

**Tuesday, November 12, 2019**

**WORK SESSION  
4:30 PM**

**BOARD OF MAYOR AND ALDERMEN – REGULAR MEETING  
6:00 PM**

**AGENDA**

1. Prayer
2. Pledge Of Allegiance
3. Roll Call
4. Approval Of Agenda
5. Approve Minutes Of October 14, 2019

Documents:

[BMA MINUTES 10-14, 2019.PDF](#)

6. Special Presentation
7. Public Comments
8. Public Hearing – Ordinance 2019-19 Closing Astoria Avenue From Navy Road To Attu Street And To Abandon Right-Of-Way For Former Astoria Avenue From Navy Road To New Astoria Avenue In Millington, Tennessee, And Quit Claim The City's Abandoned Right-Of-Way To The Millington Industrial Development Board
9. Public Hearing – Ordinance 2019-20 Amending Title 1, General Administration, Of The Millington Municipal Code
10. Consideration Of Ordinance 2019-19 Closing Astoria Avenue From Navy Road To Attu Street And To Abandon Right-Of-Way For Former Astoria Avenue From Navy Road To New Astoria Avenue In Millington, Tennessee, And Quit Claim The City's Abandoned Right-Of-Way To The Millington Industrial Development Board- Final Reading

Documents:

[ORDINANCE 2919-19 ABANDON OLD ASTORIA ROW.PDF](#)  
[EXHIBIT A FOR ORD 2019-19 FOR ASTORIA CLOSURE AND ROW.PDF](#)  
[EXHIBIT A FOR NEW ASTORIA ROW DEDICATION FROM IDB.PDF](#)

11. Consideration Of Ordinance 2019-20 Amending Title 1, General Administration, Of The Millington Municipal Code – Final Reading

Documents:

[ORDINANCE 2019-20 AMENDMENT TO TITLE 1 OF CODE ON ORDINANCE ADOPTION.PDF](#)

12. Public Hearing – Ordinance 2019-21 Amending Title 8, Alcoholic Beverages, Chapter 2, Beer, Of The Millington Municipal Code
13. Consideration Of Ordinance 2019-21 Amending Title 8, Alcoholic Beverages, Chapter 2, Beer, Of The Millington Municipal Code – Final Reading

Documents:

[ORDINANCE 2019-21 AMENDING TITLE 8 ALCOHOLIC BEVERAGES.PDF](#)

14. Public Hearing – Ordinance 2019-22 Amending Title 18, Water And Sewers, Of The Millington Municipal Code
15. Consideration Of Ordinance 2019-22 Amending Title 18, Water And Sewers, Of The Millington Municipal Code – Final Reading

Documents:

[ORDINANCE 2019-22 AMENDING CHAPTER 1 OF TITLE 18 FOR WATER AND SEWER.PDF](#)

16. Public Hearing – Ordinance 2019-23 Amending Certain Sections Of Title 14, Zoning And Land Use Control, Chapter 24, Sign Ordinance, Of The Millington Municipal Code
17. Consideration Of Ordinance 2019-23 Amending Certain Sections Of Title 14, Zoning And Land Use Control, Chapter 24, Sign Ordinance, Of The Millington Municipal Code – First Reading

Documents:

[ORDINANCE 2019-23 AMENDMENTS TO SIGN ORDINANCE.PDF](#)

18. Public Hearing – Ordinance 2019-24 Amending Title 17 On Refuse And Trash Disposal
19. Consideration Of Ordinance 2019-24 Amending Title 17 On Refuse And Trash Disposal - First Reading

Documents:

[ORDINANCE 2019-24 AMENDING TITLE 17 FOR REFUSE AND TRASH DISPOSAL.PDF](#)

20. Consideration Of Resolution 54-2019 Approving Non-Residential Subdivision Agreement With CBTN Millington, LLC

Documents:

[RESOLUTION 54-2019 APPROVING SUBDIVISION AGREEMENT WITH CBTN MILLINGTON, LLC.PDF](#)

21. Consideration Of Resolution 55-2019 Appointing Member To The Millington Airport Authority

Documents:

[RESOLUTION 55-2019 AIRPORT AUTHORITY BOARD APOINTMENT.PDF](#)

22. Board Reports

23. Adjourn

**ADA NOTICE**

**The City seeks to meet the needs of all individuals with disabilities. Should you need an accommodation to attend, speak or hear at this meeting, please call City Hall at 901.873.5701 at least eight (8) working hours in advance of the meeting.**

CITY OF MILLINGTON BOARD OF MAYOR AND ALDERMEN  
MINUTES OF REGULAR MEETING  
October 14, 2019

Call to Order, Prayer, and Pledge of Allegiance

The Board of Mayor and Aldermen of the City of Millington, TN met in regular session at Millington City Hall Chambers on Monday, October 14, 2019. The meeting was called to order at 6:01 pm and Mr. McGhee led everyone in prayer, followed by the Pledge of Allegiance.

Roll Call and Quorum Determination

The following Board members were present:

Mayor Terry Jones  
Bethany Huffman  
Al Bell  
Jon Crisp  
Larry Dagen  
Thomas McGhee  
Don Lowry  
Mike Caruthers

A quorum being present, the following proceedings were held:

4. Approval of Agenda

Approve Agenda

Motion: Huffman

Second: Bell

Vote: unanimous consent to approve

5. Approve Minutes of September 9, 2019

Approve Minutes

Motion: Caruthers

Second: Lowry

Vote: unanimous consent to approve

6. Exchange Club - Police Officer of the Year

Ken Sullivan presented the Law Enforcement Officer of the Year to Millington Police Department detective, Cortney Booker. Cortney has been with Millington for about five years.

7. Cynthia Graham - Arise to Read

Arise to Read volunteers go into second grade classrooms and work with children on a one-on-one approach one hour a week to help them learn to read. Currently there are 150 children in the 2<sup>nd</sup> grade in Millington and they need 150 volunteers.

8. Public Comments

No comments

Close Public Comments

Motion: McGhee

Second: Lowry

Vote: unanimous consent to close

9. Public Hearing - Ordinance 2019-18 Abandoning Right-of-Way for Portions of Quito Road and Hickory Meadows Road Located Within Numerous Parcels Owned by the City of Millington Which Together Form the USA Stadium Complex in Millington, Tennessee

Close Public Hearing

Motion: Caruthers

Second: Dagen

10. Consideration of Ordinance 2019-18 Abandoning Right-of-Way for Portions of Quito Road and Hickory Meadows Road Located Within Numerous Parcels Owned by the City of Millington Which Together Form the USA Stadium Complex in Millington, Tennessee - Final Reading

Approve Ordinance 2019-18

Motion: McGhee

Second: Lowry

Vote: unanimous vote to approve on final reading

11. Consideration of Ordinance 2019-20 Amending Title 1, General Administration, of the Millington Municipal Code - First Reading

This change is to conform the code to a recent change in the charter regarding public hearing notifications.

Approve Ordinance 2019-20

Motion: Caruthers

Second: Bell

Vote: unanimous vote to approve on first reading

12. Consideration of Ordinance 2019-21 Amending Title 8, Alcoholic Beverages, Chapter 2, Beer, of the Millington Municipal Code - First Reading  
 Approve Ordinance 2019-21  
 Motion: Caruthers  
 Second: Lowry  
 Vote: unanimous vote to approve on first reading
13. Consideration of Ordinance 2019-22, Amending title 18, Water and Sewers, of the Millington Municipal Code - First Reading  
 Approve Ordinance 2019-22  
 Motion: Huffman  
 Second: Bell  
 Vote: unanimous vote to approve on first reading
14. Consideration of Resolution 51-2019 Authorizing the City Attorney to File Condemnation Lawsuits to Obtain Right-of-Way and the Necessary Easements Along the Property Located on Raleigh-Millington Road  
 Approve Resolution 51-2019  
 Motion: McGhee  
 Second: Lowry  
 Vote: unanimous consent to approve
15. Consideration of Resolution 52-2019 Accepting Tennessee Highway Safety Office Grant  
 This is a \$20,000.00 for DUI enforcement.  
 Approve Resolution 52-2019  
 Motion: Lowry  
 Second: Caruthers  
 Vote: unanimous consent to approve
16. Consideration of Resolution 53-2019 Accepting Grant from the United States Department of Justice Bureau of Justice Assistance for Bulletproof Vests  
 The costs of the vests are about \$400 apiece and this grant should cover all that are needed for this fiscal year.  
 Approve Resolution 53-2019  
 Motion: McGhee  
 Second: Lowry  
 Vote: unanimous consent to approve
17. Board Reports  
 Ms. Huffman asked Mr. Trusty to post on the website the date and times that City Hall will be closed for employee training next week. The November board meeting will be on Tuesday, November 12<sup>th</sup> at Monday is Veterans Day.

