

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

February 19, 2013

3:30 P.M. SCHEDULED SESSION

3:30 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with prayer by Rev. Matt Miller, from Woodland Presbyterian Church. Councilman Boyd presented Rev. Miller 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 February 5, 2013 with the following motion:

MOTION: Halbert – Minutes for Item #4 will be held until the second meeting in March
SECOND: Boyd
AYES: Boyd, Brown, Collins, Fullilove, Halbert, Harris, Lowery and Chairman Ford
Conrad, Flinn, Hedgepeth and Strickland did not cast a vote
Morrison was absent

APPROVED, as amended. The Minutes for Item #4 will be held until the second meeting in March

24. **RESOLUTION ADOPTING A REDEVELOPMENT PLAN FOR CLEABORN HOMES/CLEABORN POINTE AREA.**

Held until March 5, 2013

25. **RESOLUTION CREATING A BLIGHT AND RENTAL PROPERTY REPORTING HOTLINE.** (Held From 12/4; 1/22)

Held until March 5, 2013

Councilman Brown recognized Memphis Police Department employees who were in the audience

1. **RESOLUTION CELEBRATING THE 80TH ANNIVERSARY OF THE FOUNDING OF THE BROOKS MUSEUM LEAGUE.**

MOTION: Strickland
SECOND: Collins

APPROVED, by unanimous voice vote

2. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF DRIVER STREET, BETWEEN TRIGG AVENUE AND LUCY AVENUE FOR PASTOR HAYWARD PETER BROWN.**

MOTION: Brown
SECOND: Fullilove

APPROVED, by unanimous voice vote

3. **RESOLUTION DECLARING MARCH 4TH THROUGH MARCH 8TH, 2013, AS “BOYS AND GIRLS CLUB WEEK”.**

MOTION: Conrad
SECOND: Fullilove

APPROVED, by unanimous voice vote

Chairman Ford recognized students from Oakhaven High School who were in the audience

4. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF CLARKE ROAD; +/-1,320 FEET NORTH OF E. SHELBY DRIVE, CONTAINING 30.47 ACRES IN THE CONSERVATION AGRICULTURE (CA) DISTRICT.**

Case No. PD 12-322

Chairman Ford recognized the following persons who spoke from the audience

Carolyn Hardy, 9412 Forest Station Cv., Collierville, TN 38017
Adrienne Studaway, 4459 Cedar Creek Cv., Memphis, TN 38141

Applicant: The Marino Group
Chism-Hardy Enterprises, LLC &
Ledford Engineering & Planning, LLC – Representatives

Request: Planned development to allow an intermodal yard for storage, maintenance and repair for a goods containment service and operations

LUCB and OPD recommendation: APPROVAL, with conditions

Friendly Amendment: Irrigate the two boundaries along the residential property line. Irrigate the evergreen trees so as to make sure they don't die and they do grow as the applicant intended for them to grow

Chairman Ford stated that without objection we will add this as a Friendly Amendment

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

APPROVED, as amended

CONSENT AGENDA – Items 5-12 & 30 may be acted upon by one motion: SEE PAGE 2510 FOR ROLL CALL

5. **ORDINANCE TO AMEND CHAPTER 34 OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO ADD ARTICLE VII WHICH SHALL GOVERN THE MANAGEMENT OF PUBLIC TREES AND CREATE AND ESTABLISH A MEMPHIS TREE BOARD, UP FOR S E C O N D READING.**

Ordinance No. 5494

APPROVED, on Second reading

6. **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 S E C O N D READING.**

Ordinance No. 5495

APPROVED, on Second reading

7. **ORDINANCE TO AMEND CHAPTER 33, ARTICLE III, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, SO AS TO MODIFY THE EXISTING SEWER FEE, UP FOR S E C O N D READING.**

Ordinance No. 5498

APPROVED, on Second reading

8. **ORDINANCE TO AMEND ARTICLE III, CHAPTER 23, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, RELATIVE TO THE NAMING AND RENAMING OF CITY PARKS AND TO RENAME FORREST PARK, FORREST-WELLS PARK, UP FOR S E C O N D READING.**

Ordinance No. 5499

APPROVED, on Second reading

9. **ORDINANCE TO AMEND ARTICLE III, CHAPTER 23, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, RELATIVE TO THE NAMING AND RENAMING OF CITY PARKS AND TO RENAME FORREST PARK, CONFEDERATE PARK AND JEFFERSON DAVIS PARK, UP FOR S E C O N D READING.**

Ordinance No. 5500

APPROVED, on Second reading

10. **ORDINANCE REZONING THE WEST SIDE OF MILL BRANCH ROAD; +/-356 FEET NORTH OF E. SHELBY DRIVE, CONTAINING 0.10 ACRE (3,920 SQ. FT.) IN THE COMMERCIAL MIXED USE (CMU-1) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5501

Case No. Z 13-101

APPROVED, on First reading

11. **ORDINANCE REZONING 2,025.35 FEET WEST OF CENTERLINE OF PLEASANT HILL, CONTAINING 8.222 ACRES IN THE CA DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5496

