

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**

**July 1, 2014**

**3:30 P.M. SCHEDULED SESSION**

**3:30 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Pastor Eugene L. Gibson, Jr., from Olivet Baptist Church. Councilwoman Halbert presented Pastor Gibson 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 June 17, 2014 with the following motion:**

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

**APPROVED**

- 19. **ORDINANCE ESTABLISHING A RESIDENTIAL PARKING PERMIT PILOT PROGRAM NEAR OVERTON SQUARE FOR A ONE YEAR PERIOD, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5550

Held until July 15, 2014

- 20. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCE, CITY OF MEMPHIS, SO AS TO LIMIT PARTICIPATION IN THE PENSION SYSTEM TO PARTICIPANTS WITH 10 OR MORE YEARS OF SERVICE AND CREATE A SEPARATE ACCOUNT (EQUAL TO THEIR EMPLOYEE CONTRIBUTIONS PLUS THE MULTIPLE EARNED AS OF JUNE 30, 2015) FOR PARTICIPANTS WITH LESS THAN 10 YEARS OF SERVICE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5552

Held until October 7, 2014

- 21. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO INCREASE THE CITY CONTRIBUTION ALLOWABLE UNDER SECTION 25-71 AND SECTION 25-171, SO AS TO TRANSFER TRANSFERRED PARTICIPANTS IN THE PENSION SYSTEM TO THE DEFINED CONTRIBUTION PLAN, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5553

Held until October 7, 2014

- 22. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ADOPT A DEFINED CONTRIBUTION PLAN, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5554

Held until October 7, 2014

**Chairman Strickland stated that within 2 weeks the ordinance regarding the Drop Plan will be held until October 7, 2014.**

MOTION: Halbert – Suspend the Rules to revisit the same night minutes and the approval of the healthcare benefit change

SECOND: Fullilove

After a lengthy discussion regarding Councilwoman Halbert’s motion and information from the Council Attorney, Chairman Strickland asked Councilwoman Halbert if she would accept as a friendly amendment, the revision of Robert’s Rules of Order. Councilwoman Halbert accepted this as a friendly amendment. After further discussion regarding Councilwoman Halbert’s motion, it was determined that the motion should be to suspend the rules first and if that passes, we could bring the item back up

MOTION: Halbert – Suspend the Rules

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

**FAILED**, set up as Special Item #1

1. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF STATE LINE ROAD; +/-300' EAST OF BRIDGE MILL LANE, CONTAINING 4.41 ACRES IN THE RESIDENTIAL SINGLE FAMILY – 10 (R-10) DISTRICT.**

Case No. SUP 14-203cc

Applicant: TV6W, LLC Towers Ventures  
 Lou Katzerman – Representative

Request: CMCS Tower – 150' tall

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF FOREST HILL-IRENE ROAD; +/-1,846.75 FEET SOUTH OF WINCHESTER ROAD, CONTAINING 7.70 ACRES IN THE CONSERVATION AGRICULTURE (CA) DISTRICT.**

Case No. PD 14-306cc

Applicant: Dan Walker Associates, Inc.  
 Bray-Davis Firm, LLC, David Bray – Representative

Request: Planned development to allow General Office (OG) District land uses, including funeral services, hotel, animal hospital, indoor multi-story self-storage and contractor's storage with the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

**No Opposition at LUCB; No Public Hearing Required**

MOTION: Collins  
 SECOND: Morrison

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

**APPROVED**, as amended in Committee

- 3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF ELVIS PRESLEY BOULEVARD; +/-200 FEET SOUTH OF OLD HICKORY ROAD, CONTAINING 23.57 ACRES IN THE RESIDENTIAL URBAN (RU-3) AND COMMERCIAL MIXED USE (CMU-3) DISTRICTS.**

Case No. PD 14-309

Applicant: Elvis Presley Enterprises, Inc.  
Farris-Bobango-Branan, PLC – Representative

Request: Planned development to allow a full-service 450 room hotel building

LUCB and OPD recommendation: APPROVAL, with conditions

**No Opposition at LUCB; No Public Hearing Required**

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

**APPROVED**

**Councilman Collins requested same night minutes for Item #3. Chairman Strickland asked if there was any objection. There was no objection.**

- 4. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF WHITTEN ROAD AT CAPTAIN’S RITE COVE, CONTAINING 2.494 ACRES IN AN AREA CURRENTLY GOVERNED BY THE WHITTEN ROAD COMMERCIAL PLANNED DEVELOPMENT – P.D. 09-325.**

Case No. PD 14-311

Applicant: Ross Hamilton

Request: Amendment to Whitten Road Commercial PD to allow outdoor storage on lot 2

LUCB and OPD recommendation: APPROVAL, with conditions

**No Opposition at LUCB; No Public Hearing Required**

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

**APPROVED**

- 5. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN WATKINS AND CLEVELAND SOUTH OF MADISON AVENUE, CONTAINING 2,823 SQUARE FEET IN THE COMMERCIAL MIXED USE-3 (CMU-3) DISTRICT.**

Case No. SAC 14-603

Applicant: American Red Cross  
 The Bray-Davis Firm – Representative

Request: Close and vacate a portion of unnamed alley right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

