

**MINUTES****REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****June 5, 2007****3:30 P.M. SCHEDULED SESSION****3:45 P.M. MEETING COMMENCED**

**ROLL CALL:** Dedrick Brittenum, Joe Brown, Carol Chumney, Madeleine Cooper Taylor, Edmund Ford, Barbara Holt-Ware, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick and Jack Sammons  
Brent Taylor was absent

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

**INVOCATION**

The meeting was opened with prayer by Dr. Rueben H. Green, from Central Baptist Church, Inc. Councilman Ford presented Dr. Green with a certificate naming him Chaplain of the day.

**The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.**

39. **ORDINANCE AMENDING THE TEXT OF THE SUBDIVISION REGULATIONS, UP FOR T H I R D AND F I N A L READING.** (Held from 2/6; 2/20; 3/6; 5/1)  
Ordinance No. 5202  
Case No. STA 06-001cc

Applicant: Office of Planning and Development

Request: Subdivision Text Amendment as follows: Amend Sections 300.2E: Names and Addresses and 404.3F: Adjacent Properties – to add requirements for interconnected streets

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**NO NOTICES WERE REQUIRED****DROPPED**

45. **RESOLUTION HONORING DAVE BROWN FOR 30 YEARS OF OUTSTANDING SERVICE TO WMC-TV 5.**

MOTION: Jones

SECOND: McCormick

**APPROVED**, by unanimous voice vote

**CONSENT AGENDA – Items 1-3 & 46-48 may be acted upon by one motion. SEE PAGE 2202 FOR ROLL CALL**

1. **RESOLUTION APPROVING FINAL PLAT OF MEMPHIS INTERMODAL FACILITY LAMAR AVENUE SEWER RELOCATION.**

Contract No. CR-5076

Resolution approves the final plat located on the east side of US Hwy 78, north of John's Creek. 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**

2. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 07-302
- B. Case No. PD 07-308
- C. Case No. PD 07-309
- D. Case No. PD 07-310 – Frayser Business Center PD
- E. Case No. SAC 07-603 – Kentucky Street Closure

Public Hearing Set for June 19, 2007

3. **RESOLUTION COMMENDING MRS. FRANCES MANLEY FOR HER 50 YEARS OF VOLUNTEER SERVICE TO THE MEMPHIS LIBRARY SYSTEM.**

**APPROVED**

46. **RESOLUTION APPROVING MARIE SUBDIVISION.**

Case No. S 06-048

Resolution approves final plat located on the south west corner of Garden Lane and Fenwick Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

47. **RESOLUTION ACCEPTING CONCORD ESTATES SUBDIVISION, SECTION C, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 99-062cc  
(Contract No. CR-4994)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Shelby Drive, west of Gertrude Drive. The standard improvement contract was approved on December 20, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$26,000.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

48. **RESOLUTION ACCEPTING SUNSET LAKES SUBDIVISION, SECTION B, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 98-018cc  
(Contract No. CR-4787)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Old Covington Pike, north and south of Meegan Drive. The standard improvement contract was approved on April 15, 2003.

Resolution also authorizes the release of the performance bond in the amount of \$50,200.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

**ROLL CALL CONSENT ITEMS**

MOTION: Ware  
 SECOND: Jones  
 AYES: Brittenum, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
 Brittenum recused on Item #2 - D & E  
 Brown did not cast a vote  
 Taylor was absent

**APPROVED**

**MLGW FISCAL CONSENT – 4-17 & 19 & 20 Items may be acted upon by one motion**

4. **RESOLUTION AWARDDING CONTRACT NO. 11172, AUTOMATIC GATE SYSTEM, TO SOUTH MEMPHIS FENCE COMPANY, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$323,678.59.**

**APPROVED**

5. **RESOLUTION AWARDDING CONTRACT NO. 11189, FILTER MEDIA REPLACEMENT FOR SHEAHAN WATER PUMPING STATION, TO TECH COAT, INC., IN THE FUNDED AMOUNT OF \$518,820.00.**

