

Tuesday, January 22, 2019

**BOARD OF MAYOR AND ALDERMEN – SPECIAL CALLED
5:00 PM**

1. Prayer
2. Pledge Of Allegiance
3. Roll Call
4. Approval Of Agenda
5. Approve Minutes Of December 10, 2018

Documents:

[BMA MINUTES 12-2018.PDF](#)

6. Approve Minutes Of January 14, 2019

Documents:

[BMA MINUTES 1-14-19.PDF](#)

7. Consideration Of Resolution 4-2019 Requesting The General Assembly To Authorize Sale And Use Of Consumer Fireworks In The City Of Millington

Documents:

[RESOLUTION 4-2019 FIREWORKS.PDF](#)

8. Adjourn

ADA NOTICE

The City of Millington is in compliance with the Americans with Disabilities Act. Should you need accommodations for the above meeting, please call City Hall at (901)873-5701, at least 8 hours in advance of the meeting.

CITY OF MILLINGTON BOARD OF MAYOR AND ALDERMEN
MINUTES OF REGULAR MEETING
December 10, 2018

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, December 10, 2018. The meeting was called to order at 6:00 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
Frankie Dakin
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 November 12, 2018

Approve Minutes
Motion: Lowry
Second: Caruthers
Vote: unanimous consent to approve

6. Report on Debt Obligation - each member received a copy of the report on the \$2 million bond issue for the schools; the report must be submitted to the comptroller and reflected in the minutes.

7. Public Comments

Close Public Comments
Motion: McGhee
Second: Lowry
Vote: unanimous consent to close

8. Consideration of Ordinance 2018-17 Contracting an Area From the City of Millington - Final Reading

Approve Ordinance 2018-17
Motion: Lowry
Second: Huffman
Vote: unanimous vote to approve

9. Consideration of Ordinance 2018-18 Amending FY19 Budget (Schools) - First Reading

Approve Ordinance 2018-18
Motion: Caruthers
Second: Bell
Vote: unanimous vote to approve

10. Consideration of Resolution 57-2018 Accepting Governors Highway Safety Office Grant

This year, one half of the grant needs to be used for equipment purchase, and the other portion used for overtime in traffic enforcement. There is a zero match.

Approve Resolution 57-2018
Motion: McGhee
Second: Lowry
Vote: unanimous consent to close

11. Consideration of Resolution 58-2018 Declaring Property at 5002 Navy Road as Surplus

Approve Resolution 58-2018
Motion: Caruthers
Second: Bell
Vote: unanimous consent to approve

12. Consideration of Resolution 59-2018 Approving Sale of Surplus Property at 5002 Navy Road

Approve Resolution 59-2018

Motion: Bell

Second Lowry

Vote: unanimous consent to approve

13. Consideration of Resolution 60-2018 Amending the City of Millington Charter

Mayor Jones and Mr. Dakin both expressed concern that there hadn't been enough discussion on the changes.

Table Resolution 60-2018

Motion: Dakin

Second Bell

Vote: For - Mr. Bell, Mr. Dakin

Against - Ms. Huffman, Mr. Dagen, Mr. McGhee, Mr. Lowry, Mr. Caruthers

Approve Resolution 60-2018

Motion: Lowry

Second: Huffman

Vote: For - Ms. Huffman, Mr. Bell, Mr. Dagen, Mr. McGhee, Mr. Lowry, Mr. Caruthers

Against - Mr. Dakin

14. Consideration of Resolution 61-2018 Urging the General Assembly to Repeal Private Acts of 1949, Chapter No. 589 and to Amend Tennessee Code Annotated 68-104-112 and Acts Amendatory thereto, Relative to Consumer Fireworks in the Municipality of Millington Located in N. Shelby County

Approve Resolution 61-2018

Motion: McGhee

Second Huffman

Vote: unanimous vote to approve

*** At the BMA meeting of January 14, 2019, prior to approval of the minutes, a motion was made by Mr. Caruthers and seconded by Mr. Lowry to reconsider Resolution 61-2018. Mr. Lawson recused himself again from review of this item due to a conflict of interest with another client and suggested that the City contact MTAS or TML for legal consideration and evaluation. A motion was made by Mr. Caruthers to table the item until it could be reviewed by TML; Mr. McGhee seconded, and unanimous consent to approve.

15. Consideration of Resolution 62-2018 Authorizing Funding Review of Proposed Tire Recycling Facility with Financing by Credit Lease Investments, LLC and to be Operated by Environmentally Safe Energy, LLC

Approve Resolution 62-2018

Motion: Dakin

Second Lowry

Vote: For - Ms. Huffman, Mr. Bell, Mr. Dakin, Mr. McGhee, Mr. Lowry, Mr. Caruthers

Against - Mr. Dagen

16. MPO Application - As part of the application process, all projects in the application must be discussed at a public meeting. If the City of Millington is awarded all the projects applied for, the City's cost at 20% would be \$1,000,080.00. The majority of projects on the list are preserving and reconstructing existing infrastructure.

