

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**  
**August 20, 2013**

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

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

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

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

**INVOCATION**

The meeting was opened with prayer by Pastor Alfred Milan, from the Dream Church. Councilwoman Fullilove presented Pastor Milan 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 August 20, 2013 with the following motion:

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

**APPROVED**

- 3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF KNIGHT ARNOLD AND RIDGEWAY ROAD, CONTAINING 5.648 ACRES IN THE COMMERCIAL MIXED USE-2 (CMU-2) DISTRICT.**

Case No. PD 13-315

Held until September 3, 2013

- 5. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF KIRBY PARKWAY AND KIRBY GATES BLVD., CONTAINING 27.33 ACRES AND IS REGULATED BY THE KIRBY GATE BUSINESS CAMPUS PLANNED DEVELOPMENT (P.D. 09-315).**

Case No. PD 13-321

Held for 60 days

- 27. **RESOLUTION TRANSFERRING THE CITY OF MEMPHIS' HALF INTEREST OWNERSHIP IN THE JOINTLY OWNED TAX PARCELS KNOWN AS 1000 HAYNES ROAD, PARCEL ID# 059005 00068, PORTION OF CAWTHORN HEALTH LOOP CLINIC AND 1064 BREEDLOVE STREET, PARCEL ID# 021047 00055, PORTION OF GUTHRIE HEALTH LOOP CLINIC, TO SHELBY COUNTY GOVERNMENT. (Held from 5/21; 6/18; 7/16)**

Held for 30 days

- 1. **PRESENTATION OF THE INTERNATIONAL PERSONNEL MANAGEMENT ASSOCIATION AWARD TO PEARL GIBSON.**

MOTION: Lowery  
 SECOND: Fullilove

**NO VOTE WAS REQUIRED**

- 2. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE WEST HALF OF TEXAS STREET, GENERALLY BETWEEN EAST CAROLINA AVENUE AND RAILROAD AVENUE, CONTAINING 0.178 ACRE IN THE BLUFFVIEW RESIDENTIAL (BR) DISTRICT.**

Case No. SAC 13-604

Applicant: Henry Turley Company  
 PowersHill Design, LLC (Nisha Powers and/or Steve Hill) – Representatives

Request: Close and vacate the west half of Texas Street beginning at East Carolina Avenue and extending south approximately 310.00'

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

4. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED 287 FEET NORTH OF THE INTERSECTION OF STAGE ROAD AND CREEK VIEW DR., CONTAINING 3.93 ACRES IN THE CMU-2 DISTRICT.**

Case No. PD 13-317

Applicant: Tower Ventures, LLC  
 Michael J. Fahy – Representative

Request: Cell tower

LUCB and OPD recommendation: APPROVAL

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

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

**APPROVED**

6. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 715 WINSTON STREET (96' +/- SOUTH OF SOUTHERN AVENUE, CONTAINING 0.34 ACRE IN THE COMMERCIAL MIXED USE-3 (CMU-3) DISTRICT.**

Case No. SUP 13-212

Applicant: TV6 Signal Source Tower LLC c/o Tower Ventures LLC  
 Michael J. Fahy – Representative

Request: Proposal to construct a one hundred sixty foot (160') CMCS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

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

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

Morrison, Strickland and Chairman Ford  
Flinn recused

**APPROVED**, as amended

- 7. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 3420 OLD GETWELL ROAD, 126' +/- NORTH OF HOLMAN ROAD, CONTAINING 10.6 ACRES IN THE EMPLOYMENT (EMP) DISTRICT.**

Case No. SUP 13-218

Applicant: Corrections Corporation of America (CCA) Properties of Tennessee  
McCaskill & Associates (Tim McCaskill) – Representative

Request: Proposal to use existing buildings for a social service institution – Residential Reentry Center (RRC)

LUCB and OPD recommendation: APPROVAL, with conditions

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

MOTION: Collins

SECOND: Brown

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

**APPROVED**, as amended

**CONSENT AGENDA – Items 8-11 and 45-46 may be acted upon by one motion: SEE PAGE 2697 FOR ROLL CALL**

- 8. **JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS AUGUST 10, 2010 AND BY SHELBY COUNTY 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 S E C O N D READING.**

Case No. ZTA 13-003  
Ordinance No. 5532

**APPROVED**, on Second reading

- 9. **RESOLUTION ACCEPTING GALLERIA OF MEMPHIS PD, PH. 16, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 08-326  
(Contract No. CR-5189)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Germantown Parkway and Bellevue Parkway. The standard improvement contract was approved on August 21, 2012. Resolution also authorizes the release of performance bond, No. 0593446, dated May 10, 2011 in the amount of \$68,500.00.

