

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

April 1, 2014

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Kemp Conrad , Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Lee Harris, Reid Hedgepeth, Myron Lowery, Bill Morrison and Chairman Jim Strickland.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Dr. Harry Davis, from St. Paul Baptist Church - Douglass. Councilman Harris presented Dr. Davis with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of March 18, 2014 with the following motion:

MOTION: Ford
SECOND: Morrison
AYES: Boyd, Brown, Collins, Conrad, Ford, Fullilove, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland
Flinn and Halbert did not cast a vote

APPROVED

1. **“MAYOR’S DAY OF RECOGNITION FOR NATIONAL SERVICE.”**

MOTION: Chairman Strickland
SECOND: Morrison

APPROVED, by unanimous voice vote

2. **RECOGNITION OF THE FIRST GRADUATING CLASS OF VOLUNTEER CODE ENFORCEMENT INSPECTORS.**

MOTION: Chairman Strickland
SECOND: Morrison

APPROVED, by unanimous voice vote

3. **RESOLUTION HONORING THE STUDENTS OF HARDING ACADEMY WHO ARE “HAPPY IN MEMPHIS”.**

MOTION: Fullilove
SECOND: Chairman Strickland

APPROVED, by unanimous voice vote

4. **RESOLUTION THANKING NANCY WILLIAMS FOR HER SERVICE AS EXECUTIVE DIRECTOR OF THE MEMPHIS CHILD ADVOCACY CENTER AND CONGRATULATING HER ON HER RETIREMENT.**

MOTION: Boyd
SECOND: Collins

APPROVED, by unanimous voice vote

5. **RESOLUTION DECLARING APRIL AS “NATIONAL STRESS AWARENESS MONTH” IN THE CITY OF MEMPHIS.**

Chairman Strickland recognized the following person who spoke from the audience:

Shyam Gannavaram, 8151 Blue Lagoon Dr., Arlington, TN 38002

MOTION: Harris
SECOND: Morrison

APPROVED, by unanimous voice vote

6. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR PASTOR EUGENE L. GIBSON, JR.**

MOTION: Halbert

SECOND: Morrison

APPROVED, by unanimous voice vote

- 7. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF SPOTTSWOOD AVENUE AT BUCK STREET, CONTAINING 1.9 ACRES IN THE SINGLE FAMILY RESIDENTIAL-6 (R-6) WITH A P.D. OVERLAY (P.D. 90-346).**

Case No. PD 90-346

Held until May 6, 2014

- 8. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 1440 E. SHELBY DRIVE; +/- 1000 FEET EAST OF FARONIA ROAD, CONTAINING 0.09 ACRE IN AN AREA CURRENTLY GOVERNED BY THE SHELBY DRIVE OFFICE PARK P.D.**

Case No. PD 14-302

Applicant: Justin Ford, Sr.
Neeraj Kumar – Representative

Request: Funeral Services

LUCB and OPD recommendation: APPROVAL

MOTION: Collins

SECOND: Boyd

AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland
Ford recused

APPROVED

- 9. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON RALEIGH LAGRANGE ROAD, 1,165 FEET EAST OF MONTEREY ROAD, CONTAINING 4.5 ACRES IN THE CONSERVATION AGRICULTURE (CA) DISTRICT.**

Case No. SUP 13-230cc

Applicant: TV6 Signal Source Tower, LLC c/o Tower Ventures, LLC
Michael Fahy – Representative

Request: Proposal to construct a one hundred fifty foot (150') CMCS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins

SECOND: Fullilove
 AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth,
 Lowery and Chairman Strickland
 Morrison did not cast a vote

APPROVED

- 10. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR VALUE PLACE, LOCATED AT 1218 WINCHESTER.**

Case No. HMW 14-01

MOTION: Collins
 SECOND: Boyd
 AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth,
 Lowery, Morrison and Chairman Strickland

APPROVED

- 11. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR INLAND SUITES, LOCATED AT 3913 LAMAR AVENUE.**

Case No. HMW 14-02

MOTION: Collins
 SECOND: Boyd
 AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth,
 Lowery, Morrison and Chairman Strickland

APPROVED

CONSENT AGENDA – Items 12-14 may be acted upon by one motion: SEE PAGE 2923 FOR ROLL CALL

- 12. **RESOLUTION APPROVING FINAL PLAT OF POLO GROUNDS NORTH PD, PH. 6.**

Case No. PD 99-344
 Contract No. CR-5210

Resolution approves the final plat located on the north side of Polo Grounds Drive, west of Centennial Drive. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

13. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. SAC 13-605 – Coughlin Dr.