**APPROVED**

6. **RESOLUTION AWARDDING CONTRACT NO. 11197, ELECTRONIC OPERATIONS UPS/PDU MAINTENANCE SYSTEM, TO ELECTRONIC POWER SYSTEMS, INC. IN THE FUNDED AMOUNT OF \$52,650.00.**

**APPROVED**

7. **RESOLUTION AWARDDING CONTRACT NO. 11200, MLGW HVAC UPGRADE AT VARIOUS LOCATIONS, TO CS3, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$2,054,200.00.**

**APPROVED**

8. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 9955 WITH MEMPHIS AND SHELBY COUNTY HEALTH DEPARTMENT, IN THE FUNDED AMOUNT OF \$141,339.00. (THIS COVERS 2007 PAYMENT FOR PARTIAL FUNDING OF POLLUTION CONTROL.)**

**APPROVED**

9. **RESOLUTION REQUESTING RATIFICATION OF EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 6 TO CONTRACT NO. 10858, ALL RISK PROPERTY INSURANCE, WITH FACTORY MUTUAL INSURANCE COMPANY, INC., IN THE FUNDED AMOUNT OF \$767,713.00. (THIS CHANGES THE NAME TO FM GLOBAL, AND RENEWS THE POLICY FOR THE PERIOD JUNE 1, 2007 TO MAY 31, 2008.)**

**APPROVED**

10. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11000, PROACTIVE DIALER SOLUTION, WITH TELEVOX SOFTWARE, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$50,000.00. (THIS COVERS ADDITIONAL FUNDING FOR SERVICES THROUGH THE FIRST RENEWAL TERM WHICH EXPIRES DECEMBER 31, 2007.)**

**APPROVED**

11. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11013, LINE CLEARANCE, WITH BLUME TREE SERVICES, IN AN ESTIMATED FUNDED AMOUNT OF \$111,884.00. (THIS COVERS ADDITIONAL FUNDING FOR HERBICIDES.)**

**APPROVED**

12. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11039, MLGW GAS/WATER LEAK SURVEYS, WITH HEATH CONSULTANTS, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$370,975.89. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM, JULY 1, 2007 TO JUNE 30, 2008.)**

**APPROVED**

13. **RESOLUTION REQUESTING RATIFICATION OF EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 1 TO CONTRACT NO. 11072, MLGW EMPLOYEE ASSISTANCE PROGRAM, WITH METHODIST HEALTHCARE, INC., IN THE FUNDED AMOUNT OF \$28,500.00. (THIS RENEWS THE CONTRACT FOR THE FIRST TERM, APRIL 1, 2007 TO MARCH 31, 2008.)**

**APPROVED**

14. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11105, AERATOR MAINTENANCE, WITH R. P. SERVICES, IN THE FUNDED AMOUNT OF \$201,681.08. (THIS RENEWS THE CONTRACT FOR THE FIRST TERM, AUGUST 1, 2007 TO JULY 31, 2008.)**

**APPROVED**

15. **RESOLUTION REQUESTING ONE-YEAR EXTENSION AND PERMISSION TO PURCHASE BIODIESEL FUEL FROM CARY OIL COMPANY, UNDER INTERDIVISIONAL COOPERATIVE AGREEMENT FOR FUEL PURCHASING WITH THE CITY OF MEMPHIS, IN THE AMOUNT OF \$3,607,500.00.**

**APPROVED**

16. **RESOLUTION AWARDDING CONTRACT FOR FIVE-INCH ALUMINUM ALLOY PIPE TO H. D. SUPPLY UTILITIES, LTD., IN THE AMOUNT OF \$196,700.00.**

**APPROVED**

17. **RESOLUTION AWARDDING CONTRACT FOR GALVANIZED STEEL TRANSMISSION POLES TO FALCON STEEL COMPANY, IN THE AMOUNT OF \$1,487,003.00.**