City Engineer recommends approval

**APPROVED**

10. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPMENT  
SUBDIVISION 10, SECTION B.**

Case No. S 05-058  
Contract No. CR-5200

Resolution accepts the final plat located on the west side of N. Main Street, between Keel Avenue and Saffarans Avenue. Cost of the required improvements to be borne by the Agency and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

**APPROVED**

11. **RESOLUTION APPROVING FINAL PLAT OF STONE CREEK PD., PHASE 1A AND  
1B.**

Case No. PD 06-345cc  
Contract No. CR-5201

Resolution approves the final plat located east of Hacks Cross road, south of Shelby Drive. 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.

**APPROVED**

45. **JOINT ORDINANCE AMENDING CHAPTER 34 OF THE 2012 JOINT BUILDING CODE FOR MEMPHIS AND SHELBY COUNTY PREVIOUSLY ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AND THE MEMPHIS CITY COUNCIL, BY MODIFYING APPLICABILITY REQUIREMENTS FOR THE RETROFITTING OF EXISTING COMMERCIAL BUILDINGS UNDERGOING ALTERATIONS OR CHANGES IN OCCUPANCY WHICH WOULD MANDATE COMPLIANCE WITH CHAPTER 34 REQUIREMENTS RELATED TO SEISMIC PROTECTION AND SETTING A NEW EFFECTIVE DATE FOR ALLOF THE STRUCTURAL PROVISION OF THAT CODE, UP FOR F I R S T READING.**

Ordinance No. 5533

**APPROVED**, on First reading

46. **JOINT ORDINANCE AMENDING THE 2012 JOINT EXISTING BUILDING CODE FOR MEMPHIS AND SHELBY COUNTY BY MODIFYING REQUIREMENTS FOR RETROFITTING OF CERTAIN EXISTING COMMERCIAL BUILDINGS UNDERGOING ALTERATIONS OR CHANGES IN OCCUPANCY WHICH WOULD MANDATE COMPLIANCE WITH SEISMIC PROTECTION REQUIREMENTS AND SETTING A NEW EFFECTIVE DATE FOR ALL OF THE STRUCTURAL PROVISION OF THAT CODE, UP FOR F I R S T READING.**

Ordinance No. 5534

**APPROVED**, on First reading

### **ROLL CALL CONSENT ITEMS**

MOTION: Strickland

SECOND: Morrison

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

**APPROVED**

### **MLGW FISCAL CONSENT – Items 12-14 may be acted upon by one motion:**

12. **RESOLUTION AWARDDING CONTRACT NO. 11606, REPLACE BOILER AT MLGW UNIVERSITY, TO AIR TECHNICAL SERVICES, IN THE FUNDED AMOUNT OF \$66,350.00.**

**APPROVED**

13. **RESOLUTION APPROVING BROOKFIELD INFRASTRUCTURE FUND II (PRIVATE INFRASTRUCTURE FUND) TO MANAGE APPROXIMATELY \$20,000,000.00 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND.**

**APPROVED**

14. **RESOLUTION APPROVING CHANGE NO. 4 FOR CONTRACT NO. 10546, LAPRES SOFTWARE MAINTENANCE AGREEMENT, WITH XL PRINT USA, LLC., IN THE FUNDED AMOUNT OF \$9,639.00. (THIS CHANGE IS TO PROVIDE ANNUAL SOFTWARE MAINTENANCE, SUPPORT SERVICES AND LICENSE FEES FOR THE PARIS SOFTWARE. THIS CHANGE RENEWS THE CURRENT CONTRACT FOR AN ADDITIONAL ONE YEAR TERM COVERING THE PERIOD SEPTEMBER 1, 2013 THROUGH AUGUST 31, 2014. THIS CHANGE REFLECTS A 5% INCREASE FROM THE PREVIOUS YEAR DUE TO INCREASES IN COSTS ASSOCIATED WITH DEVELOPING AND SUPPORTING THE PARIS SOFTWARE. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY XL PRINT USA, LLC. THE NEW CONTRACT VALUE IS \$129,936.64.)**

**APPROVED****MLGW ROLL CALL CONSENT ITEMS**

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

**APPROVED**

40. **RESOLUTION APPROVING THE OVERALL PROJECT BUDGET FOR THE MAIN STREET TO MAIN STREET MULTIMODAL CONNECTOR PROJECT FOR PROJECT NUMBERS PW04090, PW04093, ST03161, ST03158 AND ST03162 AS OUTLINED IN THE PROVIDED EXHIBIT B PROJECT BUDGET.**

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

**APPROVED**

Councilman Hedgepeth requested same night minutes. Chairman Ford stated that without objection we will have same night minutes.