Public Hearing Set for April 15, 2014

14. **RESOLUTION REQUESTING AN HONORARY STREET NAME CHANGE OF MILLBRANCH ROAD IN HONOR OF SUPERINTENDENT JACK HUNT, SR.**

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Ford

SECOND: Morrison

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland

APPROVED

MLGW FISCAL CONSENT – Items 15-17 may be acted upon by one motion:

15. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11517, DIRECTIONAL BORING, WITH MEMPHIS ROAD BORING COMPANY, INCORPORATED, IN THE FUNDED AMOUNT OF \$1,252,400.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR (4) ANNUAL RENEWAL TERMS COVERING THE PERIOD JULY 2, 2014 THROUGH JULY 1, 2015 IN THE FUNDED AMOUNT OF \$846,200.00 WHICH REFLECTS NO INCREASE IN RATES FROM THE PREVIOUS YEAR. IN ADDITION, THIS CHANGE IS ALSO TO INCREASE THE QUANTITIES IN UNIT 1B-1 (BORING SERVICES 10” THROUGH 12” PER FOOT) FROM 3400 TO 3500 IN THE AMOUNT OF \$18,800.00 AND UNIT 1B-2 (BORING SERVICES 18” THROUGH 20” PER FOOT) FROM 0 TO 1300 IN THE AMOUNT OF \$387,400.00. THE INCREASED QUANTITIES ARE NEEDED TO COMPLETE PROJECTED JOBS DURING THE RENEWAL PERIOD.)**

APPROVED

16. **APPROVING AND ADOPTING THE RESOLUTION IN CONNECTION WITH THE PROPOSED ISSUANCE OF SERIES 2014 ELECTRIC SYSTEM REVENUE BONDS.**

APPROVED

17. **RESOLUTION AWARDING CHANGE NO. 8 TO CONTRACT NO. 10793, PROFESSIONAL PORTFOLIO SOFTWARE WITH ADVENT SOFTWARE INCORPORATED, IN THE FUNDED AMOUNT OF \$30,152.70.**

(THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR AN ADDITIONAL TERM COVERING THE PERIOD MAY 11, 2014 THROUGH MAY 10, 2015 IN THE FUNDED AMOUNT OF \$30,152.70. THIS CHANGE ALSO REFLECTS A 3% INCREASE FROM THE PREVIOUS YEAR DUE TO CONTINUED DEVELOPMENT AND ENHANCEMENTS OF THE PRODUCTS AS WELL AS THE COST TO SUPPORT THE PRODUCT. MLGW IS REQUESTING CONTINUOUS MAINTENANCE SUPPORT OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY ADVENT SOFTWARE INCORPORATED.)

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Lowery
 SECOND: Morrison
 AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland

APPROVED

18. **ORDINANCE APPROVING INSTALLATION OF INDIVIDUAL WATER METERS ON ALL NEW CONSTRUCTED APARTMENT COMPLEXES, UP FOR T H I R D AND F I N A L READING.** (Held from 3/4).

Ordinance No. 5545

Chairman Strickland recognized the following persons who spoke from the audience:

John Barger, 6060 Poplar Ave., Suite 200, Memphis, TN 38119
 Andre Dean, 22 N. Front St., Memphis, TN 38103
 James Ringel, 1205 Oak River Rd., Memphis, TN 38120

MOTION: Lowery – Add an effective date of July 1, 2014

Chairman Strickland asked if there was any objection to adding an effective date. There was no objection.

SECOND: Morrison
 AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Strickland

APPROVED, as amended

- 19. **ORDINANCE TO EXPAND THE CLASS OF CONTRACTS COVERED UNDER THE PREVAILING WAGE ORDINANCE, ALIGN THE CITY OF MEMPHIS PREVAILING WAGE ORDINANCE WITH STATE LEVEL PREVAILING WAGE REQUIREMENTS AND AMEND SECTION 5-4-12(A) AND 5-4-12(F-1) (PREVAILING WAGE), UP FOR THIRD AND FINAL READING.** (Held from 1/7; 1/21; 3/18)

Ordinance No. 5543

Chairman Strickland recognized the following person who spoke from the audience:

Rick Bennett, 999 S. Shady Grove Rd., Memphis, TN 38120

MOTION: Harris
 SECOND: Fullilove
 AYES: Brown, Collins, Ford, Fullilove, Halbert, Harris and Lowery
 NAYS: Boyd and Conrad
 Flinn, Hedgepeth, Morrison and Chairman Strickland abstained

APPROVED

- 20. **RESOLUTION DEFUNDING THE CITY OF MEMPHIS WEIGHTS AND MEASURES PROGRAM AS OF JULY 1, 2014 AND ALLOWING THE STATE OF TENNESSEE TO ASSUME RESPONSIBILITY OF THE PROGRAM OPERATION.**

Chairman Strickland recognized the following person who spoke from the audience:

Terence McBride, 8754 Lybrook Cv., West, Cordova, TN 38016

MOTION: Chairman Strickland
 SECOND: Flinn

Friendly Amendment: Offer employees a 10 week severance package to the employees that are not eligible for retirement

MOTION: Harris

Councilman Strickland accepted the friendly amendment.

