

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

April 16, 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, Bill Morrison, Jim Strickland and Chairman Edmund H. Ford, Jr. Myron Lowery was absent.

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

INVOCATION

The meeting was opened with prayer by Bishop Elbert Jones, from Church of the Living God. Councilwoman Fullilove presented Bishop Jones 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 April 2, 2013 with the following motion:

MOTION: Fullilove – Reconsider Item #12 from the Minutes of April 2, 2013

Chairman Ford asked if there was any objection to reconsidering Item #12 from the Minutes of April 2, 2013. There was no objection. Item was reconsidered.

MAIN MOTION: Conrad

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

APPROVED, as amended

1. **PRESENTATION OF THE FY 2014 BUDGET, BY MAYOR A C WHARTON.**

NO VOTE WAS REQUIRED

2. **RESOLUTION RECOGNIZING THE DENEUVILLE LEARNING CENTER AND CELEBRATING ITS 15TH ANNIVERSARY.**

MOTION: Strickland
 SECOND: Morrison

APPROVED, by unanimous voice vote

3. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE WEST SIDE OF INTERSECTION OF ROSEWOOD AVENUE AND SOUTH OF LAUDERDALE STREET, CONTAINING .28 ACRE IN THE C-L DISTRICT.**

Case No. SUP 13-201

Applicant: Tower Ventures
 Lou Katzerman – Representative

Request: Construct a one hundred sixty foot (160') CMCS tower

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

4. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 6415 US HIGHWAY 70; NORTHEAST CORNER OF HIGHWAY 70 AND ELMORE ROAD, CONTAINING 1.92 ACRES IN THE CMU-3 (COMMERCIAL MIXED USE) DISTRICT.**

Case No. SUP 13-202

Applicant: Tower Ventures
Lou Katzerman – Representative

Request: Construct a one hundred eighty foot (180') CMCS tower

LUCB and OPD recommendation: APPROVAL

MOTION: Collins

SECOND: Boyd

AYES: Boyd, Brown, Collins, Conrad, Fullilove, Halbert, Harris, Hedgepeth, Strickland and Chairman Ford

Morrison did not cast a vote

Flinn recused

Lowery was absent

APPROVED

5. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE NORTHWEST CORNER OF GREENLAW AVENUE AND N. FIFTH STREET, CONTAINING 0.14 ACRE IN THE MODERATE DENSITY RESIDENTIAL (MDR) DISTRICT.**

Case No. SAC 13-601
(Companion Case PD 13-302)

Applicant: Memphis College Preparatory Elementary School
SR Consulting LLC (Cindy Reaves) – Representative

Request: Close and vacate Muster Alley and Saffarans Alley rights-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Collins

SECOND: Fullilove

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

Morrison did not cast a vote

Lowery was absent

APPROVED

6. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF GREENLAW AVENUE AND N. FIFTH STREET, CONTAINING 1.5 ACRES IN THE MODERATE DENSITY RESIDENTIAL (MDR) DISTRICT.**

Case No. PD 13-302
(Companion Case SAC 13-601)

Applicant: Memphis College Preparatory Elementary School and MLB-Uptown LLC
SR Consulting LLC (Cindy Reaves) – Representative

Request: School and parking lot

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

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

APPROVED

7. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF SHELBY OAKS DRIVE-NORTH; +/-2,344.14 FEET SOUTH OF RALEIGH-LAGRANGE ROAD, CONTAINING 5.40 ACRES AND IS CURRENTLY GOVERNED BY SHELBY OAKS-NORTH BUSINESS CENTER P.D. I-134.**

Case No. PD 13-307

Applicant: Nello Corporation/Precision Communications, Inc.
SR Consulting, LLC – Representative

Request: Plan amendment to allow a television transmission tower 185.9 feet in height,
including ground-mounted satellite dishes

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

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

APPROVED, as amended

8. **ORDINANCE AMENDING 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.**

Case No. ZTA 13-001
Ordinance No. 5504

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

APPROVED, as amended

CONSENT AGENDA – Items 9 &10 may be acted upon by one motion: SEE PAGE 2560 FOR ROLL CALL

9. **ORDINANCE TO AMEND CHAPTER 21, ARTICLE II, SECTION 21-50(D), OF THE CODE OF ORDINANCES, CITY OF MEMPHIS TO DISCONTINUE FUNDING FROM TRAFFIC VIOLATIONS CITATIONS TO THE MEMPHIS CITY SCHOOLS DRIVER EDUCATION PROGRAM, UP FOR F I R S T READING.**

Ordinance No. 5505

APPROVED, on First reading

10. **ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCES, CITY OF MEMPHIS, BY AMENDING SECTION 2-228 (ASPHALTIC BINDER PAVING OF STREETS CONSTRUCTED AS PART OF STANDARD IMPROVEMENT CONTRACTS; COSTS.), UP FOR F I R S T READING.**

