MINUTES OF REGULAR MEETING OF THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE
HELD ON NOVEMBER 5, 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 November 5, 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 October 1, 2012, and the special called meeting held on October 15, 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 the month of October, 2012 for the departments listed below had been delivered to all the Aldermen prior to meeting:

1. Fire Department;
2. Arts and Recreation Department; and
3. City Court.

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

SHELBY COUNTY MAYOR

Shelby County Mayor Mark Luttrell gave an annual update on matters related to Shelby County government.

PUBLIC HEARING ON ORDINANCE 2012-21

Mayor Carter announced that the public hearing on Ordinance 2012-21, An Ordinance to Amend the Fiscal Year 2013 Operating Budget, was open and asked if there were comments or questions. City Finance Director John Trusty reported on proposed amendments to the Ordinance to add expenditures for start-up of the new City School Board. There being no questions or comments, upon motion by Mr. Ford, seconded by Mr. Lowry, the Board voted unanimously to close the public hearing.

CONSIDERATION OF ORDINANCE 2012-21

The next order of business was consideration of Ordinance 2012-21. A copy of the Ordinance containing the proposed amendment is attached to these minutes as **Exhibit A.**

Upon motion by Mr. Caruthers, seconded by Mr. Ford, the Board voted unanimously to approve the amendments. Upon motion by Mr. Barger, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-21 as amended on third reading.

PUBLIC HEARING ON ORDINANCE 2012-22

Mayor Carter announced that the public hearing on Ordinance 2012-22, An Ordinance Amending the City of Millington Position Control Budget and the Compensation Policy for Fiscal Year 2012-2013, was open and asked if there were any comments or questions. There being none, upon motion by Mr. Brown, seconded by Mr. Ford, the Board voted unanimously to close the public hearing.

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 B**. Upon motion by Mr. Brown, seconded by Mr. Lowry, the Board voted unanimously to approve Ordinance 2012-22 on second reading.

CONSIDERATION OF ORDINANCE 2012-23

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

ORDINANCE 2012 - 23

AN ORDINANCE TO ANNEX INTO THE CORPORATE BOUNDARIES OF THE CITY OF MILLINGTON TERRITORY ADJACENT TO CURRENT CITY LIMITS INCLUDING MARTINWOOD SUBDIVISION, MARTINWEST SUBDIVISION, SOUTHKNOLL SUBDIVISION, CLOVERHAVEN SUBDIVISION AND CLOVERHAVEN TRAILER PARK, EAST ACRES AND ADJOINING AREAS

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 held a public hearing on November 19, 2012 regarding the proposed annexation of territory including Martinwood Subdivision, Martinwest Subdivision, Southknoll Subdivision, Cloverhaven Subdivision and Cloverhaven Trailer Park, East Acres and adjoining areas, which territory is shown on the map attached to this Ordinance as Exhibit A, 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, that pursuant to authority conferred by Tennessee Code Annotated Sections 6-51-101 to 6-51-113, the territory adjoining the present corporate limits of the City of Millington, Tennessee shown on the map attached to this Ordinance as Exhibit A, which territory includes Martinwood Subdivision, Martinwest Subdivision, Southknoll Subdivision, Cloverhaven Subdivision and Cloverhaven Trailer Park, East Acres and adjoining areas, is hereby annexed and incorporated into the corporate boundaries of the City of Millington.

BE IT FURTHER ORDAINED that this Ordinance shall take effect thirty (30) days following its passage on third and final reading, the public welfare requiring it.

Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to table Ordinance 2012-23 for consideration at a later date.

CONSIDERATION OF ORDINANCE 2012-24

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

ORDINANCE 2012 - 24

AN ORDINANCE TO ANNEX INTO THE CORPORATE BOUNDARIES OF THE CITY OF MILLINGTON TERRITORY ADJACENT TO THE CURRENT CITY LIMITS LOCATED EAST OF SINGLETON PARKWAY, NORTH OF THE SOUTH LINE OF PAUL BARRET PARKWAY AND RUNNING EASTWARDLY TO THE INTERSECTION OF PAUL BARRET PARKWAY AT VARIOUS POINTS WITH AUSTIN PEAY HIGHWAY (STATE HWY 14) AND RICKS ROAD

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 November 19, 2012 regarding the proposed annexation of the territory adjacent to the current City limits located east of Singleton Parkway, north of the south line of Paul Barret Parkway and running eastwardly to the intersection of Paul Barret Parkway at various points with Austin Peay Highway (State Hwy. 14) and Ricks Road, which territory is shown on the map attached to this Ordinance as Exhibit A, 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, that pursuant to authority conferred by Tennessee Code Annotated Sections 6-51-101 to 6-51-113, the territory adjoining the present corporate limits of the City of Millington, Tennessee described on the map attached to this Ordinance as Exhibit A, is hereby annexed and incorporated within the corporate boundaries of the City of Millington.

