

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

June 7, 2005

3:30 P.M. SESSION

ROLL CALL: Joe Brown, Carol Chumney, Barbara Swearengen Holt, Janet Hooks, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick, TaJuan Stout Mitchell, Rickey Peete, Jack Sammons, Brent Taylor and Chairman Edmund Ford

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

INVOCATION

The meeting was opened with prayer by Pastor Frederick Smith, from Gilmer Temple Church of God In Christ. Councilman Brown presented Pastor Smith with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

36. **ORDINANCE REZONING THE WEST SIDE OF U.S. HIGHWAY 61; +126 FEET SOUTH OF FAIRWAY AVENUE, CONTAINING 0.376 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Held from 5/3;5/17)

Ordinance No. 5096
Case No. Z 04-137

Held to June 21, 2005

40. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF TOURNAMENT DRIVE, 150 FEET WEST OF WINDEMERE LANE.**

Case No. PD 96-315cc

Held to June 21, 2005

CONSENT AGENDA – Items 1-6 & 44-59 may be acted upon by one motion. SEE PAGE 1596 FOR ROLL CALL

1. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO INCREASE PENSION BENEFITS ALLOWABLE UNDER SECTION 25-95 AND 25-195, UP FOR S E C O N D READING.**

Ordinance No. 5107

APPROVED, on Second reading

2. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, TO ESTABLISH A NEW ARTICLE TO BE KNOWN AS TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM, UP FOR S E C O N D READING.**

Ordinance No. 5108

APPROVED, on Second reading

3. **ORDINANCE REZONING THE ROZELLE-ANNESDALE NEIGHBORHOOD BOUNDED BY THE L & N RAILROAD TO THE NORTH, THE MOPAC RAILROAD TO THE WEST, THE SOUTHERN RAILROAD TO THE SOUTH AND MCLEAN BOULEVARD TO THE EAST, CONTAINING ½ SQUARE MILES IN MULTIPLE DISTRICTS, UP FOR SECOND READING.**

Ordinance No. 5106
Case No. Z 05-107

APPROVED

4. **RESOLUTION APPROVING FINAL PLAT OF MEMPHIS TRUST PLAZA SC-1, PHASE 4 (Z 3288).**

Resolution approves the final plat located on the northeast corner of Stage Road and Covington Pike. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

5. **RESOLUTION APPROVING FINAL PLAT OF ST. ANDREWS PLACE PD.**

Case No. PD 04-314cc
Contract No. CR-4943

Resolution approves the final plat located on the east side of Houston Levee Road, north of Macon 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. This action is subject to County approval.

City Engineer recommends approval

APPROVED

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

- A. Case No. PD 05-309
- B. Case No. PD 05-320 (Formerly PD 89-353) – Whitten/I-40 PD, 2nd Amendment
- C. Case No. S 04-065 – Belle Estates Subdivision
- D. Case No. S 04-077 – Germantown Parkway Business Center. Sub., 1st Addition
- E. Case No. SAC 04-632 – Richmond Avenue Alley Closure
- F. Case No. SAC 05-603 – South Front/Linden Avenue Alley Closure
- G. Case No. PD 05-317 – Countryside Corporate Center PD, 1st Add., 2nd Amendment
- H. Case No. PD 05-319cc – Brunswick Village @ Wolfchase PD

Public Hearing set for June 21, 2005

44. **RESOLUTION APPROVING FINAL PLAT OF GERLAND CREEK P.D., PHASE 8, PART OF PARCELS 3 & 4.**

Case No. PD 92-349cc
Contract No. CR-4946

Resolution approves the final plat located on the north side of Shelby Drive, at Ridge Walk Lane. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

APPROVED

45. **RESOLUTION APPROVING FINAL PLAT OF FLEMING'S STEAKHOUSE P.D.**

Case No. PD 04-374
Contract No. CR-4947

Resolution approves the final plat located on the south side of Poplar Avenue, 670 feet west of Massey 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.

