

**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 CITY GOVERNMENT.**

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)**

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 S T 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 AWARDED 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.**

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

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CHAIRMAN

Attest:

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Deputy Comptroller/Council Records