

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

February 4, 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., Wanda Halbert, Lee Harris, Reid Hedgepeth, Myron Lowery, Bill Morrison and Chairman Jim Strickland. Janis Fullilove was absent.

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

INVOCATION

The meeting was opened with prayer by Rev. Matt Miller from Woodland Presbyterian Church. Councilman Boyd presented Rev. Miller 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 January 21, 2014 with the following motion:

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

APPROVED

Councilman Ford recognized Boyd Scout Troop 100 in the audience.

- 2. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 1226 S. PRESCOTT (366' +/-SOUTH OF RHODES AVENUE), CONTAINING 0.99 ACRE IN RESIDENTIAL-6 (R-6) DISTRICT.**

Case No. SUP 13-220

Applicant: 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

DROPPED

- 4. **JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS ON AUGUST 10, 2010 AND BY SHELBY COUNTY ON AUGUST 9, 2010, AS AMENDED TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS AS RECOMMENDED BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT AND THE LAND USE CONTROL BOARD, UP FOR T H I R D AND F I N A L READING.**

Case No. ZTA 13-004
Ordinance No. 5544

Held until February 18, 2014

- 18. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ESTABLISH AN ENVIRONMENTAL FEE, UP FOR T H I R D AND F I N A L READING.** (Held from 9/4; 1/8; 3/5; 3/19; 5/7; 7/16; 9/3; 12/3; 1/7)

Ordinance No. 5456

Held until March 4, 2014

- 1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR MR. DAVID PORTER.**

MOTION: Brown
SECOND: Collins

APPROVED, by unanimous voice vote

Councilman Lowery recognized the former Memphis Grizzlies Coach Lionel Hollins and Randy Wade in the audience.

28. **RESOLUTION SUPPORTING HISTORIC REHABILITATION TAX CREDIT LEGISLATION.**

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

APPROVED

Councilman Flinn requested same night minutes for Item #28. Chairman Strickland asked if there was any objection. There was no objection.

29. **RESOLUTION SUPPORTING LEGISLATION TO REQUIRE ELECTION COMMISSION TO SEND ACTIVE VOTERS A NOTICE AND A NEW VOTER REGISTRATION CARD WHEN STATE HOUSE AND SENATE DISTRICTS CHANGE.**

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

APPROVED

Councilman Flinn requested same night minutes for Item #29. Chairman Strickland asked if there was any objection. There was no objection.

30. **RESOLUTION RECEIVING FUNDS FROM THE COMMUNITY REDEVELOPMENT AGENCY IN THE AMOUNT OF \$1,920,120.00 AND FROM THE CENTER CITY REVENUE FINANCE CORPORATION IN THE AMOUNT OF \$1,125,336.00, TO FUND CONSTRUCTION AND ARCHITECTURAL & ENGINEERING COSTS FOR THE MAIN STREET TO MAIN STREET MULTIMODAL CONNECTOR PROJECT.**

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

APPROVED

Councilman Hedgepeth requested same night minutes for Item #30. Chairman Strickland asked if there was any objection. There was no objection.

31. **RESOLUTION REQUESTING COUNCIL APPROVAL PRIOR TO CONTINUATION OF PROJECT AND TAKING OF BIDS AT AN ESTIMATED CONSTRUCTION COST OF \$844,000.00 FOR IMPROVEMENTS TO DENVER PARK, CIP PROJECT NUMBER PK07115. THIS PROJECT IS PART OF THE FY14 CAPITAL IMPROVEMENT BUDGET FUNDED BY G.O. BONDS GENERAL.**

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

APPROVED

Councilman Boyd requested same night minutes for Item #31. Chairman Strickland asked if there was any objection. There was no objection.

