

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

May 20, 2014

3:30 P.M. SCHEDULED SESSION

3:33 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 and Chairman Jim Strickland. Bill Morrison was absent.

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

INVOCATION

The meeting was opened with prayer by Pastor Steven Hardrick, from Life Change N Ministry. Councilwoman Halbert presented Pastor Hardrick 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 May 6, 2014 with the following motion:

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

APPROVED

- 3. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON COUGHLIN DRIVE BETWEEN BROOKS ROAD AND STONEBROOK AVENUE, CONTAINING 2.058 ACRES IN THE EMPLOYMENT (EMP) DISTRICT. (HELD FROM 4/15)**

Case No. SAC 13-605
 Companion Case No. SD 13-701

Held until October 7, 2014

- 4. **RESOLUTION APPROVING A STREET DEDICATION LOCATED ON SANDBROOK AND STONEBROOK AVENUES, CONTAINING 0.146 ACRE IN THE EMPLOYMENT (EMP) DISTRICT. (HELD FROM 4/15)**

Case No. SD 13-701
 Companion Case No. SAC 13-605

Held until October 7, 2014

- 1. **PRESENTATION ON BLIGHT.**

(Councilwoman Fullilove gave this presentation)

- 2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF INTERSTATE 240 AND SHADY GROVE ROAD, CONTAINING 7.36 ACRES IN SINGLE-FAMILY RESIDENTIAL (R-15) DISTRICT.**

Case No. PD 14-305

Applicant: Greenbrier Partners, LLC
 The Renaissance Group – Representative

Request: Planned development for 21 lots for single-family dwellings

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHEAST CORNER OF RALEIGH MILLINGTON AND DUNCAN ROADS, CONTAINING 44.47 ACRES IN THE CMU-2, CMU-2 (FP), R-8, RU-2 AND RU-3 DISTRICTS.**

Case No. SUP 14-204cc

Chairman Strickland recognized the following person who spoke from the audience:
Robert Hussey, 227 West Chickasaw Parkway, Memphis, Tennessee, 38111

Applicant: Shelby County Government
Lee Hinson, Deputy Administrator, Parks and Grounds
Maintenance Department – Representative

Request: Cemetery

LUCB and OPD recommendation: APPROVAL, with conditions

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

FAILED

6. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR HAMPTON INN, LOCATED AT 5320 POPLAR AVENUE, MEMPHIS, TN 38119. (HELD FROM 5/6)**

Case No. HMW 14-03

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

APPROVED

8. **RESOLUTION ADJUSTING THE FEE SCHEDULES OF THE MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD AND MEMPHIS AND SHELBY COUNTY BOARD OF ADJUSTMENT. THIS RESOLUTION AFFECTS ALL PROPERTY WITHIN THE CITY OF MEMPHIS AND UNINCORPORATED SHELBY COUNTY.**

(No Case Number Required)

Applicant: City of Memphis and Shelby County

Josh Whitehead, Director of Office of Planning & Development

Request: Fee schedule adjustment to the fees charged by the City of Memphis and Shelby County Board of Adjustment

Board of Adjustment and OPD recommendation: APPROVAL

MOTION: Collins

SECOND: Boyd

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

Hedgepeth did not cast a vote

Morrison was absent

APPROVED

- 7. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE GENERALLY LOCATED AROUND THE NORTHEAST CORNER OF SOUTH LAUDERDALE STREET AND MONROE AVENUE; TWO PARCELS. PARCEL 1 CONTAINS THE NORTHERN HALF OF THE 16 FOOT WIDE UNNAMED ALLEY ALONG THE MARK AND JUDY LONG PROPERTY AND THE ENTIRE 10 FOOT WIDE UNNAMED ALLEY THAT INTERSECTS THE 16 FOOT WIDE UNNAMED ALLEY AND EXTENDS SOUTH TO MONROE AVENUE, CONTAINING 0.0778 ACRES. PARCEL 2 CONTAINS THE SOUTHERN HALF OF THE 16 FOOT WIDE UNNAMED ALLEY EAST OF SOUTH LAUDERDALE STREET ALONG THE FORMER MINER PROPERTY, NOW OWNED BY PHI GODWIN, CONTAINING 0.0194 ACRES IN THE CENTRAL BUSINESS DISTRICT (CBD) DISTRICT.**

