

Minutes of Item 28 of the  
Regular Meeting of the City Council  
City of Memphis

January 18, 2011

After the meeting was opened for the transaction of business and a quorum was declared present the Council considered the items on the agenda, including Item 28 to wit:

28. RESOLUTION accepting and approving the dissolution and surrender of the Memphis City Schools Charter with an effective date of March 21, 2011 and an option to reconsider.

MOTION: Halbert

SECOND: Hedgepeth

AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Hedgepeth,  
Lowery, Strickland

ABSTAIN:

NAYS:

RECUSED: Ford, Morrison

**APPROVED**

Whereupon Halbert moved that the minutes for the foregoing items be approved on the date the matter was approved. Fullilove seconded the motion. The motion was called for a vote as follows:

AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Hedgepeth,  
Lowery, Strickland

ABSTAIN:

NAYS:

Recused: Ford and Morrison

**APPROVED**

Chairman: Myron Lowery

Date: 1-18-2011

*Valerie C. Snydes*  
Attest:

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**January 18, 2011**

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

**3:33 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Pastor James Henderson from Abundant Life Fellowship Church (formerly ZOE Baptist). Councilwoman Fullilove presented Pastor Johnson 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 January 4, 2011 with the following motion:**

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

**APPROVED**

**(Councilman Morrison offered a friendly amendment, stating that if there is a change of ownership, this property has to go back through a site plan review. This was seconded by Strickland).**

Applicant: TM Partners  
SR Consulting, LLC – Cindy Reaves - Representative

Appellant: Cordova Leadership Council

Request: Overturn the decision of the LUCB approving a site plan for Motor Vehicle Sales

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford

SECOND: Hedgepeth

AYES: Boyd and Morrison

NAYS: Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland and Chairman Lowery  
Ware was absent

**FAILED**

26. **INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED EIGHTY MILLION DOLLARS (\$80,000,000.00) GENERAL OBLIGATION BONDS OF THE CITY OF MEMPHIS, TENNESSEE FOR THE PURPOSE OF FINANCING THE COST OF PUBLIC WORKS PROJECTS IN THE CITY.**

MOTION: Conrad

SECOND: Fullilove

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

**APPROVED**

27. **RESOLUTION APPROVING THE EXECUTION AND DELIVERY OF A SITE LOCATION AND DEVELOPMENT AGREEMENT BY AND AMONG ELECTROLUX HOME PRODUCTS, INC., AND THE STATE OF TENNESSEE, SHELBY COUNTY, TENNESSEE, THE CITY OF MEMPHIS, TENNESSEE AND THE MEMPHIS AND SHELBY COUNTY INDUSTRIAL DEVELOPMENT BOARD; CONSENTING TO THE ISSUANCE OF DEBT BY THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION TO FINANCE THE CITY'S SHARE OF COSTS IN AN AMOUNT OF TWENTY-TWO MILLION DOLLARS (\$22,000,000.00) UNDER SUCH AGREEMENT; AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE PORT COMMISSION IN SUPPORT OF SUCH FINANCING; AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING.**

Ford and Morrison recused  
Ware was absent

**APPROVED**, as amended

- 3. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING 152 FEET NORTH OF THE NORTH SIDE OF MADISON AVENUE AND ±180 FEET EAST OF N. BELLEVUE BOULEVARD BETWEEN MADISON AVENUE AND COURT AVENUE, EXTENDING 230 FEET EASTWARD, CONTAINING 3,220 SQUARE FEET.**

Case No. SAC 10-608

Applicant: The Embroidery Company/E. F. Spikner  
The Reaves Firm – Representative

Request: Close alley right-of-way

LUCB and OPD recommendation: APPROVAL

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

**APPROVED**

**(Special Item #2 – Councilman Collins made a motion to add item #30 to the Agenda, without objection. This was seconded by Councilwoman Fullilove).**

- 30. **RESOLUTION BY THE MEMPHIS CITY COUNCIL APPROVING THE 2011 STATE LEGISLATIVE AGENDA WHICH INCLUDES JOINT PRIORITIES FOR THE CITY OF MEMPHIS AND SHELBY COUNTY GOVERNMENT AND REQUESTING THE SHELBY COUNTY DELEGATION TO SUPPORT, AND MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY TO ENACT LEGISLATION AS PROPOSED BY THE 2011 STATE LEGISLATIVE AGENDA.**

**(Special Item #3 – Councilman Morrison made a motion to hold item #30 for (2) weeks).**

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

Request: Special Use Permit to allow warehouse storage of supermarket goods, products and merchandise