**APPROVED**

19. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11083, SAS 70 AUDIT, WITH WATKINS UIBERALL, PLLC, IN AN ESTIMATED FUNDED AMOUNT OF \$100,000.00. (THIS EXTENDS THE CURRENT CONTRACT TO INCLUDE 2007 SAS 70 AUDIT.)**

**APPROVED**

20. **RESOLUTION REQUESTING RATIFICATION OF PURCHASE ORDER ISSUED TO SPECIALTY STEEL SUPPLY FOR STAINLESS STEEL WELL SHAFT RODS, IN THE AMOUNT OF \$26,899.28.**

**APPROVED**

Councilwoman Chumney requested that Item #18 be vote on separately. Chairman Marshall stated that we show that item divided

**ROLL CALL MLGW FISCAL CONSENT ITEMS**

MOTION: Ware  
 SECOND: McCormick  
 AYES: Brittenum, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
 Brown did not cast a vote  
 Taylor was absent

**APPROVED**, with the exception of Item #18, which was voted on separately. See below

18. **RESOLUTION APPROVING POSITION NO. 06171, INTERIM CHIEF UTILITY OFFICER, WITH A SALARY OF \$10,001.33 PER MONTH.**

MOTION: Sammons  
 SECOND: Ware  
 AYES: Brittenum, Brown, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
 NAYS: Chumney  
 Taylor was absent

**APPROVED**, set up as Special Item #1

MOTION: McCormick – Move to approve the Minutes for Item #18 only  
 SECOND: Ware

**APPROVED**, by unanimous voice vote

21. **APPOINTMENTS**

**Memphis and Shelby County Building Code Advisory Board**

Appointment

Paul T. Ryan

**Memphis and Shelby County Cross Connection Board**

Appointment

Cindy Cook

**Memphis and Shelby County Music Commission**

Reappointments

Antonio Parkinson  
 Pat Kerr Tigrett

MOTION: Lowery  
 SECOND: McCormick  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall

Taylor was absent

**APPROVED**

22. **RESOLUTION TO ESTABLISH THE MEMPHIS LIGHT GAS AND WATER DIVISION IN-LIEU-OF TAX PAYMENT TO THE CITY OF MEMPHIS FOR FISCAL YEAR 2008.**

MOTION: Chumney  
 SECOND: McCormick  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
 Taylor was absent

**APPROVED**

23. **RESOLUTION TO APPROVE THE CAPITAL ACQUISITION BUDGET AND THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2008 - 2012.**

Chairman Marshall recognized the following persons from the audience:

James H. Baker, 3814 Wychemere Dr., Mphs, TN 38128  
 Susan Caldwell, 4650 Laurel Oaks, Mphs, TN 38117  
 Lynda Ireland, 200 Wagner Place, Mphs, TN 38103  
 Patrice Robinson, 2597 Avery Ave., Mphs, TN 38112  
 Steven Sonoheim, 271 N. Rose, Mphs, TN 38117  
 June West, 1650 Peabody Ave., Mphs, TN 38104  
 Sue Williams, 1694 N. Parkway, Mphs, TN 38112

MOTION: Lowery – 1.7 million to Georgian Hills for ADA improvements  
 SECOND: McCormick  
 AYES: Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick and Sammons  
 Brittenum recused  
 Marshall did not cast a vote  
 Taylor was absent

**APPROVED**, set up as Special Item #2

MOTION: Chumney – Remove Beale Street Landing from the Budget  
 SECOND: Jones  
 AYES: Chumney, Jones and Sammons  
 NAYS: Brittenum, Brown, Ford, Ware, Lowery, McCormick and Chairman Marshall  
 Cooper Taylor abstained  
 Taylor was absent

**FAILED**

MOTION: Chumney – Include \$200,000.00 in the CIP Budget for the City Develop a plan on how to bring the Coliseum into ADA Compliance and the plan needs to be presented to the Dept. of Justice  
 SECOND: Ware  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick and Chairman Marshall  
 NAYS: Sammons  
 Taylor was absent

