

**Monday, April 8, 2019
Attorney-Client Meeting
(not open to public)**

4:00 PM

**BOARD OF MAYOR AND ALDERMEN – REGULAR MEETING
Immediately following Beer Board**

1. Prayer
2. Pledge Of Allegiance
3. Roll Call
4. Approval Of Agenda
5. Approve Minutes Of March 11, 2019

Documents:

[BMA MINUTES 3-11-19.PDF](#)

6. Public Comments
7. Public Hearing - Ordinance 2019-8 Amending Title 17, Refuse And Trash Disposal, Of The Millington Municipal Code
8. Consideration Of Ordinance 2019-8 Amending Title 17, Refuse And Trash Disposal, Of The Millington Municipal Code – Final Reading

Documents:

[ORDINANCE 2019-8 AMENDMENTS TO TITLE 17 OF CODE ON SANITATION.PDF](#)

9. Public Hearing – Ordinance 2019-9 Amending The FY19 Budget
10. Consideration Of Ordinance 2019-9 Amending The FY19 Budget – Final Reading (Substitute)

Documents:

[SUBSTITUTE ORDINANCE 2019-9 AMENDING FY19 BUDGET.PDF](#)

11. Consideration Of Ordinance 2019-10 Amending Title 8, Alcoholic Beverages, Of The Millington Municipal Code, By The Amendment, Deletion, And Addition Of Certain Sections Of Title 8, Chapter 2 – First Reading

Documents:

[ORDINANCE 2019-10 AMENDING TITLE 8 ALCOHOLIC BEVERAGES.PDF](#)

12. Consideration Of Resolution 18-2019 Approving Engineering Consultant For The Shelby Road Bridge Over Royster Creek Restoration Project

Documents:

[RESOLUTION 18-2019 CONSULTANT FOR SHELBY RD BRIDGE OVER ROYSTER CREEK PROJECT.PDF](#)

13. Consideration Of Resolution 19-2019 Approving Cooperative Agreement With Shelby County Government For Sharing Of GIS Data, Information System Data And Associated Technologies

Documents:

[RESOLUTION 19-2019 COOP AGREEMENT WITH SCG FOR REGIS.PDF](#)

14. Board Reports

15. Adjourn

The City of Millington is in compliance with the Americans with Disabilities Act. Should you need accommodation for the above meeting, please call City Hall at 901.872.2211 at least 48 hours in advance of the meeting.

CITY OF MILLINGTON BOARD OF MAYOR AND ALDERMEN
MINUTES OF REGULAR MEETING
March 11, 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, March 11, 2019. The meeting was called to order at 6:02 pm, and opened with a prayer by Mr. Dagen. Mayor Jones led 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: McGhee

Second: Lowry

Vote: unanimous consent to approve

5. Approve Minutes of February 11, 2019 and March 4, 2019

Approve Minutes

Motion: Huffman

Second: Bell

Vote: unanimous consent to approve

6. Presentation from Law Enforcement Foundation

Maurice Denbow from the Memphis/Shelby County Law Foundation presented the City with a \$3,500.00 check to be used as a supplement for two Millington officers to attend a homicide investigation training session.

7. Public Comments

Linda Overstreet voiced her objections to the R-4 zoning on Raleigh-Millington.

Close Public Comments

Motion: Bell

Second: Dagen

Vote: unanimous consent to close

8. Public Hearing - Ordinance 2019-4 Abandoning a Certain Portion of the Unused Right-of-Way for Fern Road, Millington, Tennessee, and Quit Claim the City's Abandoned Right-of-Way to the Adjoining Property Owner

Close Public Hearing

Motion: Caruthers

Second: Huffman

Vote: unanimous consent to close

9. Consideration of Ordinance 2019-4 Abandoning a Certain Portion of the Unused Right-of-Way for Fern Road, Millington, Tennessee, and Quit Claim the City's Abandoned Right-of-Way to the Adjoining Property Owner - Final Reading

Approve Ordinance 2019-4

Motion: Bell

Second: Crisp

Vote: unanimous vote to approve on final reading

10. Consideration of Ordinance 2019-5 Amending and Replacing Chapter, 23, Old Town Provisions of the City of Millington, Tennessee Zoning Ordinance - First Reading

