

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
October 18, 2011

3:30 P.M. SCHEDULED SESSION

3:48 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Minister DeAndre Brown, Executive Director and Founder of Lifeline to Success. Councilman Conrad presented Minister Brown 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 October 4, 2011 with the following motion:

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

APPROVED

Chairman Lowery presented certificates to the Bowlers that participated in the Lionel Hollins Charities - Bowling 4 Backpacks. This was not an item on the agenda.

- RESOLUTION APPROVING A STREET/ALLEY CLOSURE TIME EXTENSION, LOCATED ON THE WEST SIDE OF HACKS CROSS ROAD AT THE INTERSECTION OF TOURNAMENT DRIVE, CONTAINING 5.14 ACRES.**

Case No. SAC 00-601

Applicant: Cindy Reaves, SR Consulting

Request: Approval of a one year time extension to close and vacate Bancharry Lane, Penmarron Court and Cove, Penwythe Lane, Rycroft Cove and Tournament Drive within Phases 1 and 3 of the Fieldstone Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Ford

SECOND: Fullilove

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

APPROVED

- ORDINANCE REZONING THE EAST SIDE OF GETWELL ROAD; +/-510 FEET NORTH OF COCHESE AVENUE, CONTAINING 0.80 ACRE IN THE COMMERCIAL MIXED USE-1 (CMU-1) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Case No. Z 11-107

Ordinance No. 5419

Held until November 15, 2011

CONSENT AGENDA – Items 3-7, may be acted upon by one motion: SEE PAGE 2036 FOR ROLL CALL

- ORDINANCE TO AMEND CHAPTER 39, ARTICLE II, SECTION 39-148 OF THE CODE OF ORDINANCES, SO AS TO REQUIRE CARRIAGE DRIVERS TO IMMEDIATELY CLEAN WASTE, UP FOR S E C O N D READING.**

Ordinance No. 5421

APPROVED, on Second reading

- 4. **ORDINANCE REZONING THE SOUTHWEST CORNER OF DANNY THOMAS BOULEVARD AND LINDEN AVENUE, CONTAINING 2.67 ACRES IN THE SPORTS & ENTERTAINMENT (SE) AND SOUTH DOWNTOWN RESIDENTIAL (R-SD) DISTRICTS, UP FOR S E C O N D READING.**

Case No. Z 11-108
Ordinance No. 5422

APPROVED, on Second reading

- 5. **RESOLUTION APPROVING FINAL PLAT OF SONS OF LEON SUBDIVISION.**
Case No. S 11-009

Resolution approves the final plat located on the southside of Spottswood Ave., east of S. Highland St.

City Engineer recommends approval

APPROVED

- 6. **RESOLUTION APPROVING FINAL PLAT OF SHELBY COUNTY CREDIT UNION SUBDIVISION.**

Case No. S 11-012

Resolution approves the final plat located at the terminus of Dovecrest Rd. and Sycamore View.

City Engineer recommends approval

APPROVED

- 7. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. SUP 11-210

Public Hearing Set for November 1, 2011

ROLL CALL CONSENT ITEMS

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

APPROVED

- 9. **ORDINANCE TO AMEND CODE OF ORDINANCES OF THE CITY OF MEMPHIS, PERTAINING TO THE BUDGET, SALARIES AND CONTRACTS OF THE MEMPHIS, LIGHT, GAS AND WATER DIVISION, TO INCREASE THE AMOUNT OF CONTRACTS REQUIRING APPROVAL OF THE CITY COUNCIL TO \$50,000.00, UP FOR T H I R D AND F I N A L READING. (This item was approved on 10/12/10 and had to come back before full Council in (1) year).**

Ordinance No. 5383

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

Bill Hawkins, 4000 Clearpool Circle, Memphis, TN 38118

MOTION: Fullilove

SECOND: B. Boyd

AYES: B. Boyd, W. Boyd, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Strickland and Chairman Lowery

NAYS: Brown

APPROVED. Be it resolved that Ordinance No. 5383 remains in effect

- 10. **ORDINANCE TO AMEND TITLE 6 – BUSINESS LICENSES AND REGULATIONS – CHAPTER 6-88 –WRECKERS AND TOWING OPERATORS, SECTION 6-88-15- PRIVATE PROPERTY TOW AUTHORIZATION FORMERLY CHAPTER 41 – WRECKERS OR TOWING OPERATOR – OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, UP FOR T H I R D AND F I N A L READING. (Held from 9/20)**

Ordinance No. 5414

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

Heather Guess, 4070 Viscount Ave., Memphis, TN 38118

Phillip Julian, 7569 Bridelwreath, Memphis, TN 38125

Patrick Lawrence, 788 S. Main St., Memphis, TN 38106

William Melton, 4070 Viscount Ave., Memphis, TN 38118

Russell Pingel, 4070 Viscount Ave., Memphis, TN 38118

David Upton, 203 Stonewall, Memphis, TN 38112

MOTION: Strickland – Hold to November 15, 2011

SECOND: Flinn

NO ACTION TAKEN ON THIS MOTION

After a lengthy discussion on this item, Chairman Lowery stated that without objection, we will hold this item for 2 weeks. (November 1, 2011)

