 per chair

Police Chief Rita Stanback requested authorization to purchase six chairs to be used by police dispatchers. Upon motion by Mr. Brown, seconded by Mr. Caruthers, the Board voted unanimously to approve purchase of six chairs and to accept the low bid of Office Scapes, Inc.

MAYOR’S ANNOUNCEMENTS

Mayor Carter announced that there would be a meeting for Kerrville residents at 7 p.m. on October 4th at the Millington Civic Center to discuss the proposed Kerrville annexation and a meeting at 7 p.m. on October 11th at the Lucy Baptist Church for Lucy

residents to discuss the proposed Lucy annexation.

BUSINESS FROM THE FLOOR

Terry Jones addressed the Board regarding emails about him that he said were being circulated.

City Finance Director John Trusty said the budget review for the first quarter of this fiscal year will be held on October 23rd at 4 p.m.

City Attorney Barbara Lapidés reported on the status and scheduling of the schools litigation.

ADJOURNMENT

There being no further business, upon motion by Mr. Brown and the unanimous vote of the Aldermen, the meeting was adjourned at 7:18 p.m.

Linda L. Carter, Mayor

Carolyn K. Conley, City Clerk