**APPROVED**, set up as Special Item #4

MAIN MOTION: Jones  
 SECOND: Cooper Taylor  
 AYES: Brittenum, Brown, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall

NAYS: Chumney  
Taylor was absent

**APPROVED**, as amended

24. **RESOLUTION TO DIRECT THE CITY TREASURER TO PREPARE TAX BILLS FOR THE VARIOUS UTILITIES AND CARRIERS UTILIZING THE LAST CERTIFIED ASSESSMENT AS OF JUNE 30, 2007.**

MOTION: Chumney  
SECOND: Jones  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
Taylor was absent

**APPROVED**

25. **RESOLUTION TO APPROVE THE FY 2008 BUDGET FOR THE CENTER CITY COMMISSION.**

MOTION: Chumney  
SECOND: Ware  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
Taylor was absent

**APPROVED**

43. **RESOLUTION COMMENDING MR. WEBB BREWER FOR HIS OUTSTANDING WORK ON BEHALF OF MEMPHIS AREA LEGAL SERVICES.** (Held from 5/15)

MOTION: Cooper Taylor  
SECOND: Ware

**APPROVED**, by unanimous voice vote

44. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF SEWANEE IN HONOR OF S.L. AND IDA JONES.**

MOTION: Ford  
SECOND: Ware

**APPROVED**, by unanimous voice vote

26. **RESOLUTION APPROVING THE MEMPHIS CITY SCHOOLS BUDGET FOR 2007 - 2008.**

MOTION: Lowery  
SECOND: Ware  
AYES: Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
Brittenum recused  
Taylor was absent

**APPROVED**

27. **ORDINANCE ESTABLISHING THE FISCAL YEAR 2008 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5208

**ORDINANCE** to appropriate the proceeds of the Tax Levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2007 through June 30, 2008, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2007 through June 30, 2008, inclusive to provide the manner in which monies may be transferred from one fund to another and to provide the standard code or designations under which the appropriations are to be administered and accounting control maintained.

MOTION: Chumney – Add ½ million dollars to the Summer Youth Program conditioned upon a match from the business community to step up to the plate and give us another ½ million dollars. This will serve another 800 young people.

SECOND: Brown

Friendly Amendment: \$500,000.00 match from the business community to be restricted to the 14 and 15 year olds

MOTION: Brittenum

**Chumney accepted Brittenum’s Friendly Amendment**

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery, McCormick, Sammons and Chairman Marshall

NAYS: Ware  
Taylor was absent

**APPROVED**

MAIN MOTION: Chumney

SECOND: Brown

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
Taylor was absent

**APPROVED**, as amended

28. **ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2008, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5209

MOTION: Chumney

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
Taylor was absent

**APPROVED**

29. **ORDINANCE APPROVING A NEW CODE OF ETHICS PURSUANT TO LEGISLATION ENACTED BY THE GENERAL ASSEMBLY REQUIRING ALL MUNICIPALITIES IN TENNESSEE TO ADOPT A POLICY FOR ALL MUNICIPAL AND ELECTED OFFICIALS, EMPLOYEES, BOARDS, COMMISSIONS, AUTHORITIES, CORPORATIONS AND OTHER INSTRUMENTALITIES, UP FOR T H I R D AND F I N A L READING. (Held from 5/1; 5/15)**

Ordinance No. 5206

MOTION: Marshall – Move the adoption of the first option and that is the Pera option or the Marshall option for the Ethics Ordinance

SECOND: McCormick

**Brittenum stated that we have to do a little parliamentary house cleaning. He recognized Councilman Sammons. Councilman Sammons moved for its adoption. Brittenum stated that is now properly on the floor**

MOTION: Sammons  
SECOND: McCormick

**Brittenum stated that Mr. Marshall's motion will be the first amendment. Councilwoman Ware asked Brittenum to explain that. Brittenum stated that the Personnel Committee made a recommendation that is now on the floor through the motion of Councilmember Sammons. Councilmember Marshall has now made a motion to substitute Councilmember Marshall's version of the Ethics Ordinance instead of the main motion**

MOTION: Chumney – Any notification of complaint would be sent by hand delivery or certified mail return receipt

Marshall accepted this motion as a Friendly Amendment

Chumney had a discussion about siblings. It is not in the Marshall Bill, but it is in the regular bill. It's in the summary on the alternate draft ordinance. Chumney asked if it would be okay if we used the other one.