17. Board Reports

Ms. Huffman thanked the community for all their support at the Christmas parade, Brunch with Mrs. Claus, and the Christmas tree lighting. As this is his last meeting, Mr. Dagen thanked everyone for all their support over his terms as aldermen. Mayor Jones presented Mr. Dagen with a Distinguished Service award and thanked him for his service over the past six years. Mayor Jones announced that the Chamber of Commerce named Chief Gary Graves as the 2018 Person of the Year, and Mr. Ed Haley was named into the Millington Chamber Hall of Honors.

Adjourn

There being no further business, the meeting was adjourned at 6:57 pm.

These minutes are approved as of the 14th day of January, 2019.

Terry Jones, Mayor

Karen Findley, City Clerk

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

Prior to the board meeting, The Honorable Mark Norris, United States District Judge for the Western District of Tennessee, swore in newly elected Aldermen Bethany Huffman, Al Bell, Jon Crisp, and Larry Dagen.

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, January 14, 2019. The meeting was called to order at 6:00 pm, and opened with a prayer by Mr. McGhee. 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
Frankie Dakin
Larry Dagen
Thomas McGhee
Don Lowry
Mike Caruthers

A quorum being present, the following proceedings were held:

4. Approval of Agenda

Mayor Jones asked for a motion to move item #6 before item #5.

Move agenda item
Motion: McGhee
Second: Lowry
Vote: unanimous consent to approve
Approve Amended Agenda
Motion: Huffman
Second: Lowry
Vote: unanimous consent to approve

6. Special Recognition – Mark Norris

Mayor Jones present Judge Mark Norris with a plaque and proclamation thanking him for his faithful work for the state, county, and city during his years as a commissioner and state senator, and wishing him well in his new role as a federal judge.

5. Approve Minutes of December 14, 2018

Due to new information received in a letter from Richard Bennett of Farris Bobango Branan PLC, a motion was made by Mr. Caruthers and seconded by Mr. Lowry to reconsider Resolution 61-2018. City Attorney, Gerald Lawson recused himself again from review of this item due to a conflict of interest with another client and suggested that the City contact MTAS or TML for legal consideration and evaluation. A motion was made by Mr. Caruthers to table the item until it could be reviewed by TML; Mr. McGhee seconded, and unanimous consent to approve. Mr. Lawson said that the minutes need to reflect the actions on Resolution 61-2018 so they will be approved at the next meeting.

7. Special Recognition – Police Department

Chief Mark Dunbar presented 3 officers with certificates for their achievements:

Officer Corey Edinburg – Highest Overall Occupant Protection
Officer Kerry Taylor – Highest Overall Impaired Driving Detection (DUI)
Officer Dustin Beckley – Highest Overall Traffic Enforcement Citations and Highest Overall Speed Detection and Apprehension

Chief Dunbar also told the Board that, as of that morning, he had a full staff of 32 post-certified officers.

8. Election of Vice Mayor

Mr. Dagen nominated Bethany Huffman, and Mr. Bell seconded. There were no more nominations, and Ms. Huffman was elected as the Vice Mayor for 2019 by unanimous consent.

9. Presentation of FY18 Audit Results

Clark Provence and Trey Watkins from Watkins Uiberall presented the audit findings. An unmodified audit opinion was issued. The City has positive unrestricted fund balances in the General Fund, no excess of expenditures over appropriations, and positive unrestricted fund balances at the government-wide level as well.

10. Public Comments

Judge Wilson Wages spoke about concerns in the charter changes that were approved at the last meeting. Billy Howard urged the Board to move ahead with approving the fireworks resolution.

Close Public Comments

Motion: McGhee

Second: Lowry

Vote: unanimous consent to close

11. Public Hearing- Ordinance 2018-18 Amending FY19 Budget (Schools- Substitute Ordinance)

Close Public Hearing

Motion: Caruthers

Second: McGhee

Vote: unanimous consent to close

12. Consideration of Ordinance 2018-18 Amending FY19 Budget (Schools- Substitute Ordinance) - Final Reading

Approve substitute ordinance

Motion: Caruthers

Second: Lowry

Vote: unanimous consent

Approve Ordinance 2018-18

Motion: McGhee

Second: Bell

Vote: unanimous vote to approve on final reading

13. Public Hearing - Ordinance 2019-1 Amending the Millington Zoning Map to Change the Zoning at 4140 Pleasant Ridge Road, From B-2 General Commercial to R-1 Residential

Close Public Hearing

Motion: Huffman

Second: Lowry

Vote: unanimous consent to close

14. Consideration of Ordinance 2019-1 Amending the Millington Zoning Map to Change the Zoning at 4140 Pleasant Ridge Road, From B-2 General Commercial to R-1 Residential - First Reading

Approve Resolution 60-2018

Motion: Lowry

Second: McGhee

Vote: unanimous vote to approve

15. Public Hearing - Ordinance 2019-2 Amending the Millington Zoning Map to Change the Zoning on Property Located on the North Side of Shipp Road and South and East of Crosspointe Baptist Church from R-1 Residential to R-2 Residential

Roy Remington from the Millington Airport commented on safety concerns on the zoning change.