City Engineer recommends approval

APPROVED

46. **RESOLUTION ACCEPTING CARLYLE PLACE P.D., PHASE 2, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 02-333cc
(Contract No. CR-4857)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Pisgah Road, north of Macon Road. The standard improvement contract was approved on March 2, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$21,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

47. **RESOLUTION ACCEPTING DAVIDSON ROAD INDUSTRIAL PARK P.D., AMENDED, PHASE 1 (DEDICATION OF DAVIDSON ROAD), AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 96-332cc
(Contract No. CR-4311)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Old Highway 78 at Davidson Road. The standard improvement contract was approved on May 5, 1998. Resolution also authorizes the release of the performance bond in the amount of \$345,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

48. **RESOLUTION ACCEPTING FIELDSTONE P.D., PHASE 8, PARCEL B, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 94-355
(Contract No. CR-4737)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Players Club Parkway, 744.39 feet west of Hacks Cross Road. The standard improvement contract was approved on August 20, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$123,000.00.

City Engineer recommends approval

APPROVED

49. **RESOLUTION ACCEPTING FOUNDERS POINT PD, PHASE 1, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 91-308
(Contract No. CR-3656)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat. The standard improvement contract was approved on November 3, 1992. Resolution also authorizes the release of the certificate of deposit in the amount of \$21,300.00.

City Engineer recommends approval

APPROVED

50. **RESOLUTION ACCEPTING HERRON OAKS SUBDIVISION, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 02-044
(Contract No. CR-4802)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located west of East Massey Road, on the north side of Massey Lane. The standard improvement contract was approved on July 1, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$68,000.00.

City Engineer recommends approval

APPROVED

51. **RESOLUTION ACCEPTING MERCEDES BENZ OF MEMPHIS P.D., AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 02-361
(Contract No. CR-4848)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Poplar Avenue, 402.55 feet west of Reddoch Cove. The standard improvement contract was approved on January 20, 2004. Resolution also authorizes the release of the certificate of deposit in the amount of \$100,000.00.

City Engineer recommends approval

APPROVED

52. **RESOLUTION APPROVING FINAL PLAT OF MOSS HALL CAMPUS S/D.**

Case No. S 04-044

Resolution approves the final plat located on the southwest corner of Perkins Road, and Normandy Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

53. **RESOLUTION ACCEPTING SUGGSLAND SUBDIVISION, RE-SUBDIVISION OF THE SOUTH ONE-HALF LOT 11, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 90-004
(Contract No. CR-3442)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of West Suggs Road, 586 feet north of Poplar Avenue. The standard improvement contract was approved on August 7. Resolution also authorizes the release of the certificate of deposit in the amount of \$5,400.00.

City Engineer recommends approval

APPROVED

54. **RESOLUTION APPROVING FINAL PLAT OF HOLMESWOOD P.D., PHASE 4.**
Case No. PD 91-319
Contract No. CR-4948

Resolution approves the final plat located on the southwest corner of Getwell Road and Holmescrest Lane. 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

55. **ORDINANCE TO AMEND CHAPTER 2, SECTION 2-227 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES BY INCREASING CERTAIN ADMINISTRATIVE FEES FOR LAND DEVELOPMENT PROJECTS TO RECOVER THE COSTS OF ENGINEERING ADMINISTRATION., UP FOR F I R S T READING.**
Ordinance No. 5109

APPROVED, on First reading

56. **ORDINANCE TO AMEND CHAPTER 34, SECTION 34-138 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES BY INCREASING SIDEWALK IMPROVEMENT/ALTERATION PERMIT FEES TO RECOVER THE COSTS OF ENGINEERING ADMINISTRATION, UP FOR F I R S T READING.**
Ordinance No. 5110

APPROVED, on First reading

57. **ORDINANCE TO AMEND CHAPTER 40, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO REVISE AND UPDATE ANNUAL REGISTRATION FEES FOR WEIGHTS AND MEASURES, UP FOR F I R S T READING.**
Ordinance No. 5111

APPROVED, on First reading

58. **ORDINANCE REVISING CITY SOLID WASTE FEES TO AMEND CHAPTER 15, SECTION 12, OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO AN INCREASE IN THE MONTHLY FEES CHARGED FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE, UP FOR F I R S T READING.**
Ordinance No. 5112