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford

SECOND Boyd

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

Halbert did not cast a vote

Ware was absent

**APPROVED**, as amended

**(Items 6 -11 were called together)**

6. **RESOLUTION APPROVING A HOTEL WAIVER FOR 6083 APPLE TREE DRIVE EXTENDED STAY AMERICA.**

Case No. HMW 11-01

7. **RESOLUTION APPROVING A HOTEL WAIVER FOR 8110 CORDOVA CENTER DR. EXTENDED STAY.**

Case No. HMW 11-02

8. **RESOLUTION APPROVING A HOTEL WAIVER FOR 5885 SHELBY OAKS DRIVE EXTENDED STAY.**

Case No. HMW 11-03

9. **RESOLUTION APPROVING A HOTEL WAIVER FOR 6520 MT. MORIAH ROAD EXTENDED STAY.**

Case No. HMW 11-04

10. **RESOLUTION APPROVING A HOTEL WAIVER FOR 6325 QUAIL HOLLOW EXTENDED STAY.**

Case No. HMW 11-05

11. **RESOLUTION APPROVING A HOTEL WAIVER FOR 2524 HORIZON LAKE DRIVE EXTENDED STAY.**

Case No. HMW 11-06

**(The applicant of these cases stated that his records show that the address for item #11 should be 2520 Horizon Lake Drive. OPD stated that their records show the address is 2524 Horizon Lake Drive. City Council Attorney, Alan Wade, stated that the address for the records should read 2520 -2524).**

Resolution approves the final plat located on the south side of Raines Road, between Kirby and Hickory Hill. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

- 17. **ORDINANCE TO AMEND CHAPTER 2, DIVISION 6, LOCAL SMALL BUSINESS DEVELOPMENT AND PROCUREMENT PROGRAM, UP FOR THIRD AND FINAL READING. (HELD FROM 1/4)**

Ordinance No. 5389

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

**APPROVED**

- 18. **RESOLUTION TO ACCEPT ADDITIONAL 100% FEDERAL GRANT FUNDS IN THE AMOUNT OF \$1,054,240.70 FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE COORDINATED TRAFFIC SIGNAL SYSTEM YEAR 1 PROJECT TO HELP RELIEVE TRAFFIC CONGESTION AND RELATED AIR POLLUTION ON LAMAR AVENUE IN THE CITY OF MEMPHIS. RESOLUTION ALSO AMENDS THE FY 2011 OPERATING BUDGET BY ADDING FUNDS TO THE PROJECT (EN90003) AND APPROPRIATES GRANT FUNDS.**

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

21. **RESOLUTION TO AMEND FIRE SERVICE'S CAPITAL IMPROVEMENT BUDGET REQUEST TO REPLACE THE ORIGINAL REQUEST WITH EIGHT ALTERNATIVE RESPONSE VEHICLES, ONE BRUSH TRUCK, SEVEN AMBULANCES, TWO ENGINES AND TWO AERIAL/QUINTS TRUCKS AT A COST OF \$4,508,284.00. THE COST IS THE SAME AS THE ORIGINAL REQUEST. (HELD FROM 1/4)**

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

**APPROVED**, as amended (The money amount changed to \$4,008,284.00)

22. **RESOLUTION APPROVING THE COMPLETION OF PLANS AND SPECIFICATIONS AND TAKING OF BIDS FOR THE DRAIN MAINTENANCE STORAGE BUILDING, CIP PROJECT NUMBER ST04045, AS PART OF THE FY 2011 CAPITAL IMPROVEMENT PROGRAM AT AN ESTIMATED CONSTRUCTION COST OF \$700,000.00 FUNDED BY G.O. BONDS GENERAL.**

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

**APPROVED**

23. **RESOLUTION AMENDING THE FISCAL YEAR 2011 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$56,436.00 FUNDED BY SEWER REVENUE BONDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO GAYOSO SEWER TRANSFER SWITCH, PROJECT NUMBER SW02087, TO PURCHASE A STANDARDIZED SMART SWITCH TO USE AS AN ALTERNATIVE POWER FEED IN CASE OF ELECTRICAL FAILURE FOR THE GAYOSO SEWER PUMPS. RESOLUTION ALSO APPROPRIATES \$56,436.00 FUNDED BY SEWER REVENUE BONDS IN GAYOSO SEWER TRANSFER SWITCH, PROJECT NUMBER SW02087 FOR A CONTRACT WITH STUART C. IRBY COMPANY.**

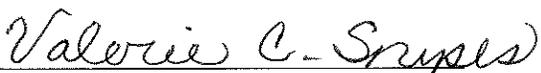
MOTION: Hedgepeth  
 SECOND: Strickland  
 AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Hedgepeth, Morrison, Strickland and Chairman Lowery  
 Halbert did not cast a vote

APPROVED (January 18, 2011 Meeting is in recess)

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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