Approve Ordinance 2019-5

Motion: Caruthers

Second: Dagen

Vote: unanimous vote to approve on first reading

11. Consideration of Ordinance 2019-6 Adopting the Proposed Zoning Plan as the Official Zoning Map for the City of Millington, Tennessee - First Reading

Approve Ordinance 2019-6
Motion: Huffman
Second: Bell
Vote: For - Huffman, Bell, Crisp, Dagen, McGhee, Caruthers
Mr. Lowry recused himself

12. Consideration of Ordinance 2019-7 Amending and Replacing Chart One, Permitted Uses and Chart 2, District Bulk Regulations, of the City of Millington, Tennessee Zoning Ordinance - First Reading

Approve Ordinance 2019-7
Motion: Bell
Second: Caruthers
Vote: unanimous vote to approve on first reading

13. Consideration of Ordinance 2019-8 Amending Title 17, Refuse and Trash Disposal, of the Millington Municipal Code - First Reading

Approve Ordinance 2019-8
Motion: McGhee
Second: Bell
Vote: unanimous vote to approve on first reading

14. Consideration of Ordinance 2019-9 Amending the FY19 Budget - First Reading

Approve Ordinance 2019-9
Motion: McGhee
Second: Crisp
Vote: unanimous vote to approve on first reading

15. Consideration of Resolution 9-2019 Approving Award of Bid 2019-3 Veterans Memorial

Approve Resolution 9-2019
Motion: Bell
Second: Lowry
Vote: unanimous consent to approve

Bid # 2019-3 for the Veterans Memorial at the Farmers Market was awarded to the lowest and best bidder, Fulwood Construction Co. in an amount not to exceed \$148,527.00.

16. Consideration of Resolution 10-2019 Approving Engineering Consultant for the Big Creek Church Road Paving Project

Approve Resolution 10-2019
Motion: Lowry
Second: Huffman
Vote: unanimous consent to approve

Fisher Arnold will serve as the City's engineering consultant for the paving of Big Creek Church Road.

17. Consideration of Resolution 11-2019 Approving Engineering Consultant for the Sykes Road Paving Project

Approve Resolution 11-2019
Motion: McGhee
Second: Caruthers
Vote: unanimous consent to approve

A2H Engineering Firm will serve as the City's engineering consultant for the Sykes Road Paving Project.

18. Consideration of Resolution 12-2019 Approving Amendment to Agreement for Engineering Consultant for the Project of Naval Facility Connector to Airport

Approve Resolution 12-2019
Motion: Lowry
Second: Bell
Vote: unanimous consent to approve

19. Consideration of Resolution 13-2019 Approving Award of Bid 2019-2 Naval Facility Connect (Astoria Avenue)

Approve Resolution 13-2019
Motion: McGhee
Second: Lowry
Vote: unanimous consent to approve

Encor, LLC., was awarded the contract at a lump sum not to exceed \$2,196,742.35, upon approval by the City Attorney.

20. Consideration of Resolution 14-2019 Encouraging the Tennessee Department of Education to Modify End of Course Testing Requirements

Approve Resolution 14-2019

Motion: Caruthers
Second: Dagen
Vote: unanimous consent to approve

21. Consideration of Resolution 15-2019 Encouraging the Tennessee General Assembly to Vote Against any Voucher Program that Diverts Funds from Public Entities to Private Schools
Approve Resolution 15-2019
Motion: McGhee
Second: Dagen
Vote: unanimous consent to approve

22. Consideration of Resolution 16-2019 Approving Subdivision Agreement with McGil Holdings
Approve Resolution 16-2019
Motion: Bell
Second: McGhee
Vote: unanimous consent to approve

One lot of this subdivision will be home to an Arby's Restaurant.

23. Consideration of Resolution 17-2019 Approving Purchase of Land Presently Leased for Use as Part of USA Stadium Complex
Approve Resolution 17-2019
Motion: McGhee
Second: Lowry
Vote: unanimous consent to approve

24. Board Reports

Ms. Huffman congratulated Chief Dunbar on his appointment to the Tennessee Post Commission. Mr. Caruthers thanked Mr. Goforth for the great job he's doing as the City Planner and gave an update on the Planning Commission's February meeting.

