MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

May 1, 2012

3:30 P.M. SCHEDULED SESSION

3:33 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Rev. James E. Henderson from Abundant Life Fellowship Church. Councilwoman Halbert presented Rev. Henderson 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 April 17, 2012 with the following motion:

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

APPROVED

1. **RECOGNITION OF DOUGLASS K-8 SCHOOL STUDENTS FOR THEIR PARTICIPATION IN DOUGLASSVILLE CITYGOVERNMENT.**

MOTION: Harris
SECOND: Fullilove

APPROVED, unanimous voice vote

(Due to the System malfunctioning, the Meeting was recessed from 3:45 p.m. until 3:48 p.m.)

20. **RESOLUTION RESPECTFULLY REQUESTING THE MLGW BOARD OF COMMISSIONERS REVIEW THE EXISTING POLICY AND PROCEDURES RELATED TO UTILITY THEFT, INVESTIGATION AND PROSECUTION AND REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE MEMPHIS CITY COUNCIL WITHIN 60 DAYS.**

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

APPROVED

21. **RESOLUTION RESPECTFULLY REQUESTING THE MLGW BOARD OF COMMISSIONERS REVIEW ANY EXISTING POLICY AND PROCEDURES RELATED TO TESTING AND CALIBRATION OF METERS OR IF NECESSARY, DEVELOP A PROGRAM TO TEST, CALIBRATE, REPAIR AND REPLACE METERS ON A REGULAR BASIS AND REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE MEMPHIS CITY COUNCIL WITHIN 60 DAYS.**

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

APPROVED

2. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE WEST SIDE OF BOSTON STREET, 175 FEET NORTH OF MIDLAND AVENUE, CONTAINING 0.17 ACRE IN THE RESIDENTIAL URBAN (RU-1) DISTRICT. (HELD FROM 3/6; 3/20; 4/17)**

Case No. SUP 11-224

Applicant: Jacob's Ladder, Inc.
Rev. Bill Marler – Representative

Request: Group Day Care and Playground

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

3. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHWEST CORNER OF WALNUT GROVE ROAD AND HAYDEN STREET, CONTAINING 0.73 ACRE IN THE COMMERCIAL MIXED USE-2 (CMU-2) DISTRICT.**

Case No. SUP 12-205

Applicant: TV 6 Signal Source Tower, LLC (Billy Orgill/Craig Royal)
Prime Development Group – Mike Fahy – Representative

Request: Cellular Tower (160 feet tall – Stealth Design)

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

CONSENT AGENDA – Items 4 - 12 may be acted upon by one motion: SEE PAGE 2230 FOR ROLL CALL

4. **ORDINANCE TO AMEND AND SUPPLEMENT SECTION 14-4-36, CLOSING OF ADJACENT STREETS AND SIDEWALKS, UP FOR F I R S T READING.**

Ordinance No. 5448

APPROVED, on First reading

5. **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 F I R ST READING.**

Ordinance No. 5449

APPROVED, on First reading

6. **ORDINANCE ESTABLISHING THE FISCAL YEAR 2013 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR F I R S T READING.**

Ordinance No. 5450

APPROVED, on First reading

7. **ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2013, UP FOR F I R S T READING.**

Ordinance No. 5451

APPROVED, on First reading

8. **RESOLUTION APPROVING FINAL PLAT OF TOURNAMENT CENTER P.D., PHASE 2 (APARTMENTS).**

Case No. PD 09-305
Contract No. CR-5180

Resolution approves the final plat located on the north side of Tournament Drive, west of Hacks Cross. 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

9. **RESOLUTION APPROVING FINAL PLAT OF THE GALLERIA OF MEMPHIS P.D., AMENDED, PHASE 13 (ROAD DEDICATION ONLY).**

Case No. PD 04-312
Contract No. CR-5181

Resolution approves the final plat located at the terminus of Market Plaza Drive, west of Germantown Parkway. 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

10. **RESOLUTION APPROVING FINAL PLAT OF KIRBY GATE WEST P.D., PHASE 1.**
Case No. PD 11-316
Contract No. CR-5182

Resolution approves the final plat located on the north side of Quince Road, 951.32 feet west of Kirby Parkway. 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

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. SUP 12-207

Public Hearing Set for May 15, 2012

12. **RESOLUTION HONORING THE LIFE OF HUNTER LANE JR.**

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 13 - 16 may be acted upon by one motion:

13. **RESOLUTION AWARDING CONTRACTS FOR CAB AND CHASSIS TWO-TON TRUCKS TO DIAMOND INTERNATIONAL TRUCKS IN THE AMOUNT OF $774,768.00 AND TO TAG TRUCK CENTER IN THE AMOUNT OF $154,825.00, FOR A TOTAL AMOUNT OF $929,593.00.**

APPROVED

14. **RESOLUTION AWARDING CONTRACT FOR STEEL-UTILITY SERVICE BODIES TO AERIAL TRUCK EQUIPMENT COMPANY IN THE AMOUNT OF $168,301.00.**

APPROVED

15. **RESOLUTION APPROVING PAYMENT OF 2012 ANNUAL MEMBERSHIP DUES TO TENNESSEE VALLEY PUBLIC POWER ASSOCIATION IN THE AMOUNT OF $50,613.40.**

APPROVED

16. **RESOLUTION AWARDING 12-MONTH BLANKET CONTRACT FOR #477 PELICAN WIRE TO UTILICOR IN THE AMOUNT OF $337,400.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

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

APPROVED

17. **RESOLUTION ACCEPTING AND APPROPRIATING $10,000.00 IN ADDITIONAL FEDERAL GRANT FUNDS FROM THE DEPARTMENT OF HOMELAND SECURITY FEMA FOR THE DIVISION OF FIRE SERVICES FOR A TOTAL APPROPRIATION OF $10,000.00.**

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

APPROVED

18. **RESOLUTION TO ENCUMBER AN ADDITIONAL $328,242.00, CIP PROJECT NUMBER GS01007, MAJOR MAINTENANCE, FUNDED BY G.O. BONDS GENERAL FOR ROOF REPAIRS AT CITY HALL. THIS ENCUMBRANCE IS FOR CHANGE ORDER #1 TO COVER ABATEMENT OF THE CEILING OF THE HALL OF MAYORS AND THE SECOND FLOOR CEILING OVER THE HALL OF MAYORS, REPLACEMENT OF 128 SKYLIGHT WINDOWS ON THE ROOF OF COUNCIL**

CHAMBERS AND THE HALL OF MAYORS AND RE-PLASTERING THE CEILING IN THE HALL OF MAYORS AND THE SECOND FLOOR CEILING.

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

APPROVED

19. **RESOLUTION APPROPRIATING $2,859,588.00 FOR CIP PROJECT NUMBER IS01053, TREASURY SYSTEM UPGRADE, WHICH WAS APPROVED BY CITY COUNCIL IN THE FY 2012 CIP BUDGET.**

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

APPROVED

22. **RESOLUTION APPROVES COMPLETION OF PLANS AND SPECIFICATIONS FOR THE WOLF RIVER GREENWAY – THE PHASE BETWEEN MCLEAN AVE AND HOLLYWOOD STREET, CIP PROJECT NUMBER PK07012, AT AN ESTIMATED CONSTRUCTION COST OF $1,350,000.00 FUNDED BY G.O. BONDS GENERAL. (HELD FROM 4/17)**

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

APPROVED, as amended

23. **RESOLUTION AMENDING THE FY 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING $236,322.00 FUNDED BY G.O. BONDS-GENERAL (STORM WATER) FROM FLOOD CONTROL-ST, PROJECT NUMBER ST03059 TO MARBLE PUMP STATION OUTLET, PROJECT NUMBER ST03139 AND FOR A CONTRACT WITH CHRIS-HILL CONSTRUCTION CO., LLC. (HELD FROM 4/17).**

MOTION: Hedgepeth
SECOND: Strickland

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

APPROVED

24. **RESOLUTION AMENDING THE FY 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF $25,031.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) FROM FLOOD CONTROL-ST, PROJECT NUMBER ST03059 TO WORKHOUSE PUMP STATION ELECTRICAL ENCLOSURE, PROJECT NUMBER ST03147 TO REPLACE A TEMPORARY ELECTRICAL SERVICE WITH A PERMANENT INSTALLATION. RESOLUTION ALSO APPROPRIATES $25,031.00 FUNDED BY G.O. BONDS GENERAL (STORM WATER) IN WORKHOUSE PUMP STATION ELECTRICAL ENCLOSURE, PROJECT NUMBER ST03147 FOR A CONTRACT WITH SHELBY ELECTRIC COMPANY, INC.**

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Marjorie E. Steakley, 4699 Summer Lane Avenue, #5, Memphis, Tennessee 38118

ADJOURNED MEETING AT 4:09 P.M.

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

Bill Morrison
CHAIRMAN

Attest:

Valerie C. Snyder
Deputy Comptroller/Council Records