Case No. Z 12-109

APPROVED, on Second reading

- 12. **ORDINANCE REZONING THE SOUTH SIDE OF RAINES +/-312 FEET EAST OF MICHAEL DR., CONTAINING 0.396 ACRE IN THE R-10 DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5497
Case No. Z 12-108

APPROVED, on Second reading

- 30. **ORDINANCE TO AMEND CHAPTER 21, RELATIVE TO PARADES AND PUBLIC ASSEMBLIES, UP FOR F I R S T READING.**

Ordinance No. 5502

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT – Items 14-18 may be acted upon by one motion:

- 13. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11423, SMART METER DEMONSTRATION, WITH ITRON INCORPORATED, IN THE FUNDED AMOUNT OF \$10,000.00. (THIS CHANGE IS TO INCREASE THE CURRENT CONTRACT FUNDING IN THE AMOUNT OF \$10,000.00, FOR A NEW CONTRACT VALUE OF \$390,300.00. OF THIS AMOUNT, \$5,161.00 IS FOR SERVICES PROVIDED OUTSIDE THE SCOPE OF THE ORIGINAL CONTRACT AND, THEREFORE, THE AUTHORITY TO PAY IS BEING REQUESTED. THE REMAINING AMOUNT COVERS UPCOMING DATA SERVICES FOR A PERIOD NOT TO EXCEED SIX MONTHS IN 2013.) (Held from 2/5).**

Held until March 5, 2013

- 14. **RESOLUTION AWARDDING CONTRACT NO. 11571, BRUNSWICK EMERGENCY GENERATOR WITH TRANSFER SWITCH TO BARNES AND BROWER, INCORPORATED, IN THE FUNDED AMOUNT OF \$294,742.00.**

APPROVED

15. **RESOLUTION AWARDING CONTRACT NO. 11568, NETTERS BUILDING UNINTERRUPTIBLE POWER SUPPLY (UPS) ADDITION & MODIFICATION TO SHELBY ELECTRIC COMPANY, IN THE FUNDED AMOUNT OF \$144,593.00.**

APPROVED

16. **RESOLUTION AWARDING 36-MONTH CONTRACT TO PATTERSON WELDING SERVICE FOR REPAIR AND FABRICATION OF SUBSTATION EQUIPMENT, IN THE APPROXIMATE AMOUNT OF \$390,000.00.**

APPROVED

17. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 11075, COMMUNITY OFFICE PAYSTATIONS, WITH TIO NETWORKS, IN THE FUNDED AMOUNT OF \$14,700.00. (THIS CHANGE IS TO ADD SOFTWARE TO THE CURRENT CONTRACT TO SUPPORT THE MLGW “SHARE THE PENNIES” PROGRAM. THIS SOFTWARE WILL ALLOW KIOSK CUSTOMERS TO ENROLL IN THE PROGRAM. THE NEW CONTRACT AMOUNT WILL BE \$351,434.00.)**

APPROVED

18. **RESOLUTION AWARDING 60-MONTH CONTRACT TO NOVACOPY, INC., FOR RENTAL OF WIDE FORMAT COPIER/SCANNER/PLOTTER DEVICES, IN THE AMOUNT OF \$305,344.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Fullilove – Hold Item #13 for two weeks
 SECOND: Strickland

Chairman Ford stated may we do this without objection. Councilman Boyd objected. The following vote below was taken

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

APPROVED, with the exception of Item #13, which will be held for two weeks. Set up as Special Item #1.

Councilwoman Fullilove called for the question

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

APPROVED, as amended, with the exception of Item #13, which will be held for two weeks

26. **RESOLUTION ALLOCATING AND APPROPRIATING \$2,800,000.00 IN G.O. BONDS FOR NIKE INFRASTRUCTURE IMPROVEMENT AND EXPANSION OF NIKE'S DISTRIBUTION CENTER, PROJECT NUMBER PW01243.**

Councilman Strickland requested same night minutes for this item

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

APPROVED

Chairman Ford stated that without objection, we will have same night minutes for this item

31. **RESOLUTION BY THE MEMPHIS CITY COUNCIL THAT THE WHITEHAVEN GOLF COURSE BE RE-OPENED ON MARCH 1, 2013.**

Councilwoman Fullilove requested same night minutes for this item

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

APPROVED

Chairman Ford stated that without objection, we will have same night minutes for this item

29. **RESOLUTION DESIGNATING A CERTAIN GEOGRAPHIC AREA SURROUNDING THE AREA FORMERLY KNOWN AS THE MID SOUTH FAIRGROUNDS, AS A TOURISM DEVELOPMENT ZONE FOR THE PURPOSE OF FINANCING THE FAIRGROUNDS REDEVELOPMENT PROJECT, AND THE LIBERTY BOWL MEMORIAL STADIUM RENOVATIONS.**

Councilman Hedgepeth requested same night minutes for this item

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

APPROVED

Chairman Ford stated that without objection, we will have same night minutes for this item

