

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**July 2, 2013**

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

**3:31 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Rev. J. Lawrence Turner, from Mississippi Boulevard Christian Church. Councilman Collins presented Rev. Turner 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**

**(Chairman Ford made a motion to reconsider Special Item#2- Part of Item#23, from June 25, 2013 Meeting. Council Attorney Alan Wade advised that since the Minutes on this item were approved on June 25, 2013, the item could not be reconsidered).**

**Approval of the Minutes of the regular meeting of June 18, 2013 and June 25, 2013 with the following motion:**

**MOTION: Strickland**

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

**APPROVED**

1. **RESOLUTION RECOGNIZING GUARDSMARK, INC., ON ITS 50<sup>TH</sup> ANNIVERSARY.**

MOTION: Lowery  
 SECOND: Fullilove

**APPROVED**, unanimous voice

24. **ORDINANCE TO AMEND ORDINANCE NO. 5460, TO ALLOW THE MAXIMUM LOCAL OPTION SALES TAX BE LEVIED IN THE CITY OF MEMPHIS AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS, AT A SPECIAL ELECTION TO BE HELD BY SEPTEMBER 30, 2013, UP FOR T H I R D AND F I N A L READING. (HELD FROM 3/5; 4/2)**

Ordinance No. 5495

Held until July 16, 2013

25. **ORDINANCE TO AMEND SECTION 25-185 OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, TO BAN PENSION DOUBLE DIPPING, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/4)**

Ordinance No. 5508

Held until July 16, 2013

26. **ORDINANCE TO AMEND TITLE 3 – PERSONNEL, CHAPTERS 3-8 CIVIL SERVICE AND 3-12 CIVIL SERVICE COMMISSION OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/4)**

Ordinance No. 5511

Held until July 16, 2013

27. **ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO IMPROVE THE EFFECTIVENESS OF CIVIL SERVICE HEARINGS AND TO SUBMIT THE PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 5, 2013, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/4)**

Ordinance No. 5512

Held until July 16, 2013

- 29. **ORDINANCE AMENDING CHAPTER 15, SECTION 15-12, CITY OF MEMPHIS CODE OF ORDINANCES, TO DECREASE SOLID WASTE FEES FOR COLLECTION AND DISPOSAL, OPTION 1, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5525

Held until August 20, 2013

- 30. **ORDINANCE AMENDING CHAPTER 15, SECTION 15-12, CITY OF MEMPHIS CODE OF ORDINANCES, TO DECREASE SOLID WASTE FEES FOR COLLECTION AND DISPOSAL, OPTION 2, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5526

Held until August 20, 2013

- 31. **RESOLUTION TO SET THE SALES TAX REFERENDUM TO ALLOCATE MONEY IN THE AMOUNT OF \$27,000,000.00 FOR PRE-KINDERGARTEN PROGRAMS AND PROPERTY TAX DECREASE IN THE AMOUNT OF \$20,000,000.00. (HELD FROM 2/5; 3/5; 4/2)**

Held until July 16, 2013

- 33. **RESOLUTION TRANSFERRING AND APPROPRIATING \$115,000.00 TO RIVERFRONT DEVELOPMENT CORPORATION FOR GREENBELT PARK DEVELOPMENT AS PART OF PROJECT NUMBER PK07092, CITY PARK REHAB & MAINTENANCE. (HELD FROM 6/18)**

**TABLED**

- 3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT THE INTERSECTION OF MARKET PLAZA DRIVE AND GERMANTOWN PKWY, CONTAINING 40.4 ACRES IN THE PLANNED DEVELOPMENT (PD) DISTRICT. (HELD FROM 6/18)**

Case No. PD 13-313

Applicant: Tombo Properties, Inc.  
Kevin Hyneman Companies (Zach Randolph) – Representative

Request: Amend the PD to allow vehicle sales, servicing, rental & leasing

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins

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

**APPROVED**, as amended

2. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF COLLEGE ROAD AND MCLEMORE STREET, CONTAINING .333 ACRE IN THE CMP-1 DISTRICT. (HELD FROM 6/18)**

Case No. PD 12-320

Applicant: Otha L. Broom  
Delinor Smith – Representative

Request: Retail Sales

LUCB and OPD recommendation: APPROVAL

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

**APPROVED**, as amended

4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 5963 KNIGHT ARNOLD ROAD; 408 FEET WEST TO HICKORY HILL ROAD, CONTAINING 1.43 ACRES IN THE CMU-1 (COMMERCIAL MIXED USE) DISTRICT. (HELD FROM 5/7; 5/21; 6/18)**

Case No. SUP 13-210

Applicant: TV6 Signal Source, LLC  
Lou Katzerman – Representative

Request: Cell tower

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 1304 N. GRAHAM, CONTAINING 3.88 ACRES IN THE RS-6 DISTRICT. (HELD FROM 6/18)**