Director of Public Works and Finance recommends approval

APPROVED, on First reading

59. **ORDINANCE TO AMEND CHAPTER 41, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO REVISE AND UPDATE STORAGE FEE SCHEDULE FOR IMPOUNDED VEHICLES, UP FOR F I R S T READING.**
Ordinance No. 5113

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Marshall
SECOND: Holt
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

MLGW FISCAL CONSENT- Items 1-17 may be acted upon by one motion

7. **RESOLUTION AWARDING CONTRACT NO. 10072, ONLINE SUMMARY AND REFERENCE PRODUCT, TO CHICAGO SOFT, INC. IN THE FUNDED AMOUNT OF \$55,980.00.**

APPROVED

8. **RESOLUTION AWARDING CONTRACT NO. 11004, IMPLEMENTATION OF ORACLE HUMAN RESOURCES AND PAYROLL, TO KBACE TECHNOLOGIES, INC. IN THE FUNDED AMOUNT NOT TO EXCEED \$3,223,025.00.**

APPROVED

9. **RESOLUTION AWARDING EMERGENCY PROCUREMENT REQUEST FOR CONTRACT NO. 11054, PAINTING OF THE CAPLEVILLE FIRE STORAGE TANK, TO THOMAS INDUSTRIAL COATINGS IN THE FUNDED AMOUNT NOT TO EXCEED \$120,000.00, TO COMPLETE WORK THAT WAS NOT PERFORMED BY AETNA COATINGS. (TO BE RATIFIED.)**

APPROVED

10. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10735, MARKET RESEARCH FIRM, WITH PWI RESEARCH, INC. IN THE FUNDED AMOUNT OF \$25,830.00. (THIS RENEWS THE CONTRACT FOR THE FOURTH TERM, 6/1/05 TO 5/31/06.)**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10737, COURIER SERVICES, WITH EXPRESS COURIER, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$128,558.56. (THIS RENEWS THE CONTRACT FOR THE FOURTH TERM, 6/1/05 TO 5/31/06.)**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10857, LNG PROPERTY/BOILER AND MACHINERY INSURANCE, WITH HOBBS GROUP IN THE FUNDED AMOUNT OF \$282,855.00. (THIS RENEWS THE POLICY FOR THE PERIOD 6/1/05 TO 6/1/06, AND ASSIGNS THE CONTRACT TO HILB ROGAL AND HOBBS.)**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10858, ALL RISK PROPERTY INSURANCE, WITH FACTORY MUTUAL INSURANCE COMPANY, INC. IN THE FUNDED AMOUNT OF \$1,008,766.00. (THIS RENEWS THE POLICY FOR THE PERIOD 6/1/05 TO 6/1/06.)**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10979, NETWORK MAINTENANCE, WITH VENTURE TECHNOLOGIES IN THE FUNDED AMOUNT OF \$334,643.00. (THIS RENEWS THE CONTRACT FOR THE FIRST TERM, 7/1/05 TO 6/30/06, AND DELETES THREE PIECES OF EQUIPMENT AND ADDS 33 PIECES OF EQUIPMENT FOR MAINTENANCE AND SUPPORT.)**

APPROVED

15. **RESOLUTION AWARDING 36-MONTH CONTRACT FOR ORNAMENTAL LUMINARIES TO TENNESSEE VALLEY ELECTRIC SUPPLY COMPANY IN THE AMOUNT OF \$138,400.00.**

APPROVED

- 16. **RESOLUTION AWARDDING 36-MONTH CONTRACT FOR ORNAMENTAL BRACKETS TO STREET AND AREA LIGHTING IN THE AMOUNT OF \$79,700.00.**

APPROVED

- 17. **RESOLUTION AWARDDING 60-MONTH CONTRACT FOR FIELD-USE LAPTOP COMPUTERS TO USAT IN THE AMOUNT OF \$1,676,940.00.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Marshall
 SECOND: McCormick
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

- 41. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE NORTH SIDE OF WINCHESTER ROAD, 510 FEET WEST OF HACKS CROSS ROAD.** (Held from 3/15; 4/5;5/3)

