

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**September 16, 2014**

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

**3:35 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Pastor Armando De'Leon, of Iglesia Adventista Hispana de Memphis (Seventh Day Adventist Church). Councilman Lowery presented Pastor De'Leon 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 September 2, 2014 with the following motion:**

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

**APPROVED**

7. **ORDINANCE TO AMEND CHAPTER 9, SECTION 68-6 OF THE CODE OF ORDINANCES, SO AS TO PREVENT CONSTRUCTION, DEMOLITION AND OTHER NOISY OPERATIONS ON HOLIDAYS IN RESIDENTIAL AREAS, UP FOR F I R S T READING.**

Ordinance No. 5566

Held until October 7, 2014

16. **ORDINANCE AUTHORIZING THE ISSUANCE OF CONTRACTUAL LICENSES, PERMITS AND/OR AUTHORIZATIONS FOR USE AND OCCUPATION OF THE STREETS, ALLEYS, THOROUGHFARES AND RIGHTS-OF-WAY OF THE CITY OF MEMPHIS FOR INSTALLATION AND USE OF FACILITIES FOR THE OPERATION OF FIBER OPTIC AND OTHER COMMUNICATIONS SYSTEMS AND PUBLIC UTILITIES AND ESTABLISHING REQUIREMENTS, TERMS, CONDITIONS, LIMITATIONS AND PROVISIONS FOR RECOVERY OF THE CITY'S COSTS INCURRED FOR THE CONSTRUCTION, MAINTENANCE, POLICING, MANAGEMENT OR REPAIR OF THE STREETS, ALLEYS, THOROUGHFARES AND RIGHTS-OF WAY OF THE CITY, UP FOR T H I R D AND F I N A L READING. (HELD FROM 6/17)**

Ordinance No. 5551

Held until October 7, 2014

17. **ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCES OF THE CITY OF MEMPHIS, SO AS TO ESTABLISH COMMUNITY ADVISORY COUNCILS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/19)**

Ordinance No. 5557

Held until October 21, 2014

1. **RESOLUTION HONORING NATIONAL WELCOMING WEEK.**

MOTION: Lowery

SECOND: Ford

**APPROVED**, unanimous voice vote

2. **RESOLUTION HONORING NATIONAL HISPANIC MONTH.**

MOTION: Chairman Strickland

SECOND: Ford

**APPROVED**, unanimous voice vote

3. **RESOLUTION RECOGNIZING MR. FRED JONES ON THE 25<sup>TH</sup> ANNIVERSARY OF THE SOUTHERN HERITAGE CLASSIC.**

MOTION: Lowery  
SECOND: Ford

**APPROVED**, unanimous voice vote

4. **RESOLUTION APPROVING A PLANNED DEVELOPMENT BEGINNING AT THE EASTERN TERMINUS OF WINDYKE DRIVE, CLUBVIEW DRIVE AND GREENBELT DRIVE, EXTENDING EASTWARD APPROXIMATELY 5,000 FEET, CONTAINING 111.2 ACRES IN THE RESIDENTIAL SINGLE FAMILY (R-10 AND R-8 WITH FLOODPLAIN OVERLAY [FP]); RESIDENTIAL URBAN-2 (RU-2 WITH FLOODPLAIN OVERLAY [FP], AND RESIDENTIAL URBAN-3 (RU-3 WITH FLOODPLAIN OVERLAY [FP]) DISTRICTS.**

Case No. PD 14-310cc

Applicant: Belz Investco GP (Ron Belz)  
Ronald Harkavy – Representative

Request: A residential planned development consisting of lots for detached and attached residential units

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

5. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE NORTH SIDE OF TANGLEWOOD AVENUE AT YORK AVENUE; 713 FEET WEST OF COOPER AVENUE, CONTAINING 0.16 ACRE IN THE RESIDENTIAL URBAN-1 AND EMPLOYMENT DISTRICT.**

Case No. SAC 14-606

Applicant: Robert Black  
Tim McCaskill – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with one condition