Case No. SUP 13-211

Applicant: Street Ministries, Inc.  
Michael J. Fahy – Representative

Request: The placement of a 1500 foot concealed canister CMCS Tower

LUCB and OPD recommendation: APPROVAL

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

**APPROVED**

6. **ORDINANCE REZONING 89 N. COOPER STREET; WEST SIDE OF COOPER STREET, 104 FEET NORTH OF JEFFERSON AVENUE, CONTAINING .2025 ACRE IN THE RU-3 DISTRICT, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/18)**

Case No. Z 13-102  
Ordinance No. 5516

Applicant: Justin Herter  
Richard L. Winchester, Jr. – Representative

Request: Rezone property for RU-3 (Residential Urban) to RW (Residential Work)

LUCB and OPD recommendation: Rezone property from RU-3 to RW

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

**APPROVED**

7. **ORDINANCE ADOPTING AMENDMENTS TO THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE. THIS TEXT AMENDMENT AFFECTS ALL PROPERTY WITHIN THE CITY OF MEMPHIS AND UNINCORPORATED SHELBY COUNTY, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/18)**

Case No. ZTA 13-002  
Ordinance No. 5517

Applicant: Memphis and Shelby County Office of Planning & Development  
Josh Whitehead, AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified  
Development Code

LUCB and OPD recommendation: APPROVAL

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

**APPROVED**

8. **ORDINANCE REZONING THE WEST SIDE OF RAMILL ROAD AT TWIN LAKES DRIVE, CONTAINING 1.51 ACRES IN THE RESIDENTIAL SINGLE FAMILY (R-8) DISTRICT, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/18)**

Case No. Z 13-103  
Ordinance No. 5518

Applicant: H & M Carter, Inc.

Request: Residential Urban (RU-2) District

LUCB and OPD recommendation: APPROVAL

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

**APPROVED**

9. **ORDINANCE REZONING THE EAST SIDE OF RAMILL ROAD AT THE WESTERN TERMINUS OF LANSFORD DRIVE, CONTAINING 0.57 ACRE IN THE RESIDENTIAL SINGLE FAMILY (R-8) DISTRICT, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/18)**

Case No. Z 13-104  
Ordinance No. 5519

Applicant: H & M Carter, Inc.

Request: Residential Urban (RU-1) District

LUCB and OPD recommendation: APPROVAL

MOTION: Collins

SECOND: Fullilove

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

**APPROVED**

**CONSENT AGENDA – Items 10 & 11 may be acted upon by one motion: SEE PAGE 2660 FOR ROLL CALL**

- 10. **ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI, DIVISION 2 AND 3 OF THE CODE OF ORDINANCES SO AS TO AMEND FEES AND FALSE ALARMS ALLOWABLE, UP FOR S E C O N D READING.**

Ordinance No. 5527

**APPROVED,** on Second reading

- 11. **ORDINANCE AMENDING CHAPTER 15, SECTION 15-12, CITY OF MEMPHIS CODE OF ORDINANCES TO MAINTAIN THE CURRENT MONTHLY SOLID WASTE FEE FOR RESIDENTIAL UNITS, UP FOR S E C O N D READING.**

Ordinance No. 5228

**APPROVED,** on Second reading

**ROLL CALL CONSENT ITMES**

MOTION: Strickland

SECOND: Hedgepeth

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

**APPROVED**

**MLGW FISCAL CONSENT – Items 12 - 22 may be acted upon by one motion:**

12. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11399, RIGHT OF WAY MOWING, WITH ROTOLO CONSULTANTS, INCORPORATED, IN THE FUNDED AMOUNT OF \$236,256.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR RENEWAL TERMS COVERING THE PERIOD AUGUST 9, 2013 THROUGH AUGUST 8, 2014 WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

**APPROVED**

13. **RESOLUTION AWARDDING A CONTRACT TO DOBBS FORD, INC.FOR THE PURCHASE OF AERIAL TOWERS IN THE AMOUNT OF \$148,596.00. THE PURCHASE INCLUDES ONE 30' AND ONE 35' TWO-MAN AERIAL TOWER THAT WILL BE USED BY EMPLOYEES TO MAINTAIN THE ELECTRIC, GAS AND WATER SYSTEMS AND FOR VARIOUS CUSTOMER SERVICE FUNCTIONS THROUGHOUT SHELBY COUNTY. THIS EQUIPMENT WILL REPLACE EXISTING EQUIPMENT THAT CAN NO LONGER MEET THE PERFORMING AREAS' NEEDS AND WILL BE RETIRED FROM SERVICE.**

**APPROVED**

14. **RESOLUTION APPROVING A RENEWAL OF CONTRACT NO. 10195 BETWEENMLGW AND TEXAS GAS TRANSMISSION, LLC, IN THE AMOUNT OF \$62,756,000.00 APPROXIMATELY. THE CONTRACT TERM IS FOR FIVE YEARS, EFFECTIVE NOVEMBER 1, 2013 AND ENDING OCTOBER 31, 2018.**

**APPROVED**

15. **RESOLUTION APPROVING CONTRACT NO. 11667 BETWEEN MLGW AND TEXAS GAS TRANSMISSION, LLC, IN THE AMOUNT OF \$7,270,000.00 APPROXIMATELY. THE CONTRACT TERM IS FOR FIVE YEARS, EFFECTIVE NOVEMBER 1, 2013 AND ENDING OCTOBER 31, 2018.**