Close Public Hearing

Motion: Dagen

Second: Lowry

Vote: unanimous consent to close

16. Consideration of Ordinance 2019-2 Amending the Millington Zoning Map to Change the Zoning on Property Located on the North Side of Shipp Road and South and East of Crosspointe Baptist Church from R-1 Residential to R-2 Residential

At the Planning Commission meeting in December, staff recommended that the top half of the development stay at R-1; however, at the request of the developer and builder, the commission voted recommend that change as stated in the original application. The board felt that it would be better to have some larger lots for starter homes and to approve the zoning with the top 600 ft of the subdivision to stay at R-1 and the remainder to be changed to R-2.

Amend the rezoning to change as recommended by the City Planner to keep the north 600 ft as R-1

Motion: Lowry

Second: Bell

Vote: unanimous vote to approve the amended zoning change

Approve Ordinance 2019-2 as amended

Motion: McGhee

Second: Dagen

Vote: unanimous vote to approve on first reading

The description will be revised at the second and final reading.

17. Public Hearing - Ordinance 2019-3 Amending the Millington Zoning Map to Change the Zoning on Property Located on the North Side of Shipp Road and South of Crosspointe Baptist Church from B-2 General Commercial to R-2 Residential

Close Public Hearing

Motion: Caruthers

Second: McGhee

Vote: unanimous consent to close

18. Consideration of Ordinance 2019-3 Amending the Millington Zoning Map to Change the Zoning on Property Located on the North Side of Shipp Road and South of Crosspointe Baptist Church from B-2 General Commercial to R-2 Residential

This zoning is going from the heaviest commercial classification to a residential classification and reduces the density.

Approve Ordinance 2019-3

Motion: Caruthers

Second: Bell

Vote: unanimous vote to approve on first reading

19. Consideration of Resolution 1-2019 Amending Application Fees for the Millington Planning Commission and the Board of Zoning Appeals

Approve Resolution 1-2019

Motion: McGhee

Second: Lowry

Vote: unanimous consent to approve

20. Consideration of Resolution 2-2019 Adopting a Revised Plan of Operation for the Occupational Safety and Health Program for the Employees of the City of Millington

Approve Resolution 2-2019

Motion: Lowry

Second: Dagen

Vote: unanimous consent to approve

21. Consideration of Resolution 3-2019 Authorizing Local Agency Project Agreements with Tennessee Department of Transportation and Accepting the Grants

Approve Resolution 3-2019

Motion: Bell

Second: Lowry

Vote: unanimous consent to approve

22. Board Reports

Ms. Huffman thanked everyone for the opportunity to serve as Vice Mayor. She thanked the Arts and Recreation department for sponsoring Trivia Night which raised money for the Millington Area Education Foundation. Roy Remington shared news of projects at the airport, one of which a project to convert the utilities over from Navy utilities to City and MLGW utilities. Mr. Caruthers reported on the Planning Commission from December.

Adjourn

There being no further business, the meeting was adjourned at 7:07 pm.

These minutes are approved as of the 22nd day of January, 2019.

Terry Jones, Mayor

Karen Findley, City Clerk

RESOLUTION 4-2019

A RESOLUTION TO REQUEST THE GENERAL ASSEMBLY TO AUTHORIZE SALE AND USE
OF CONSUMER FIREWORKS IN THE CITY OF MILLINGTON

WHEREAS, Current Tennessee law makes it unlawful for any entity to sell consumer fireworks anywhere in Shelby County except a single location in the City of Lakeland; and

WHEREAS, Consumer fireworks means any small firework device designed to produce visible effects by combustion and which must comply with all regulatory guidelines by the Consumer Product Safety Commission (CPSC), U.S. Customs, and the Department of Transportation, and all federal safety standard that are defined and apply to consumer fireworks; and

WHEREAS, Fireworks are presently sold just outside the city limits at the county line between Shelby and Tipton counties (less than 1 mile); and

WHEREAS, The Board of Mayor & Alderman is in support of the storage and retail sale of consumer fireworks within the City of Millington provided it can be regulated as to number of locations and dates and times of sale and use.

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City of Millington, Tennessee that the City hereby requests the General Assembly to amend all appropriate laws to allow the possessing, storing, using, or selling of consumer fireworks in the City of Millington and to allow the City to establish limits on number of locations and dates and times of sale and use by Ordinance.

BE IT FURTHER RESOLVED, That Resolution 61-2018 adopted on the 10th day of December 2018 is hereby repealed.

This Resolution is adopted this 22nd day of January 2019.

Terry G. Jones, Mayor

Karen Findley, City Clerk