41. **RESOLUTION ACCEPTING AND APPROPRIATING GRANT FUNDING IN THE AMOUNT OF \$3,000.00 FROM HUMANITIES TN FOR SCHOLAR EXPENSES AND PROMOTION FOR THE PUBLIC PROGRAM BRIDGING CULTURES: MUSLIM CONTRIBUTIONS TO THE US SINCE 1776 FOR MEMPHIS PUBLIC LIBRARY.**

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

**APPROVED**

Councilman Boyd requested same night minutes. Chairman Ford stated that without objection we will have same night minutes.

42. **RESOLUTION TRANSFERRING \$440,000.00 IN CONSTRUCTION FROM CIP PROJECT NUMBER PK07012 – GREENWAY IMPROVEMENTS TO CONSTRUCTION IN CIP PROJECT NUMBER PK07089 – CHARJEAN PARK IMPROVEMENTS, FUNDED BY G.O. BONDS GENERAL.**

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

**APPROVED**

Councilman Boyd requested same night minutes. Chairman Ford stated that without objection we will have same night minutes.

43. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$501,000.00 FROM THE STATE OF TENNESSEE OFFICE OF CRIMINAL JUSTICE PROGRAMS, FOR POLICE SERVICES.**

MOTION: Conrad – Amend the resolution to appropriate 2.5 million out of reserves for 10,000 additional rape kits  
 SECOND: Collins

**NO ACTION TAKEN.** Set up as Special Item #1

MOTION: Harris – Suspend the Rules to give each Council member 5 extra minutes for further discussion of this item  
 SECOND: Halbert

Chairman Ford asked if could do this without objection. Councilman Lowery objected.

**NO ACTION TAKEN. MOTION WITHDRAWN**

MOTION: Lowery – Refer to Committee in two weeks with a recommendation from the Memphis Police Department, the Administration and every member on this Council to see where we can find the money. If dollars aren't to be found, I want a clear cut recommendation from Mr. Collins in terms of what this is going to mean for our reserves

SECOND: Halbert

Friendly Amendment: Can we have same night minutes

MOTION: Flinn

Councilman Lowery stated that he did not have a problem with having same night minutes on this item.

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

NAYS: Conrad, Hedgepeth and Strickland

**APPROVED.** Item delayed until September 3, 2013. (2.5 million). Set up as Special Item #2

MAIN MOTION: Conrad

SECOND: Collins

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

**APPROVED,** \$501,000.00

Councilman Conrad requested same night minutes. Chairman Ford stated that without objection we will have same night minutes.

44. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$43,752.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA RESOURCE SHARING AGREEMENT.**

MOTION: Halbert

SECOND: Morrison

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

**APPROVED**

15. **APPOINTMENTS**

**MEMPHIS ANIMAL SHELTER ADVISORY BOARD**

Appointment

James S. Adams

**MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMISSION**

Appointment

Cynthia Daniels

**MEMPHIS STORMWATER BOARD**

Reappointments

David P. Berretta  
Robert J. Simpson

**MEMPHIS WASTEWATER HEARING AUTHORITY**

Reappointments

Roy E. Gunn  
Lawrence J. Smith

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

**APPROVED**

Councilman Hedgepeth requested that Items #16, 17 and 21 be held for two weeks. Chairman Ford asked if there was any objection. There was no objection.