**APPROVED**

16. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11460, AERATOR MAINTENANCE, TO R.P. SERVICES INCORPORATED, IN THE FUNDED AMOUNT OF \$216,428.43. (THIS CHANGE IS TO RENEW THE CONTRACT FOR THE SECOND OF FOUR RENEWAL TERMS FOR THE PERIOD COVERING AUGUST 1, 2013 TO JULY 31, 2014 IN THE FUNDED AMOUNT OF \$216,428.43, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

**APPROVED**

17. **RESOLUTION AWARDING A CONTRACT TO HEATH CONSULTANTS INCORPORATED FOR THE PURCHASE OF SIXTY-SEVEN GMI FIRST RESPONDER GAS DETECTORS IN THE AMOUNT OF \$214,400.00. THE GAS DETECTORS WILL BE USED BY CUSTOMER SERVICE REPRESENTATIVES TO TEST FOR GAS LEAKS AND UPGRADE DATA LOG CAPABILITIES.**

**APPROVED**

18. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11569, FOUNDATION INSTALLATION KRUGER TISSUE GROUP (KTG) TRANSMISSION LINE TO RELIABLE CONSTRUCTORS, INC. (THIS CHANGE IS TO ADD TWO ADDITIONAL MOBILIZATION AND DE-MOBILIZATION CHARGES DUE TO UNFORESEEN UTILITY CONFLICTS REQUIRING RE-MOBILIZATION AT A LATER DATE IN THE AMOUNT OF \$40,000.00.)**

**APPROVED**

19. **RESOLUTION AWARDING CONTRACT NO. 11608, CANOPY FOR GAS EMERGENCY MATERIALS AT CAPLEVILLE LIQUIFIED NATURAL GAS TO A & B CONSTRUCTION COMPANY, INCORPORATED, IN THE FUNDED AMOUNT OF \$92,088.55.**

**APPROVED**

20. **RESOLUTION AWARDING CONTRACT NO. 11639, MCCORD PUMPING STATION SEWER UPGRADES TO MADDEN-PHILLIPS CONSTRUCTION, INCORPORATED, IN THE FUNDED AMOUNT OF \$56,616.00.**

**APPROVED**

21. **RESOLUTION APPROVING SSM PARTNERS V FUND (PRIVATE EQUITY FUND) TO MANAGE APPROXIMATELY \$8,000,000.00 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND.**

**APPROVED**

22. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11574, COMMERCIAL AUTO INSURANCE FOR OUT-OF-STATE TRAVEL WITH PETE MITCHELL AND ASSOCIATES, INCORPORATED, IN THE FUNDED AMOUNT OF \$45,500.00. THIS CHANGE IS TO ADD FUNDS TO PAY AN INVOICE RECEIVED IN THE AMOUNT OF \$1,584.00, AS A RESULT OF ADDING ADDITIONAL DRIVERS AND ONE VEHICLE. THIS CHANGE IS ALSO TO REQUEST THE AUTHORITY TO**

**INCREASE THE NUMBER OF VEHICLES AND DRIVERS DUE TO PERSONNEL  
JOB CHANGES AND/OR VEHICLE ADDITIONS AND REPLACEMENT AS NEEDED.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

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

**APPROVED**

23. **APPOINTMENTS**

**MEMPHIS AND SHELBY COUNTY SPORTS AUTHORITY**

**APPOINTMENT**

WILLIAM V. THOMPSON III

**REAPPOINTMENTS**

PATRICK CARTER  
MARK ROSENBERG

**MEMPHIS AREA TRANSIT AUTHORITY**

**REAPPOINTMENT**

JOHN VERGOS

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

**APPROVED**

28. **ORDINANCE TO AMEND TITLE 11-64-6 – EXEMPTIONS FROM MOTOR VEHICLE EMISSION REQUIREMENTS – OF THE CODE OF ORDINANCES, CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5524

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

Jed Wallace, 2547 Madison, Memphis, Tennessee, 38112

**DROPPED**

32. **RESOLUTION APPROPRIATING THE REVENUES AND EXPENDITURES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM FUNDS IN THE AMOUNT OF \$358,933.00.**

MOTION: Brown

SECOND: Fullilove

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

**APPROVED**

34. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$2,586,254.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE 1 GRANT FOR THE YOUTH PROGRAM.**

MOTION: Halbert

SECOND: Boyd

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

**APPROVED**

**(Special Item #1 - Councilwoman Fullilove made a motion to approve Same Night Minutes for Item #34, from tonight's meeting).**

MOTION: Fullilove

SECOND: Collins

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

**APPROVED**

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

Chairman Ford recognized the following people who spoke from the audience:

Donna Bohannon, 5343 Sea Isle Road, Memphis, Tennessee, 38119

John Lawrence Kanazawa Jolley, address listed as Riverfront

**ADJOURNED MEETING AT 4:28 P.M.**



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

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C H A I R M A N

Attest:

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