Adjourn

There being no further business, the meeting was adjourned at 6:33 pm.

These minutes are approved as of the 12<sup>th</sup> day of November, 2019.

\_\_\_\_\_  
 Terry Jones, Mayor

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 Karen Findley, City Clerk

ORDINANCE 2019-19

AN ORDINANCE TO CLOSE ASTORIA AVENUE FROM NAVY ROAD TO ATTU STREET AND TO ABANDON RIGHT-OF-WAY FOR FORMER ASTORIA AVENUE FROM NAVY ROAD TO NEW ASTORIA AVENUE IN MILLINGTON, TENNESSEE, AND QUIT CLAIM THE CITY'S ABANDONED RIGHT-OF-WAY TO THE MILLINGTON INDUSTRIAL DEVELOPMENT BOARD

WHEREAS, Article II, Section 2.02 of the City Charter empowers the City of Millington to acquire or receive and hold, maintain, improve, sell, lease, mortgage pledge or otherwise dispose of real property; and,

WHEREAS, The Millington Municipal Planning Commission has reviewed a plan for the closure of Astoria from Navy Road to Attu Street and abandonment of former Astoria Avenue from Navy Road to new Astoria Avenue, pursuant to Sections 13-4-104 of the Tennessee Code Annotated, and approved said abandonment as described on the attached Exhibit "A"; and,

WHEREAS, The Board of Mayor and Aldermen after consideration of recommendations of the City staff are of the opinion that it is proper, necessary and in the best interests of the health, safety, morals and general welfare of the City to close this section of roadway and abandon this right-of-way as reviewed and approved by the Planning Commission and to transfer the underlying right-of-way described below to the owner of the adjoining property, the Millington Industrial Development Board.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the Closure of Astoria from Navy Road to Attu Street is hereby approved.

BE IF FURTHER ORDAINED, That the Right-of-Way of Astoria Avenue in Millington, Tennessee, from the northern most R.O.W. of Navy Road to the new alignment of Astoria Avenue is abandoned and the City does henceforth close, abandon, relinquish and quitclaim any and all title it may have, either legal or equitable, in the underlying right-of-way to the adjoining property owners. Furthermore, Terry Jones in his capacity as Mayor is hereby authorized to execute any and all deeds, documents or agreements to transfer the said underlying right of way, subject to the review and approval of the City attorney.

BE IF FURTHER ORDAINED, that this Ordinance shall take effect upon its second and final passage.

Public Hearing: November 12, 2019  
First Reading: September 9, 2019  
Final Reading: November 12, 2019

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Terry Jones, Mayor

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Karen Findley, City Clerk

The Undersigned certify that the Action approved in Ordinance 2019-19 was approved by the Planning Commission.

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Planning Commission Chairman

Attest:

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Planning Commission Secretary



REMAINDER OF  
INDUSTRIAL DEVELOPMENT BOARD OF  
THE CITY OF MILLINGTON, TENNESSEE  
INST. NO. JY-7109

NAVY ROAD

N81°30'10"W

36.05'

P.O.B.

ASTORIA AVENUE (INST. NO. LA-3490)

N08°23'02"E 733.00'

S09°05'06"W 746.46'

42'

MATCH LINE SHEET 2 OF 2

REMAINDER OF  
UNITED STATES OF AMERICA PROPERTY  
BOOK 1512, PAGE 553

SHEET 1 OF 2

INDUSTRIAL DEVELOPMENT BOARD  
OF THE CITY OF MILLINGTON  
INST. NO. JY-7109



R.O.W. CLOSURE = 32,781 SQ. FT./ 0.753 ACRES

DIVISION OF ENGINEERING  
**ASTORIA AVENUE CLOSURE**  
MILLINGTON, TENNESSEE

FROM: NAVY RD. TO 746' NORTH.

SURVEY:   BARGE   DATE:   8/19   BOOK:   102  

DRAWN BY:   BARGE   DATE:   8/19   SCALE:   1"=50'  

APPROVED

APPROVED

STREET ENGINEER

CITY ENGINEER



MATCH LINE SHEET 1 OF 2

REMAINDER OF  
INDUSTRIAL DEVELOPMENT BOARD OF  
THE CITY OF MILLINGTON, TENNESSEE  
INST. NO. JY-7109

RE-ALIGNED  
ASTORIA AVENUE (68' R.O.W.)

$\Delta=018^{\circ}38'51''$   
 $R=434.00'$   
 $L=141.25'$   
 $CB=N33^{\circ}58'16''E$   
 $CL=140.63'$

ASTORIA AVENUE (INST. NO. LA-3490)

REMAINDER OF  
UNITED STATES OF AMERICA PROPERTY  
BOOK 1512, PAGE 553

$N81^{\circ}27'32''W$  14.90'

$S08^{\circ}42'54''W$  113.54'

REMAINDER OF  
INDUSTRIAL DEVELOPMENT BOARD OF  
THE CITY OF MILLINGTON, TENNESSEE  
INST. NO. JY-7109

INDUSTRIAL DEVELOPMENT BOARD  
OF THE CITY OF MILLINGTON  
INST. NO. JY-7109



R.O.W. CLOSURE = 32,781 SQ. FT./ 0.753 ACRES

SHEET 2 OF 2

DIVISION OF ENGINEERING  
**ASTORIA AVENUE CLOSURE**  
MILLINGTON, TENNESSEE

FROM: NAVY RD. TO 746' NORTH.

SURVEY: BARGE DATE: 8/19 BOOK: 102

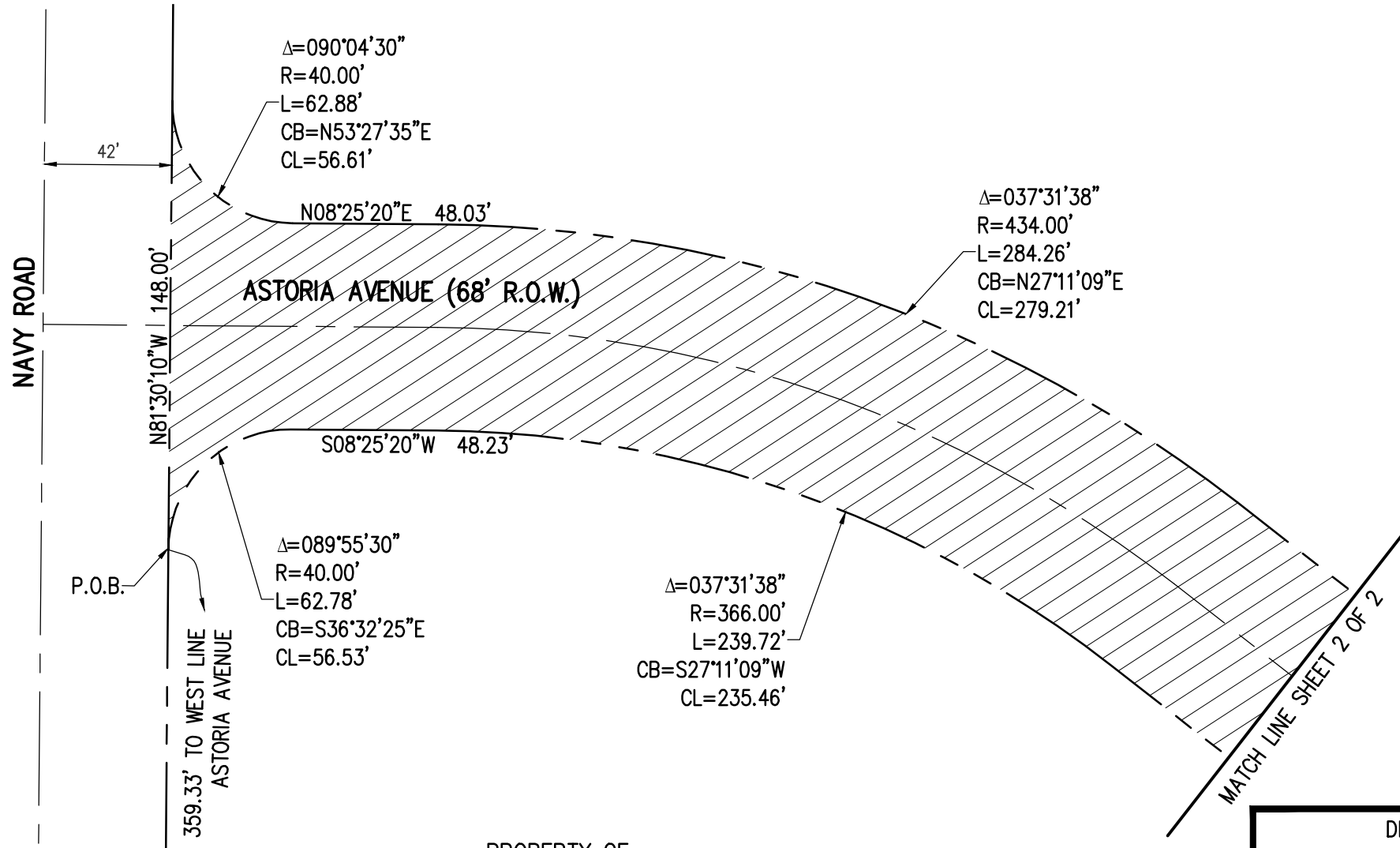
DRAWN BY: BARGE DATE: 8/19 SCALE: 1"=50'