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

**APPROVED**

6. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 951 BROOKS ROAD, 115 FEET EAST OF DOGWOOD LANE, CONTAINING 1.27 ACRES IN THE COMMERCIAL MIXED USE-1 (CMU-1) DISTRICT. (HELD FROM 9/2)**

Case No. SUP 14-222

Applicant: Sylvia Owens  
 The Bray-Davis Firm (David Bray) – Representative

Request: Permit to use the commercial site for auto sales

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

22. **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. (HELD FROM 7/15; 8/5; 9/2)**

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

**APPROVED**

32. **RESOLUTION TO AUTHORIZE CITY ADMINISTRATION TO FUND CITY INSURANCE COVERAGE FOR PRE-65 RETIREES.**

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

Michael R. Williams, 638 Jefferson, Memphis, Tennessee, 38105  
 Robert Zachar, 7051 Old Brownsville Road, Arlington, Tennessee 38002  
 Matt Taylor, 4351 New Allen Road, Memphis, Tennessee, 38128  
 Carol Carlson, 477 Bruins Trace, Cordova, Tennessee, 38018  
 Sherrie Hopper, 6898 Alder Wood Drive, South, Millington, Tennessee, 38053  
 Thomas Malone, 5150 Stage, Suite 103, Memphis, Tennessee, 38134  
 Jennifer Ballard, 80 Julia Drive, Atoka, Tennessee, 38004

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

**APPROVED**, as amended

**(The meeting recessed from 5:32 p.m. until 5:51 p.m.)**

33. **RESOLUTION REQUESTING THAT THE FY 2015 BUDGET BE AMENDED TO PRODUCE SAVINGS OF\$23,000,000.00 TO GO TOWARDS PENSION AND REDUCE UNFUNDED LIABILITY BY IMPLEMENTING THE FOLLOWING DESIGN:**

- 1) All active employees would remain in the plan, with 70% subsidy
- 2) The grandfathered retirees would keep 70 percent subsidy
- 3) Pre-65 retirees would come back into the plan and
- 4) Post 65 A&B retirees would get 40% Medigap subsidy
- 5) 24% increase would remain
- 6) All pre-65 retirees would go into Medicare-Medigap upon reaching 65 and receive the 40% subsidy as long as Medicare eligible
- 7) Benefit designs for active employees would stay the same with Premier and Basic

Chairman Strickland recognized the following person who spoke from the audience.

Michael R. Williams, 638 Jefferson, Memphis, Tennessee, 38105

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

**APPROVED**, as amended

**CONSENT AGENDA – Items #8 and #30 & #31 may be acted upon by one motion: SEE PAGE FOR ROLL CALL**

- 8. **ORDINANCE REZONING THE NORTHWEST CORNER OF MACON ROAD AND DEXTER LANE, CONTAINING 4.21 ACRES IN THE SINGLE FAMILY RESIDENTIAL-6 (R-6) DISTRICT, UP FOR S E C O N D READING.**

Case No. Z 14-102  
Ordinance No. 5565

**APPROVED**, on Second reading

- 30. **ORDINANCE TO AMEND TITLE 10 – PUBLIC PEACE, MORALS AND WELFARE, OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TO IMPLEMENT A COMMUNITY NOTIFICATION SYSTEM FOR SEXUAL OFFENDERS, UP FOR F I R S T READING.**

Ordinance No. 5567

**APPROVED**, on First reading

- 31. **ORDINANCE TO AMEND TITLE 11, CHAPTER 8 – VEHICLES AND TRAFFIC, OF THE CITY OF MEMPHIS, CODE OF ORDINANCES, TO INCORPORATE THE ISSUANCE OF ELECTRONIC TRAFFIC CITATIONS, UP FOR F I R S T READING.**

Ordinance No. 5568

**APPROVED**, on First reading

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT – Items 9 – 14 & #28 may be acted upon by one motion:**