Case No. PD 01-306

Chairman Ford recognized the following persons from the audience:

Doyle Silliman, 8389 Burning Tree Ln., Memphis, TN 38125
 Benton Smith, 401 Meadvale, Memphis, TN 38120
 Gregg Webb, 5100 Wheelis Drive, Suite 110, Memphis, TN 38117

Appellant: Kroger Limited Partnership I

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 1/13/05 in which the Board rejected a proposed site plan for Kroger Fuel Center to be located in front of an existing Kroger Grocery Store

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

MOTION: Peete
 SECOND: Holt
 AYES: Brown, Holt, Hooks, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Ford
 NAYS: Chumney, Marshall and Mitchell

APPROVED

- 37. **ORDINANCE REZONING THE NORTH SIDE OF WASHINGTON AVENUE; +/-141.5 FEET WEST OF CLEVELAND STREET, CONTAINING 0.23 ACRE IN THE PARKING (P) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5102
Case No. Z 05-105

Applicant: ALDI, Inc. – TN.

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete

SECOND: Holt
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete,
 Sammons, Taylor and Chairman Ford
 Marshall did not cast a vote

APPROVED

39. **RESOLUTION APPROVING A TIME EXTENSION FOR THE CLOSURE AND VACATION OF SEVERAL PUBLIC STREET RIGHT-OF-WAYS AND ALLEYS LOCATED ON BINGHAM STREET, PRINCETON AVENUE, AUTUMN AVENUE ALLEY (BETWEEN COLLINS AND MERTON STREETS) AND PRINCETON AVENUE ALLEY (BETWEEN COLLINS AND BINGHAM STREETS AND A +/- 56.8 FOOT SEGMENT WEST OF BINGHAM STREET.**

Case No. SAC 03-612

Applicant: Memphis Board of Education
 Homer Branan – Representative

Request: Extend period of compliance with closure conditions to September 2, 2006 for streets previously approved for closure on September 2, 2003

OPD recommendation: APPROVAL

MOTION: Peete
 SECOND: Holt
 AYES: Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons,
 Taylor and Chairman Ford
 Brown and Marshall did not cast a vote

APPROVED

42. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF DEXTER ROAD; ±602 FEET NORTH OF RAINSONG COVE, CONTAINING 15.10 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. PD 04-357cc

Applicant: Joe Woods
 Ronald Harkavy – Representative

Request: Single Family Residences; gated community; 64 residences

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
 SECOND: Hooks
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete,
 Sammons, Taylor and Chairman Ford
 Marshall did not cast a vote

APPROVED

43. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF WINCHESTER ROAD; EXTENDING +/-1,754.60 FEET EAST OF BISHOPS BRIDGE ROAD, CONTAINING 23.0 ACRES IN THE MULTIPLE DWELLING RESIDENTIAL (R-MM) AND LOCAL COMMERCIAL (C-L) DISTRICTS.**

Case No. PD 05-318

Applicant: Memphis & Shelby County Airport Authority
 Farris, Mathews, Branan, PLLC (Homer Branan, III)-Representative

Request: Planned development to allow a new aircraft hangar and testing facility, including associated airport operations within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Brown
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

38. **ORDINANCE REZONING THE SOUTHEAST CORNER OF THOMAS (U.S. HIGHWAY 51) AND CARROLTON AVENUE, CONTAINING 0.81 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5103
Case No. Z 05-103

Held to June 21, 2005, applicant wasn't present

18. **APPOINTMENTS**

Memphis City Beautiful Commission

Appointments

Charlie Nelson
Meshee Monet Smith
Susan Sowell
Damone Virgilio

Reappointments

Inger O. Upchurch
Jo Boone Wild

MOTION: Sammons
SECOND: Marshall
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

APPROVED

19. **RESOLUTION TO ESTABLISH THE MEMPHIS LIGHT GAS AND WATER DIVISION IN-LIEU-OF TAX PAYMENT TO THE CITY OF MEMPHIS FOR FISCAL YEAR 2006.**

MOTION: Mitchell
SECOND: Holt
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
Marshall did not cast a vote

