

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

September 3, 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 Dr. Joe Carlson, from The Life Church. Councilman Boyd presented Dr. Carlson 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: Collins
AYES: Boyd, Collins, Conrad, Flinn, Harris, Hedgepeth, Lowery, Strickland and Chairman Ford
NAYS: Brown and Fullilove
Halbert and Morrison did not cast a vote

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)**
Ordinance No. 5456

Held until December 3, 2013

27. **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; 8/20)**
Ordinance No. 5525

DROPPED

28. **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; 8/20)**
Ordinance No. 5526

DROPPED

29. **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; 8/20)**
Ordinance No. 5528

DROPPED

33. **RESOLUTION TO INTRODUCE MINIMAL TRANSITIONAL PLAN DESIGN CHANGES TO THE CITY'S BASIC AND PREMIER PPO PLANS, ADJUST TOTAL PREMIUM RATES BY PLAN, AND "BREAKEVEN" PROJECTED CALENDAR YEAR (CY) REVENUES WITH EXPENSES. (HELD FROM 6/18)**

Sent Back to Committee on September 17, 2013 and Held until October 1, 2013 Agenda

1. **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. (HELD FROM 8/20)**

Case No. PD 13-315

Applicant: New Development, LLC
New Development, LLC – Representative

Request: Gas station and other commercial uses

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins

SECOND: Hedgepeth

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

APPROVED

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 460 E. MCLEMORE AND 0 WELLINGTON ST., CONTAINING 1.12 ACRES IN THE R-6 DISTRICT.**

Case No. PD 13-318

Applicant: John Love
Delinor Smith – Representative

Request: Funeral Home and parking within the R-6 zoning district

LUCB and OPD recommendation: APPROVAL

MOTION: Collins

SECOND: Boyd

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

APPROVED

3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF HOLLYWOOD STREET AND GENTRY, CONTAINING 1.12 ACRES IN THE R-6 DISTRICT.**

Case No. PD 13-319

Applicant: John Love
Delinor Smith – Representative

Request: Funeral Home parking

LUCB and OPD recommendation: APPROVAL

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

APPROVED

4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 690 ADAMS AVENUE; NORTHWEST CORNER OF ADAMS AVENUE AND ORLEANS STREET, CONTAINING 0.56 ACRE IN THE RU-4 DISTRICT.**

Case No. SUP 13-214

Applicant: Jose Velazquez

Request: Conversion of James Lee House to Bed and Breakfast

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

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

APPROVED

5. **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 T H I R D AND F I N A L READING.**

Case No. ZTA 13-003
Ordinance No. 5532

Applicant: Memphis and Shelby County Office of Planning and Development
Josh Whitehead, AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified Development Code

LUCB and OPD recommendation: APPROVAL

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

APPROVED

(Councilman Lowery made a motion to suspend the rules and add item #45 to the Consent Agenda, without objection).

CONSENT AGENDA – Items 6 – 11 & 45 may be acted upon by one motion: SEE PAGE 2721 FOR ROLL CALL

6. **JOINT ORDINANCE AMENDING CHAPTER 34 OF THE 2012 JOINT BUILDING CODE FORMEMPHIS 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 ALL OF THE STRUCTURAL PROVISION OF THAT CODE, UP FOR S E C O N D READING.**

Ordinance No. 5533

APPROVED, on Second reading

7. **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 S E C O N D READING.**

Ordinance No. 5534

APPROVED, on Second reading

8. **RESOLUTION ACCEPTING GEMSTONE P.D., PART OF AREA C, PHASE 8 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 99-380
 (Contract No. CR-5048)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located north of Weaver Road, east of Holmes Road. The standard improvement contract was approved on February 6, 2007. Resolution also authorizes the release of the letter of credit No. 840, dated December 15, 2006 in the amount of \$57,800.00.

City Engineer recommends approval

APPROVED

9. **RESOLUTION ACCEPTING GEMSTONE P.D., PART OF AREA C, PHASE 9 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 99-380
(Contract No. CR-5049)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located east of Weaver Road, south of Homes Road. The standard improvement contract was approved on February 6, 2007. Resolution also authorizes the release of the letter of credit No. 845, dated December 15, 2006 in the amount of \$38,000.00.

City Engineer recommends approval

APPROVED

10. **RESOLUTION ACCEPTING GEMSTONE P.D., PART OF AREAS B & C, PHASE 10 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 99-380
(Contract No. CR-5065)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located east of Weaver Road, south of Holmes Road. The standard improvement contract was approved on April 10, 2007. Resolution also authorizes the release of the letter of credit No. 850, dated March 14, 2007 in the amount of \$209,000.00.

