

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

July 15, 2014

3:30 P.M. SCHEDULED SESSION

3:31 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Pastor DeAndre Brown, from LifeLine to a Dying World Ministries. Councilman Harris presented Pastor Brown 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 July 1, 2014 with the following motion:

MOTION: Collins – Pull Item #2 off the minutes and hold until August 5, 2014

WITHOUT OBJECTION, item #2 pulled from the minutes

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

Boyd was absent

APPROVED, as amended

- 8. **ORDINANCE TO AMEND CHAPTER 21 – MOTOR VEHICLES AND TRAFFIC – ARTICLE III OPERATION OF MOTOR VEHICLES GENERALLY, SECTION 21-123, PROCEDURE UPON APPROACH OF AUTHORIZED EMERGENCY VEHICLE TO MIRROR THE UPDATED TENN. CODE ANN §55-8-132, OPERATION OF VEHICLES AND STREETCARS ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES TO CLARIFY THAT EXTRA CAUTION AROUND SOLID WASTE VEHICLES IS INCLUDED WITHIN THE REQUIREMENTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5555

Held until August 5, 2014

- 1. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE WEST SIDE OF AYERS STREET; +/-280 FEET NORTH OF POPLAR AVENUE, CONTAINING 0.15 ACRE IN THE CAMPUS MASTER PLAN (CMP-1) & RESIDENTIAL URBAN (RU-3) DISTRICTS.**

Case No. SAC 14-602

Companion Case Z 14-101/Ord. #5556

Applicant: Methodist LeBonheur Healthcare
Allen & Hoshall, Inc. – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with seven (7) conditions

MOTION: Collins

SECOND: Halbert

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

APPROVED

- 2. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF MULLINS STATION ROAD; +/-410 FEET SOUTHEAST OF PALACE VIEW LANE, CONTAINING 18.45 ACRES IN VACANT LAND CURRENTLY GOVERNED BY WESTCHESTER SQUARE PLANNED DEVELOPMENT (P.D. 93-335).**

Case No. SUP 14-213

Applicant: TV6-W, LLC
Tower Ventures, LLC – Representative

Request: Special use permit to allow a CMCS communications tower one-hundred fifty (150) feet in height of mono-pine tree design with capacity to accommodate five (5) antennae, including one (1) microwave dish antenna

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED, as amended in Committee

3. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF KNIGHT ARNOLD AND RIDGEWAY ROAD, CONTAINING 5.648 ACRES IN THE COMMERCIAL MIXED USE-2 (CMU-2) DISTRICT.**

Case No. PD 14-312

Applicant: New Development, LLC
New Development, LLC – Representative

Request: Gas station and other commercial uses

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

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

APPROVED, as amended in Committee

4. **RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR THE SUPER 7 INN, LOCATED AT 1117 EAST BROOKS ROAD.**

Case No. HMW 14-04

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

Boyd was absent

APPROVED

- 5. **ORDINANCE REZONING THE WEST SIDE OF AYERS STREET; +/-278.93 FEET NORTH OF POPLAR AVENUE, CONTAINING 0.44 ACRE (19,192 SQ. FT.) IN THE RESIDENTIAL URBAN (RU-3) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Case No. Z 14-101
 Ordinance No. 5556
 Companion Case SAC 14-602

Applicant(s): Methodist LeBonheur Healthcare
 Allen & Hoshall, Inc. - Representative

Request: Campus Master Plan (CMP-1) District

LUCB and OPD recommendation: APPROVAL

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

APPROVED

CONSENT AGENDA – Item 6 may be acted upon by one motion: SEE PAGE 3020 FOR ROLL CALL

- 6. **ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCES OF THE CITY OF MEMPHIS, SO AS TO ESTABLISH COMMUNITY ADVISORY COUNCILS, UP FOR F I R S T R E A D I N G.**

Ordinance No. 5557

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

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

APPROVED

9. **RESOLUTION ACCEPTING A ONE YEAR GRANT FROM THE STATE OF TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION IN THE AMOUNT OF \$85,000.00 TO HELP FUND OPERATIONS OF THE MEMPHIS/SHELBY COUNTY HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY.**

MOTION: Hedgepeth

SECOND: Morrison

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

APPROVED

10. **RESOLUTION APPROVING THE CONTINUATION OF PROJECT AND TAKING OF BIDS AT AN ESTIMATED CONSTRUCTION COST OF \$2,500,000.00 FOR THE DM-HE FACILITY EXPANSION, CIP PROJECT NUMBER ST04047, AS PART OF THE FY14 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Conrad – Hold for two weeks

Chairman Strickland asked if there was any objection to holding Item #10 for two weeks. There was no objection.

Held until August 5, 2014

11. **RESOLUTION AMENDING THE FISCAL YEAR 2015 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$6,500,000.00 FUNDED BY G.O. BONDS GENERAL FROM ASPHALT PAVING, PROJECT NUMBER PW01040 TO FISCAL YEAR 2015 ASPHALT PAVING, PROJECT NUMBER PW01263 FOR PAVING DONE BY CITY EMPLOYEES.**

MOTION: Hedgepeth

SECOND: Morrison

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

APPROVED

The Fire Marshall stated to the audience that the area near the doors to the Council Chambers must stay clear during the City Council meeting.