Marshall accepted this as a Friendly Amendment

MOTION: Brittenum - Accept the Brittenum Bill  
SECOND: Brown

MOTION: Jones – Elected Officials, Appointed Officials on any job with the City of Memphis if you're indicted on a Federal charge as of that day, you go on suspension that day, with pay until the investigation is over with

Sammons stated that he had been told by both gentlemen that this is already in Mr. Brittenum's proposal. Sammons stated that we will consider that motion. Do we have a second. Sammons stated that we can't have but two motions at a time

No action was taken on Jones' motion

MOTION: Marshall – Call for the question

Sammons stated that we still had one light prior to the Call for the question

Brittenum stated that if the second is okay, I will withdraw or remove the suspension section as to Elected Officials, but leave it in as to Appointed Officials

AYES: Brittenum, Brown, Cooper Taylor, Ford, Ware and Lowery  
NAYS: Chumney, Jones, McCormick, Sammons and Chairman Marshall  
Taylor was absent

**APPROVED**, Brittenum Bill, set up as Special Item #6

MAIN MOTION: Sammons  
SECOND: McCormick  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
Taylor was absent

**APPROVED**, as amended

36. **RESOLUTION ACCEPTING AND ADOPTING THE CITY OF MEMPHIS DIVISION OF PARK SERVICES WOLF RIVER GREENWAY MASTER PLAN FOR THE GREENWAY THAT LINKS NEIGHBORHOODS, BUSINESSES, PARKS AND OTHER COMMUNITY ASSETS WITH A 22 MILE MULTI-USE TRAIL NETWORK THAT PROVIDES ALTERNATIVE FACILITIES FOR BICYCLE COMMUTING, WALKING, AND JOGGING, AND PROVIDES ENVIRONMENTAL BENEFITS INCLUDING WETLANDS PRESERVATION, AQUIFER RECHARGE PROTECTION, STORMWATER MANAGEMENT/RETENTION AND FLOOD PLAIN PRESERVATION EXTENDING FROM MUD ISLAND GREENBELT PARK TO HOUSTON LEVEE ROAD, LINKING TO OTHER GREENWAYS THROUGHOUT SHELBY COUNTY.**

Chairman Marshall recognized the following persons from the audience:

Charles E. Askew, 40 S. Main St., Mphs, TN 38103  
 Kera Kirrard, 368 Angeles St., Mphs, TN 38112  
 Dr. John McCall, 3209 Cloar Cv., Mphs, TN 38111  
 Sandra Upchurch, 9 N. Fenwick Rd., Mphs, TN 38111  
 Robert Schreiber, 5635 Sycamore Grove, Mphs, TN 38120

MOTION: McCormick  
 SECOND: Chumney  
 AYES: Brittenum, Chumney, Cooper Taylor, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
 Brown and Ford did not cast a vote  
 Taylor was absent

**APPROVED**

35. **JOINT RESOLUTION BETWEEN THE CITY OF MEMPHIS AND SHELBY COUNTY TENNESSEE, FOR THE BENEFIT OF LEMOYNE-OWEN COLLEGE. CONTRIBUTION TO THE GENERAL FUND OF LEMOYNE-OWEN COLLEGE IN THE AMOUNT OF \$1,000,000.00 BY THE CITY OF MEMPHIS, AND \$500,000.00 BY SHELBY COUNTY GOVERNMENT, FOR A PERIOD OF THREE CONSECUTIVE YEARS, BEGINNING ON DATE NO LATER THAN JULY 1, 2007.**

Chairman Marshall recognized the following persons from the audience:

Rev. Leonard Dawson, 315 Nicolet Dr., Mphs, TN 38109  
 Howard Entman, 6037 Shady Grove Rd., Mphs, TN 38120  
 Reuben H. Green, 4497 Paula, Mphs, TN 38116  
 Dr. Fred Lofton, 3758 Clarec Dr., Mphs, TN 38116  
 Dr. James Netters, 620 Parkrose, Mphs, TN 38109  
 Yolonda Spinks, 3290 Debby, Mphs, TN 38127  
 Min. Suhkara Yahweh, 790 Saxon, Mphs, TN 38126

MOTION: McCormick – Tie the contribution to the welfare of the City into a match from the County and the State - \$500,000.00 match  
 SECOND: Chumney

Friendly Amendment: Require a match of either the County, State or alumni prior to the receipt of funds up to a million dollars

MOTION: Chumney

McCormick accepted Chumney's Friendly Amendment

MOTION: Cooper Taylor – Call for the question

AYES: Chumney, Jones, McCormick, Sammons and Chairman Marshall  
 NAYS: Brittenum, Brown, Cooper Taylor, Ford, Ware and Lowery

**FAILED**, set up as Special Item #7

MOTION: Chumney – Give 1 million for one year

**FAILED**, for the lack of a second

MAIN MOTION: Ware  
SECOND: Brown  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery,  
and Chairman Marshall  
NAYS: McCormick and Sammons  
Taylor was absent

**APPROVED**

42. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF E. PARKWAY SOUTH; +380.47 FEET SOUTH OF CENTRAL AVENUE, CONTAINING 14.89 ACRES IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.** (Held from 5/15)

Case No. PD 07-306

Chairman Marshall recognized the following person from the audience:

Susan Roakes, 2298 Young Avenue, Mphs, TN 38104

Applicant: Salvation Army  
Ron Harkavy – Representative

Request: A planned development to permit a community center

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery  
SECOND: McCormick  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ware, Jones, Lowery, McCormick,  
Sammons and Chairman Marshall  
Ford did not cast a vote  
Taylor was absent

**APPROVED**, as amended

51. **RESOLUTION APPROPRIATING \$1,500,000.00 FUNDED BY G.O. BONDS GENERAL FOR THE POLICE REAL TIME CRIME CENTER, CIP #PD04017.**

MOTION: Sammons  
SECOND: Jones  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ware, Jones, Lowery, McCormick,  
Sammons and Chairman Marshall  
Ford did not cast a vote  
Taylor was absent

**APPROVED**

52. **RESOLUTION SUPPORTING THE PASSAGE OF SENATE BILL 1967 - GUN CRIME BILL.**

MOTION: Sammons  
SECOND: McCormick  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ware, Jones, Lowery, McCormick,  
Sammons and Chairman Marshall  
Ford did not cast a vote  
Taylor was absent

**APPROVED**

38. **RESOLUTION APPROPRIATING FUNDING FOR ORGANIZED CRIME UNIT SPECIAL FUNDS FOR FISCAL YEAR 2008, IN THE AMOUNT OF \$3,835,250.00.**

MOTION: Sammons  
 SECOND: Jones  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
 Ford did not cast a vote  
 Taylor was absent

**APPROVED**

40. **RESOLUTION ESTABLISHING A MORATORIUM ON THE ISSUANCE OF ADULT-ORIENTED BUSINESS AND COMPENSATED DANCE PERMITS BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE MEMPHIS ALCOHOL COMMISSION AND PERMITS OFFICE, UNTIL DECEMBER 5, 2007.**

MOTION: Lowery  
 SECOND: Jones  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
 Ford did not cast a vote  
 Taylor was absent

**APPROVED**

30. **ORDINANCE REPEALING ORDINANCE NO. 4709, WHICH ESTABLISHED AN ASPIRATIONAL CODE OF ETHICS FOR ALL ELECTED AND APPOINTED OFFICIALS OF THE CITY AND REPLACING WITH A MORE COMPREHENSIVE ETHICS POLICY, UP FOR T H I R D AND F I N A L READING.** (Held from 5/1; 5/15)  
 Ordinance No. 5207