AYES: Conrad, Flinn, Ford, Hedgepeth, Lowery, Morrison and Chairman Strickland
 NAYS: Boyd, Brown, Collins, Fullilove and Halbert
 Harris abstained

APPROVED, as amended

- 21. **RESOLUTION ALLOCATING AND APPROPRIATING \$250,000.00 FROM THE MIDTOWN CORRIDOR STUDY FUNDS TO THE MEMPHIS ROCK AND SOUL MUSEUM.**

MOTION: Flynn – Hold for 1 month
 SECOND: Lowery
 AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Harris, Hedgepeth, Lowery and Morrison
 NAYS: Collins, Halbert and Chairman Strickland
 Brown did not cast a vote

APPROVED, set up as Special Item #1

23. **RESOLUTION REQUESTING THE MAYOR IN HIS 2015 BUDGET CREATE A “SCHOOLS LITIGATION FUND” AND PLACE IN SUCH FUND THE FIRST OF TWELVE ANNUAL INSTALLMENTS OF \$4,800,000.00 IN THE EVENT THE CITY OF MEMPHIS IS ORDERED TO SATISFY THE CLAIM BY SHELBY COUNTY SCHOOLS (FORMERLY MEMPHIS CITY SCHOOLS) OR A SETTLEMENT IS REACHED THAT OBLIGATES HE CITY OF MEMPHIS TO MAKE PAYMENT TO SHELBY COUNTY SCHOOLS.**

MOTION: Harris – Move a substitute a Revised Resolution for Original Resolution Item #23
 SECOND: Fullilove

SUBSTITUTION WAS ALLOWED BY CONSENT WITHOUT OBJECTION BY ANY COUNCIL MEMBER

MOTION: Halbert – Motion to substitute a new resolution in place of Revised Resolution for Item #23
 SECOND: Hedgepeth
 AYES: Boyd, Brown, Conrad, Flinn, Fullilove, Halbert, Lowery and Chairman Strickland
 NAYS: Harris
 Collins and Hedgepeth did not cast a vote
 Ford and Morrison recused

SUBSTITUTION OF NEW RESOLUTION IN PLACE OF REVISED RESOLUTION
APPROVED, set up as Special Item #2

MOTION: Harris – Send Councilwoman Halbert’s substitute resolution back to Committee in 2 weeks for further consideration
 SECOND: Fullilove
 AYES: Fullilove and Harris
 NAYS: Boyd, Brown, Conrad, Flinn, Halbert, Lowery and Chairman Strickland
 Collins and Hedgepeth did not cast a vote
 Ford and Morrison recused

FAILED, set up as Special Item #3

MOTION: Harris – Split the resolutions into 2
 SECOND: Fullilove

Chairman Strickland ruled Councilman Harris' motion out of order, since the resolutions are not joined.

Councilman Harris stated that he would like to go back to his original motion to split the items into 2, so that he could vote on his resolution. Chairman Strickland stated that Councilman Harris' item is now dead because it has been substituted by Councilwoman Halbert's resolution.

MAIN MOTION: Halbert – Motion to adopt Substitute Resolution for Item #23
 SECOND: Hedgepeth
 AYES: Boyd, Brown, Conrad, Flinn, Fullilove, Halbert, Lowery and Chairman Strickland
 NAYS: Harris
 Ford and Morrison recused
 Collins and Hedgepeth did not cast a vote

SUBSTITUTE RESOLUTION APPROVED.

22. RESOLUTION REQUESTING THE MAYOR TO INCORPORATE A 20 YEAR REPAVING CYCLE IN THE FY2015 CAPITAL IMPROVEMENT BUDGET.

Chairman Strickland stated that without objection, he would like to refer this item back to the Budget Committee on the date when the Public Works CIP Budget is heard. There was no objection.