City Engineer recommends approval

APPROVED

11. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. SAC 13-602 – Hunt Avenue

Public Hearing Set for September 17, 2013

45. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE IN FRONT OF THE FIRE MUSEUM, IN HONOR OF THE MEMPHIS FIRE FIGHTERS.**

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 12 - 24 may be acted upon by one motion:

12. **RESOLUTION AWARDDING CONTRACT NO.11617, BEALE STREET LANDING GARAGE BOILER REPLACEMENT TO AIR TECHNICAL SERVICES, IN THE FUNDED AMOUNT OF \$60,100.00.**

APPROVED

13. **RESOLUTION AWARDDING CONTRACT NO. 11605, REPLACE LEIBERT AC UNIT IN MLGW ADMINISTRATION BUILDING CAFETERIA TO AIR TECHNICAL SERVICES, IN THE FUNDED AMOUNT OF \$71,275.00.**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11535 PEST CONTROL, TO NU ERA PEST CONTROL, TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$28,420.00. THE NEW CONTRACT VALUE IS \$95,097.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR RENEWAL TERMS COVERING THE PERIOD NOVEMBER 1, 2013 TO OCTOBER 31, 2014 IN THE FUNDING AMOUNT OF \$28,420.00. THIS CHANGE ALSO REFLECTS NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

15. **RESOLUTION AWARDDING CONTRACTS TO STRIBLING EQUIPMENT COMPANY LLC, IN THE AMOUNT OF \$69,550.00 FOR THE PURCHASE OF A HYDRAULIC BACKHOE LOADER AND H & E EQUIPMENT SERVICES IN THE AMOUNT OF \$74,839.00 FOR THE PURCHASE OF A CRAWLER EXCAVATOR, TOTALING \$144,389.00.**

APPROVED

16. **RESOLUTION AWARDING CONTRACT TO DIAMOND INTERNATIONAL TRUCKS FOR THE PURCHASE OF AN EPRI (ELECTRIC POWER RESEARCH INSTITUTE) ODYNE PHEV (PLUG-IN HYBRID ELECTRIC VEHICLE) AERIAL TOWER, IN THE AMOUNT OF \$171,209.00.**

APPROVED

17. **RESOLUTION AWARDING CONTRACTS TO TELVENT USA, LLC, IN THE AMOUNT OF \$72,500.00, UTILICOR, IN THE AMOUNT OF \$6,606.00 AND CG AUTOMATION SOLUTIONS USA, INC., IN THE AMOUNT OF \$3,022.50, TOTALING \$82,128.50, FOR PURCHASE OF REMOTE TERMINAL UNITS.**

APPROVED

18. **RESOLUTION AWARDING CONTRACT NO. 11630, 2014 ECDA INSPECTION/SURVEY OF NATURAL GAS PIPELINE, TO SOUTHERN CROSS PIPELINE INTEGRITY SERVICES, LLC., IN THE FUNDED AMOUNT OF \$198,500.00.**

APPROVED

19. **RESOLUTION APPROVING PAYMENT OF ANNUAL FACILITY MAINTENANCE FEE FOR PUBLIC WATER SYSTEMS, TO TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION, IN THE AMOUNT OF \$124,017.95.**

APPROVED

20. **RESOLUTION AWARDING CONTRACT TO MARMON UTILITY LLC, FORMERLY KERITE, FOR MEDIUM VOLTAGE POWER CABLE, IN THE FUNDED AMOUNT OF \$523,461.00.**

APPROVED

21. **RESOLUTION APPROVING THE SELECTION OF COURAGE CREDIT OPPORTUNITIES FUND III (DISTRESSED DEBT FUND) TO MANAGE APPROXIMATELY \$10,000,000 FOR THE BENEFIT OF THE MLGW OPEB TRUST FUND, AS PART OF A REALLOCATION.**