19. **APPOINTMENT**

MEMPHIS YOUTH GUIDANCE COMMISSION

Appointment

Monica N. Wharton

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

APPROVED

20. **ORDINANCE AMENDING CHAPTER 48 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, BY ADDING SECTIONS 48-23 THRU 48-28 TO INCLUDE “PROPERTY REGISTRATION REQUIREMENTS” THAT WILL REQUIRE OWNERS OF REAL PROPERTIES, INCLUDING CONDOMINIUMS, TO MAINTAIN ON FILE WITH THE COUNTY REGISTER OR OTHER DESIGNEE OF THE CITY, AN ACCURATE NAME AND MAILING ADDRESS OF ONE OR MORE OF THE OWNERS FOR PURPOSES OF NOTICE AND SERVICE OF PROCESS AND TO REQUIRE REGISTRATION BY A MORTGAGEE OR MORTGAGEE’S AGENT UPON NOTICE OF DEFAULT OR VACANCY BY A MORTGAGOR REGARDING SINGLE FAMILY RESIDENTIAL REAL PROPERTY INCLUDING CONDOMINIUMS LOCATED IN THE MUNICIPAL BOUNDARIES OF THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.** (Held from 12/4; 1/22)

Ordinance No. 5477

MOTION: Hedgepeth – Table the Ordinance
SECOND: Strickland
AYES: Collins, Conrad, Flinn, Fullilove, Strickland and Chairman Ford
NAYS: Boyd, Brown, Halbert, Harris, Hedgepeth and Lowery

Morrison was absent

FAILED, set up as Special Item #3

MAIN MOTION: Lowery – Delay six weeks, until the first meeting in April
SECOND: Hedgepeth

Chairman Ford stated can we do this without objection? There was objection, so the vote below was taken, but Councilman Collins wanted the motion below to be added to the main motion

MOTION: Collins – Add the following language to the motion; should the administration not come back with a substitute report, that this item shall be dropped immediately without debate

Chairman Ford asked Attorney Wade if Councilman Collins could make that motion. After a response from Attorney Wade, Chairman Ford stated that without objection, the motion will be added

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

APPROVED, item delayed for six weeks until the first meeting in April

21. **ORDINANCE TO AMEND CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, TO MODIFY SECTION 21-80 (B) OF THE TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM REQUIREMENTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5493

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

APPROVED

22. **RESOLUTION REQUESTING THE MLGW BOARD AND COMCAST TO CONSIDER MEDIATION TO DECIDE THE TERMS AND CONDITIONS OF COMCAST'S USE OF MLGW UTILITY PROPERTY.**

MOTION: Strickland
SECOND: Boyd
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth,

Lowery, Strickland and Chairman Ford
Morrison was absent

APPROVED

23. **RESOLUTION ESTABLISHING A PUBLIC HEARING DATE OF MARCH 5, 2013, FOR ADOPTING THE REDEVELOPMENT PLAN FOR THE CLEABORN HOMES AREA.**

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

APPROVED

27. **RESOLUTION AUTHORIZING THE ENGINEERING DIVISION TO DESIGNATE ON STREET PARKING SPACES AS SELECTED BY THE DOWNTOWN MEMPHIS COMMISSION FOR THE EXCLUSIVE USE OF CARSHARING VEHICLES FOR A 3-YEAR PILOT.**

MOTION: Collins – Amend the resolution to state that we give Downtown Commission permission, but upon securing a share car service, you will come back to the Council to get approval for the sites that you designate for this service
SECOND: Fullilove

Chairman Ford stated that without objection, this will be added to the main motion

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

APPROVED, as amended

28. **RESOLUTION APPROVING THE RECEIPT AND USE OF REVENUES FOR THE PURPOSE OF PROMOTING AND MAINTAINING THE BEALE STREET ENTERTAINMENT DISTRICT.**

MOTION: Strickland
SECOND: Collins
AYES: Boyd, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Lowery, Strickland and

Chairman Ford
Brown and Hedgepeth did not cast a vote
Morrison was absent

APPROVED, as amended

MINUTES

Approval of the Minutes of the regular meeting of February 19, 2013 for Items 26, 29 & 31 with the following motion:

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

APPROVED, set up as Special Item #4

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Ford recognized the following person who spoke from the audience

- Gladys Adams, 1136 Finch Dr., Memphis, TN 38127
- Donnie Briggs, 857 Alice Ave., Memphis, TN 38106
- Walter Broady, 4256 Ledbetter Cv., Memphis, TN 38109
- Bennett Foster, 2489 Harvard, Memphis, TN 38112
- Paul Garner, 1577 Court Ave., Memphis, TN 38104
- Steven Simmons, 781 Leath St., Memphis, TN 38107
- Brad Watkins, 2010 Court Ave., Memphis, TN 38104
- Minister Suhkara Yahweh, 775 Porter St., Memphis, TN 38126

ADJOURNED MEETING AT 6:39 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