APPROVED

APPROVED \_\_\_\_\_ STREET ENGINEER

\_\_\_\_\_  
CITY ENGINEER





R.O.W. DEDICATION = 64,458 SQ. FT./ 1.480 ACRES

PROPERTY OF  
**INDUSTRIAL DEVELOPMENT BOARD**  
**OF THE CITY OF MILLINGTON**  
 INST. NO. JY-7109

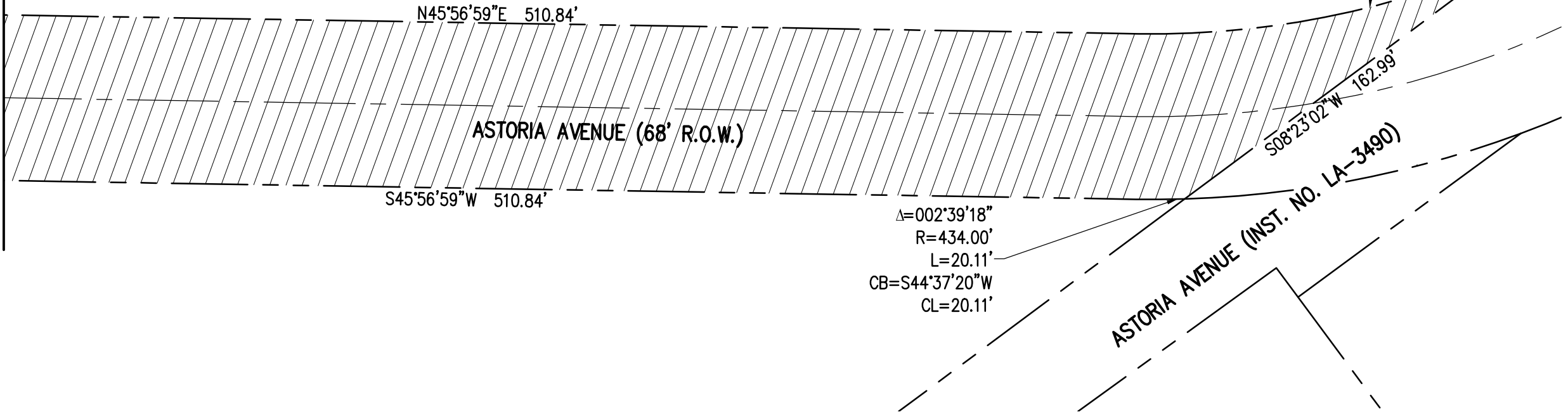
SHEET 1 OF 2

DIVISION OF ENGINEERING			
<b>ASTORIA AVENUE</b>			
MILLINGTON, TENNESSEE			
FROM: NAVY RD. TO 963' NORTH			
SURVEY:	<u>BARGE</u>	DATE: <u>8/19</u>	BOOK: <u>102</u>
DRAWN BY:	<u>BARGE</u>	DATE: <u>8/19</u>	SCALE: <u>1"=50'</u>
APPROVED _____			
APPROVED _____			STREET ENGINEER
_____ CITY ENGINEER			



$\Delta=024^{\circ}04'25''$   
 $R=366.00'$   
 $L=153.78'$   
 $CB=N33^{\circ}54'46''E$   
 $CL=152.65'$

MATCH LINE SHEET 1 OF 2



$\Delta=002^{\circ}39'18''$   
 $R=434.00'$   
 $L=20.11'$   
 $CB=S44^{\circ}37'20''W$   
 $CL=20.11'$

ASTORIA AVENUE (INST. NO. LA-3490)

SHEET 2 OF 2

PROPERTY OF  
**INDUSTRIAL DEVELOPMENT BOARD**  
**OF THE CITY OF MILLINGTON**  
 INST. NO. JY-7109



R.O.W. DEDICATION = 64,458 SQ. FT./ 1.480 ACRES

DIVISION OF ENGINEERING  
**ASTORIA AVENUE**  
 MILLINGTON, TENNESSEE

FROM: NAVY RD. TO 963' NORTH

SURVEY:     BARGE     DATE:     8/19     BOOK:     102    

DRAWN BY:     BARGE     DATE:     8/19     SCALE:     1"=50'    

APPROVED

APPROVED \_\_\_\_\_ STREET ENGINEER

\_\_\_\_\_  
CITY ENGINEER

ORDINANCE 2019-20

ORDINANCE AMENDING TITLE 1, GENERAL ADMINISTRATION, OF THE  
MILLINGTON MUNICIPAL CODE

WHEREAS, Private Chapter 17 of the 111<sup>th</sup> General Assembly was adopted in April 2019, the governor signed it on May 10, 2019 and the Secretary of State certified its adoption on May 16, 2019; and

WHEREAS, Private Chapter 17 deleted the requirement contained in Section 4.08 for notice to be “published in a newspaper of general circulation within the community”; and

WHEREAS, The Board of Mayor and Aldermen ratified the revisions to the charter by Resolution 32-2019 on June 10, 2019; and

WHEREAS, It is necessary to amend Title 1 of the City Code to follow the intent of the charter change relative to notice of public hearings relative to proposed ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE, That Section 1-103 of Title 1 of the Millington Municipal Code is repealed in its entirety and replaced with:

1-103. Adoption of ordinances and amendments to city code. Adoption of an ordinance shall be required for all matters required by state law, including setting of budgets and the property tax rate and adoption of any amendment to the city code. Prior to adoption on second reading of an ordinance, a public hearing shall be held by the board. Ordinances shall be passed on two (2) different days at a regular, adjourned or called meeting of the board. Ordinances shall be effective upon their final passage unless by its terms the effective date is deferred.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect upon its second and final passage.

Public Hearing: November 12, 2019  
First Reading: October 14, 2019  
Final Reading: November 12, 2019

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Terry Jones, Mayor

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Karen Findley, City Clerk

ORDINANCE 2019-21

AN ORDINANCE TO AMEND TITLE 8, ALCOHOLIC BEVERAGES, CHAPTER 2,  
BEER, OF THE MILLINGTON MUNICIPAL CODE

WHEREAS, Tennessee Code Annotated empowers the City of Millington to pass proper ordinances governing the issuance and revocation or suspension of license for the storage, sale, manufacture and/or distribution of beer within the corporate limits of the City: and

WHEREAS, the Board of Mayor and Aldermen deem it necessary for the purpose of promoting the health, safety, morals and general welfare of the City to amend said Millington Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that Title 8, Chapter 2, of the Millington Municipal Code be amended as follows:

1) Section 8-208(1)(a) shall be deleted and replaced with the following language:

(a) No permit will be issued authorizing the storage, sale, distribution or manufacture of beer at premises located within three hundred (300) feet of any school or church, or within two hundred fifty (250) feet of any other place of public gathering. Measurements as stated above shall be measured in a straight line from the nearest property line of the school or church or other place of public gathering to the (nearest entrance to the establishment at) which beer is to be sold or manufactured. A cemetery attached to a church on a separate parcel of land shall not constitute a "place of public gathering" in accordance with these provisions, and any measurement for purposes of this ordinance shall be from the nearest property line of the church, not the property line of the cemetery.