Adjourn

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

These minutes are approved as of the 8th day of April, 2019.

Terry Jones, Mayor

Karen Findley, City Clerk

ORDINANCE 2019-8

ORDINANCE AMENDING TITLE 17, REFUSE AND TRASH DISPOSAL, OF
THE MILLINGTON MUNICIPAL CODE

WHEREAS, The Charter of the City of Millington authorizes the Board of Mayor and Aldermen to adopt regulations for collection and disposal of refuse to promote and protect the public health and sanitation, and to impose charges to cover the costs of such services; and

WHEREAS, The Board of Mayor and Aldermen has previously adopted Title 17, Refuse and Trash Disposal, as part of the Millington Municipal Code; and

WHEREAS, The City has received a number complaints regarding citizens leaving carts curbside for days, even after collection; and

WHEREAS, The City wants to present a more positive image by restricting the times when carts may be left curbside.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF MILLINGTON, TENNESSEE, That Title 17, Section 17-107 is repealed in its entirety and replaced by

17-107. Placement for collection. By 7:00 AM on the scheduled collection day for city provided sanitation service, the refuse cart(s) shall be placed curbside in front of the house; on the grassy area between curbside and the sidewalk; or at the end of the driveway, at the resident's discretion, for collection, unless public works has designated an alley behind the property for collection. If, in those cases where curbside protrudes into the street and becomes a hazard to traffic, public works will inform the resident and containers must be placed on the grassy area between curbside and the sidewalk. In such case the refuse container shall be placed curbside at the alley. Curbside is defined as the side of a street bordered by a curb. Physically disabled service may be obtained by sending a letter addressed to city hall requesting a waiver for curbside pickup. The city reserves the right to require a statement from a physician to document the need for a waiver.

Properties with residential service (excluding non-residential cart service) may place up to two (2) additional bags of garbage on or beside their city provided cart on an occasional basis. Properties that the city determines to regularly have two (2) or more extra bags shall be required to have an additional cart(s).

Refuse carts may be placed curbside no earlier than 6:00 PM on the day before the scheduled collection day. As soon as practical after such carts have been emptied and no later than 8:00 PM on collection day, they shall be removed by the owner to within, or to the rear of, his premises and away from the street line. Penalty for failure to comply with the time limitations of the cart being removed from curbside shall be a fifty dollar (\$50.00) fine with each day being a separate offense.

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

Public Hearing: April 8, 2019
First Reading: March 11, 2019
Final Reading: April 8, 2019

Terry G. Jones, Mayor

Karen Findley, City Clerk

ORDINANCE 2019-9

AN ORDINANCE TO AMEND THE FY19 BUDGET

WHEREAS, The Board of Mayor and Aldermen of the City of Millington, Tennessee, adopted the FY19 Budget for all Funds by Ordinance 2018-12; and

WHEREAS, The City presently leases two parcels of land (Parcel #M0115J C00045 and M0115J C 00045) consisting of about 47.9 acres for use as part of the USA Stadium Complex and has tried to acquire the property for several years; and

WHEREAS, Millington Realty Partners 1 LP, the owner of the parcels, has agreed to sell the land to the City for \$599,000.00; and

WHEREAS, The General Fund as of June 30, 2018 has an total fund balance of \$8,158,999.00 and an unassigned fund balance of \$2,726,025.00; and

WHEREAS, The City can use a portion of the unassigned fund balance to acquire this property; and

WHEREAS, Shelby County Government provided \$52,500.00 in grant funds in FY18 for the Veterans Memorial at the Farmers Market and said funds were not budgeted but held in escrow until time for construction.

NOW THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, the FY19 Budget is amended by increasing account no. 110-38990, Planned Use of Fund Balance, and account no. 110-41100-945, Real Estate and Improvements, both in the amount of \$599,000.00.