16. **ORDINANCE AMENDING CHAPTER 15, SECTION 15-12, CITY OF MEMPHIS CODE OF ORDINANCES, TO DECREASE SOLID WASTE FEES FOR COLLECTION AND DISPOSAL, OPTION 1, UP FOR T H I R D AND F I N A L READING.** (Held from 7/2)

Ordinance No. 5525

Held until September 3, 2013

- 17. **ORDINANCE AMENDING CHAPTER 15, SECTION 15-12, CITY OF MEMPHIS CODE OF ORDINANCES, TO DECREASE SOLID WASTE FEES FOR COLLECTION AND DISPOSAL, OPTION 2, UP FOR T H I R D AND F I N A L READING.** (Held from 7/2)  
Ordinance No. 5526

Held until September 3, 2013

- 21. **ORDINANCE AMENDING CHAPTER 15, SECTION 15-12, CITY OF MEMPHIS CODE OF ORDINANCES TO MAINTAIN THE CURRENT MONTHLY SOLID WASTE FEE FOR RESIDENTIAL UNITS, UP FOR T H I R D AND F I N A L READING.** (Held from 7/16)  
Ordinance No. 5528

Held until September 3, 2013

- 18. **ORDINANCE TO AMEND SECTION 25-185 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TO BAN PENSION DOUBLE DIPPING, UP FOR T H I R D AND F I N A L READING.** (Held from 6/4; 7/2; 7/16)  
Ordinance No. 5508

Friendly Amendment: Include MLGW employees

MOTION: Fullilove

After a discussion by members of the Council and the Council Attorney no action was taken on this Friendly Amendment.

MOTION: Conrad – Strike Shelby County Schools from the Ordinance

Chairman Ford stated that without objection, we will remove Shelby County Schools from the Ordinance.

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

**APPROVED**, as amended

- 19. **ORDINANCE TO AMEND TITLE 3 – PERSONNEL, CHAPTERS 3-8 CIVIL SERVICE AND 3-12 CIVIL SERVICE COMMISSION OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.** (Held from 6/4; 7/2; 7/16)  
Ordinance No. 5511

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

Thomas Malone, 5150 Stage Rd., Memphis, TN 38134

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

**APPROVED**

20. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO IMPROVE THE EFFECTIVENESS OF CIVIL SERVICE HEARINGS AND TO SUBMIT THE PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 5, 2013, UP FOR T H I R D AND F I N A L READING.** (Held from 6/4; 7/2; 7/16) Ordinance No. 5512

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

**APPROVED**

22. **ORDINANCE ESTABLISHING A REVENUE MANAGER FOR THE FINANCE DIVISION, UP FOR T H I R D AND F I N A L READING.** Ordinance No. 5529

MOTION: Harris – Salary not to exceed the Mayor’s salary  
 SECOND: Fullilove

Chairman Ford asked if we could do this without objection. There was objection.

**MOTION WITHDRAWN.** Set up as Special Item #3.

After discussion by Council members, Council Attorney and Administration, Councilman Morrison requested that the Administration withdraw the ordinance. George Little said he had no problem going back to the drawing board. Councilman Morrison asked Councilman Harris if he had any problem with this. Councilman Harris said as long as it not a high salary he does not have a problem with it. George Little made a request to withdraw the ordinance. Chairman Ford asked if there was any opposition to withdrawing the ordinance. There was no opposition, so the ordinance was withdrawn.

**WITHDRAWN**

23. **ORDINANCE TO AMEND CHAPTER 33, ARTICLE IV, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, TO CLARIFY ENFORCEMENT AUTHORITY FOR THE STORMWATER PROGRAM, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5530

MOTION: Hedgepeth

SECOND: Boyd

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

**APPROVED**

24. **ORDINANCE TO ALLOW “KIOSK” TYPE MULTI-SPACE PARKING METERS FOR ON STREET PUBLIC PARKING, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5531

MOTION: Hedgepeth

SECOND: Collins

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

**APPROVED**, as amended

25. **RESOLUTION ACCEPTING AND APPROPRIATING \$888,000.00 IN STATE IN-SERVICE TRAINING FUNDS FROM THE STATE OF TENNESSEE.**

MOTION: Conrad

SECOND: Strickland

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

**APPROVED**

26. **RESOLUTION TRANSFERRING AN ALLOCATION FUNDED BY G.O. BONDS FROM EMERGENCY WARNING SIRENS CAPITAL PROJECT GA01010 IN THE AMOUNT OF \$171,322.00 AND APPROPRIATE G.O. BONDS IN CAPITAL PROJECT FS02027 EMA SIRENS IN THE AMOUNT OF \$181,967.00.**