2) Section 8-208 shall be amended by the addition of the following language:

(4) For the purposes of this chapter "church" means a building where persons regularly assemble for religious worship, which building is maintained, controlled and owned by a religious body or institution organized to sustain public worship.

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

Public Hearing: November 12, 2019

First Reading: October 14, 2019

Final Reading: November 12, 2019

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Terry Jones, Mayor

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Karen Findley, City Clerk

ORDINANCE 2019-22

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 1 AND AMEND  
CHAPTER 5 OF TITLE 18 OF CITY CODE ON WATER, SEWERS AND STORMWATER

WHEREAS, The City continues to review all sections of the City Code in order to improve and simplify its use by citizens and city employees; and

WHEREAS, Title 18 of the City Code includes Chapter 1, Water and Sewers; and

WHEREAS, The City has contracted with FATHOM to install a new smart meter system, which will be read in cubic feet instead of gallons; and

WHEREAS, It is necessary to establish rates for cubic feet for both water and sewer use in said chapter; and

WHEREAS, A review of terminated accounts with balances has identified a need to establish a deposit for properties to eliminate non-payment of final bills; and

WHEREAS, It was also determined that a complete rewrite of the chapter would result in a more user friendly and understandable code.; and

WHEREAS, The changes to Chapter 1 require some changes to Chapter 5 for consistency due to combined collections.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE that Chapter 1 of Title 18 of the Millington Municipal Code is deleted in its entirety and replaced as follows:

**CHAPTER 1**

**WATER AND SEWERS**

**SECTION**

- 18-101. Application and scope.
- 18-102. Service required.
- 18-103. Definitions.
- 18-104. Obtaining service.
- 18-105. Application and contract for service.
- 18-106. Irrigation only service.
- 18-107. Fire hydrant meter.
- 18-108. Account activation service charge
- 18-109. Customer deposit.
- 18-110. Water rates.
- 18-111. Sewer rates.
- 18-112. Reserved for future use.
- 18-113. Reserved for future use.
- 18-114. Billing.
- 18-115. Application of customer payments.
- 18-116. Late payment service charge
- 18-117. Delinquent account service charge.
- 18-118. Bad check and returned item service charge.
- 18-119. Bill adjustments and extensions.

- 18-120. Disconnection for unpaid balances.
- 18-121. Residential winter moratorium.
- 18-122. Customers billed by MLGW.
- 18-123. Termination of service by customer.
- 18-124. Liability for cutoff failures.
- 18-125. Development charge.
- 18-126. Connection charge.
- 18-127. Meters.
- 18-128. Meter tests.
- 18-129. Multiple services through a single meter.
- 18-130. Discontinuance or refusal of service.
- 18-131. Access to customers' premise.
- 18-132. Reserved for future use.
- 18-133. Reserved for future use.
- 18-134. Inspections.
- 18-135. Customer's responsibility for system's property.
- 18-136. Customer's responsibility for violations.
- 18-137. Supply and resale of water.
- 18-138. Unauthorized use of or interference with water supply.
- 18-139. Limited use of unmetered private fire line.
- 18-140. Damages to property due to water pressure.
- 18-141. Interruption of service.
- 18-142. Water and sewer main extensions.
- 18-143. Water and sewer main extension variances.
- 18-144. Service lines.
- 18-145. Fund Accounting.
- 18-146. Restricted use of water.
- 18-147. Drought management.
- 18-148. Penalties.

**18-101. Application and scope.** The provisions of this chapter are a part of all contracts for receiving water and/or sewer service from the city and shall apply whether the service is based upon contract, agreement, signed application, or otherwise. The property owner is responsible for all private lines and mains and all plumbing beyond the meter and as such has a responsibility for water use caused by leaks or other malfunctions of the plumbing system.

**18-102. Service required.** Every property within the city limits is required to connect to public water and sewer service when available. Property owner must disconnect and cease to use any private well and/or sewer system, including septic system, upon connection to public services. Property owners have until January 1, 2021 to comply with this provision after its adoption. For future water and/or sewer main construction, property owner will have six months after lines are usable to comply.

**18-103. Definitions.**

- (1) "Customer" means any person, firm, or corporation who receives water and/or sewer service from the city under either an express or implied contract.
- (2) "Dwelling" means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.
- (3) "Premise" means any property which may be connected to city services. A residential premise is a structure or group of structures. For all other types of premise each building shall be considered a premise.
- (4) "Service Line" shall consist of the pipe line extending from any water or sewer main of the city to private property. The service line shall be construed to include the pipe line extending from the city's water main to and including the meter and meter box.
- (5) "City Service(s)" shall include, individually and collectively, water, sewer, storm-water and sanitation services. All locations within the city with any service available must have that service, except for commercial sanitation services.
- (6) "Account Activation Service Charge" means a non-refundable fee to cover the administrative costs of establishing a new account and sending a service person to the property to turn on service or obtain a meter reading, where necessary. This service charge is separate from any development charge or connection charge.
- (7) "Deposit" means any amount required from future customer as a guarantee for future payment for city services.

- (8) "Bill Amount" means the amount due including current charges and previous unpaid balance, plus or minus any adjustments.
- (9) "Common Bill" means the bill issued for any single service and/or for any combination of water, sewer, storm-water and sanitation services provided by the city.
- (10) "Due Date" shall be twelve (12) days after the bill date.
- (11) "Late Payment Service Charge" means a service charge added to the unpaid amount of any bill not paid in full by due date (close of business by twelve (12) days after the bill date).
- (12) "Past Due Date" means close of business twenty-one (21) days after the bill date and the day before the Cut-off Date .
- (13) "Delinquent Account Service Charge" means a service charge added to any bill not paid in full by past due date, close of business by twenty-one (21) days after the bill date.
- (14) "Cut-off Date" shall be twenty-two (22) days after the bill date.
- (15) "Returned Item Service Charge" means a service charge added to any bill when an item is returned unpaid for any reason by a financial institution, credit card processing company or by any other means.
- (16) "Effective Date for rates changes" means rate is effective for any bill issued after that date.

**18-104. Obtaining service.** A formal application for either original or additional service must be made and be approved by the city before connection or meter installation orders will be issued and work performed.

**18-105. Application and contract for service.** Each prospective customer (applicant) desiring city services will be required to:

- (1) Provide proof of ownership of the property or a valid lease signed by the property owner.
- (2) Provide proof of employment or other ability to pay monthly bills.
- (3) Pay account activation service charge prior to receiving service.
- (4) Provide an account deposit if customer is renting residential or commercial property.
- (5) Pay all balances unpaid from any previous city services account. Any unpaid bill accruing at any address under a contract with any member of the customer's family, living as such, may be added to any unpaid bill for service contracted for by a customer at the same or any other address, and thereupon shall take the same status as if it had been charged to the customer requesting service.
- (6) Sign a service agreement.

Husband and wife are considered the same customer. No existing service may be changed to another customer without the approval of the current customer. A location is not deemed to have a customer if the property has been abandoned by the most recent non-owner customer and payment is delinquent.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the city to render the service applied for. If the service applied for cannot be supplied in accordance with the provisions of this chapter and general practice, the liability of the City of Millington to the applicant shall be limited to the return of any deposit.

**18-106. Irrigation only service.** Customers with regular water service may request the setting of an additional meter for irrigation purposes only. Such meter may only be connected to customer owned water lines used for ground irrigation and may never connect to plumbing systems that may flow into the city's sewer system or any other sewer system. This meter and water used through it shall be exempt from the sewer fees established in this Title. All other provisions and fees or charges contained in the Millington Municipal Code shall apply to this service.