Case No. SAC 13-617

Applicant: Holliday Flowers and Events, Inc.
Reed Long – Representative

Request: Close and Vacate Alley Rights-of-Way

LUCB and OPD recommendation: APPROVAL, with 7 conditions

MOTION: Collins

SECOND: Boyd

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

Morrison was absent

APPROVED

28. **RESOLUTION AUTHORIZING THE MAYOR AND/OR THE CITY ENGINEER, IN THEIR DISCRETION, TO WITHHOLD PERMITS FOR ACCESS TO THE CITY'S STREETS AND PUBLIC RIGHTS-OF-WAY BY ANY PUBLIC OR PRIVATE UTILITIES REFUSING TO COMPLY WITH ANY SUBPOENA ISSUED HEREUNDER UNTIL SUCH TIME AS SUCH PERSONS OR ENTITIES THAT ARE SUBJECT TO A PROPERLY SERVED SUBPOENA COMPLIES WITH ITS TERMS.**

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

APPROVED, as amended

29. **RESOLUTION APPROVING THE FY 2014 THIRD QUARTER CLEAN-UP RESOLUTION TO ADJUST EXPENSES FOR UNANTICIPATED CIRCUMSTANCES.**

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

APPROVED

30. **RESOLUTION APPROPRIATING \$6,193,678.00 FUNDED BY CAPITAL PAY GO SEWER IN WOLF RIVER INTERCEPTOR, PROJECT NUMBER SW04004 FOR THE INSTALLATION OF APPROXIMATELY 6,500 FEET OF 60" SEWER.**

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

APPROVED

31. **RESOLUTION APPROPRIATING \$324,566.00 FUNDED BY CAPITAL PAY GO (SEWER CASH) IN NONCONNAH STABILIZATION AT STATION 406+65, PROJECT NUMBER SW02106 FOR THE STABILIZATION OF AN EXISTING 90" SEWER INTERCEPTOR DUE TO EROSION.**

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

APPROVED

32. RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$500,000.00 IN FUNDS TO MEMPHIS CHILD ADVOCACY CENTER FOR REPAIRS AND RENOVATIONS.

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

APPROVED

CONSENT AGENDA – Items 9 – 14 & #27 may be acted upon by one motion: SEE PAGE 2961 FOR ROLL CALL

9. ORDINANCE TO AMEND ARTICLE 5, SECTION 4-28-22, DEFERRED RETIREMENT OPTION PLAN (DROP), UP FOR F I R S T READING.

Ordinance No. 5549

APPROVED, on First reading

10. ORDINANCE ESTABLISHING A RESIDENTIAL PARKING PERMIT PILOT PROGRAM NEAR OVERTON SQUARE FOR A ONE YEAR PERIOD, UP FOR F I R S T READING.

Ordinance No. 5550

APPROVED, on First reading

11. ORDINANCE TO APPROPRIATE THE PROCEEDS OF THE TAX LEVY ON THE ASSESSED VALUES ON ALL PROPERTIES OF EVERY SPECIES WITHIN THE CITY LIMITS FOR GENERAL PURPOSES FOR THE FISCAL YEAR JULY 1, 2014 THROUGH JUNE 30, 2015, UP FOR S E C O N D READING.

Ordinance No. 5547

Held until June 17, 2014

12. **ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2015, UP FOR S E C O N D READING.**

Ordinance No. 5548

Held until June 17, 2014

13. **RESOLUTION APPROVING FINAL PLAT OF TOURNAMENT CENTER P.D., PHASE 5.**

Case No. PD 09-305

Contract No. CR-5211

Resolution approves the final plat located on the northwest corner of Tournament Drive and Hacks Cross Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

APPROVED

14. **RESOLUTION APPROVING FINAL PLAT OF BRUNSWICK 64 COMMERCIAL SUBDIVISION SEWER IMPROVEMENTS.**

Contract No. CR-5212

Resolution approves the final plat located on the north side of U.S. Hwy. 64, east of Brunswick Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

APPROVED

27. **ORDINANCE AUTHORIZING THE ISSUANCE OF CONTRACTUAL LICENSES, PERMITS AND/OR AUTHORIZATIONS FOR USE AND OCCUPATION OF THE STREETS, ALLEYS, THOROUGHFARES AND RIGHTS-OF-WAY OF THE CITY OF MEMPHIS FOR INSTALLATION AND USE OF FACILITIES FOR THE OPERATION OF FIBER OPTIC AND OTHER COMMUNICATIONS SYSTEMS AND PUBLIC UTILITIES AND ESTABLISHING REQUIREMENTS, TERMS, CONDITIONS, LIMITATIONS AND PROVISIONS FOR RECOVERY OF THE CITY'S COSTS INCURRED FOR THE CONSTRUCTION, MAINTENANCE, POLICING, MANAGEMENT OR REPAIR OF THE STREETS, ALLEYS, THOROUGHFARES AND RIGHTS-OF WAY OF THE CITY, UP FOR F I R S T READING.**

Ordinance No. 5551

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Ford

SECOND: Lowery

AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Harris, Lowery and

NAY: Chairman Strickland
Halbert
Hedgepeth did not cast a vote
Morrison was absent