24. **RESOLUTION WAIVING THE FEE FOR SOUTH CORDOVA RESIDENTS FROM THE SCHEDULE OF FEES FOR STREET LIGHTING SERVICE FOR THE CITY OF MEMPHIS UNTIL SUCH TIME THAT STREET LIGHTS HAVE BEEN INSTALLED IN THE AREA.**

MOTION: Lowery
 SECOND: Boyd

Councilman Morrison asked Councilman Boyd if it was any way we could hold this until we get more information on the fees. Councilman Boyd stated that he would rather not hold this item since it was discussed two weeks ago. Councilman Morrison then made the following motion:

MOTION: Morrison - Hold until we get more information on the rates. Hold until March 4, 2014
 SECOND: Ford
 AYES: Brown, Collins, Ford, Halbert, Harris, Hedgepeth, Lowery and Morrison
 NAYS: Boyd, Conrad and Flinn
 Councilman Strickland did not cast a vote
 Fullilove was absent

APPROVED, set up as Special Item #1

3. **RESOLUTION APPROVING THE ANTI-BLIGHT GRANT PROGRAM FOR "TAX DEAD" PROPERTIES.**

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

APPROVED

CONSENT AGENDA – Items 5-12 may be acted upon by one motion: SEE PAGE 2874 FOR ROLL CALL

5. **ORDINANCE APPROVING INSTALLATION OF INDIVIDUAL WATER METERS ON ALL NEW CONSTRUCTED APARTMENT COMPLEXES, UP FOR F I R S T READING.**

Ordinance No. 5545

APPROVED, on First reading

6. **RESOLUTION APPROVING FINAL PLAT OF VILLAGE ON THE PIKE C-P, PH. 6.**
 Case No. Z 90-148

Resolution approves the final plat located west of Covington Pike, south of Stage Rd. Cost of the required improvements to be borne by the Developer.

APPROVED

7. **RESOLUTION ACCEPTING THE STANDARD IMPROVEMENT CONTRACT FOR WINDSOR VIEW SUBDIVISION, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 10-012

Contract No. (CR-5172AM)

Resolution accepts the improvements and the dedication of public streets and easements as shown on the final plat, located on the northside of Windsor St., southside of Holmes Rd., west of Tulane Rd. The standard improvement contract was approved on August 2, 2011. Resolution also authorizes the release of the performance bond (No.013124333) and the letter of credit (No.5000000224-700) totaling \$2,240,800.00.

City Engineer recommends approval

APPROVED

8. **RESOLUTION APPROVING FINAL PLAT OF GUTHRIE AVE. SIXTH ST. MINOR SUBDIVISION.**

Case No. S 13-009

Resolution approves the final plat located at the corner of Guthrie Ave. and Sixth St. Cost of the required improvements to be borne by the Developer.

APPROVED

9. **RESOLUTION APPROVING FINAL PLAT OF TM HENDERSON AVE. SEVENTH ST. MINOR SUBDIVISION.**

Case No. S 13-008

Resolution approves the final plat located on the corner of Seventh St. and TM Henderson Ave. Cost of the required improvements to be borne by the Developer.

APPROVED

10. **RESOLUTION ACCEPTING THE STANDARD IMPROVEMENT CONTRACT FOR CLEABORN HOPE VI SUBDIVISION, SECTION 2, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 11-005
(Contract No. CR-5188)

Resolution accepts the improvements and the dedication of public streets and easements as shown on the final plat, located on the east side of Lauderdale St., south of Vance Ave. The standard improvement contract was approved on August 21, 2012, CR-5188. Resolution also authorizes the release of the performance bond (No. 010644943) in the amount of \$2,724,026.00.