**18-107. Fire hydrant meter.** A fire hydrant meter is for access to city owned fire hydrants and shall only be issued to licensed contractors for construction sites. Failure to return the meter in good working order or provide monthly meter readings as requested by the city shall result in forfeiture of the deposit and shall end the contractor's right to access fire hydrants. All other provisions and fees or charges contained in the Millington Municipal Code shall apply to this service.

**18-108. Account activation service charge.** For customers obtaining water service from the city, there shall be a non-refundable water account activation service charge. When sewer service is provided, this fee shall be split between the Water Fund and the Sewer Fund. This charge covers the cost of establishing the account and checking credit history. This charge is:

(1) Fifty dollars (\$50.00) for each new account opened for a premise, either residential or commercial. Existing customers who move or who add one (1) or more meters, may choose to be billed the service charge.

(2) Twenty-five dollars (\$25.00) for landlords with ten (10) or more single-family or duplex properties and the Millington Housing Authority (MHA) that elect to have a special arrangement whereby city services, including water, remain on and automatically and revert to the landlord's account upon a disconnect order from a tenant.

(3) Fifty dollars (\$50.00) for each temporary service covering no more than seven days ending on a city work day for a home inspection or other short term purpose.

(4) Fifty dollars (\$50.00) for fire hydrant meter.

**18-109. Customer deposit.** All new residential account activations, except customers with good payment history, shall require a minimum of a two hundred dollar (\$200.00) deposit prior to the city's providing service. All non-residential account activations, except customers with good payment history, shall be required a deposit between two hundred dollars (\$200.00) and two thousand dollars (\$2,000.00) as determined by the Committee established in Section 18-119, based on historical or expected use for that property. Good payment history shall be no balance remaining after the due date at any time within the past twelve (12) months. Such deposit must be paid in cash, cashier's check or money order. All deposits will be returned via a credit to the final bill with any remainder issued as a check to the customer.

All account activations for customers requesting a temporary fire hydrant meter shall require a two thousand (\$2,000.00) dollar deposit prior to the city are providing the meter. Such deposit must be paid in cash, cashier's check or money order. No interest will be paid on this deposit. Deposit will be returned via a credit to the final unpaid balance with any remainder issued as a check to the customer.

**18-110. Water rates.** (1) All customers shall be billed a base rate plus usage in excess of the base rate each month. Partial month service is not prorated.

(2) Water supplied by the municipal water system and equipped with meters reading gallons will be charged to each customer based upon the following monthly rates:

Base Rate	Includes first 2,000 gallons	
Additional usage	Each additional 1,000 gallons or part thereof	
Effective Date	Base Rate	Additional Use
July 1, 2018	\$ 13.21	\$ 4.43
July 1, 2019	\$ 14.56	\$ 4.88
July 1, 2020	\$ 15.91	\$ 5.33

Beginning July 1, 2021, the water rates shall be adjusted each year for bills issued at the end of July based on the percentage increase in the December Consumer Price Index over the December 2019 index and that such rate increase shall be posted on the city's website as soon as it is known.

(3) Water supplied by the municipal water system and equipped with meters reading cubic feet will be charged to each customer based upon the following monthly rates:

Base Rate	Includes first 267 cubic feet	
Additional usage	Each additional cubic foot	
Effective Date	Base Rate	Additional Use
July 1, 2019	\$ 14.54	\$ .0365
July 1, 2020	\$ 15.91	\$ .03987

Beginning July 1, 2021, the water rates shall be adjusted each year for bills issued at the end of July based on the percentage increase in the December Consumer Price Index over the December 2019 index and that such rate increase shall be posted on the city's website as soon as it is known.

(4) Buildings equipped with a sprinkler system or stand pipe shall pay a demand fee of \$5.00 per month plus the estimated usage, when activated, at the rates established in this chapter.

**18-111. Sewer rates.** (1) All customers shall be billed a base rate plus usage in excess of the base rate each month. Partial month service is not prorated.



(2) Customers connected to the Millington Wastewater Treatment Plant, who are provided and billed for water by the City of Millington in gallons, shall be charged based on the following monthly rates:

Base Rate. . . . . First 2,000 gallons  
 Additional usage. . . . . Each additional 1,000 gallons or part thereof

Effective Date	Base Rate	Additional Use
July 1, 2018	\$7.74	\$3.73
July 1, 2019	\$8.06	\$3.89
July 1, 2020	\$8.38	\$4.04

Beginning July 1, 2021, the sewer rates shall be adjusted each year for bills issued at the end of July based on the percentage increase in the December Consumer Price Index over the December 2019 index and that such rate increase shall be posted on the city's website as soon as it is known.

(3) Customers connected to the Millington Wastewater Treatment Plant, who are provided and billed for water by the City of Millington in cubic feet (CF), shall be charged based on the following monthly rates:

Base Rate First 267 cubic feet  
 Additional usage Each additional cubic foot

Effective Date	Base Rate	Additional Use
July 1, 2019	\$ 8.05	\$ .0291
July 1, 2020	\$ 8.37	\$ .0303

Beginning July 1, 2021, the sewer rates shall be adjusted each year for bills issued at the end of July based on the percentage increase in the December Consumer Price Index over the December 2019 index and that such rate increase shall be posted on the city's website as soon as it is known.

(4) Customers connected to the Millington Wastewater Treatment Plant, who are provided and billed for water by MLGW in hundred cubic feet (CCF), shall be charged based on the following monthly rates:

Base Rate. . . . . First 3 CCF  
 Additional usage. . . . . Each additional CCF

Effective Date	Base Rate	Additional Use
July 1, 2018	\$8.69	\$2.7900
July 1, 2019	\$9.05	\$2.9100
July 1, 2020	\$9.41	\$3.0300

Beginning July 1, 2021, the sewer rates shall be adjusted each year for bills issued at the end of July based on the percentage increase in the December Consumer Price Index over the December 2019 index and that such rate increase shall be posted on the city's website as soon as it is known.

(5) A flat monthly fee shall be charged for areas served by the City of Millington collection systems and treated by the City of Memphis as follows:

Effective Date	Fee
July 1, 2018	\$12.50
July 1, 2019	\$15.00

Customers in this category, whose wastewater is treated by the City of Memphis, shall pay the rate established by the City of Memphis for treatment in addition to the fee for the collection system.

(6) Users metered by a separate wastewater meter in gallons shall have a fixed monthly sewer fee for each one thousand (1,000) gallons, or any part thereof, of metered wastewater as follows:

Effective Date	Rate
July 1, 2018	\$3.73
July 1, 2019	\$3.89
July 1, 2020	\$4.04

(7) All property within the city limits with a sewer main available shall be billed for sewer service based on dates contained in section 18-102, regardless of whether connected.

**18-112. Reserved for future use.**

**18-113. Reserved for future use.**

**18-114. Billing.** Water, sewer, storm-water and sanitation (Title 17) services, which are billed and collected as a common bill, will be billed monthly. Billing and due dates may vary from month to month. A billing calendar will be posted on the city's website, the city services portal and at city hall. Water service may be discontinued for non-payment of the combined water, sewer, sanitation and storm-water bill. Calendar shall be based on:

- (1) Payment shall be due not later twelve (12) days after the bill date.
- (2) Late payment service charge is applied next morning.
- (3) An additional nine (9) days shall be allowed until account is past due.
- (4) Delinquent account service charge is applied next morning and service disconnect occurs.
- (5) In the event that any date is not on a business day, the date is not extended to the next business day.

Water and sewer billing will be based on the amount flowing through the water meter from the last monthly meter reading to the current month meter reading. If the employees of the Millington Water Department are unable to obtain access to the water meter to read same during regular business hours, or if a meter should for any reason fail to register or fail to correctly register the consumption, the Millington Water Department reserves the right to render a bill to the customer on the best information available.

**18-115. Application of customer payments.** Customer payments shall be allocated pro rata to the amounts due by service and shall be posted to the account in this manner:

1. Payments made through the city's online offered site will be posted immediately.
2. Automated bank drafts authorized by customers through the billing website will be posted on the date sent to the bank.
3. Payments received in the mail will be posted on the day received.
4. Payments over the counter in city hall will be applied immediately.
5. Payments left in the payment box in the city hall parking lot shall be applied as of next working day.

Payments made on days when late payment penalties or service charges are applied may be considered made after the fees are applied.