APPROVED

22. **RESOLUTION AUTHORIZING PAYMENT OF APPROXIMATELY ONE-THIRD OF THE COSTS OF CERTAIN RIGHT OF WAY STABILIZATION AND REPAIR WORK COMPLETED BY VALERO MKS LOGISTICS, L.L.C., ALONG NONCONNAH CREEK, FOR THE BENEFIT OF THE THREE PIPELINES OPERATED IN THE IDENTIFIED RIGHT OF WAY BY MLGW AND VALERO, AND THAT MLGW ENTER INTO AN AMENDMENT TO AGREEMENTS TO CONSTRUCT, OPERATE AND LEASE PIPELINE WITH VALERO, AS SUCCESSOR IN INTEREST TO MID AMERICA PIPELINE COMPANY AND WILLIAMS REFINING AND MARKETING, L.L.C. , PROVIDING FOR THE FUNDING OF THAT ONE-THIRD PORTION OF THE COSTS OF THE WORK THROUGH A \$24,853.81 REDUCTION IN THE INITIAL TERM MONTHLY FEES FOR THE LEASE OF THE 20" PIPELINE PAYABLE BY VALERO TO MLGW UNDER THOSE CERTAIN AGREEMENTS TO CONSTRUCT, OPERATE AND LEASE PIPELINES, DATED MARCH 6, 2001 AND DECEMBER 22, 1983, BETWEEN MLGW AND MAPL AS AMENDED AND THAT CERTAIN AGREEMENT TO CONSTRUCT, OPERATE AND LEASE PIPELINES, DATED MARCH 6, 2001, BETWEEN MLGW AND WILLIAMS, AS AMENDED. THE REDUCTION IN FEE SHALL BE FOR THE PERIOD BEGINNING OCTOBER 1, 2013 AND ENDING JULY 2016 FOR A TOTAL VALUE OF \$697,865.00. AFTER THE ABOVE-DESCRIBED REDUCTION THE INITIAL TERM MONTHLY FEE TO BE RECEIVED BY MLGW FOR THE 20" PIPELINE SHALL BE \$71,962.**

APPROVED

23. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11393, NETWORK MAINTENANCE, TO VENTURE TECHNOLOGIES, INCORPORATED, TO RENEW THE CURRENT CONTRACT, IN THE FUNDED AMOUNT OF \$606,457.07. (THIS CHANGE RENEWS THE CURRENT CONTRACT FOR THE THIRD OF FOUR RENEWAL TERMS COVERING THE PERIOD OCTOBER 15, 2013 THROUGH OCTOBER 14, 2014 IN THE FUNDED AMOUNT OF \$606,457.07. THIS CHANGE REFLECTS NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

APPROVED

24. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11451, COURIER SERVICES, TO EXPRESS COURIER INTERNATIONAL, INCORPORATED, TO RENEW THE CURRENT CONTRACT, IN THE FUNDED AMOUNT OF \$155,961.39. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD SEPTEMBER 7, 2013 THROUGH SEPTEMBER 6, 2014, IN THE FUNDED AMOUNT OF \$152,176.05. THIS CHANGE ALSO REFLECTS AN INCREASE IN THE NUMBER OF STOPS FROM 212 TO 216 AS WELL AS A DECREASE IN RATES FROM THE PREVIOUS YEAR. IN ADDITION, THIS RENEWAL INCLUDES CONTINGENCY FUNDS FOR POSSIBLE EMERGENCY STOPS IN THE AMOUNT OF \$3,785.34.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

46. **RESOLUTION ALLOWING THE U OF M TO PROVIDE COMPLIMENTARY FOOD AND BEVERAGE IN A HOSPITALITY TENT, OUTSIDE THE LIBERTY BOWL STADIUM AT TIGER LANE.**

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

APPROVED

40. **RESOLUTION TO AMEND THE FY 2014 OPERATING BUDGET TO RE APPROPRIATE \$500,000.00 IN THE MPD BUDGET FOR THE TESTING OF MORE SEXUAL ASSAULT KITS AND AMEND THE FY 2014 CAPITAL IMPROVEMENT BUDGET TO TRANSFER AND RE-APPROPRIATE \$1,000,000.00 FROM PUBLIC WORKS PREVIOUSLY APPROPRIATED FOR THE CONSTRUCTION OF INTERNATIONAL PAPER INFRASTRUCTURE TO THE MPD CAPITAL IMPROVEMENT BUDGET FOR THE PURPOSE OF CONSTRUCTING A DNA EVIDENCE STORAGE ROOM.**

(Councilman Harris made a motion to amend item#40 by splitting it into (2) separate resolutions, without objection. This was seconded by Councilwoman Halbert).