BE IT FURTHER ORDAINED that this Ordinance shall take effect thirty (30) days following its passage on third and final reading, the public welfare requiring it.

Mr. Brown moved to approve the Ordinance and Mr. Morgan seconded, but the motion was then withdrawn. Upon motion by Mr. Barger, seconded by Mr. Caruthers, the Board voted unanimously to table Ordinance 2012-24 for later consideration.

CONSIDERATION OF ORDINANCE 2012-25

The next order of business was consideration of Ordinance 2012-25, as follows:

ORDINANCE 2012-25

ORDINANCE AMENDING SECTIONS 3-101, 3-204 AND 3-206 OF THE MILLINGTON MUNICIPAL CODE REGARDING CITY COURT JUDGE AND CITY COURT CLERK

WHEREAS, Sections 11.07 and 11.08 of the Charter of the City of Millington provides that there shall be popular election of the City Court Judge for terms of eight (8) years, and that the Judge serving at the time of adoption of the Charter shall continue in office until expiration of his current term; and

WHEREAS, the term of the currently serving City Court Judge will expire in 2014, and the Board of Mayor and Aldermen desires to provide for election of the City Court Judge in accordance with the Charter; and

WHEREAS, Section 11.11 of the Charter of the City of Millington provides that the City Court Clerk shall be elected by the voters for terms of four years and that the Board of Mayor and Aldermen may by ordinance provide that the election of the City Court Clerk shall coincide at every other election with the election of the City Judge; and

WHEREAS, the Board desires to provide for election of the City Court Clerk for terms of four (4) years, beginning at the time of the next election for City Judge in 2014;

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

1. Section 3-101, Judge to be elected, of the Millington Municipal Code is amended by numbering existing Section 3-101 as Section 3-101 (a) and by adding new Section 3-101 (b) to read as follows:

   "Section 3-101 (b). Qualified voters of the City shall elect a Municipal Judge to serve terms of eight years, beginning at the time of the August, 2014 general state and county election. At each such election, the candidate who receives the largest number of votes shall be declared elected. The Judge's term of office shall begin on the first day of September following the Judge's election. All subsequent elections for Municipal Judge shall be held in accordance with Article 7, Section 5 of the Tennessee Constitution."

2. Section 3-204, Municipal court clerk, of the Millington Municipal Code is deleted in its entirety and replaced with new Section 3-204, as follows:

   "3-204. City Court Clerk. (a) The City Court Clerk shall be elected by qualified voters of the City; provided, however, that the City Court Clerk serving as of the date of adoption of this Ordinance shall serve until the first election for City Court Clerk in 2014.

   (b) A City Court Clerk shall be elected at the time of the next election for City Court Judge, at the time of the August, 2014 general state and county election, for a term of four years. Thereafter, there shall be an election for City Court Clerk at the same time as the August general state and county elections every fourth year. The candidate who receives the largest number of votes shall be declared elected.

   (c) The elected City Court Clerk's term of office shall begin on the first day of September following the Clerk's election."

BE IT FURTHER ORDAINED that Section 3-206, Vacancy occurring in office of clerk, of the Millington Municipal Code is deleted in its entirety and replaced with new Section 3-206, as follows:

"3-206. Vacancy in Office of City Court Clerk. In the event of a vacancy in the office of City Court Clerk by death, resignation or removal from office, the Board of Mayor and Aldermen shall appoint a person to serve as City Court Clerk until the next August state election, at which time a City Court Clerk shall be elected by the voters to fill the remainder of the unexpired term of the previously elected City Court Clerk."

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

Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve Ordinance 2012-25 on first reading.

CONSIDERATION OF ORDINANCE 2012-26

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

ORDINANCE 2012-26

ORDINANCE AMENDING SECTION 14-1003 (2)
OF THE MILLINGTON MUNICIPAL CODE

WHEREAS, the City of Millington has previously adopted Title 14, Chapter 10, Flood Damage Prevention, of the Millington Municipal Code; and

WHEREAS, the Federal Emergency Management Agency (FEMA) requires that the City amend said Chapter 10 so that the City's floodplain management regulations meet the standards of Paragraph 60.3(d) of the National Flood Insurance Program (NFIP) regulations not later than February 6, 2013; and

WHEREAS, the Board of Mayor and Aldermen desire to amend Section 14-1003 of the Millington Municipal Code in to adopt the current effective Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) to which the NFIP regulations apply and other modifications made by this map revision;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that in order to comply with the FEMA requirements described above, Section 14-1003 (2), Basis for establishing the areas of special flood hazard, of the Millington Municipal Code is deleted in its entirety and is replaced by the following new Section 14-1003 (2):

"14-1003(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Millington, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), community Panel Numbers 47157C0180F, 47157C0170F, 47157C0160F, 47157C0065F, 47157C0155F, and 47157CIND0A dated February 6, 2013, along with all supporting technical data, are adopted by reference and declared to be a part of this chapter. These shall be incorporated into the Millington, Tennessee Zoning Map."