**18-116. Late payment service charge.** A ten percent (10%) late payment service charge shall be applied to the entire unpaid amount of any common city services bill not paid in full by due date, which is the close of business on the twelfth (12<sup>th</sup>) day after the bill date. In the event that this date is not on a business day, the date is not extended to the next business day.

**18-117. Delinquent account service charge.** A twenty five dollar (\$25.00) billing service charge shall be applied to any account for city services not paid in full by the close of business on the delinquent date, which is the twenty-first (21<sup>st</sup>) day after the bill date. In the event that this date is not on a business day, the date is not extended to the next business day.

**18-118. Bad check and returned item service charge.** For any returned item, including but not limited to check, bank draft, ACH transaction, credit card, or debit card transaction, a service charge shall be added to the customer's account. Service charge shall be thirty dollars (\$30.00) for returned amounts up to twenty-five hundred dollars (\$2,500.00) and one percent (1%) of amount returned for returned amounts over twenty-five hundred dollars (\$2,500.00).

**18-119. Bill adjustments and extensions.** Circumstances may exist which require that judgment be exercised in the billing and collection process as well as in the decision to discontinue service for delinquent unpaid billing. A committee consisting of the city finance director, the city clerk and the city services billing supervisor is authorized and required to review and approve payment extensions, adjustments and account write-offs, including where an error has been made in billing or no method exists to collect amounts from previous customers. Specific considerations for the committee include:

- (1) Customer may request a waiver of one (1) late fee after six (6) months of timely payments.
- (2) Customers with a history of all payments being on or before the due date in the last six (6) months may arrange for a payment plan based on special situations. Such payment plan shall require the account be current at the end of three (3) months. Special situations shall be evaluated under the concept of the prudent man rule of common law. Customers who do not stay current on their payment plan shall have service immediately cut off and shall be subject to all collection efforts of the city.
- (3) A customer in good standing may request a waiver of the fifty dollar (\$50.00) connection fee for a new residence in the event their current residence is made uninhabitable due to natural disasters, fire, etc. as reviewed and approved by the panel outlined in subsection (c) above.
- (4) In the event a customer is rendered a bill in excess of his average bill, and said excess is due to a leak at the meter, damaged meter, or in any way the responsibility of the Millington Water Department, the bill is to be adjusted as so to make the amount due an average amount as ascertained by the previous six (6) months' billing, or, if this information is not available, by the best information available.
- (5) Customer with a swimming pool may apply for a credit against sewer fees for the filling of the pool once in each calendar year. The credit shall be calculated based on the average usage for the previous six (6) months and validated by the size of the pool.
- (6) Customers with a water bill exceeding the previous month by at least twenty percent (20%) and who can document the repair of broken plumbing resulting in leakage not going into the sewer system may apply for a credit on the sewer portion of the bill for one leak in each calendar year. The credit shall be calculated based on the average usage for the previous six (6) months.

**18-120. Disconnection for unpaid balances.** Any Customer may request a hearing to avoid disconnection of service through the fifteenth (15<sup>th</sup>) day after the bill date by contacting customer service. In the event that a hearing is requested by a customer, it shall be conducted by one (1) or more members of the committee established in this Title and held in city hall during normal business hours at the date and time established by the city. The customer shall be entitled to one (1) day notice of the scheduled time, unless agreeing to an earlier time. The committee will issue a ruling prior to the 21<sup>st</sup> day after the bill date. Customers with an outstanding balance on the close of business on the twenty-first (21<sup>st</sup>) day after the bill date shall be delinquent and service shall be discontinued.

After such disconnection, all amounts due, including extra charges, shall be paid before service is restored. In the event that connection or reconnection of services is requested between 4:00 P.M. and 8:00 A.M. weekdays or on weekends, an additional amount shall be charged as follows:

Time of service	Applicable charge
Weekday, 4:00 PM– 9:00 PM	\$25.00
Weekday, 9:00 PM– 8:00 AM	\$50.00
Friday, 9:00 PM – Monday 8:00 AM	\$50.00

**18-121. Residential winter moratorium.** No residential service will be disconnected during the month of December because of delinquency in payment of December bills. This moratorium does not eliminate any penalties or service charges due to delinquency in payment of December bills.

**18-122. Customers billed by MLGW.** Notwithstanding any other provisions of title 18 of the Millington Municipal Code, customers of city sewers, sanitation and/or stormwater drainage (city services) that purchase water from Memphis Light, Gas and Water (MLGW), may be billed by MLGW for any city services received at that address and such bills shall be subject to all MLGW terms and practices rather than the terms contained in the Chapter.

**18-123. Termination of service by customer.** Customers may request termination of city services by:

1. Phone call (all calls are recorded) or written request to our customer service center.
2. Making request through City Services Web Portal.
3. Written notice to city hall.

Request needs to be received three (1) working day prior to requested cutoff. Requested cutoff must be on a city work day and will be worked sometime during that day. Time of disconnect may be requested but is not guaranteed.

**18-124. Liability for cutoff failures.** The municipality's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

- (1) After receipt of at least ten (10) days' written notice to cut off a water service, the municipality has failed to cut off such service.
- (2) The municipality has attempted to cut off a service but such service has not been completely cut off.
- (3) The municipality has completely cut off a service, but subsequently, the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the municipality's main. Except to the extent stated above, the municipality shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the municipality's cutoff. Also, the customer (and not the municipality) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained, after his water service has been cut off.

**18-125. Development charge.** Development charges shall apply to all subdivisions, land developments, new buildings, and redevelopments of land or buildings served by the City of Millington water and/or sewer plants and systems, or where the facility served requires modification to or enlargement of the existing plants and/or systems, and whether service is by existing or by new facilities to be constructed. Such charge shall be payable by the applicant, developer of the subdivision, or developer of industrial, commercial or residential site upon the execution of the subdivision contract, or the extension contract, or at the time of application for the connection, as appropriately determined by the city.

- (1) Water development charges shall be:
  - (a) For all connections made to the main water line or any lateral lines of the North Fork Creek water line, whether for residential, industrial, multi-dwelling or commercial use, the water development charge shall be the greater of \$3,000 per acre or \$1,200 per connection.
  - (b) For all connections made to the main water line or any lateral lines other than those served by the North Fork Creek water line, the water development charge shall be \$200.00.
- (2) Sewer development charges shall be:
  - (a) For all connections made to the main sewer line or any lateral lines of the North Fork Creek sewer outfall line, whether for residential, industrial, multi-dwelling or commercial use, the sewer development charge shall be the greater of \$3,000.00 per acre or \$1,200.00 per connection.
  - (b) For all connections made to the main sewer line or any lateral lines other than those served by the North Fork Creek sewer outfall line, whether for residential, industrial, multi-dwelling or commercial use, the sewer development charge shall be the greater of \$1,250.00 per acre or \$500.00 per connection.

**18-126. Connection charge.** Connection (tap) charges shall be charged in addition to any development charges.

- (1) Water connection charges shall be:
  - (a) For all connections with service lines from main to the lot: \$500.00 plus the actual cost of the meter as determined by the water department.
  - (b) For all other connections: the greater of \$500 or actual cost plus the actual cost of the meter as determined by the water department.
  - (c) For each building sprinkler system: \$500.00.
- (2) Sewer connection charges shall be:
  - (a) For any lot with service lines available, the sewer connection charge shall be \$500.00.

- (b) For any lot without service lines available, the sewer connection charge shall be the greater of \$500.00 or the actual cost of connection as determined by the sewer department.

**18-127. Meters.** All meters shall be installed, tested, repaired, and removed only by the City of Millington. No water shall be furnished to any user unless there shall have been installed a water meter. No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the city. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter. Any meter tamper

**18-128. Meter tests.** (1) The City of Millington shall, at its own expense, make routine tests of water meters when it considers such tests to be desirable.

(2) In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures. To be considered accurate, the meter registration shall check with the weighed or measured amounts of water within the percentage shown in the following table:

Meter size	Percentage
5/8", 3/4", 1", 2"	2%
3"	3%
4"	4%
6"	5%

(3) The city will conduct a second meter reading at a customer's request without charge.

