

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**

**April 5, 2011**

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

**3:42 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Councilwoman Janice Fullilove.

**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 March 15, 2011 with the following motion:**

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

**APPROVED**

1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE, TO RENAME REMBERT AVENUE, BETWEEN MADISON AVENUE AND UNION AVENUE “BERNAL E. SMITH BOULEVARD”.**

MOTION: Conrad  
SECOND: Ford

**APPROVED**, by unanimous voice vote

2. **RESOLUTION RECOGNIZING CRAIGMONT HIGH SCHOOL BOYS' VARSITY BASKETBALL TEAM ON WINNING THE 2010 BLUECROSS AAA STATE CHAMPIONSHIP.**

MOTION: Morrison  
SECOND: Ford

**APPROVED**, by unanimous voice vote

3. **RESOLUTION CONGRATULATING THE EVANGELICAL CHRISTIAN SCHOOL'S BOY'S BASKETBALL TEAM ON WINNING THE DIVISION II A STATE CHAMPIONSHIP.**

MOTION: Boyd  
SECOND: Ford

**APPROVED**, by unanimous voice vote

4. **RESOLUTION RECOGNIZING CENTRAL HIGH SCHOOL LADY WARRIORS AS THE 2011 CLASS AAA STATE CHAMPS (THIRD STRAIGHT TSSAA STATE TOURNAMENT APPEARANCE).**

MOTION: Ford  
SECOND: Fullilove

**APPROVED**, by unanimous voice vote

22. **APPOINTMENT**

Chairman Lowery recognized Mayor Wharton who spoke on this appointment

**Director of Police Services**

Appointment

Toney Armstrong

MOTION: Collins – Effective date – Friday, April 15, 2011 at 12:01 a.m.  
SECOND: Brown  
AYES: Boyd, Brown, Collins, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth,  
Morrison, Strickland and Chairman Lowery  
Ware was absent

**APPROVED**, this appointment is effective Friday, April 15, 2011 at 12:01 a.m.

5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTH SIDE OF YALE ROAD; +/-335.87 FEET EAST OF COVINGTON PIKE, CONTAINING 0.79 ACRE IN THE PLANNED COMMERCIAL (C-P) DISTRICT.** (Held from 3/15)  
Case No. SUP 10-230

Applicant: Arnett-Maddox Ice, LLC  
Prime Development Group – Michael Fahy – Representative

Request: Retail Ice Vending Machine

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

6. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$1,260,905.00 FROM THE FEDERAL DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND MATCHING FUNDS IN THE AMOUNT OF \$50,000.00 FROM THE GREATER MEMPHIS CHAMBER FOR PLANNING AND ASSESSMENT OF THE AIRPORT CITY AREA IN SUPPORT OF THE AEROTROPOLIS PROJECT. RESOLUTION ALSO AMENDS THE FY2011 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

**CONSENT AGENDA – Items 7-11 may be acted upon by one motion: SEE PAGE 1823 FOR ROLL CALL**

7. **ORDINANCE TO AMEND CHAPTER 16, ARTICLE V, OF THE CITY OF MEMPHIS CODE OF ORDINANCES, SO AS TO ALLOW SELF-CONTAINED MOBILE FOOD PREPARATION VEHICLES TO OPERATE IN THE CITY OF MEMPHIS, UP FOR S E C O N D READING.**

Ordinance No. 5394

**APPROVED**, on Second reading

8. **ORDINANCE TO REDISTRIBUTE ALL COUNCIL DISTRICTS AND TO ASSIGN NEWLY ANNEXED AREAS, IF ANY, TO COUNCIL DISTRICTS SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICABLE AND ALL SUCH DISTRICTS WILL COMPLY WITH THE INJUNCTION DECREE ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER, PERTAINING TO VOTING RIGHTS ACTS REMEDIES, UP FOR S E C O N D READING.**

Ordinance No. 5395

**APPROVED**, on Second reading

9. **ORDINANCE REZONING THE WEST SIDE OF HOLLYWOOD STREET; +/-176.52 FEET NORTH OF CHELSEA AVENUE, CONTAINING 0.21 ACRE IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT, UP FOR F I R S T READING.**

Case No. Z 10-117  
Ordinance No. 5396

**APPROVED**, on First reading

10. **RESOLUTION APPROVING FINAL PLAT OF BURK SUBDIVISION.**

Case No. S 08-020

Resolution approves final plat located on Redditt Road, south of Walnut Grove Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

11. **RESOLUTION APPROVING THE SUPPLEMENTAL AGREEMENT #1 TO WOLF RIVER BLUFFS P.D., PHASE 1.**

Case No. PD 05-377  
Contract No. CR-5083AM

Resolution approves the supplemental agreement #1 located on north side of James Road at McLean Blvd. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #1.