APPROVED

20. **RESOLUTION TO APPROVE THE CAPITAL ACQUISITION BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2006 – 2010.**

Chairman Ford recognized the following persons from the audience:

Hite McLean, 3838 Poplar Avenue, Memphis, TN 38111
Joe Saino, 6560 Kirby Forest Cove, Memphis, TN 38119

MOTION: Chumney – Delete Light Rail from CIP – Special Item #1 set up for this vote

SECOND: Sammons
 AYES: Brown, Chumney, Jones, Marshall, McCormick Sammons, Taylor and Chairman Ford
 NAYS: Holt, Hooks, Lowery, Mitchell and Peete

Council members did not understand the way they should have voted on the above item, so the Chairman said to clear the board. The vote was never called.

MOTION: Lowery – Call for the question
 NAYS: Chumney

APPROVED, question called, by unanimous voice vote

MOTION: Brown – Reconsider the vote
 SECOND: Holt
 NAYS: Chumney

APPROVED, by unanimous voice vote

Councilwoman Chumney called for a roll call vote on the above motion. Chairman Ford said we overruled that

MOTION: Sammons – Move previous question – close debate
 SECOND: Marshall
 NAYS: Chumney

APPROVED, by unanimous voice vote, debate closed

Below is the re-vote that was taken on Ms. Chumneys earlier motion. Comptroller set up Special Item #1 again for this motion

MOTION: Chumney – Delete Light Rail from CIP
 SECOND: Sammons
 AYES: Chumney, Marshall, McCormick, Sammons and Taylor
 NAYS: Brown, Holt, Hooks, Lowery, Mitchell, Peete and Chairman Ford
 Jones did not cast a vote

FAILED, Special Item #1

MOTION: Chumney – Test the waters on Beale Street Landing, by deleting from CIP Budget. Comptroller set up Special Item #2 for this motion
 SECOND: Sammons
 AYES: Chumney, Jones, McCormick and Sammons
 NAYS: Brown, Holt, Hooks, Lowery, Marshall, Mitchell, Peete, Taylor and Chairman Ford

FAILED, Special Item #2

MAIN MOTION: Lowery
 SECOND: Holt
 AYES: Brown, Holt, Hooks, Jones, Lowery, Marshall, Mitchell, Peete, Sammons, and Chairman Ford
 NAYS: Chumney, McCormick and Taylor

APPROVED, as amended in Committee

21. **RESOLUTION TO DIRECT THE CITY TREASURER TO PREPARE TAX BILLS FOR THE VARIOUS UTILITIES AND CARRIERS UTILIZING THE LAST CERTIFIED ASSESSMENT AS OF JUNE 30, 1999.**

MOTION: Mitchell

SECOND: Holt
 AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, Mitchell, Peete, Sammons,
 Taylor and Chairman Ford
 Hooks and McCormick did not cast a vote

APPROVED

22. **RESOLUTION TO APPROVE THE FY 2006 BUDGET FOR THE CENTER CITY COMMISSION.**

MOTION: Mitchell
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell,
 Peete, Sammons, Taylor and Chairman Ford

APPROVED

23. **RESOLUTION TO APPROVE THE USE OF HOTEL/MOTEL TAX FUNDS FOR THE FISCAL YEAR 2006 OPERATING DEFICIT OF THE CONVENTION CENTER.**

MOTION: Mitchell
 SECOND: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell,
 Peete, Sammons, Taylor and Chairman Ford

APPROVED

24. **RESOLUTION APPROVING THE MEMPHIS CITY SCHOOLS BUDGET FOR 2005 – 2006.**

Chairman Ford recognized the following persons from the audience:

Wanda Halbert, 2597 Avery Ave., Memphis, TN 38112
 Dr. Carol Johnson, 2597 Avery Ave., Memphis, TN 38112

MOTION: Mitchell
 SECOND: Holt
 AYES: Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons,
 Taylor and Chairman Ford
 Marshall recused
 Brown did not cast a vote

APPROVED

25. **ORDINANCE** establishing the Fiscal 2006 Operating Budget for the City of Memphis, up for T H I R D and F I N A L reading.