- 9. **RESOLUTION APPROVING AN INVOICE PAYMENT TO HUNTSVILLE UTILITIES FOR CONTRACT NO. 11707, EMERGENCY AID AGREEMENT, BASED ON AGREED TO RATES, IN THE FUNDED AMOUNT OF \$75,000.06.**

**APPROVED**

10. **RESOLUTION AWARDING CONTRACTS FOR THE PURCHASE OF VOLTAGE AND COUPLING CAPACITOR VOLTAGE TRANSFORMERS TO ALSTOM GRID C/O KMS ELECTRICAL PRODUCTS IN THE AMOUNT OF \$154,501.00 AND TRENCH LIMITED C/O JEANES ENTERPRISES IN THE AMOUNT OF \$237,060.00, WHICH EQUATES TO A TOTAL OF \$391,561.00.**

**APPROVED**

11. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11483, 10 MBPS METRO ETHERNET FOR MLGW CAPLEVILLE PLANT, WITH AT&T, IN THE FUNDED AMOUNT OF \$10,800.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR ANNUAL SOFTWARE MAINTENANCE, LICENSE AND SUPPORT SERVICES FOR THE FIRST OF TWO RENEWAL TERMS COVERING THE PERIOD DECEMBER 1, 2014 THROUGH NOVEMBER 30, 2015, WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR.)**

**APPROVED**

12. **RESOLUTION AWARDING A CONTRACT TO TAVRIDA ELECTRIC NORTH AMERICA INCORPORATED, FOR RECLOSERS AND CONTROLS, IN THE AMOUNT OF \$148,730.00.**

**APPROVED**

13. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11393, NETWORK MAINTENANCE, WITH VENTURE TECHNOLOGIES, INCORPORATED, IN THE FUNDED AMOUNT OF \$642,413.35. (THIS CHANGE IS THE FOURTH AND FINAL RENEWAL OF SOFTWARE MAINTENANCE, LICENSE AND SUPPORT. THIS RENEWAL COVERS THE PERIOD OCTOBER 15, 2014 THROUGH OCTOBER 14, 2015 WITH NO INCREASE IN RATES FROM THE PREVIOUS YEAR; HOWEVER, REFLECTS ADJUSTMENTS IN SERVICES.)**

**APPROVED**

14. **RESOLUTION APPROVING THE PURCHASE OF 750 KCMIL ALUMINUM 23 KV CABLE TO COMPLETE THE INSTALLATION OF A CHANGE OVER SWITCH AND METER AT THE MEMPHIS AND SHELBY COUNTY AIRPORT AND TO MAINTAIN STOREROOM INVENTORY. (SAME NIGHT MINUTES REQUESTED)**

**APPROVED**

- 28. **RESOLUTION GIVING VICE PRESIDENT AND GENERAL COUNSEL OF MEMPHIS LIGHT, GAS AND WATER CONTRACT AUTHORITY IN THE AMOUNT OF \$165,000.00 FOR A LEGAL SETTLEMENT.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

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

**APPROVED**

- 15. **APPOINTMENTS**

**MEMPHIS LIGHT, GAS AND WATER COMMISSION**

**APPOINTMENT**

CARLEE M. MCCULLOUGH

**MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMITTEE**

**APPOINTMENTS**

DAVID M. SCHUERMANN  
DAVID WILLIAMS

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

**APPROVED**

- 18. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 15, TO INCREASE CERTAIN FEES AND MODIFY CERTAIN SECTIONS RELATING**

**TO THE PROPER DISPOSAL OF TIRES AND THE REGISTRATION OF CERTAIN TIRE BUSINESSES AND TIRE HAULERS WITHIN THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING. (HELD FROM 9/2)**

Ordinance No. 5558

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

**APPROVED**, as amended

- 19. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 25, ARTICLE III, SECTION 25-31 (B) REGARDING INVESTMENT OF TRUST FUND, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5563

Held until October 7, 2014

- 20. **ORDINANCE AMENDING THE BUILDING CODE TO SUSPEND THE REQUIREMENTS OF THE 2012 EDITION OF THE ICC INTERNATIONAL RESIDENTIAL CODE RELATING TO SEISMIC DESIGN AND CONSTRUCTION ELEMENTS, WHILE A STUDY COMMITTEE REVIEWS AND RECOMMENDS ANY CHANGES, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5564