Ordinance No. 5506

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Morrison
SECOND: Strickland

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

APPROVED

11. **APPOINTMENT**

MEMPHIS AND SHELBY AIRPORT AUTHORITY

Appointment

Pace Cooper

MOTION: Flinn

SECOND: Morrison

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

APPROVED

Friendly Amendment: Send Item #12 from the Minutes of April 2, 2013 back to MLGW to resolve and bring the outcome back to Council

MOTION: Halbert

No action was taken on Councilwoman Halbert’s motion

MAIN MOTION: Fullilove – Approve Item #12 from the Minutes of April 2, 2013

SECOND: Boyd

AYES: Boyd, Conrad, Flinn, Fullilove, Hedgepeth, Morrison, Strickland and Chairman Ford

NAYS: Brown, Collins, Halbert and Harris
Lowery was absent

APPROVED, set up as Special Item #1

Councilman Flinn requested same night minutes for Item #11. Chairman Ford stated that without objection, we will have same night minutes for Item #11

12. **RESOLUTION APPROVING DIVIDEND PAYMENT ON EQUITY INVESTMENT AND/OR PAYMENT IN LIEU OF TAXES FROM THE WATER SYSTEM OF MLGW.**

MOTION: Strickland

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

APPROVED, as amended

13. **RESOLUTION ACCEPTING AND APPROPRIATING THE REVENUES AND EXPENDITURES FROM THE GREAT AMERICAN STEAMBOAT COMPANY (GASC) LOAN REPAYMENT PROCEEDS IN THE AMOUNT OF \$1,034,206.00.**

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

APPROVED

14. **RESOLUTION APPROVING RECOMMENDATION OF SEVEN (7) INDIVIDUALS TO SERVE AS MEMBERS OF THE MEMPHIS TREE BOARD.**

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

APPROVED

15. **RESOLUTION APPROPRIATING \$99,312.00 FOR SEWER REPAIR AT CEDAR CREEK SEWER EXTENSION.**

MOTION: Strickland – Move the \$99,312.00 to the repaving budget
 SECOND: Halbert

After discussion by Council, the money could not be moved to the repaving budget because it is sewer fund money.

No action was taken on Councilman Strickland's motion

MOTION: Flinn – Hold for one month
 SECOND: Morrison
 AYES: Boyd, Flinn, Hedgepeth and Morrison
 NAYS: Brown, Collins, Conrad, Fullilove, Halbert, Harris, Strickland and Chairman Ford
 Lowery was absent

FAILED, set up as Special Item #2

Councilman Collins called for the question

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

FAILED

16. **RESOLUTION REQUESTING THE APPROVAL OF THE SALE OF SURPLUS PROPERTY ACQUIRED BY TAX SALE #3 IN 1986. THE PROPERTY IS LOCATED AT 0 BENJESTOWN ROAD, LOCATED IN THE COUNTY OF SHELBY FURTHER DESCRIBED AS PARCEL 069004 00152.**

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

APPROVED

17. **RESOLUTION TO PROVIDE A SEVERANCE AND TRANSITION PROGRAM FOR MOTOR VEHICLE INSPECTION BUREAU EMPLOYEES, WHO ARE SUBJECT TO LAYOFF AND APPROVING A TRANSFER FROM THE RESERVE FUND AS NEEDED TO COVER COSTS ASSOCIATED WITH PROGRAM.**

MOTION: Halbert – Hold for 2 weeks
 SECOND: Morrison
 AYES: Halbert and Morrison
 NAYS: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Harris, Strickland and Chairman Ford
 Hedgepeth did not cast a vote
 Lowery was absent

FAILED

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

APPROVED, as amended in Committee

MINUTES

Approval of the Minutes of the regular meeting of April 16, 2013 for Item #11 and Special Item #1 only with the following motion:

MOTION: Brown – Separate the votes for the same night minutes
SECOND: Flinn

Chairman Ford stated that without objection we will divide the question on both items

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

APPROVED, set up as Special Item #4

MOTION: Fullilove – Approve Special Item #1
SECOND: Morrison
AYES: Boyd, Collins, Flinn, Fullilove, Morrison, Strickland and Chairman Ford
NAYS: Brown and Harris
Conrad, Halbert and Hedgepeth did not cast a vote
Lowery was absent

APPROVED, set up as Special Item #5

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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

Cynthia Bailey, 2793 Pogest, Apt. #1, Memphis, TN 38127
Walter Broady, 4256 Ledbetter Cove, Memphis, TN 38109
Harriet A. Buckley, 49 S. Fourth St., Apt. #307, Memphis, TN 38107
Lee Cochran, 179 Richbriar St., Memphis, TN 38120

Leonard Ewing, 1081 Court Ave., Apt. #812, Memphis, TN 38104
Bennett Foster, 2010 Court Ave., Memphis, TN 38104
Paul Garner, 1577 Court Ave., Apt. #2, Memphis, TN 38104
Brad Watkins 2010 Court Ave., Memphis, TN 38104
Minister Suhkara A. Yahweh, 775 Porter St., Memphis, TN 38126

ADJOURNED MEETING AT 6:07 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