MOTION: Sammons  
 SECOND: McCormick  
 AYES: Brittenum, Brown, Cooper Taylor, Ware, Jones, Lowery, McCormick and Sammons  
 Chumney, Ford and Marshall did not cast a vote  
 Taylor was absent

**APPROVED**

31. **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 T H I R D AND F I N A L READING.**  
 Ordinance No. 5210

MOTION: Lowery  
 SECOND: McCormick  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick and Sammons  
 Marshall did not cast a vote  
 Taylor was absent

**APPROVED**

32. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$672,750.00 FROM THE STATE OF TENNESSEE FOR THE IN-SERVICE TRAINING PROGRAM FOR IN-SERVICE TRAINING OF 1,495 FIRE SERVICE PERSONNEL. RESOLUTION ALSO AMENDS THE FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Sammons  
 SECOND: Ware  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick and Sammons  
 Marshall did not cast a vote  
 Taylor was absent

**APPROVED**

33. **RESOLUTION ACCEPTING AN OFFER FROM BRET JAMES TO PURCHASE CITY OWNED SURPLUS PROPERTY LOCATED ON THE NORTH SIDE OF SOUTHERN AVENUE AT THE EAST RIGHT OF WAY OF BRUCE STREET, CONTAINING 2,914 SQUARE FEET, MORE OR LESS, IN THE AMOUNT OF \$2,350.00.**

Resolution accepts an offer from Bret James to purchase property located on the north east corner of Southern Avenue and Bruce Street in the City of Memphis, County of Shelby and State of Tennessee. The City Engineer's Office has determined that there is no apparent need for the subject property. The amount of the offer is \$2,350.00. Per ordinance, the sale of the subject property is not subject to the offer laying over for a second reading and Council approval on the first reading shall be deemed approval of the sale. Resolution also authorizes the Mayor to execute the necessary documents, on behalf of the City of Memphis, in connection with the sale.

Director of General Services and City Engineer recommend approval

MOTION: McCormick  
 SECOND: Ware  
 AYES: Brittenum, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, and Sammons  
 Brown and Marshall did not cast a vote  
 Taylor was absent

**APPROVED**

37. **RESOLUTION ACCEPTING R. A BLOCH CANCER FOUNDATION AWARD OF AN ADDITIONAL \$150,000.00 TOWARDS THE CONSTRUCTION AND MAINTENANCE OF THE CANCER SURVIVORS PARK UNDER CONSTRUCTION IN AUDUBON PARK AND AMENDING THE FY 2007 CAPITAL IMPROVEMENT BUDGET TO ALLOCATE AND APPROPRIATE FUNDS.**

MOTION: McCormick  
 SECOND: Jones  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick and Sammons  
 Marshall did not cast a vote  
 Taylor was absent

**APPROVED**

34. **RESOLUTION ACCEPTING AN OFFER FROM ROBERT D. PELTS AND WIFE, ELEANOR M. PELTS, TO PURCHASE CITY OF MEMPHIS AND COUNTY OF SHELBY UNIMPROVED LAND, CONTAINING APPROXIMATELY 0.807 ACRES, LOCATED ON THE NORTH SIDE OF LEVEE ROAD WEST OF I-240/240 IN MEMPHIS, SHELBY COUNTY, TENNESSEE.**

Resolution accepts an offer from Robert D. Pelts and wife, Eleanor M. Pelts to purchase property located on the north side of Levee Road, west of I-40/240 in City of Memphis, County of Shelby and State of Tennessee. The Public Works Division has determined that the subject property is surplus. The consideration is Purchasers granting the City and County rights of encroachment and ingress/egress, which legitimatizes the continued use of Purchasers' property as an Environmental Maintenance Facility for the staging of bulk materials and the continued regular access across Purchasers' property to a sanitary sewer collector and siphon line at the Wolf River. Per ordinance, the sale of the subject property is not subject to the offer laying over for a second reading and Council approval on the first reading will be deemed approval of the sale. Resolution also authorizes the Mayor to execute the necessary documents, on behalf of the City of Memphis, in connection with the sale. The offer is subject to both City and County approval.