Held until October 7, 2014

- 21. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$340,000.00 IN G.O. BOND FUNDS TO TRAFFIC SIGNALS, PROJECT NUMBER EN01004 IN FURNITURE, FIXTURES AND EQUIPMENT FOR THE PURCHASE OF EQUIPMENT USED IN THE INSTALLATION OF TRAFFIC SIGNALS BY CITY FORCES.**

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

**APPROVED**

- 23. **RESOLUTION APPROPRIATING \$1,800,000.00 IN CONTRACT CONSTRUCTION**

**FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT NUMBER GS01007, TO FUND VARIOUS REPAIR PROJECTS IN CITY HALL.**

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

**APPROVED**

29. **RESOLUTION TO CREATE THE CITY OF MEMPHIS-MEMPHIS GREEN COMMUNITIES PROGRAM.**

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

**APPROVED**

26. **RESOLUTION AMENDING THE FISCAL YEAR 2015 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AND APPROPRIATING \$150,452.00 FUNDED BY CAPITAL PAY GO-SEWER IN REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO NIKE 18' SEWER RELOCATION, PROJECT NUMBER SW02127 TO MOVE AN EXISTING SEWER LINE TO MAKE ROOM FOR A NEW DEVELOPMENT.**

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

**APPROVED**

34. **RESOLUTION AWARDED CONTRACT NO. 11700 ELECTRIC CONSTRUCTION AND MAINTENANCE WITH DAVIS H. ELLIOTT CONSTRUCTION CO. INCORPORATED, IN THE FUNDED AMOUNT OF \$8,887,424.00.**

MOTION: Lowery  
 SECOND: Hedgepeth

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

**APPROVED**

24. **RESOLUTION APPROPRIATING \$5,050,000.00 FUNDED BY G.O. BONDS GENERAL CHARGEABLE TO THE FY2015 CAPITAL IMPROVEMENT BUDGET FOR THE FOURTH PHASE OF THE DEVELOPMENT AND THE INITIATION OF OFFICIALLY CHANGING THE NAME OF THE CLEABORN/TRIANGLE NOIR PROJECT TO THE CLEABORN POINTE AT HERITAGE LANDING/HERITAGE TRAILS PROJECT.**

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

**APPROVED**

25. **RESOLUTION AUTHORIZING THE TRANSFER OF THE FOLLOWING CITY OWNED PARCELS TO THE PROMISE DEVELOPMENT CORPORATION IN CONJUNCTION WITH THE UPTOWN REVITALIZATION PLAN FOR DEVELOPING SAFE AND AFFORDABLE HOUSING FOR LOW TO MODERATE INCOME FAMILIES: 234 T M HENDERSON (PARCEL NO. 022022 A0000) AND 275 HENRY (PARCEL NO. 022027 00002)**

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

**APPROVED**

27. **RESOLUTION AMENDING THE FISCAL YEAR 2015 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AND APPROPRIATING \$1,195,105.00 FUNDED BY CAPITAL PAY GO-SEWER IN REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO REHABILITATE A SANITARY SEWER LIFT STATION WITH FOUR (4) SANITARY SEWER PUMPS, INSTALLATION OF APPROXIMATELY 5,200 FEET OF 10 INCH SEWER AND CERTAIN OTHER APPURTENANCES AT THE MALLORY BAYOU LIFT STATION.**

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

**APPROVED**

**(Special Item #1 – Councilwoman Fullilove made a motion to approve Same Night Minutes for Items #14, #26, #29 & #34 from tonight’s meeting).**

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

**APPROVED**

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

Chairman Strickland recognized the following people who spoke from the audience:  
 Walter Broady, 4256 Ledbetter Cove, Memphis, Tennessee, 38109  
 Joe Hoeing, (No other information was on the card)

**ADJOURNED MEETING AT 6:33 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