- 12. **RESOLUTION TO CREATE A RETIREE HEALTHCARE FUND TO BE FUNDED IN AN INITIAL AMOUNT OF \$2,000,000.00 FOR A PERIOD OF ONE YEAR AS A “SAFETY NET” FOR CERTAIN RETIREES AND THE ADMINISTRATION IS TO PRESENT TO THE COUNCIL WITHIN SIXTY DAYS, RULES AND REGULATIONS REGARDING THE ELIGIBILITY FOR ASSISTANCE FROM THIS FUND FOR ADOPTION BY THE COUNCIL.**

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

Meg Clifton, 1412 Glen Oaks Dr., Memphis, TN 38119
 Mike Lee, 638 Jefferson Ave., Memphis, TN 38105
 Jan Long, 10141 Memphis Arlington Rd., Arlington, TN 38002
 Thomas Malone (no address information given)
 Michael K. Williams, 638 Jefferson Ave., Memphis, TN 38105

MOTION: Collins – Hold for two weeks

Chairman Strickland asked if there was any objection to holding Item #12 for two weeks. There was no objection.

Held until August 5, 2014

- 13. **RESOLUTION RECOMMENDING THAT THE HEALTHCARE PROPOSAL GOES TO THE HEALTHCARE OVERSIGHT COMMITTEE FOR RECOMMENDATIONS.**

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

Jim Jamieson, 1669 Walter St., Memphis, TN 38108
 Mike Lee, 638 Jefferson Ave., Memphis, TN 38105
 Timothy Taylor, 50 N. Front St., Memphis, TN 38103
 Michael K. Williams, 638 Jefferson Ave., Memphis, TN 38105

MOTION: Collins

SECOND: Halbert

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

APPROVED

- 7. **ORDINANCE ESTABLISHING A RESIDENTIAL PARKING PERMIT PILOT PROGRAM NEAR OVERTON SQUARE FOR A ONE YEAR PERIOD, UP FOR T H I R D AND F I N A L READING.** (Held from 7/1)

Ordinance No. 5550

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

George Collier, 2183 Monroe Ave., Memphis, TN 38104
 Tiffany Conley, 2179 Monroe Ave., Memphis, TN 38104
 Kelly English, 146 Monroe Ave., Memphis, TN 38104
 Stephanie Lorch, 2184 Monroe Ave., Memphis, TN 38104
 Shannon Toon, 2181 Monroe Ave., Memphis, TN 38104
 Greta Young, 2157 Monroe Ave., Memphis, TN 38104

MOTION: Flinn – Hold for two weeks
 SECOND: Fullilove
 AYES: Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Lowery and Morrison
 NAYS: Harris and Chairman Strickland
 Ford and Hedgepeth did not cast a vote
 Boyd was absent

APPROVED, item held until August 5, 2014. Set up as Special Item #1

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Stephen Ball, 4297 Water Briar, Millington, TN 38053
 Jennifer Ballard, 80 Julia Dr., Atoka, TN 38004
 Walter Broady, III, 4256 Ledbetter Cv., Memphis, TN 38109
 Robert Brooks, 7502 Hedgington Dr., Memphis, TN 38125
 Cody Childress, 6644 Willowbrook, Millington, TN 38053
 Lee Cochran, 179 Richbriar St., Memphis, TN 38120
 Amber Dauberger, 6188 Franceswood Dr., Memphis, TN 38135
 Felecia Durdin, 10631 Macedonia Rd., Brighton, TN 38011
 Olander Franklin, 8958 Minda Path Cv., Cordova, TN 38016
 Enoch Gentry, 3682 Guernsey Ave., Memphis, TN 38122
 Roy W. Gookin, 7940 Farindon Dr., Memphis, TN 38138
 Barbara Hall, 1628 Leigh Dr., Memphis, TN 38116
 Christopher Hoffman, 10354 Autumn Bluff Cv., Cordova, TN 38018
 Chett Hopper, 6898 Alderwood Dr., South, Millington, TN 38053
 Keith Johnson, 10549 S. Ashglen, Collierville, TN 38017
 Mark Kelly, 4354 Stage Rd., Memphis, TN 38128
 Rachel Knox, 2931 Millers Pond Dr., Memphis, TN 38119
 Robert Kramer, 5150 Stage Rd., Suite 103, Memphis, TN 38128
 Pat Lovett, 7155 Shady Oaks, Memphis, TN 38133
 Rick Melton, P. O. Box 4, Millington, TN 38083
 Teresa Morris, 74 Katie Rd., Senatobia, MS 38668
 Laura Sanders, 2153 Blue Ridge Cv., Memphis, TN 38134
 Bill Shaeffer, 3295 Teague Stone, Somerville, TN 38068
 Patricia Stamps, 5892 Alexandria Ln., Southaven, MS 38671
 Laura Sullivan, 2081 Evelyn Ave., Memphis, TN 38104
 Nell Travis, 10490 Taos Trail, Lakeland, TN 38002

Robert Zachar, 769 Novarese St., Memphis, TN 38122

ADJOURNED MEETING AT 7:32 P.M.

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

CHAIRMAN

Attest:

Deputy Comptroller/Council Records