Held until the Public Works CIP Budget is heard

24. RESOLUTION REQUESTING COUNCIL APPROVAL PRIOR TO CONTINUATION OF PROJECT AND TAKING BIDS AT AN ESTIMATED CONSTRUCTION COST OF \$145,000.00 FOR MINOR IMPROVEMENTS TO THE FOLLOWING PRECINCTS: APPLING FARMS STATION, TILLMAN STATION, RIDGEWAY STATION, AIRWAYS STATION, CRUMP STATION AND RAINES STATION, CIP PROJECT NUMBER PD02004, PART OF FY14 CAPITAL IMPROVEMENT BUDGET.

MOTION: Conrad
 SECOND: Morrison
 AYES: Boyd, Conrad, Flinn, Ford, Halbert, Harris, Morrison and Chairman Strickland
 Brown, Collins, Fullilove, Hedgepeth and Lowery did not cast a vote

APPROVED

25. RESOLUTION APPROPRIATING \$96,000.00 FUNDED BY G.O. BONDS – GENERAL FOR PROJECT NUMBER PW01098 NORTH PARKWAY REALIGNMENT CONSTRUCTION FUNDING, TO COVER THE LOCAL COMMITMENT MADE ON EXISTING AGREEMENT.

MOTION: Boyd
 SECOND: Morrison

AYES: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Harris, Morrison and Chairman Strickland
Collins, Fullilove, Hedgepeth and Lowery did not cast a vote

APPROVED

28. **RESOLUTION APPROPRIATING \$1,203,919.00 FUNDED BY G.O. BONDS – GENERAL (STORM WATER) FOR DRAINAGE REPAIRS AT FLETCHER DISTRICT – SHELBY OAKS BRIDGE.**

Chairman Strickland recognized the following person who spoke from the audience:

Dennis Lynch, 347 N. McLean, Memphis, TN 38112

Chairman Strickland asked if there was any objection to same night minutes. There was no objection.

MOTION: Boyd
SECOND: Morrison
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Morrison and Chairman Strickland
Collins, Hedgepeth and Lowery did not cast a vote

APPROVED

29. **RESOLUTION TO TEMPORARILY FUND MATA, IN THE AMOUNT OF \$3,000,000.00, TO AVOID CONSEQUENCES OF CASH FLOW SHORTFALL.**

Chairman Strickland asked if there was any objection to same night minutes. There was no objection.

MOTION: Harris
SECOND: Morrison
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Harris, Lowery, Morrison and Chairman Strickland
Collins, Halbert and Hedgepeth did not cast a vote

APPROVED

26. **RESOLUTION REQUESTING THE APPROVAL OF THE SALE OF SURPLUS PROPERTY, ACQUIRED BY WARRANTY DEED IN INSTRUMENT NUMBER V84410 IN OCTOBER 1984 FROM INTERNATIONAL HARVESTER THE PROPERTY WAS APPRAISED FOR \$200,000.00 AND IS BEING SOLD FOR APPRAISED VALUE. THE PROPERTY IS LOCATED AT 0 KLINKE RD., LOCATED IN THE COUNTY OF SHELBY, FURTHER DESCRIBED AS PARCEL 06907400022.**

MOTION: Boyd
SECOND: Morrison
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Lowery,
Morrison and Chairman Strickland
Collins and Hedgepeth did not cast a vote

APPROVED

27. **RESOLUTION AMENDING THE FY2014 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION TO COVER DESIGN EXPENSED IN THE AMOUNT OF \$100,000.00 AND APPROPRIATING A TOTAL OF \$1,000,000.00 FUNDED BY G.O. BONDS – GENERAL IN CIP PROJECT NUMBER GS01007, TO FUND ROOF REPLACEMENT AT THE MPD – CSI BUILDING LOCATED AT 465 KLINKE ROAD.**

MOTION: Boyd
SECOND: Morrison
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Harris, Lowery,
Morrison and Chairman Strickland
Collins and Hedgepeth did not cast a vote

APPROVED

30. **RESOLUTION APPROVING \$1,500,000.00 TO BE IDENTIFIED BY DIRECTOR LIPSCOMB FOR SOUTHBROOK MALL RENOVATIONS.**

MOTION: Halbert – Send back to Committee

Councilman Strickland asked if there was any objection to sending this item back to Committee. There was no objection.

Item sent back to Committee

MINUTES

Approval of the Minutes of the regular meeting of April 1, 2014 for Items 28 and 29 only with the following motion:

MOTION: Ford
SECOND: Morrison
AYES: Boyd, Flinn, Ford, Fullilove, Halbert, Morrison and Chairman Strickland
Brown, Collins, Conrad, Harris, Hedgepeth and Lowery did not cast a vote

APPROVED, set up as Special Item #4

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Strickland recognized the following people who spoke from the audience:

Walter Broady, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 6:33 P.M.

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records