Ordinance No. 5104

Chairman Ford recognized the following person from the audience:

Joe Saino, 6560 Kirby Forest Cove, Memphis, TN 38119

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, 2005 through June 30, 2006, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2005 through June 30, 2006, inclusive, to provide the manner in which monies may be transferred from one fund to another and to provide the standard code or designations under which the appropriations are to be administered and accounting control maintained.

MOTION: Mitchell – Amend the budget ordinance as presented, as reflected in Senario J with revenues and expenditures as presented with the 4 million dollar reduction

SECOND: Peete

(See Main Motion at the end of the budget items)

MOTION: Holt – Senario I

FAILED, Lack of a second

MOTION: Chumney – 5% across the board cut

SECOND: Jones

NAYS: Brown, Holt, Hooks, Jones, Lowery, Marshall, Mitchell, Peete, Sammons,
and Chairman Ford

AYES: Chumney and McCormick
Taylor did not cast a vote

FAILED, Special Item #4, set up by Comptroller for this motion

MOTION: Jones – 27 cent tax increase (Senario K), Comptroller set up Special Item #5 for
this motion

SECOND: Lowery

(See vote count below after the meeting re-convened)

MOTION: Sammons – Senario L, which includes a tax increase of 23 cent

SECOND: Marshall

No action was taken

Chairman stated that we are going to take a 10 minute break. After the session started back stated that were going to come back to the budget and that we have about ten other items that we are going to take

27. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$100,067.50 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR FOR WIA TITLE ONE ADMINISTRATIVE SERVICES GRANT. RESOLUTION ALSO AMENDS FY 2005 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Jones

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell,
Peete, Sammons, Taylor and Chairman Ford

APPROVED

28. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$900,607.50 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR FOR YOUTH SERVICES GRANT. RESOLUTION ALSO AMENDS FY 2005 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Jones

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell,
Peete, Sammons, Taylor and Chairman Ford

APPROVED

29. **RESOLUTION AMENDING THE FY 2005 OPERATING BUDGET TO REFLECT EXPENDITURE SHIFTS BY TRANSFERRING AND APPROPRIATING FUNDS BETWEEN LEGAL LEVELS IN FIRE SERVICES, UNALLOCATED, PUBLIC WORKS & GRANTS & AGENCIES.**

MOTION: Mitchell

SECOND: Jones
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell,
 Peete, Sammons, Taylor and Chairman Ford

APPROVED

30. **RESOLUTION CANCELLING TAXES IN THE TOTAL AMOUNT OF \$11,797.85 FOR PROPERTY LOCATED AT 3161 NATHAN, IDENTIFIED AS PARCEL NUMBER 04402700001 FOR TAX YEARS 1995 THROUGH 2000.**

MOTION: Mitchell
 SECOND: Jones
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell,
 Sammons, Taylor and Chairman Ford
 Peete did not cast a vote

APPROVED

31. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$530,000.00 FROM THE US DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE METROPOLITAN MEDICAL RESPONSE SYSTEM. RESOLUTION ALSO AMENDS FY 2005 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Sammons
 SECOND: Jones
 AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, McCormick, Mitchell,
 Sammons and Chairman Ford
 Hooks, Peete and Taylor did not cast a vote

APPROVED

32. **RESOLUTION TRANSFERRING A REVENUE APPROPRIATION OF \$503,800.00 FROM G.O. BONDS GENERAL TO THE STATE CONGESTION MITIGATION AIR QUALITY FUNDS GRANT NO. 90003, IN THE FISCAL YEAR 2005 CAPITAL IMPROVEMENT BUDGET, PROJECT NUMBER PS01009, MOTOR VEHICLE INSPECTION STATION.**

Director of General Services and Director of Public Services recommend approval

MOTION: Brown
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, McCormick, Mitchell, Peete,
 Sammons and Chairman Ford
 Hooks and Taylor did not cast a vote