Held until November 1, 2011

- 11. **ORDINANCE TO AMEND CHAPTER 39 OF THE CITY OF MEMPHIS CODE OF ORDINANCES SO AS TO ESTABLISH THE MEMPHIS TRANSPORTATION COMMISSION, UP FOR T H I R D AND F I N A L READING. (This item was pulled from 9/20/11 Minutes on 10/04/11).**

Ordinance No. 5415

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

Fred Dorse, 3268 N. Waynoka Circle, Memphis, TN 38111
 Heather Guess, 4070 Viscount Ave., Memphis, TN 38118
 Phillip Julian, 7569 Bridelwreath, Memphis, TN 38125
 Patrick Lawrence, 788 S. Main St., Memphis, TN 38106
 William Melton, 4070 Viscount Ave., Memphis, TN 38118
 Russell Pingel, 4070 Viscount Ave., Memphis, TN 38118
 David Upton, 203 Stonewall, Memphis, TN 38112

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

APPROVED

- 12. **ORDINANCE TO AMEND MEMPHIS, TENNESSEE, CODE OF ORDINANCES TITLE 4 – PENSION AND RETIREMENT SYSTEM, SO AS TO MODIFY THE PENSION BENEFITS ALLOWABLE UNDER THE ORDINANCE, UP FOR T H I R D AND F I N A L READING. (Held from 9/20)**

Ordinance No. 5416

Held until November 1, 2011

- 13. **ORDINANCE TO AMEND CHAPTER 5, ANIMALS AND FOWL OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TO PREVENT CRUELTY TO ANIMALS AND COCK AND ANIMAL FIGHTING, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5417

Held until November 1, 2011

- 14. **ORDINANCE TO AMEND CHAPTER 21 OF THE MEMPHIS CITY CODE OF ORDINANCES, GOVERNING MOTOR VEHICLES AND TRAFFIC, SO AS TO REGULATE VALET PARKING SERVICES, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5418

Held until November 1, 2011

15. **ORDINANCE TO AMEND CHAPTER 25 – PENSION AND RETIREMENT SYSTEM OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TO PROTECT PENSION BENEFITS FROM THE 4.62% SALARY REDUCTION POLICY, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5420

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

Michael R. Williams, 638 Jefferson Ave., Memphis, TN 38105

Attorney Wade stated that the only change made to Version #2 of the Pension Ordinance, was that an effective date of June 30, 2010 was added

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

APPROVED, as amended. Effective date of June 30, 2010 was added to the Ordinance

16. **RESOLUTION TO TRANSFER AN APPROPRIATION FOR CLOTHING ALLOTMENT IN FIRE SUPPRESSION TO VARIOUS FIRE SERVICE CENTERS IN THE AMOUNT OF \$215,675.00.**

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

APPROVED

17. **RESOLUTION FOR THE CITY OF MEMPHIS TO ACCEPT FROM THE MEMPHIS HOUSING AUTHORITY THE CONVEYANCE OF APPROXIMATELY 3 ACRES OF REAL PROPERTY IN THE UNIVERSITY PLACE DEVELOPMENT AREA VIA QUITCLAIM DEED. THIS LAND IS SET ASIDE FOR THE USE AND BENEFIT OF THE CITY OF MEMPHIS PUBLIC WORKS DIVISION.**

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

APPROVED

18. **RESOLUTION APPROPRIATING THE REVENUES AND EXPENDITURES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM IN THE AMOUNT OF \$626,370.00.**

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

APPROVED

19. **RESOLUTION AUTHORIZING THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT TO AWARD \$413,500.00 IN FUNDING TO DESIGNATED 501(C) 3 ORGANIZATIONS FOR THE PURPOSE OF COMMUNITY DEVELOPMENT, COMMUNITY INITIATIVES, AND BUSINESS/ECONOMIC DEVELOPMENT ACTIVITIES.**

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

APPROVED

20. **RESOLUTION TO APPROVE THE CITY OF MEMPHIS – DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT’S LEASES AND/OR SUB-LEASES OF MEMPHIS CITY PROPERTY THAT MAY BE SUBJECT TO CITY OF MEMPHIS ORDINANCE 2-291 RELATING TO REAL PROPERTY.**

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

APPROVED

21. **RESOLUTION APPROVING THE NOMINATION OF MR. DANA J. JEANES AS VICE PRESIDENT, CHIEF FINANCIAL OFFICER AND SECRETARY-TREASURER, AT AN ANNUAL SALARY OF \$166,004.80.**

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

APPROVED

22. **RESOLUTION APPROVING THE DIVISION OF PARK SERVICES TO MOVE FORWARD WITH THE LOW BID IN THE AMOUNT OF \$169,912.00 AND, WITH CONTINGENCY, A TOTAL OF \$183,512.00 IN EXPENDITURES FROM CONTRACT CONSTRUCTION IN LICHTERMAN NATURE CENTER, CIP PROJECT NUMBER PK08001, FUNDED BY G.O. BONDS GENERAL, FOR THE CONSTRUCTION OF LICHTERMAN NATURE CENTER RENOVATIONS.**