City Engineer recommends approval

**APPROVED**

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT – Items 12-15 may be acted upon by one motion:**

- 12. **RESOLUTION AWARDED CONTRACT NO. 11420, UTILITY MARKET INTELLIGENCE SERVICES, TO E SOURCE COMPANIES, LLC, IN THE FUNDED AMOUNT OF \$689,820.00, FOR A 36-MONTH PERIOD.**

**APPROVED**

- 13. **RESOLUTION AWARDED CONTRACT NO. 11463, 2011 ECDA INSPECTION/SURVEY OF NATURAL GAS PIPELINE, TO BGL ASSET SERVICES, LLC, IN THE FUNDED AMOUNT OF \$319,075.00.**

**APPROVED**

- 14. **RESOLUTION APPROVING PAYMENT OF 2011 ANNUAL MEMBERSHIP DUES TO THE TENNESSEE VALLEY PUBLIC POWER ASSOCIATION, IN THE AMOUNT OF \$50,674.05.**

**APPROVED**

- 15. **RESOLUTION AWARDED CONTRACT FOR AUTOCAD SOFTWARE SUBSCRIPTION RENEWALS TO DLT SOLUTIONS, COVERING THE PERIOD APRIL 27, 2011 TO APRIL 26, 2012, IN THE AMOUNT OF \$53,781.99.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

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

**APPROVED**

16. **APPOINTMENT**

**Memphis and Shelby County Convention Center Commission**

Appointment

Lee A. Jackson

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

**APPROVED**

17. **RESOLUTION ACCEPTING WILSON STREET CLOSURE AND AUTHORIZING  
RELEASE OF BOND.** (Held from 3/15)

Contract No. (CR-4974)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of Wilson Street and East McLemore Avenue. The standard improvement contract was approved on September 20, 2005. Resolution also authorizes the release of the performance bond in the amount of \$212,200.00.

City Engineer recommends approval

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

**APPROVED**

18. **RESOLUTION TO AMEND FIRE SERVICE’S CAPITAL IMPROVEMENT BUDGET REQUEST TO REPLACE THE ORIGINAL REQUEST (IN PART) WITH EIGHT ALTERNATIVE RESPONSE VEHICLES AT A COST OF \$500,000.00.** (Held from 2/15; 3/1; 3/15)

MOTION: Conrad - Offer a companion resolution

**Councilman Strickland accepted this companion resolution as a friendly amendment**

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

**APPROVED**, original resolution and companion resolution

19. **RESOLUTION SEEKING THE APPROVAL, CONVEYANCE, AND RELEASE OF PARCELS D0242 00072, D0242 00079, AND D0256 0008 BY QUIT CLAIM DEED IN ORDER TO GAIN CLEAR TITLE, AND CONFIRM SHELBY COUNTY GOVERNMENT AS THE SOLE OWNER OF THE REMAINING PROPERTY FOR ITS ONGOING MANAGEMENT/CONTROL.**

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

**APPROVED**

20. **RESOLUTION APPROPRIATING THE ALLOCATED SUM OF \$500,000.00 OF THE FY2011 CIP BUDGET FOR THE SRVS PROJECT TO PROVIDE SUPPORT AND OPPORTUNITIES FOR THE PEOPLE WITH DEVELOPMENTAL DISABILITIES, AS PART OF SRVS’ SECOND PHASE BUILDING DREAMS CAMPAIGN.**

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

**APPROVED**

21. **RESOLUTION PROPOSING A CHANGE TO THE COUNCIL’S RULES OF PROCEDURE REGARDING SAME NIGHT MINUTES.**

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

**APPROVED**

Approval of the Minutes of the regular meeting of April 5, 2011 for Item #22 only

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

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

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

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

Walter Broady III, 4256 Ledbetter Avenue, Memphis, Tennessee 38109

**ADJOURNED MEETING AT 4:51 P.M.**

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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

April 5, 2011

1827

Attest:

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Deputy Comptroller/Council Records