BE IT FURTHER ORDAINED, That the FY19 Budget is amended by increasing account no. 300-36068, SCG Grant, and account no. 300-41600-205, Veterans Memorial, both in the amount of \$52,500.00.

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

Public Hearing: April 8, 2019
First Reading: March 11, 2019
Final Reading: April 8, 2019

Terry Jones, Mayor

Karen Findley, City Clerk

ORDINANCE 2019-10

AN ORDINANCE TO AMEND TITLE 8, ALCOHOLIC BEVERAGES, OF THE
MILLINGTON MUNICIPAL CODE, BY THE AMENDMENT, DELETION AND
ADDITION OF CERTAIN SECTIONS OF TITLE 8, CHAPTER 2.

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 8-206(3)(j) shall be amended by the deletion of the word “two” and the replacement of the word “one” in the first sentence.

- 2) Section 8-211(3) shall be deleted and replaced with the following language:

“(3) Make or allow any sale of beer under an “off-premise” permit between the hours of 2:00 A.M., and 7:00 A.M. during any night of the week or from 2:00 A.M. Sunday to 10:00 A.M. Sunday.”

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

Public Hearing:

First Reading: April 8, 2019

Final Reading:

Terry Jones, Mayor

Karen Findley, City Clerk

RESOLUTION 18-2019

RESOLUTION APPROVING ENGINEERING CONSULTANT FOR THE SHELBY ROAD
BRIDGE OVER ROYSTER CREEK RESTORATION PROJECT

WHEREAS, The City of Millington has received a grant from the Tennessee Department of Transportation for assistance in the restoration of the existing bridge, including limited bank stabilization upstream and downstream of the bridge for Shelby Road over Royster Creek; and

WHEREAS, After soliciting a Request for Qualifications for consultants for this project, the Consultant Selection Review Committee has selected and recommends that the City employ Fisher Arnold as the engineering consultant for this project; and

WHEREAS, The City desires to enter into a contract with Fisher Arnold for their services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the recommendation of the Consultant Selection Committee is approved with the City of Millington selecting Fisher Arnold to serve as the City's engineering consultant for the Shelby Road Bridge over Royster Creek Project.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign a contract and any related documents with Fisher Arnold, upon approval by the City Attorney.

This Resolution is adopted as of the 8th day of April, 2019.

Terry G. Jones, Mayor

Karen Findley, City Clerk

RESOLUTION 19-2019

RESOLUTION APPROVING COOPERATIVE AGREEMENT WITH SHELBY COUNTY GOVERNMENT FOR SHARING OF GIS DATA, INFORMATION SYSTEM DATA AND ASSOCIATED TECHNOLOGIES

WHEREAS, Shelby County Government (“Shelby County”) on behalf of the Regional GIS (“ReGIS”) maintains an information system containing a significant variety of digital information and computer software programs used in the daily operation of numerous departments and agencies supporting the constituents of Shelby County as well as the surrounding region; and

WHEREAS, City of Millington maintains information and computer software programs used daily by departments to support decision-making and constituent services; and

WHEREAS, It has been determined that each of the agencies maintains some information or knowledge that is corresponding, interconnecting, and useful to both groups; and

WHEREAS, It is in the best interest of those served by ReGIS and City of Millington that a cooperative agreement be established to exchange certain information system data and technologies; and

WHEREAS, It is the expectation of both Shelby County and City of Millington that participation will be extended to other agencies using comparable agreements to either build a storehouse of data or to create a central hub to link other data, software, and technologies accessible to all contributors; and

WHEREAS, This repository will be built, maintained, and governed by all contributing agencies.

WHEREAS, This Agreement formalizes the ownership and sharing of data that already exists.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee, that the Cooperative Agreement Between Shelby County Government, Tennessee And City Of Millington, Tennessee For The Sharing Of Geographic Information Systems Data, Information Systems Data, And Associated Technology be and is hereby approved.

BE IT FURTHER RESOLVED That the Mayor is hereby authorized to sign the Agreement and any related documents with Shelby County Government, upon approval by the City Attorney.

This Resolution is adopted as of the 8th day of April, 2019.

Terry Jones, Mayor

Karen Findley, City Clerk