MOTION: W. Boyd

SECOND: B. Boyd

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

APPROVED

23. **RESOLUTION ACCEPTING DONATED FUNDS IN THE AMOUNT OF \$4,500.00 FROM TARGET SPECIFICALLY FOR PUBLIC SAFETY PROJECTS. RESOLUTION ALSO AMENDS FY 2012 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE FUNDS.**

MOTION: Strickland

SECOND: Ford

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

APPROVED

24. **RESOLUTION AMENDING THE FISCAL YEAR 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$200,000.00 FUNDED BY SEWER REVENUE BONDS FROM REHAB EXISTING SEWERS PROJECT NUMBER SW02001, TO CONCRETE REPLACEMENT, PROJECT NUMBER SW02085 TO REPLACE CURBS, GUTTERS, SIDEWALKS, ETC, IN VARIOUS LOCATIONS AND FOR A CONSTRUCTION CONTRACT WITH BARNES & BROWER.**

MOTION: Hedgepeth

SECOND: B. Boyd

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

APPROVED

25. **RESOLUTION AMENDING THE FY 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$524,880.00 FUNDED BY G.O. BONDS – GENERAL (STORM WATER) FROM FLOOD CONTROL – ST, PROJECT NUMBER ST03059 TO FLOODWALL GATE REPLACEMENT, PROJECT NUMBER ST03136, FOR THE FABRICATION AND INSTALLATION OF CONCRETE STOP LOGS AT SIX LOCATIONS ALONG THE FLOOD WALL AND FOR A CONSTRUCTION CONTRACT WITH ZELLNER CONSTRUCTION SERVICES, LLC.**

MOTION: Hedgepeth

SECOND: W. Boyd

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

APPROVED

26. **RESOLUTION AMENDING THE FY12 CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING AN ADDITIONAL \$2,500,000.00 FUNDED BY LOCAL OTHER, PROJECT NUMBER EN90027, FOR A CONSTRUCTION CONTRACT.**

Director Cameron stated that the name of the construction company needs to be removed because there has been a challenge to the bid and a final selection has not been made. Chairman Lowery stated that we will remove the name of the construction company from the caption

MOTION: Hedgepeth

SECOND: B. Boyd

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

APPROVED, as amended. Construction Company name removed from the caption

27. **RESOLUTION DIRECTING THE CITY COUNCIL ATTORNEY TO EXPLORE OPTIONS RELATED TO POSSIBLE LOSS OF REVENUE DUE TO THE NBA LOCKOUT.**

MOTION: Chairman Lowery

SECOND: B. Boyd

AYES: B. Boyd, W. Boyd, Brown, Conrad, Ford, Fullilove, Halbert and Chairman Lowery

NAYS: Collins, Morrison and Strickland
Flinn recused
Hedgepeth did not cast a vote

APPROVED

8. **RESOLUTION ESTABLISHING THE MEMPHIS LIGHT GAS AND WATER DIVISION IN LIEU OF TAX PAYMENT TO THE CITY OF MEMPHIS FOR FISCAL YEAR 2012. (GAS & ELECTRIC) (Held from 6/7; 6/21; 7/5; 7/19; 8/2; 8/16; 9/6; 9/20; 10/4)**

Attorney Wade stated that we are substituting two resolutions for the one that is on the floor and they should be voted on separately

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

APPROVED, as amended – Electric only. Set up as Special Item #1

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

APPROVED, as amended – Gas only. Set up as Special Item #2

MINUTES

Approval of the Minutes of the regular meeting of October 18, 2011 for Special Item #1, Special Item #2, 15 and 26 only, with the following motion:

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Steve Auterman, 408 S. Front St., #203, Memphis, TN 38103
 Jill Blasingame, 25 N. Tucker, Memphis, TN 38104
 Walter Broady, III, 4256 Ledbetter Cove, Memphis, TN 38109
 Lois Bryant, 1292 Madison Ave., Memphis, TN 38104
 Mike Cooper, 1798 Madison Ave., Memphis, TN 38104
 Graham Elwood, 137 Harbor Club Circle North, #201, Memphis, TN 38103

Matt Farr, 3319 Central Ave., Memphis, TN 38111
Stacey Greenberg, 2421 Autumn Ave., Memphis, TN 38112
Margot McNeeley, 221 Kimbrough Place, Memphis, TN 38104
Warren Oster, 2421 Autumn Ave., Memphis, TN 38112
Tina Sullivan, 2049 Carr Ave., Memphis, TN 38104
John-Michael Tubbs, (no address given)
Betsy Warren, 3593 Gillia Circle West, Bartlett, TN 38135
Jerry Wilson, 1853 Madison Ave., Memphis, TN 38104

ADJOURNED MEETING AT 7:08 P.M.

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

CHAIRMAN

Attest:

Deputy Comptroller/Council Records