(4) The city will also make tests or inspections of its meters at the request of a customer. For each customer requested subsequent test or re-test conducted for an accurate meter a charge of twenty dollars (\$20.00) will be added to the customer's bill. If more than one (1) test is requested within six (6) billing cycles, said charge shall be paid before the testing occurs.

**18-129. Multiple services through a single meter.** No customer shall supply water or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the municipality. Each building containing coin-operated laundry shall have a separate water meter for the laundry equipment and any related restrooms.

**18-130. Discontinuance or refusal of service.** The municipality shall have the right to discontinue water and/or sewer service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) The rules and regulations in this Code.
- (2) The customer's application for service.
- (3) The customer's contract for service.
- (4) In the event of the death of the account holder of record, unless there is a second account holder already on record with the city as guarantor of the account, the city shall mail notice to the premise served stating that if another party has not made arrangements with the city to become the new account holder of record for the premise within five (5) days of the date of the notice, service shall be terminated.

(5) Non-residential service shall be disconnected at the date the city determines the entity has ceased to operate at the address of city. Prior to disconnection of non-residential service, the city shall mail notice to the premise served stating city's intent to disconnect service and giving the customer five (5) days from the date of the notice to request a hearing. Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service for any cause shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

**18-131. Access to customers' premise.** The city's identified representatives and employees shall be granted access to all customers' premise at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the municipality, and for inspecting customers' plumbing and premise generally in order to secure compliance with these rules and regulations.

**18-132. Reserved for future use.**

**18-133. Reserved for future use.**

**18-134. Inspections.** The municipality shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water and/or sewer service is furnished or at any later time. The municipality reserves the right to refuse service or to discontinue service to any premise not meeting standards fixed by municipal ordinances regulating building and plumbing, or not in accordance with any special contract, these rules and regulations, or other requirements of the municipality. Any failure to inspect or reject a customer's installation or plumbing system shall not render the municipality liable or responsible for any loss or damage which might have been avoided, had such inspection or rejection been made.

**18-135. Customer's responsibility for system's property.** Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the municipality shall be and remain the property of the municipality. Each customer shall provide space for and exercise proper care to protect the property of the city on his premise. In the event of loss or damage to such property, arising from the neglect of a customer to properly care for same, the cost of necessary repairs or replacements shall be paid by the customer.

**18-136. Customer's responsibility for violations.** Where the municipality furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premise so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

**18-137. Supply and resale of water.** All water shall be supplied within the municipality exclusively by the municipality or as approved by the City by Memphis Light, Gas and Water Division (MLGW), and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the municipality.

**18-138. Unauthorized use of or interference with water supply.** No person shall turn on or turn off any of the municipality's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the municipality.

Homeowner, tenant and/or contractor may only turn on and off curb stop/ cut-off (valve) in order to make plumbing repairs. Any damage to curb stop, meter and/or meter box is the responsibility of the customer and/or property owner.

**18-139. Limited use of unmetered private fire line.** Where a private fire line is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the municipality. All private fire hydrants shall be sealed by the municipality, and shall be inspected at regular intervals to see that they are in proper condition and that no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the municipality a written notice of such occurrence.

**18-140. Damages to property due to water pressure.** The municipality shall not be liable to any customer for damage caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the municipality's water mains.

**18-141. Interruption of service.** The municipality will endeavor to furnish continuous water and sewer service, but does not guarantee to the customer any fixed pressure or continuous service. The municipality shall not be liable for any damages for any interruption of service whatsoever. In connection with the operation, maintenance, repair, and extension of the municipal water and sewer systems, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The municipality shall not be liable for any damages from such interruption of service or for damages from the resumption of service without notice after any such interruption.

**18-142. Water and sewer main extensions.** Persons desiring water and/or sewer main extensions must pay all of the cost of making such extensions. For water main extensions cement-lined ductile iron pipe, class 50 American Waterworks Association Standard (or other construction approved by the board of mayor and aldermen), not less than eight (8) inches in diameter shall be used to the dead end of any line and to form loops or continuous lines, so that fire hydrants may be placed on such lines at locations no farther than 500 feet from the most distant part of any dwelling structure and no farther than 500 feet from the most distant part of any commercial, industrial, or public building, (or as the authority having jurisdiction may prescribe based on recommended practices and standards) such

measurements to be based on road or street distances; cement-lined ductile iron pipe (or other construction approved by the board of mayor and aldermen) two (2) inches in diameter, to supply dwellings only, may be used to supplement such lines. For sewer main extensions eight-inch pipe of SDR26 PVC or other construction approved by the city council shall be used. All such extensions shall be installed either by city forces or by other forces working directly under the supervision of the city in accordance with plans and specifications prepared by an engineer registered with the State of Tennessee.

Upon completion of such extensions and their approval by the city, such water and/or sewer mains, excluding those located on private property without an easement, shall become the property of the City of Millington. The ownership and required maintenance and upkeep of all mains and service lines shall remain with a commercial development, which requests installation of a water main and/or services lines on its property where meters are located anywhere other than at the property line. In the latter case the city will only own and be responsible for the meter and meter box.

The persons paying the cost of constructing such mains shall execute any written instruments requested by the city to provide evidence of the city's title to such mains. In consideration of such mains being transferred to it, the city shall incorporate said mains as an integral part of the municipal water and sewer systems and shall furnish water and sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains.

**18-143. Water and sewer main extension variances.** Whenever the board of mayor and aldermen is of the opinion that it is to the best interest of the city and its inhabitants to construct a water and/or sewer main extension without requiring strict compliance with the preceding section, such extension may be constructed upon such terms and conditions as shall be approved by the board of mayor and aldermen. The authority to make water and/or sewer main extensions under the preceding section is permissive only and nothing contained therein shall be construed as requiring the city to make such extensions or to furnish service to any person or persons.

**18-144. Service lines.** (1) Residential service lines will be laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city. When a residential service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer.

Commercial service lines may be:

- (i) laid by the city from its mains to the property line at the expense of the applicant for service. The location of such lines will be determined by the city. When a service line is completed, the city shall be responsible for the maintenance and upkeep of such service line from the main to and including the meter and meter box, and such portion of the service line shall belong to the city. The remaining portion of the service line beyond the meter box (or property line, in the case of sewers) shall belong to and be the responsibility of the customer.
- (ii) laid by the city from its mains to the location requested by the developer upon approval by the city at the expense of the applicant for service. When a service line is completed, the city shall only be responsible for the maintenance and upkeep of such service line from the main to the property line as well as the meter and meter box. The remaining portion of the service line beyond the property line shall belong to and be the responsibility of the customer.

**18-145. Fund Accounting.** (1) All funds received by the City of Millington related to operation of the water treatment and distribution system shall be accounted for in the Water Fund. Said funds shall be used solely to pay for design, construction, operation and maintenance expenses of water distribution and water treatment plants and to fund debt service on all related present or future debt issues.

(2) All funds received by the City of Millington related to the operation of a sanitary sewer collection system and treatment facility shall be accounted for in the Sewer Fund. Said funds shall be used solely to pay for design, construction, operation and maintenance expenses of sanitary sewers and sewage treatment plants and to fund debt service on all related present or future debt issues.

**18-146. Restricted use of water.** In times of emergencies or in times of water shortage, the municipality reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use.

**18-147. Drought management fees and fines.** Whenever the use restriction levels in the drought management plan for the City of Millington water system is invoked, the following fees and fines, as defined in the plan, shall become effective:

(1) Mandatory water restrictions implemented:

(a) A twenty five dollar (\$25.00) surcharge will be assessed to all residential customers and small businesses whose water usage was over three thousand three hundred (3,300) gallons during the billing cycle.

(b) The following will be used to enforce violations of restrictions:

(i) First offense - a written warning will be issued;

(ii) Second offense - a minimum one hundred dollar (\$100.00) fine;

(iii) Third offense - customer's water service will be discontinued for a minimum of five (5) days. A reconnection service fee will be required to have service restored.

(2) Emergency water management restrictions implemented:

(a) A fifty dollar (\$50.00) surcharge will be assessed to all residential customers and small businesses whose water usage was over three thousand (3,000) gallons during the billing cycle.

(b) The following will be used to enforce violations of restrictions:

(i) First offense - a minimum five hundred dollar (\$500.00) fine

(ii) Second offense - customer's water service will be discontinued for a minimum of fifteen (15) days.