City Engineer recommends approval

APPROVED

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

- A. Case No. SUP 13-220
B. Case No. SUP 13-229

Public Hearing Set for February 18, 2014

12. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR MRS. ELIZABETH DOWDY BROWN.**

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED**MLGW FISCAL CONSENT – Items 14-16 may be acted upon by one motion:**

13. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11600, GAS LEAK SURVEY, WITH HEATH CONSULTANTS, INCORPORATED, IN THE FUNDED AMOUNT OF \$807,570.20. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS COVERING MARCH 1, 2014 TO FEBRUARY 28, 2015 WITH NO INCREASE FROM THE PREVIOUS YEAR.)**

Back to Committee on February 18, 2014

14. **RESOLUTION AWARDED A CONTRACT TO NICOR, INC. FOR #7 COMPOSITE METER BOX LIDS, IN THE FUNDED AMOUNT OF \$226,300.00.**

APPROVED

15. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11569, FOUNDATION INSTALLATION KRUGER TISSUE GROUP (KTG) TRANSMISSION LINE, WITH RELIABLE CONSTRUCTORS, INCORPORATED, IN THE FUNDED AMOUNT OF \$6,050.66. (THIS CHANGE IS TO RATIFY A FIELD CHANGE ORDER, WHICH WAS REQUIRED DUE TO THE REMOVAL OF AN UNFORESEEABLE SUBSURFACE OBSTACLE, A SEWER PIPE, AND MLGW'S INABILITY TO LEAVE THE SITE UNSECURED.)**

APPROVED

16. **RESOLUTION AWARDED CONTRACT TO HD ELECTRIC C/O UTILITY SPECIALISTS, INC. FOR CAPACITOR CONTROLS, IN THE FUNDED AMOUNT OF \$57,480.00.**

APPROVED**MLGW ROLL CALL CONSENT ITEMS**

MOTION: Conrad – Send Item #13 back to Committee

Chairman Strickland asked if there was any objection. There was no objection. Item will be sent back to Committee

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

APPROVED, as amended, with the exception of Item #13, which will go back to Committee

17. **APPOINTMENTS**

MEMPHIS & SHELBY COUNTY FILM AND TELEVISION COMMISSION

Reappointment

James Tashie

MEMPHIS & SHELBY COUNTY NEW ARENA PUBLIC BUILDING AUTHORITY

Reappointments

David Levine
 Johnnie Turner

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

APPROVED

19. **RESOLUTION APPROVING AN AGREEMENT TO RECOUP THE COST OF PROVIDING IMPROVEMENTS, FACILITIES AND SERVICE TO GMF-PRESERVATION OF AFFORDABILITY CORP, A TENNESSEE NONPROFIT CORP, FOR THE MADISON APARTMENTS, AS REQUIRED BY APPLICABLE TAX EXEMPTION STATUTE, TENN. CODE ANN. §67-5-207, ET SEQ., AT AN AMOUNT OF FIVE DOLLARS (\$5) PER UNIT PER MONTH.**

MOTION: Brown
 SECOND: Ford
 AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Halbert, Harris, Hedgepeth, Lowery,

Morrison and Chairman Strickland
Fullilove was absent

APPROVED

20. **RESOLUTION APPROVING AN AGREEMENT TO RECOUP THE COST OF PROVIDING IMPROVEMENTS, FACILITIES AND SERVICE OF GMF-PRESERVATION OF AFFORDABILITY CORP, A TENNESSEE NONPROFIT CORP, FOR THE TULANE APARTMENTS (4717 TULANE), AS REQUIRED BY APPLICABLE TAX EXEMPTION STATUTE, TENN. CODE ANN. §67-5-207, ET SEQ., AT AN AMOUNT OF FIVE DOLLARS (\$5) PER UNIT PER MONTH.**

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

APPROVED

21. **RESOLUTION APPROVING AN AGREEMENT TO RECOUP THE COST OF PROVIDING IMPROVEMENTS, FACILITIES AND SERVICE OF GMF-PRESERVATION OF AFFORDABILITY CORP, A TENNESSEE NONPROFIT CORP. FOR THE TULANE APARTMENTS (4787 TULANE), AS REQUIRED BY APPLICABLE TAX EXEMPTION STATUTE, TENN. CODE ANN. §67-5-207, ET SEQ., AT AN AMOUNT OF FIVE DOLLARS (\$5) PER UNIT PER MONTH.**

