

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

April 17, 2012

3:30 P.M. SCHEDULED SESSION

3:30 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. Mitchell Moore from Second Presbyterian Church. Councilman Conrad presented Rev. Moore 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 3, 2012 with the following motion:

MOTION: Ford – Amend Item #16, Memphis Light, Gas and Water Commission Appointment for Mr. Derwin Sisnett be effective retro to April 3, 2012
SECOND: Strickland

MOTION: Halbert – Pull Item #17 and #18 from the Minutes to be heard at the heel of the agenda

Chairman Morrison stated that without objection, we will pull Item #17 and #18 from the Minutes

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

APPROVED, as amended

6. **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)

Case No. SUP 11-224

Held until May 1, 2012

1. **PRESENTATION OF THE FY 2013 BUDGETS, BY MAYOR A C WHARTON.**

PRESENTATION ONLY. NO VOTE REQUIRED.

2. **RESOLUTION RECOGNIZING THE MIDDLE COLLEGE DEBATE TEAM.**

MOTION: Collins
SECOND: Ford

APPROVED, by unanimous voice vote

3. **RESOLUTION CONGRATULATING THE CENTRAL HIGH SCHOOL BOYS' BASKETBALL TEAM ON THEIR OUTSTANDING 2011 – 2012 SEASON.**

MOTION: Ford
SECOND: Collins

APPROVED, by unanimous voice vote

4. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR JUDGE D'ARMY BAILEY.**

MOTION: Brown
SECOND: Halbert

APPROVED, by unanimous voice vote

5. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF KNIGHT ROAD; +/-841.04 FEET WEST OF GETWELL ROAD, CONTAINING 54 ACRES IN THE EMPLOYMENT (EMP) AND EMPLOYMENT FLOODPLAIN DISTRICTS.**

Case No. PD 11-322

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

- Scott Banbury, 1051 Stonewall, Memphis, TN 38107
- Phillip Bendau, 3000 Getwell Rd., Memphis, TN 38118
- Roscoe Dixon, 3592 Huckleberry, Memphis, TN 38116
- Cory Guidry, 2866 Watson St., Memphis, TN 38118
- Rita Harris, 2600 Poplar Ave., Memphis, TN 38112
- Pastor James Henderson, 3747 Knight Arnold, Memphis, TN 38118
- Sean Hunt, 3877 Winchester Rd., Memphis, TN 38118
- Commissioner Martavius Jones, 2597 Avery, Memphis, TN 38112
- Michael Potts, 3877 Winchester, Suite 4, Memphis, TN 38118
- Susan Shelnett, 10 Ridgehaven Ct., Little Rock, AR 72211

Applicant: MTL Environmental, LLC (Michael Potts)
Homer Branam – Representative

Request: Wood chipping and processing operation

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

MOTION: Halbert – Approve Item #17 and #18 from the Minutes of April 3, 2012
 SECOND: Boyd
 AYES: Boyd, Collins, Flinn, Ford, Halbert, Hedgepeth and Chairman Morrison
 Brown, Conrad, Fullilove, Harris, Lowery and Strickland did not cast a vote

APPROVED, set up as Special Item #1

7. **RESOLUTION TO EVALUATE ECONOMIC DEVELOPMENT, USING MEMPHIS TAX DOLLARS.**

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

APPROVED

CONSENT AGENDA – Items 8 and 9 may be acted upon by one motion: SEE PAGE 2221 FOR ROLL CALL

8. **RESOLUTION ACCEPTING THE STANDARD IMPROVEMENT CONTRACT FOR LEGENDS PARK PLANNED DEVELOPMENT PH 1, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 07-338
(Contract No. CR-5123)

Resolution accepts the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Poplar and Decatur. The standard improvement contract was approved on November 18, 2008. Resolution also authorizes the release of the performance bond (No.105187231) in the amount of \$2,305,287.98.