A reconnection **service** fee will be required to have service restored.

**18-148. Penalties.** Any person, firm, partnership, association or corporation using the city sewer system or any part thereof in violation of this chapter shall be guilty of a misdemeanor, punishable in accordance with the general penalty clause of this code and where such violation is of a continuing nature, each day's violation shall be deemed a separate offense.

BE IT FURTHER ORDAINED, That Title 18, Chapter 5 of the Millington Municipal Code, be retitled Storm Water.

BE IT FURTHER ORDAINED, That part (2), Penalties for late payment, of Section 18-513, Billing procedures and penalties for late payment, is deleted in its entirety and replaced with the following:

(2) Penalties for late payment. Storm water user fees shall be subject to the same late fee and terms established for other items on a utility bill, as established in Section 18-116, Late payment service charge.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect upon its second and final passage.

Public Hearing: November 12, 2019

First Reading: October 14, 2019

Final Reading: November 12, 2019

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Terry Jones, Mayor

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Karen Findley, City Clerk



ORDINANCE 2019-23

ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 14, ZONING AND LAND  
USE CONTROL, CHAPTER 24, SIGN ORDINANCE OF THE MILLINGTON  
MUNICIPAL CODE

WHEREAS, Title 34 of the Tennessee Code Annotated (TCA), as amended, grants municipalities and counties the authority to provide for the planning and development of the municipality, including the regulation of signage, and;

WHEREAS, TCA Section 13-4-201 declares that it is the function and duty of the municipal planning commission to make and adopt an official general plan for the physical development of the municipality, including any area outside of its boundaries which, in the commission's judgment, bears relation to the planning of the municipality, and;

WHEREAS, the City of Millington Planning Commission has determined that certain amendments are needed to Title 14, Chapter 24, Sign Ordinance of the Millington Municipal Code in order to further the City's interest in aesthetics and safety of its citizens ; and

WHEREAS, the Planning Commission approved the proposed amendments to the Sign Ordinance at its meeting on October 21, 2019 and recommended it to the Board of Mayor and Aldermen for adoption into the Zoning Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that Title 14, Chapter 24 of the Millington Municipal Code, be retitled Signs.

BE IT FURTHER RESOLVED, That the amendments to this Chapter of the Millington Municipal Code are adopted based on the findings and purposes contained in Section 14-2401 and Section 14-2402 of this Code.

BE IT FURTHER RESOLVED, That parts (15), (47) and (56) of Section 14-2403, Definitions, are deleted in their entirety and replaced with the following:

(15) "Changing Sign (Automatic)." A sign such as an electronically or electrically controlled sign, message center or reader board, where different copy changes are shown on the same lamp bank. Copy for a changing sign (automatic) shall include only alpha-numeric text and shall not include logos, graphics, pictures or other images. The copy for a changing sign (automatic) shall change not less than every 5 seconds. Changing copy shall not cover more than 50% of the sign face.

(47) "Sign." Any letter, figure, character, mark, plan, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated service, which shall be constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, whatsoever, which is displayed in any manner outdoors. Every sign shall be classified and conform to the requirements of that classification. The construction of every permanent sign shall be consistent with industry standards for permanent signs as approved by the Planning Commission and in no case shall a permanent sign be constructed of canvas or other banner material.

(56) "Vehicle sign." A sign that is magnetically or structurally attached to, or that is painted on or applied to a vehicle, the principal purpose of which sign is to attract attention to a product sold or a business, entertainment or other activity. Vehicles with signs shall be parked behind or to the side of the business. If there is no place to park the vehicle behind or to the side of the building, it must be parked in the closest space to the business and not at the street frontage. This shall not apply to rental trucks located on the premises of a truck rental business.

BE IT FURTHER RESOLVED, That Section 14-2405, Sign Requirements for Office, Commercial and Industrial Districts., is amended by deleting subpart (1)(b) (iii) in its entirety and is replaced with the following:

(iii) Churches, schools, clubs and non-profit organizations shall also be allowed a maximum of two directional signs located off-premises. Such signs shall state the name of the church, school, club or organization and provide a directional arrow. The off-premises signs shall not exceed twenty-five (25) square feet in size and shall not be more than six (6) feet high. Such signs shall not be illuminated. The design, color scheme and placement of such off-premise signs shall be subject to review and approval by the Planning Commission and written approval of the owner of the property on which they are to be placed.

BE IT FURTHER RESOLVED, That Section 14-2406, Sign Requirements for Residential Districts., is amended by deleting subpart (1)(a) (iii) in its entirety and is replaced with the following:

(iii) Churches, schools, clubs and non-profit organizations shall also be allowed a maximum of two directional signs located off-premises. The signs shall state the name of the church, school, club or organization and provide a directional arrow. The off-premises not exceed twenty-five (25) square feet in size and shall not be more than six feet high. Such signs shall not be illuminated. The design, color scheme and placement of such off-premise signs shall be subject to review and approval by the Planning Commission and written approval of the owner of the property on which they are to be placed.

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

Public Hearing: November 12, 2019  
First Reading: November 12, 2019  
Final Reading:

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Terry G. Jones, Mayor

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Karen Findley, City Clerk

ORDINANCE 2019-24

AN ORDINANCE TO AMEND TITLE 17 ON REFUSE AND TRASH DISPOSAL

WHEREAS, The City continues to review all sections of the City Code in order to improve and simplify its use by citizens and city employees; and

WHEREAS, Title 17 of the City Code covers Refuse and Trash Disposal; and

WHEREAS, Changes to other sections of this Code relative to city services require some changes to Title 17 for consistency due to combined collections.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE that Section 17-104, Service required, is deleted in its entirety and replaced with the following:

17-104. Service required. All residential properties with active electrical service must have service from the city, and all occupied non-residential properties must have service from a licensed private contractor or the city. The account activation service charge established in Section 18-108 of Title 18 of this code shall apply to accounts without water and/or sewer service and shall be deposited in the Sanitation Fund. Vacant property without current service may not place refuse or trash for disposal without prearrangement with the city. Such arrangement requires payment in advance at the rate of one hundred dollars (\$100.00) per truckload or any part thereof.

BE IT FURTHER ORDAINED, That that part (2) of Section 17-112, Refuse collection service charges, is deleted in its entirety and replaced with the following:

(2) The penalties established under Section 18-116 of Title 18 of this code for late payment of city service fees shall also apply to refuse collection service charges.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect upon its second and final passage.

Public Hearing: November 12, 2019  
First Reading: November 12, 2019  
Final Reading:

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Terry Jones, Mayor

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Karen Findley, City Clerk

RESOLUTION 54-2019

RESOLUTION APPROVING NON-RESIDENTIAL SUBDIVISION AGREEMENT WITH  
CBTN MILLINGTON, LLC

WHEREAS, CBTN Millington, LLC, is the owner and developer of a tract of land zoned B-2, General Commercial, which contains approximately 3.558 acres and desires to improve and develop the subdivision site into a three-lot subdivision to be known as the KFC Millington Subdivision; and

WHEREAS, The Millington Planning Commission approved the subdivision plan on October 21, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the Non-Residential Subdivision Development Agreement with CBTN Millington, LLC for the KFC Millington Subdivision is approved.

BE IT FURTHER RESOLVED, That the required subdivision bond or optional cash payment with Escrow Agreement shall require approval of this Board prior to its release.

BE IT FURTHER RESOLVED, That the Mayor may sign the aforementioned agreement.

This Resolution is adopted as of the 12<sup>th</sup> day of November 2019.

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Terry Jones, Mayor

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Karen Findley, City Clerk

RESOLUTION 55-2019

RESOLUTION APPOINTING MEMBER TO THE MILLINGTON AIRPORT AUTHORITY

WHEREAS, the Board of Mayor and Aldermen of the City of Millington has established the Millington Airport Authority; and

WHEREAS, a member has resigned and the Mayor wishes to appoint someone to replace him.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Mayor and Aldermen, that the Mayor's appointments to the Millington Airport Authority are approved, and that they shall serve until the later of the end of their term or their successor is appointed:

Brian McGovern, term ending July 31, 2020 (replacing Jim Brown)

This Resolution is adopted this 12<sup>th</sup> day of November, 2019.

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Terry G. Jones, Mayor

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Karen Findley, City Clerk