MOTION: Conrad

SECOND: Hedgepeth

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

**APPROVED**

28. **RESOLUTION AWARDED CONTRACT NO. 11618 SMART METER SOLUTION TO ELSTER SOLUTIONS, LLC IN THE AMOUNT OF \$10,150,000.00.**

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

Cathie Auxier, 10840 Monterey Forest Cv., Eads, TN 38002  
Barbara Ballenger, 2796 Central Ave., Memphis, TN 38111  
Scott Banbury, 1051 Stonewall St., Memphis, TN 38107  
George D. Barnes, 3299 Windermere Lane, Memphis, TN 38125  
Donna Bohannon, 5343 Sea Isle, Memphis, TN 38117  
Yvonne Burton (No address information listed on card)  
Mauricio Calvo, 8665 Roundtree Pl., Cordova, TN 38016  
Laura Campbell, 50 N. Front St., Memphis, TN 38103  
Meg Clifton, 1412 Glen Oaks Dr., Memphis, TN 38119  
Lee Cochran, 179 Richbriar St., Memphis, TN 38120  
Anthony Durden, 586 N. Main St., Memphis, TN 38105  
Arthur Everett (No address information listed on card)  
Brenda Foulmer, 4595 Benjestown Rd., Memphis, TN 38127  
Bill Graves, 860 Harbor Crest, Memphis, TN 38103  
Lela Haraway, 2057 Turkey Cv., Millington, TN 38053  
Ernest P. Hatton, 4788 Hunters Glen Cv., Memphis, TN 38128  
Bill Hawkins, 4000 Clearpool Cr., Memphis, TN 38118  
David James, 9550 Daly, Eads, TN 38002  
Michael Jones, 1923 Sycamore Bark, Memphis, TN 38134  
Georgia King, 741 Adams, Memphis, TN 38105  
John W. Moore, 9675 Spring Hollow Cv., Memphis, TN 38139  
James Pope, 4992 Autumnwood Dr., Memphis, TN 38116  
Elias Savage, 853 Semmes, Memphis, TN 38111  
Trudy Stamps, 1801 Whatling, Cordova, TN 38016  
Bray Snyder, 3559 Bruton Cv., Memphis, TN 38135  
Laura Sullivan, 2081 Evelyn Ave., Memphis, TN 38104  
Jim Tomasik, 229 Norseman Dr., Cordova, TN 38018  
John Volmer, 1354 Tutwiler Ave., Memphis, TN 38107  
Min. Suhkara Yahew, 775 Porter St., Memphis, TN 38126

MOTION: Fullilove – Referendum to allow voters to decide on Smart Meters  
SECOND: Halbert

**NO ACTION TAKEN ON THIS MOTION**

MOTION: Fullilove – 120 day moratorium  
 SECOND: Brown  
 AYES: Brown, Collins, Fullilove and Halbert  
 NAYS: Boyd, Conrad, Flinn, Harris, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford

**FAILED.** Set up as Special Item #4

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

**APPROVED**

**15 minute recess taken at 7:06 p.m. Reconvened at 7:27 p.m.**

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**CITY COUNCIL AS A RATE MAKING BOARD**  
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29. **RESOLUTION REQUESTING THE CITY COUNCIL TO CONVENE AS A RATE MAKING BOARD TO APPROVE A TIME-OF-USE RESIDENTIAL RATE TO RESIDENTIAL CUSTOMERS WHO HAVE A SMART METER AND HAVE ELECTED THE VOLUNTARY RATE BEGINNING OCTOBER 1, 2013.**

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

- Cathie Auxier, 10840 Monterey Forest Cv., Eads, TN 38002
- Donna Bohannon, 5343 Sea Isle, Memphis, TN 38117
- Yvonne Burton (No address information listed on card)
- Meg Clifton, 1412 Glen Oaks Dr., Memphis, TN 38119
- Brenda Fouler, 4595 Benjestown Rd., Memphis, TN 38127
- Brad Snyder, 3559 Bruton Cv., Memphis, TN 38135

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

**APPROVED**

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**COUNCIL RECESSES AS CITY COUNCIL AND CONVENES AS A RATE MAKING BOARD**  
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**MEETING CALLED TO ORDER AS A RATE MAKING BOARD BY THE SERGEANT-AT-ARMS**  
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PUBLIC HEARING RE: Time of Use Residential Rate

Presentation By: Memphis Light, Gas & Water

30. **RESOLUTION APPROVING CHANGE NO. 11 TO CONTRACT NO. 10765 PRIVATE LABEL SERVICE AGREEMENT WITH ACLARA SOFTWARE IN THE FUNDED AMOUNT OF \$100,750.00.**

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

**APPROVED**

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**MEETING CALLED BACK TO ORDER AS THE CITY COUNCIL BY THE SERGEANT-AT-ARMS**  
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Councilman Conrad requested same night minutes for Item 25 after it had already passes. Chairman Ford stated that without objection we will have same night minutes.