Director of General Services and Public Works recommend approval

Back to Committee on June 19, 2007

41. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 4985 WINDSONG PARK DRIVE, CONTAINING 16.71 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. SUP 06-227cc

Applicant: Patty McDaniel  
Kevin Vaughan, PE, Township Development Services -  
Representative

Request: Special Events Venue

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

**No Public Hearing Required; No Opposition at LUCB**

MOTION: Lowery  
SECOND: McCormick  
AYES: Brittenum, Brown, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick and Sammons  
Chumney abstained  
Marshall did not cast a vote  
Taylor was absent

**APPROVED**

49. **RESOLUTION AMENDING THE RULES OF PROCEDURE TO ESTABLISH A PROCESS TO FILL A COUNCIL VACANCY.**

After a lengthy discussion, Councilwoman Ware requested that she wanted to add a "Proof of Residency" requirement, i.e., driver's license. Councilman Brittenum stated that without objection we will insert into this proposed policy for the selection of the next Council member for the current vacancy. Without objection we will add the Proof of Residency Requirement. The Council agreed that a permanent rule change would occur in July, after the new process was implemented for the Peete replacement.

MOTION: Lowery  
SECOND: Sammons  
AYES: Brittenum, Brown, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, and Sammons  
Chumney abstained  
Marshall did not cast a vote  
Taylor was absent

**APPROVED**, as amended

**MINUTES**

Approval of the Minutes of the regular meeting of June 5, 2007 for Item #18 only:

MOTION: McCormick  
 SECOND: Sammons  
 AYES: Brittenum, Brown, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick,  
 and Sammons  
 NAYS: Chumney  
 Marshall did not cast a vote  
 Taylor was absent

**APPROVED**, Item #18 only, set up as Special Item #8

50. **RESOLUTION AMENDING THE FISCAL YEAR 2007 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$5,938,640.000 FUNDED BY GO BONDS - GENERAL (STORM WATER) FROM DRAINAGE - ST, CIP PROJECT NUMBER ST03006 TO HARRISON CREEK - ST PROJECT NUMBER ST03063 FOR DRAINAGE REPAIR AND A CONTRACT WITH FERRELL PAVING FOR DRAINAGE REPAIR.**

Director of Public Works and City Engineer recommends approval

MOTION: Sammons  
 SECOND: Jones  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery,  
 McCormick and Sammons  
 Marshall did not cast a vote  
 Taylor was absent

**APPROVED**

53. **RESOLUTION APPLAUDING NORTHWEST AIRLINES FOR ITS RECENT SUCCESS IN EMERGING FROM BANKRUPTCY AS A STRONGER MORE GLOBALLY FOCUSED CARRIER, LOOKING FORWARD TO OPENING NEW ROUTES AND ENHANCING CUSTOMERS' TRAVEL EXPERIENCES.**

MOTION: Sammons  
 SECOND: McCormick  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery,  
 McCormick and Sammons  
 Marshall did not cast a vote  
 Taylor was absent

**APPROVED**

Approval of the Minutes of the regular meeting of May 15, 2007

MOTION: Lowery – The County Commission made some minor changes to a zoning Ordinance that we passed three weeks ago, (May 15, 2007), Case No. SUP 07-203. I move that the minutes be reflected to show these changes.  
 SECOND: McCormick  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery,  
 McCormick and Sammons  
 Marshall did not cast a vote  
 Taylor was absent

**APPROVED**, as amended

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

Chairman Marshall recognized the following person from the audience:

Walter Broady, 4256 Ledbetter Cove, Mphs, TN 38109

**ADJOURNED MEETING AT 9:05 P.M.**

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

\_\_\_\_\_  
C H A I R M A N

Attest:

\_\_\_\_\_  
Deputy Comptroller/Council Records