**No Opposition at LUCB; No Public Hearing Required**

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

**APPROVED**

**CONSENT AGENDA – Items 6-8 may be acted upon by one motion: SEE PAGE 3011 FOR ROLL CALL**

- 6. **ORDINANCE TO AMEND CHAPTER 21 – MOTOR VEHICLES AND TRAFFIC – ARTICLE III OPERATION OF MOTOR VEHICLES GENERALLY, SECTION 21-123, PROCEDURE UPON APPROACH OF AUTHORIZED EMERGENCY VEHICLE TO MIRROR THE UPDATED TENN. CODE ANN §55-8-132, OPERATION OF VEHICLES AND STREETCARS ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES TO CLARIFY THAT EXTRA CAUTION AROUND SOLID WASTE VEHICLES IS INCLUDED WITHIN THE REQUIREMENTS, UP FOR S E C O N D READING.**

Ordinance No. 5555

**APPROVED**, on Second reading

- 7. **ORDINANCE REZONING THE WEST SIDE OF AYERS STREET; +/-278.93 FEET NORTH OF POPLAR AVENUE, CONTAINING 0.44 ACRE (19,192 SQ. FT.) IN THE RESIDENTIAL URBAN (RU-3) DISTRICT, UP FOR S E C O N D READING.**

Case No. Z 14-101  
 Companion Case SAC 14-602  
 Ordinance No. 5556

**APPROVED**, on Second reading

- 8. **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 14-602 – (Companion Case Z 14-101) – Exchange Alley
- B. Case No. SUP 14-213

Public Hearing set for July 15, 2014

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT – Items 9-18 may be acted upon by one motion:**

- 9. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11399, RIGHT OF WAY MOWING, WITH ROTOLO CONSULTANTS, INCORPORATED, IN THE FUNDED AMOUNT OF \$236,256.00. (THIS CHANGE RENEWS THE CURRENT CONTRACT FOR THE FOURTH AND FINAL RENEWAL TERM COVERING THE PERIOD AUGUST 9, 2014 THROUGH AUGUST 8, 2015 WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

**APPROVED**

- 10. **RESOLUTION AWARDED CONTRACT NO. 11624, NATURAL GAS MANAGEMENT SYSTEM WITH PIONEER SOLUTIONS GLOBAL, LLC IN THE FUNDED AMOUNT OF \$1,069,200.00.**

**APPROVED**

- 11. **RESOLUTION APPROVING PAYMENT OF AN INVOICE FROM PLATTS FOR ANNUAL SUBSCRIPTION SERVICES FUNDED IN THE AMOUNT OF \$33,329.99.**

**APPROVED**

12. **RESOLUTION APPROVING CHANGE NO. 10 TO CONTRACT NO. 10336, EMS/SCADA SYSTEM WITH GENERAL ELECTRIC ENERGY MANAGEMENT SERVICES, THROUGH THE CURRENT TERM COVERING THE PERIOD JANUARY 1, 2009 THROUGH DECEMBER 31, 2015, IN THE FUNDED AMOUNT OF \$350,000.00. (THIS CHANGE IS TO INCREASE THE CURRENT CONTRACT VALUE IN THE FUNDED AMOUNT OF \$350,000.00 THROUGH THE CURRENT TERM, WHICH ENDS DECEMBER 31, 2015. THIS CHANGE IS NEEDED TO REPLENISH FUNDS USED TO PURCHASE HARDWARE AND SOFTWARE TO COMPLY WITH NERC REQUIREMENTS AND TO ACCOMMODATE DEPARTMENT OF ENERGY (DOE) SMART GRID UPGRADES. THE COST FOR THESE ITEMS WERE NOT ACCOUNTED FOR DURING SCHEDULED 2012 MAINTENANCE UPGRADES, BUT WERE INCLUDED IN THE SCOPE OF THE CONTRACT.)**

**APPROVED**

13. **RESOLUTION AWARDED CONTRACT NO. 11633, LOCAL DIAL TONE SERVICES WITH WINDSTREAM IN THE FUNDED AMOUNT OF \$324,000.00.**

**APPROVED**

14. **RESOLUTION AWARDED CONTRACT NO. 11729, PROFESSIONAL ENGINEERING SERVICES WITH MID-SOUTH ENGINEERING CONSULTANTS, LLC WITH APPROVED RATES, IN THE FUNDED AMOUNT, NOT-TO-EXCEED \$300,000.00.**

**APPROVED**

15. **RESOLUTION AWARDED CONTRACT NO. 11731, PROFESSIONAL ENGINEERING SERVICES WITH FISHER & ARNOLD, WITH APPROVED RATES IN THE FUNDED AMOUNT, NOT-TO-EXCEED \$400,000.00.**