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

APPROVED

22. **RESOLUTION APPROVING AN AGREEMENT TO RECOUP THE COST OF PROVIDING IMPROVEMENTS, FACILITIES AND SERVICE OF GMF-PRESERVATION OF AFFORDABILITY CORP, A TENNESSEE NONPROFIT CORP. FOR THE WARREN APARTMENTS, AS REQUIRED BY THE APPLICABLE TAX EXEMPTION STATUTE, TENN. CODE ANN. §67-5-207, ET SEQ., AT AN AMOUNT OF FIVE DOLLARS (\$5) PER UNIT PER MONTH.**

MOTION: Brown

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

APPROVED

23. **RESOLUTION SETTING FORTH A PROCESS FOR AN AUDIT OF ORDINARY LINE OF DUTY DISABILITY RECIPIENTS TO ENSURE THOSE RECIPIENTS CONTINUE TO QUALIFY FOR THE APPROVED DISABILITY PAYMENT.**

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

APPROVED, as amended in Committee

25. **RESOLUTION AMENDING THE FY 2014 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$276,561.00 FUNDED BY CAPITAL PAY GO-SEWER IN REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO HANNA DRIVE AND NORTH WATKINS LIFT STATION REHAB, PROJECT NUMBER SW02115 FOR THE REPLACEMENT OF (2) SANITARY SEWER LIFT STATIONS AND OTHER APPURTENANCES LOCATED AT 5066 NORTH WATKINS STREET AND 4290 GENYTH AVENUE.**

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

APPROVED

26. **RESOLUTION AMENDING THE FY 2014 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$275,000.00 FUNDED BY CAPITAL PAY GO-SEWER IN REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO CONCRETE REPLACEMENT 2014, PROJECT NUMBER SW02123 TO REPAIR CONCRETE SURFACES AFTER REPAIR OF SANITARY SEWER PIPES.**

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

Fullilove was absent

APPROVED

27. **RESOLUTION AMENDING THE FY 2014 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$700,000.00 FROM STREET LIGHTING, PROJECT NUMBER PW01093 TO POPLAR/SWEETBRIAR, PROJECT NUMBER PW01181 (\$440,000.00 FOR CONSTRUCTION), WALKER AVENUE STREETScape, PROJECT NUMBER PW04094 (\$170,000.00 TOTAL-\$25,000 FOR ARCHITECTURE AND ENGINEERING AND \$145,000 CONSTRUCTION) AND MEDICAL CENTER STREETScape, PROJECT NUMBER EN01026 (\$90,000.00) FOR ARCHITECTURE AND ENGINEERING COMMITMENTS MADE ON EXISTING GRANT AGREEMENTS.**

MOTION: Harris – Separate the last part of this item (\$90,000.00) Medical Center Streetscape

Chairman Strickland asked if there was any objection to separating the Medical Center Streetscape. There was no objection. The vote was separated into 2 parts.

Part 1 – Resolution transferring and allocation of \$700,000.00 from Street Lighting to Poplar/Sweetbriar (\$440,000.00 for construction) and Walker Avenue Streetscape for 170,000.00.

MOTION: Hedgepeth

SECOND: Morrison

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

APPROVED, set up as Special Item #2

Part 2 – Resolution transferring part of the 700,000.00 from Street Lighting to Medical Center Streetscape in the amount of \$90,000.00.

MOTION: Hedgepeth

SECOND: Morrison

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

NAYS: Harris
Fullilove was absent

APPROVED, set up as Special Item #3

MINUTES

Approval of the Minutes of the regular meeting of February 4, 2014 for Items 28, 29, 30 and 31 only with the following motion:

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

APPROVED, set up as Special Item #4

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

- Ekpe Abioito, 1663 Netherwood Ave., Memphis, TN 38106
- Shukriyyah Aquil, 1633 Pennsylvania, Memphis, TN 38109
- Adrian Jones, 1393 Sycamore Bend, Memphis, TN 38119

ADJOURNED MEETING AT 4:50 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