40. **RESOLUTION AMENDING THE FY2014 BUDGET TO REAPPROPRIATE \$500,000.00 FOR THE TESTING OF MORE SEXUAL ASSAULT KITS.**

Chairman Ford recognized the following person who spoke from the audience:
Georgia King, 741 Adams, #101, Memphis, Tennessee 38105

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

Lowery, Morrison, Strickland and Chairman Ford

APPROVED, as amended

47. **RESOLUTION TO AMEND THE FY2014 CAPITAL IMPROVEMENT BUDGET TO TRANSFER AND RE-APPROPRIATE \$1,000,000.00 IN UNUSED FUNDS FROM THE PUBLIC WORKS CIP BUDGET DESIGNATED FOR INFRASTRUCTURE IMPROVEMENTS RELATED TO INTERNATIONAL PAPER TO THE MEMPHIS POLICE DEPARTMENT CIP BUDGET FOR THE PURPOSE OF CONSTRUCTING A DNA EVIDENCE STORAGE ROOM.**

MOTION: Conrad

SECOND: Strickland

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

APPROVED

41. **RESOLUTION AMENDING THE FISCAL YEAR 2014 OPERATING BUDGET BY ACCEPTING AND APPROPRIATING GRANT FUNDING IN THE AMOUNT OF \$51,643.31 FROM UNITED WAY OF METROPOLITAN NASHVILLE FOR LINC211.**

MOTION: Boyd

SECOND: Fullilove

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

APPROVED

42. **RESOLUTION TO ACCEPT GRANT FUNDS FROM THE NATIONAL RECREATION AND PARK ASSOCIATION (NRPA) FOR THE ARTHRITIS FOUNDATION EXERCISE PROGRAM IN THE CITY OF MEMPHIS SENIOR/COMMUNITY CENTERS. RESOLUTION ALSO AMENDS THE FY 2014 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE \$4,000.00 IN GRANT FUNDS.**

MOTION: Boyd

SECOND: Fullilove

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

APPROVED

43. **RESOLUTION TO AMEND THE APPROPRIATED FISCAL YEAR'S HCD BUDGET TO REFLECT THE APPROPRIATION AND ALLOCATION OF \$12,000,000.00 TOWARDS THE PYRAMID REDEVELOPMENT PROJECT TO OFF-SET AN COMPLETE THE PROJECT'S CONTRACT OBLIGATIONS DURING THE CONSTRUCTION PERIOD AS SET FORTH BY THE TERMS AND AGREEMENTS IN CONTRACT NO. 27034.**

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

APPROVED

44. **RESOLUTION APPROPRIATING THE REVENUE AND EXPENDITURES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM FUNDS IN THE AMOUNT OF \$428,168.00.**

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

APPROVED

37. **RESOLUTION AMENDING THE FY2014 BUDGET TO ACCOUNT FOR INCREASED REVENUE AND EXPENDITURES ASSOCIATED WITH THE PARKING METER MODERNIZATION.**

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

APPROVED

38. **RESOLUTION AUTHORIZING THE EXECUTION OF A MUNICIPAL LEASE PURCHASE AGREEMENT WITH JPMORGAN CHASE BANK, N.A. FOR FINANCING OF PARKING METER EQUIPMENT IN CONNECTION WITH THE UPGRADE OF THE PARKING METER SYSTEM IN THE DOWNTOWN AREAS AND MEDICAL DISTRICT.**

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

Lowery, Morrison, Strickland and Chairman Ford

APPROVED

39. **RESOLUTION ESTABLISHING A FOUR MONTH MORATORIUM ON DEMOLITION OF STRUCTURES LISTED IN THE NATIONAL REGISTRY OF HISTORIC PLACES. (HELD FROM 8/20)**

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

June West, 2282 Madison Avenue, Memphis, Tennessee 38104
 Gordon Alexander, 179 S. Rembert, Memphis, Tennessee 38104
 Michael Fahy, 7520 Capital Drive, Ste. #200, Germantown, Tennessee 38138
 Steve Mulroy, 1035 Perkins Terrace, Memphis, Tennessee 38117
 Georgia King, 741 Adams, #101, Memphis, Tennessee 38105

(Councilman Collins offered a Friendly Amendment to exempt the Nineteenth Century Club from this moratorium. This Friendly Amendment was accepted by Councilwoman Fullilove).

(Councilman Strickland offered an amendment to Councilman Collins' Friendly Amendment wanting the language to read to the owners of the Nineteenth Century Club and after this amendment was offered, Councilwoman Fullilove withdrew her acceptance of Councilman Collins' Friendly Amendment).

(Councilman Strickland offered another Friendly Amendment, to change the language in the resolution from the Memphis and Shelby County Building Department to the Memphis and Shelby County Office of Construction Code Enforcement and this was accepted by Councilwoman Fullilove).

(Since Councilman Collins' Friendly Amendment was withdrawn by Councilwoman Fullilove, it was set up as Special Item #1 because of objection). (Councilwoman Halbert seconded this Friendly Amendment).