APPROVED

MLGW FISCAL CONSENT – Items 15 - 25 may be acted upon by one motion:

15. **RESOLUTION AWARDDING A CONTRACT TO SCRUGGS EQUIPMENT COMPANY, INC. IN THE AMOUNT OF \$132,948.00 AND UTILITY EQUIPMENT SERVICE, INC. IN THE AMOUNT OF \$36,067.00, FOR THE PURCHASE OF STEEL UTILITY BODIES.**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 10907, DATA FEED ANALYSIS, WITH CQG, INCORPORATED, IN THE FUNDED AMOUNT OF \$23,735.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR AN ADDITIONAL TERM FOR THE PERIOD COVERING JUNE 5, 2014 UNTIL JUNE 4, 2015 WITH NO INCREASE FROM THE PREVIOUS YEAR. MLGW IS REQUESTING APPROVAL OF THE RENEWAL TO THIS WEB-BASED ACCESS SYSTEM, WHICH CAN ONLY BE PROVIDED BY CQG, INCORPORATED.)**

APPROVED

17. **RESOLUTION AWARDDING CONTRACT NO. 11702, PROFESSIONAL ENGINEERING SERVICES FOR TRANSMISSION ENGINEERING TO MESA ASSOCIATES, INCORPORATED, IN THE FUNDED AMOUNT NOT-TO-EXCEED \$250,000.00.**

APPROVED

18. **RESOLUTION AWARDDING CONTRACT NO. 11676, PROFESSIONAL ENGINEERING SERVICES FOR SUBSTATION ENGINEERING TO ALLEN AND HOSHALL, IN THE FUNDED AMOUNT NOT-TO-EXCEED \$150,000.00.**

APPROVED

19. **RESOLUTION AWARDDING A THIRTY-SIX MONTH CONTRACT TO DOBLE ENGINEERING COMPANY FOR THE RENTAL OF TEST EQUIPMENT AND RELATED SOFTWARE, IN THE AMOUNT OF \$215,058.00.**

APPROVED

20. **RESOLUTION APPROVING PAYMENT OF AN INVOICE, FROM THE AMERICAN PUBLIC POWER ASSOCIATION, FOR THE 2014 MEMBERSHIP DUES IN THE AMOUNT OF \$115,709.49.**

APPROVED

21. **RESOLUTION AWARDED A TWENTY-FOUR MONTH BLANKET CONTRACT TO UNIVERSAL SCAFFOLDING AND EQUIPMENT, LLC, IN THE AMOUNT OF \$476,714.00 FOR CABLE.**

APPROVED

22. **RESOLUTION AWARDED A THIRTY-SIX MONTH BLANKET CONTRACT TO STRESSCRETE, INC. FOR CONCRETE STANDARDS, IN THE AMOUNT OF \$160,490.50.**

APPROVED

23. **RESOLUTION AWARDED CONTRACT NO. 11656, GROUP TERM, VOLUNTARY LIFE AND ACCIDENTAL DEATH TO UNUM INSURANCE COMPANY, IN THE FUNDED AMOUNT OF \$12,956,177.82.**

APPROVED

24. **RESOLUTION AWARDED CONTRACT NO. 11658 SHORT AND LONG TERM DISABILITY, TO UNUM INSURANCE COMPANY, IN THE FUNDED AMOUNT OF \$13,089,607.83.**

APPROVED

25. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11451, COURIER SERVICES, WITH EXPRESS COURIER INTERNATIONAL, INCORPORATED, IN THE FUNDED AMOUNT OF \$154,421.54. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR RENEWAL TERMS COVERING THE PERIOD OF SEPTEMBER 7, 2014 THROUGH SEPTEMBER 6, 2015 WITH NO INCREASE FROM THE PREVIOUS YEAR.)**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

26. **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; 2/4; 3/4)**

Ordinance No. 5456

Held until October 7, 2014

(Special Item #1 – Councilman Flinn made a motion to delay items #11 & #12, until June 17, 2014, along with all other Budget Resolutions and Ordinances).

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

APPROVED

(Special Item #2 – Councilwoman Fullilove made a motion to approve Same Night Minutes for Items #28, #29, #30, #31 & #32 from tonight’s meeting).

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

- Aryell Leake, 3247 Markley Street, Memphis, Tennessee, 38127
- Bryshlan Patterson, 3212 Harvester Lane, Memphis, Tennessee, 38127
- Wanya Smith, 1672 Gowan Drive, Memphis, Tennessee, 38127
- Anthony Livingston, 1001 N. Fairfax Street, Alexandria, Virginia, 22314
- Hosea Hill III, 864 Woodland Avenue, Memphis, Tennessee, 38106
- Walter Broady, III, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 5:40 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