APPROVED

33. **RESOLUTION INCLUDING GLENVIEW COMMUNITY CENTER, LOCATED AT 1141 S. BARKSDALE, CIP PROJECT NUMBER PK01010, AS PART OF THE FISCAL YEAR 2005 CAPITAL BUDGET. THE ADMINISTRATION REQUEST TO APPROPRIATE FUNDS IN THE AMOUNT OF \$27,470.00 FOR CODE ENFORCEMENT RELATED ITEMS.**

MOTION: McCormick
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, McCormick, Mitchell, Peete,
 Sammons and Chairman Ford
 Hooks and Taylor did not cast a vote

APPROVED

34. **RESOLUTION AWARDING GRANT FUNDS IN THE AMOUNT OF \$50,000.00 FROM THE US DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS TO TEN AGENCIES PARTICIPATING IN THE MEMPHIS POLICE DEPARTMENT'S ANTI-GANG/ANTI-DRUG SUMMER YOUTH PROGRAMS. THESE FUNDS WILL BE USED TO PROMOTE CRIME PREVENTION AWARENESS AMONG PARTICIPATING YOUTH WHILE OFFERING POSITIVE ALTERNATIVES FOR DRUG AND GANG INVOLVEMENT.**

MOTION: Sammons
 SECOND: Brown
 AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, McCormick, Mitchell, Sammons and Chairman Ford
 Hooks, Peete and Taylor did not cast a vote

APPROVED

35. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$53,750.00 FROM THE STATE OF TENNESSEE BUREAU OF HEALTH SERVICES FOR THE RAPE SERVICES AND PREVENTION GRANT TO BE USED BY THE MEMPHIS SEXUAL ASSAULT RESOURCE CENTER TO PROVIDE RAPE PREVENTION AND CRISIS SERVICES. RESOLUTION ALSO AMENDS FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Chumney
 SECOND: Holt
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons and Chairman Ford
 Taylor did not cast a vote

APPROVED

MINUTES

Lowery mentioned Item #54 on funding for Memphis Network. No one on the prevailing side wanted to reconsider the item.

Approval of the Minutes of the regular meeting of May 17, 2005

MOTION: Mitchell
 SECOND: Brown
 AYES: Brown, Chumney, Holt, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford
 NAYS: Hooks

APPROVED

Chairman stated that we were going to take a five minute recess. After the break, the budget issue Item #25 continued

MOTION: Jones – 27 cent tax increase (Scenario K)
 SECOND: Lowery
 AYES: Holt, Hooks, Jones, Lowery, Mitchell, Peete and Chairman Ford
 NAYS: Brown, Chumney, Marshall, McCormick, Sammons and Taylor

APPROVED, Special Item #5

MOTION: Peete – Move to separate the question so that the foregoing amendments may be voted on. I'd like to separate the HCD Budget and the Fire Budget
 SECOND: Mitchell

Comptroller set up Special Item #6 for separate vote on HCD Budget portion. At that time Peete recused himself

AYES: Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Sammons and Chairman Ford
NAYS: Chumney and Taylor
Peete recused
Brown did not cast a vote

APPROVED, HCD Budget only, Special Item #6

Comptroller set up Special Item #7 for separate vote on Fire Budget portion. At that time Mitchell recused herself

AYES: Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons and Chairman Ford
NAYS: Chumney and Taylor
Mitchell recused
Brown did not cast a vote

APPROVED, Fire Budget only, Special Item #7

MAIN MOTION: Peete – Move to vote on the remainder of the budget as amended
SECOND: Holt
AYES: Holt, Hooks, Jones, Lowery, Mitchell, Peete and Chairman Ford
NAYS: Brown, Chumney, Marshall, McCormick, Sammons and Taylor

APPROVED, as amended

26. ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2006, UP FOR T H I R D AND F I N A L READING.

Ordinance No. 5105

MOTION: Mitchell – Tax Rate of 3.4332
SECOND: Marshall
AYES: Holt, Hooks, Jones, Lowery, Mitchell, Peete and Chairman Ford
NAYS: Brown, Chumney, Marshall, McCormick, Sammons and Taylor

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

ADJOURNMENT

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

C H A I R M A N

Attest:

Deputy Comptroller/Council Records