(After further discussion of this item, the objection was withdrawn from Councilman Collin's Friendly Amendment and the language now reads that this resolution does not apply to any facility for which a demolition permit has been issued, including the Nineteenth Century, as long as it is owned by the Union Group, LLC).

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

APPROVED, as amended

25. **APPOINTMENTS**

CIVIL SERVICE COMMISSION

APPOINTMENT

JUNE P. JOHNSON

MEMPHIS ANIMAL SHELTER ADVISORY BOARD

REAPPOINTMENT

JILL MADAJCZYK

MEMPHIS AREA TRANSIT AUTHORITY

APPOINTMENT

LAUREN TAYLOR

MEMPHIS CITY BEAUTIFUL

APPOINTMENT

STACY L. MCCALL
CAT NORMOYLE

MEMPHIS AND SHELBY COUNTY JOINT BOARD OF APPEALS

RE-APPOINTMENTS

JAMES L. BURKE, JR.
DAVID E. CANUP, JR.
OSCAR PRUITT

SHELBY COUNTY MUNICIPAL SOLID WASTE PLANNING REGION BOARD

REAPPOINTMENT

ANDY ASHFORD

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

APPROVED

30. **RESOLUTION TO ACCEPT THE RENEWAL OF THE HUD SHELTER PLUS CARE GRANT IN THE AMOUNT OF \$342,043.00 BY THE CITY OF MEMPHIS.**

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

APPROVED

31. **RESOLUTION TO ACCEPT THE RENEWAL OF THE HUD SHELTER PLUS CARE GRANT IN THE AMOUNT OF \$134,585.00 BY THE CITY OF MEMPHIS.**

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

APPROVED

32. **RESOLUTION TO ACCEPT THE RENEWAL OF THE HUD SHELTER PLUS CARE GRANT IN THE AMOUNT OF \$199,623.00 BY THE CITY OF MEMPHIS.**

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

APPROVED

34. **RESOLUTION REQUESTING THE MAYOR TO AUTHORIZE THE RELEVANT CITIZEN GROUPS TO MOVE THE STATUE OF CHRISTOPHER COLUMBUS TO MARQUETTE PARK, MAKE IMPROVEMENTS TO MARQUETTE PARK AND TO CONVERT COLUMBUS PARK TO A PARK HONORING ATTORNEYS CRITICAL TO THE CIVIL RIGHTS MOVEMENT IN MEMPHIS.**

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

APPROVED

35. RESOLUTION APPROVING THE HANDY PARK LEASE AGREEMENT BETWEEN THE CITY OF MEMPHIS AND HANDY PARK, LLC.

(Councilman Collins made a motion to send this item back to Executive Committee, without objection. This was seconded by Councilwoman Halbert) There was an objection, but after a brief discussion of this item, the objection was withdrawn– Special Item #2

Sent Back to Committee on September 17, 2013

36. RESOLUTION AMENDING THE FY2014 CAPITAL IMPROVEMENT BUDGET BY REDUCING SEWER REVENUE BONDS IN REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 AND ESTABLISHING AN ALLOCATION FUNDED BY CAPITAL PAY GO-SEWER IN JACK CARLEY PUMP STATION REHAB, PROJECT NUMBER SW02113 IN THE AMOUNT OF \$782,018.00 FOR REPLACEMENT OF 3 SANITARY SEWER PUMPS AND OTHER APPURTENANCES.

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

APPROVED

(Special Item #3 – Councilwoman Fullilove made a motion to suspend the rules and add item #48 to the Agenda. There was objection and a vote had to be taken).

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

APPROVED

48. ORDINANCE AMENDING CHAPTER 15, SECTION 15-12, CITY OF MEMPHIS CODE OF ORDINANCES TO INCREASE THE MONTHLY SOLID WASTE FEE FOR RESIDENTIAL UNITS, UP FOR F I R S T READING.

Ordinance No. 5535

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

APPROVED

(Special Item#4 – Councilman Strickland made a motion to approved Same Night Minutes for Items #37, #38, #40, #41, #42, #42, #43, #44, #46 & #47 from Tonight’s Meeting).

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

- Min. Suhkara A. Yahweh, 775 Porter Street, Memphis, Tennessee 38126
- Booker T. Woodard, 157 Isaac Newsome Road, Pinola, Mississippi 39149
- Donna Bohannon, 5343 Sea Isle, Memphis, Tennessee 38119
- Cathie Auxier, 10840 Monterey Forest Cv., Eads, Tennessee 38002
- Trudy Stamps, 1801 Whatling Street, Cordova, Tennessee 38016

ADJOURNED MEETING AT 6:45 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