BE IT FURTHER ORDAINED that except as expressly amended hereby, Title 14, Chapter 10 of the Millington Municipal Code remains in full force and effect as previously adopted.

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

Upon motion by Mr. Morgan, seconded by Mr. Ford, the Board voted unanimously to approve Ordinance 2012-26 on first reading.

CONSIDERATION OF RESOLUTION 44-2012

The next order of business was consideration of Resolution 44-2012. Upon recommendation of City Attorney Barbara Lapides, Mr. Caruthers moved to amend the proposed Resolution to provide for staggered terms, as shown in Resolution 44-2012 below, and Mr. Barger seconded the motion. The Board voted with five "ayes" to approve the amendments. Mr. Brown passed.

RESOLUTION 44-2012

RESOLUTION APPROVING APPOINTMENT OF MEMBERS TO SERVE ON THE BOARD OF ZONING APPEALS

WHEREAS, Section 14-1402 of the Millington Municipal Code provides that members of the Board of Zoning Appeals shall be appointed by the Mayor; and

WHEREAS, the terms of Charles Reed and Jeff Wages have expired, and Jeremy Rochell is now working for the City of Millington, the Mayor desires to appoint, and the Board desires to approve Tim Bierdz, Thomas Goin, and Tim Michael to replace them and serve on the Board of Zoning Appeals;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that Tim Bierdz, Thomas Goin and Tim Michael be and hereby are appointed to serve as members of the Board of Zoning Appeals, and that Tim Bierdz is approved for a one year term beginning November 5, 2012 and ending October 31, 2013, and that Thomas Goin is appointed to serve a two year term beginning November 5, 2012 and ending October 31, 2014, and that Tim Michael is appointed to serve a three year term beginning November 5, 2012 and ending October 31, 2015 and thereafter until their successors are appointed.

This Resolution is adopted as of the 5th day of November, 2012.

Upon motion by Mr. Barger, seconded by Mr. Lowry, the Board voted with five "ayes" to approve the Resolution. Mr. Brown passed.

RENEWAL OF INTERGOVERNMENTAL AGREEMENT REGARDING SHELBY COUNTY HOUSEHOLD HAZARDOUS WASTE FACILITY

The next order of business was consideration of the proposed renewal of the agreement with Shelby County for operation of the County's household hazardous waste facility, a copy of which is attached to these minutes as **Exhibit C**. Upon motion by Mr. Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve the agreement.

CONSIDERATION OF INTERGOVERNMENTAL AGREEMENT FOR AMBULANCE SERVICES

Fire Chief Gary Graves presented the proposed intergovernmental agreement for ambulance services, a copy of which is attached to these minutes as **Exhibit D.** He discussed two other options for provision of ambulance services to the City of Millington, but said they would be cost prohibitive. Chief Graves said that the agreement with the ambulance service provider would be presented to the Board at a later date. Upon motion by Mr. Lowry, seconded by Mr. Brown, the Board voted unanimously to approve the agreement.

CONSIDERATION OF AGREEMENT FOR REPAIR PROPERTY OVER CITY STORM DRAIN

Mayor Carter and City Attorney Barbara Lapides presented a proposed agreement for the City to repair sinkage over a City storm drainage line on real property located at 6525 Angie Street. A copy of this agreement is attached to these minutes as **Exhibit E**. This repair is necessary to prevent damage to the storm drainage line. Upon motion by Mr.

Lowry, seconded by Mr. Morgan, the Board voted unanimously to approve the agreement.

CONSIDERATION OF PROFESSIONAL SERVICES AGREEMENTS WITH FISHER & ARNOLD, INC.

Two proposed professional service agreements with Fisher & Arnold, Inc. were presented. Copies of these agreements are attached to these minutes as collective **Exhibit F.** The first agreement is for preparation of an environmental assessment in accordance with NEPA with regard to proposed drainage improvements for an upper section of the Newport drainage ditch, and is in the amount of $ 15,000. Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve this agreement. The second agreement is for preparation of an environmental assessment in accordance with NEPA with regard to proposed flood protection improvements and is in the amount of $ 15,000. Upon motion by Mr. Lowry, seconded by Mr. Brown, the Board voted unanimously to approve the second agreement.

CONSIDERATION OF SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEM MS4 ANNUAL REPORT

The next order of business was consideration of the Small Municipal Separate Storm Sewer System MS4 Annual Report, a copy of which is available at City Hall. Upon motion by Mr. Lowry, seconded by Mr. Caruthers, the Board voted unanimously to approve the report.

BUSINESS FROM THE FLOOR

County Commissioner Terry Roland addressed the Board with regard to annexation matters.

ADJOURNMENT

There being no further business, upon motion by Mr. Lowry, seconded by Mr. Brown and the unanimous vote of the Aldermen, the meeting was adjourned at 7:23 p.m.

Linda L. Carter

Linda L. Carter, Mayor

Carolyn K. Conley

Carolyn K. Conley, City Clerk