39. **RESOLUTION ESTABLISHING A FOUR MONTH MORATORIUM ON DEMOLITION OF STRUCTURES LISTED IN THE NATIONAL REGISTRY OF HISTORIC PLACES.**

Held until September 3, 2013

31. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$433,924.00 FROM THE SHELBY COUNTY GOVERNMENT THROUGH THE U.S. DEPARTMENT OF JUSTICE.**

MOTION: Conrad  
 SECOND: Boyd  
 AYES: Brown, Collins, Conrad, Flinn, Harris, Hedgepeth, Lowery, Morrison, Strickland

and Chairman Ford  
Boyd, Fullilove and Halbert did not cast a vote

**APPROVED**

32. **RESOLUTION APPROVING AN OPTION AND LAND LEASE AGREEMENT FOR THE CONSTRUCTION AND OPERATION OF A CELL TOWER FACILITY WITH TOWER VENTURE (OPERATING AS TV6-W), AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON JUNE 19, 2013.**

Contract No. CR-5202

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

**APPROVED**

33. **RESOLUTION AMENDING THE FISCAL YEAR 2014 OPERATING BUDGET BY ACCEPTING AND APPROPRIATING \$25,048.50 IN GRANT FUNDS PASSED THROUGH SHELBY COUNTY GOVERNMENT TO THE DIVISION OF ENGINEERING FOR TRANSPORTATION PLANNING ACTIVITIES.**

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

**APPROVED**

34. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$50,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03025, BUS FACILITY IMPROVEMENTS, TO FUND THE LOCAL SHARE FOR BUS FACILITY IMPROVEMENTS AS PART OF THE FISCAL YEAR 2014 CAPITAL IMPROVEMENT BUDGET, FOR THE MEMPHIS AREA TRANSIT AUTHORITY.**

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

**APPROVED**

35. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$300,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03024, RAIL FACILITY IMPROVEMENTS, TO FUND THE LOCAL SHARE FOR BUS FACILITY IMPROVEMENTS AS PART OF THE FISCAL YEAR 2014 CAPITAL IMPROVEMENT BUDGET, FOR THE MEMPHIS AREA TRANSIT AUTHORITY.**

MOTION: Hedgepeth

SECOND: Strickland

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

**APPROVED**

36. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$1,800,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03007, BUS REPLACEMENT, TO FUND THE LOCAL SHARE FOR THE PURCHASE OF 30 40' REPLACEMENT BUSES AS PART OF THE FISCAL YEAR 2014 CAPITAL IMPROVEMENT BUDGET, FOR THE MEMPHIS AREA TRANSIT AUTHORITY.**

MOTION: Hedgepeth

SECOND: Strickland

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

**APPROVED**

37. **RESOLUTION REQUESTING TO EXTEND A CONSTRUCTION CONTRACT WITH ACUFF ENTERPRISES FOR SEWER LINE REPLACEMENT AT VARIOUS LOCATIONS WITHIN THE CITY, IN THE AMOUNT OF \$2,192,102.00.**

MOTION: Hedgepeth

SECOND: Morrison

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

**APPROVED**

38. **RESOLUTION AMENDING THE FY2014 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$619,150.00 FUNDED BY G.O. BONDS-GENERAL (STORM WATER) FROM PROJECT NUMBER ST03006, TO GAYOSO BAYOU INSPECTION, PROJECT NUMBER ST03119.**

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

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of August 20, 2013 for Items 40, 41, 42, 43, 44 and 25 only with the following motion:

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

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

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

- Cathie Auxier, 10840 Monterey Forest Cv., Eads, TN 38002
- Donna Bohannon, 5343 Sea Isle, Memphis, TN 38117
- Yvonne Burton (No address information listed on card)
- Sherbert Ratliff, 5330 Rock Ridge Cv., Memphis, TN 38134

**ADJOURNED MEETING AT 8:10 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