**APPROVED**

16. **RESOLUTION AWARDED A CONTRACT TO MEHTA TECH FOR DIGITAL FAULT RECORDERS UPGRADE IN THE AMOUNT OF \$79,500.00.**

**APPROVED**

17. **RESOLUTION APPROVING A CONTRACT WITH GDS ASSOCIATES, INC. FOR PROFESSIONAL CONSULTING SERVICES TO ASSIST MLGW WITH ON-GOING SUPPORT FOR ITS INTERNAL COMPLIANCE PROGRAM, TECHNICAL STUDIES, EVALUATIONS, READINESS ASSESSMENT, AND OTHER NERC RELIABILITY STANDARDS COMPLIANCE PROCESSES ASSOCIATED WITH ITS REGISTRATION AS A DISTRIBUTION PROVIDER, TRANSMISSION PLANNER, TRANSMISSION OWNER, AND TRANSMISSION OPERATOR, IN AN AMOUNT NOT TO EXCEED \$560,000.00.**

**APPROVED**

18. **RESOLUTION AWARDING A CONTRACT TO CGS, INC. FOR GAS SERVICE RISERS IN THE AMOUNT OF \$71,610.00.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

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

**APPROVED**

23. **RESOLUTION ACCEPTING AND APPROPRIATING \$852,600.00 IN STATE IN-SERVICE TRAINING FUNDS FROM THE STATE OF TENNESSEE.**

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

**APPROVED**

24. **RESOLUTION APPROPRIATING REVENUE AND EXPENDITURES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM FUNDS IN THE AMOUNT OF \$414,961.00.**

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

**APPROVED**

25. **RESOLUTION AMENDING THE FY2014 BUDGET, BY APPROPRIATING FUNDS IN THE AMOUNT OF \$483,614.21 TO THE MHA LOW INCOME HOUSING PROGRAM ACCOUNT.**

MOTION: Brown  
SECOND: Fullilove

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

**APPROVED**

26. **RESOLUTION ACCEPTING THE 2014 PLAYFUL CITY USA DESIGNATION AND TWO (2) PLAYFUL CITY USA HIGHWAY ROAD SIGNS FROM KABOOM!, A NATIONAL NON-PROFIT DEDICATED TO SAVING PLAY FOR AMERICA'S CHILDREN AND SPONSORED BY THE HUMANA FOUNDATION.**

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

**APPROVED**

27. **RESOLUTION AMENDING THE FY2014 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A CONSTRUCTION ALLOCATION AND APPROPRIATING FUNDS IN THE AMOUNT OF \$14,279,100.00 FUNDED BY CAPITAL PAY GO-SEWER IN REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO CONCRETE REPLACEMENT 2014, PROJECT NUMBER SW02124 FOR THE REPLACEMENT OF THE RAW SEWAGE HEADER IN THE INFLUENT PUMP STATION BUILDING AT THE MC STILES WASTEWATER TREATMENT FACILITY.**

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

**APPROVED**

28. **RESOLUTION EXTENDING THE 60 DAY MORATORIUM ON THE ISSUANCE OF SIDEWALK NOTICES TO PROPERTY OWNERS FOR DAMAGED SIDEWALKS FOR AN ADDITIONAL 60 DAYS.**

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

Hedgepeth did not cast a vote  
 Flinn was absent

**APPROVED**

29. **RESOLUTION INCREASING MLGW WATER PAYMENT IN LIEU OF TAXES FOR FISCAL YEARS 2015, 2016 AND 2017.**

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

**APPROVED**

**OTHER MATTERS-PRESENTATION (NO ACTION REQUIRED)**

City Council Attorney, Allan Wade, presented to the Council at this meeting for filing in its official records a copy of a Report of Debt Obligations with regard to the sale of \$71,000.000 City of Memphis Electric System Revenue Bonds Series 2014 and \$15,000,000.00 City of Memphis Water System Revenue Bonds Series 2014 on June 3, 2014 (the "Report"), which was delivered to each member of the Council on this date. This report is required to be filed with the Governing Body of the Issuer by Rules of the Tennessee Funding Board and the Tennessee Comptroller of the Treasury. Receipt of the Report was acknowledged by the Chairman and a copy of the Report has been filed in the Council's Official Records.

**MINUTES**

Approval of the Minutes of the regular meeting of July 1, 2014 for Items 3, 28 and 29 only with the following motion:

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

**APPROVED**

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

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

- Stephen Ball, 4297 Water Briar, Millington, TN 38053
- Walter Broady, III, 4256 Ledbetter Cv., Memphis, TN 38109
- Paul Castilo, 2660 Avery Ave., Memphis, TN 38112
- Chett Hopper, 6898 Alderwood Dr., South, Millington, TN 38053
- Sherrie Hopper, 6898 Alderwood Dr., South, Millington, TN 38053
- Mark Kelly, 5150 Stage Rd., Suite 103, Memphis, TN 38128
- Georgia King (no address information given)
- Nancy Long, 5048 Quince Rd., Memphis, TN 38117
- Eric Petrowski, 9081 Brunswick Rd., Millington, TN 38053
- Kathy Petrowski, 9081 Brunswick Rd., Millington, TN 38053
- Heather Pfeil, 115 Wilson St., Collierville, TN 38017
- Catherine Vanwoerden, 1916 Jefferson Ave., Memphis, TN 38104

**ADJOURNED MEETING AT 5:31 P.M.**

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

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CHAIRMAN

Attest:

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Deputy Comptroller/Council Records