City Engineer recommends approval

APPROVED

9. **RESOLUTION ACCEPTING WINCHESTER/HACKS CROSS ROAD PD – SIGNAL AT WINCHESTER ROAD AND POLO CLUB DR., AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5158)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the intersection of Winchester Road and Polo Club Drive. The standard improvement contract was approved on May 2010. Resolution also authorizes the release of the letter of credit in the amount of \$209,000.00.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

10. **APPOINTMENTS**

SHELBY COUNTY MUNICIPAL SOLID WASTE PLANNING REGION BOARD

Appointments

Berlin Boyd
Philip Davis

Reappointments

Roosevelt Allen
Dwan Gilliom

MEMPHIS AND SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY

Reappointment

Michael R. Frick

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

APPROVED

11. **RESOLUTION AMENDING THE COUNCIL'S RULES OF PROCEDURES.**

Friendly Amendment: Change 9 voting members to 2/3 members voting and present

MOTION: Boyd

Councilman Harris accepted Councilman Boyd's Friendly Amendment

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

FAILED

12. **RESOLUTION APPROVING THE FY2013 CONSOLIDATED PLAN AND ACCEPTING AND APPROPRIATING ANTICIPATED FY2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$6,589,508.00, CDBG PROGRAM INCOME IN THE AMOUNT OF \$1,982,988.00, HOME FUNDS IN THE AMOUNT OF \$2,796,674.00, HOME PROGRAM INCOME IN THE AMOUNT OF \$18,000.00, EMERGENCY SOLUTIONS GRANT (ESG) FUNDS IN THE AMOUNT OF \$633,925.00, AND HOUSING OPPORTUNITIES FOR PERSON WITH AIDS (HOPWA) FUNDS IN THE AMOUNT OF \$1,705,456.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO THE FY2013 BUDGET FOR THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT.**

MOTION: Brown

SECOND: Boyd

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

APPROVED

13. **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 \$979,000.00 FUNDED BY G.O. BONDS GENERAL.**

MOTION: Boyd – Send back to Committee on May 1, 2012

Chairman Morrison stated that without objection, Item #13 will be sent back to Committee

Back to Committee on May 1, 2012

14. **RESOLUTION APPROPRIATING \$164,450.00 FUNDED BY SEWER REVENUE BONDS FOR STILES PLANT MODIFICATION, PROJECT NUMBER SW04009 FOR A CONSTRUCTION CONTRACT WITH THERMAL CORROSION SOLUTIONS.**

MOTION: Hedgepeth

SECOND: Boyd

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

APPROVED

15. **RESOLUTION AMENDING THE FISCAL YEAR 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$418,204.00 FUNDED BY GO BONDS – GENERAL (STORM WATER) FROM DRAINAGE-ST, PROJECT NUMBER ST03006 TO FAIRLEY DRAINAGE IMPROVEMENTS, PROJECT NUMBER ST03140 AND FOR A CONSTRUCTION CONTRACT WITH FARRELL PAVING.**

MOTION: Hedgepeth

SECOND: Strickland

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

APPROVED

16. **RESOLUTION AMENDING THE FY 2012 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$1,011,915.00 FUNDED BY SEWER REVENUE BONDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO JACK CARLEY SEWER REPAIR #2, PROJECT NUMBER SW02086 AND FOR A CONSTRUCTION CONTRACT WITH ACUFF ENTERPRISES.**

MOTION: Hedgepeth

SECOND: Strickland

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

APPROVED

17. **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.**

MOTION: Brown – Send Back to Committee on May 1, 2012

Chairman Morrison stated that without objection, Item #17 will be sent back to Committee

Back to Committee on May 1, 2012

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Doris Bradshaw, 1000 S. Cooper, Memphis, TN 38104
Walter Broady, 4256 Ledbetter Cv., Memphis, TN 38109
Don Hassell, 324 S. Pauline St., Memphis, TN 38104
Steven Simmons, 781 Leath St., Memphis, TN 38107

ADJOURNED MEETING AT 7:11 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