



CITY OF MEMPHIS

COUNCIL AGENDA

May 2, 2006

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (April 25, 2006)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase Pension Benefits Allowable under Section 25-95 and 25-195, up for F I R S T reading.

Marshall

Ordinance No. 5165

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** establishing the Fiscal 2007 Operating Budget for the City of Memphis, up for F I R S T reading.

Sammons

Ordinance No. 5166

ORDINANCE to appropriate the proceeds of the Tax Levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2006, through June 30, 2007, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earning, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2006 through June 30, 2007, inclusive, to provide the manner in which monies may be transferred from one fund to another and to provide the standard code or designations under which the appropriations are to be administered and accounting control maintained.

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** to fix the tax rate of the City of Memphis for Fiscal Year 2007, up for F I R S T reading.

Sammons

Ordinance No. 5167

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (none)

ZONING ORDINANCES - FIRST READING (none)

ZONING ORDINANCES - SECOND READING (none)

ENGINEERING (none)

NOTATIONS FROM OPD

4. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 05-367 – Steve Road P.D.

Located on the south side of Steve Road; +/-230 feet west of Ellsworth Street, containing 8.18 acres in the Multiple Dwelling Residential (R-ML) and Multiple Dwelling Residential (R-MM) and Flood Plain (FP) Districts

Applicant: William H. Thomas, Jr.
Joe Cooper – Representative

Request: Planned development to allow Single Family Residential (R-S6) District uses, including a day care center, limited Highway Commercial (C-H) District uses, including mini-storage warehouses with outdoor storage and an off-premise advertising (billboard) sign within the Outline Plan

LUCB and OPD recommendation: REJECTION

B. Case No. PD 06-307 – Shotgun P.D.

Located on the west side of Rembert Street ± 308 feet north of Jefferson Avenue, containing 0.155 acre in the Multiple Family Residential (R-MM) District

Applicant: Charles Montgomery Foster
David W. Milem – Representative

Request: One single family residential lot in addition to the current residence on this site

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 06-309 – Tillilie Estate P.D.

Located on the northwest and southwest corners of Lakeview Road and I.C. Railroad, containing 23.92 acres in the Industrial (I-L) and Single Family Residential (R-S10) Districts

Applicant: Don Tillilie Development
W. H. Porter Consultants, PLLC – Representative

Request: A residential planned development to create 85 single family detached lots (minimum lot size = 6,000)

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. S 05-070 – Leftwhich Subdivision; Resubdivision

Located on the west side of Grandview Street; +366 feet north of Grandview Avenue, containing 1.2 acres in the Single Family Residential (R-S10) District

Appellant: Holley and Lucius McGehee, Bob and Miriam Smith, Frances Kaufman and Mason and Jill Kaufman

Request: Appeal to overturn action of the Land Use Control Board which approved a two (2) lot preliminary plat subdivision located at 411 Grandview Street, (S 05-070 Leftwhich Subdivision, Re-subdivision of Lot 2)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: May 16, 2006



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MLGW FISCAL CONSENT

5. RESOLUTION awarding Contract No. 11075, Community Office Pay Stations, to Info Touch Technologies Corporation, in the funded amount of \$131,570.00.
6. RESOLUTION approving Change No. 7 to Contract No. 10840, Temporary Personnel Services, with Kelly Services, Inc., in an estimated funded amount of \$2,800,000.00. (This renews the contract for the fourth term, 6/5/06 to 6/4/07.)
7. RESOLUTION awarding 36-month contract for fiber-optical ground wire to Brugg Cables, LLC, in the amount of \$533,050.00.
8. RESOLUTION awarding contract for polyethylene pipe and butt fusion fittings to Action Chemical, in the amount of \$756,993.47.
9. RESOLUTION awarding contract for paper lead cable to The Okonite Company, in the amount of \$273,256.80.
10. RESOLUTION awarding contract for air compressors to Williams Equipment and Supply, in the amount of \$138,400.00.
11. RESOLUTION requesting renewal of AppWorx software license and maintenance with AppWorx Corporation, in the amount of \$69,360.00.
12. RESOLUTION canceling award with Ikon Office Solutions for rental of high-volume copy machines and awarding contract to Nova Copy, Inc., in the amount of \$139,320.00.
13. RESOLUTION awarding contract for IBM Websphere MQ software licenses to Venture SystemSource, Inc., in the amount of \$66,300.00.
14. RESOLUTION awarding contract for pre-fabricated, hazardous materials/chemical outdoor storage buildings to New Pig Corporation, in the amount of \$47,101.00.
15. RESOLUTION awarding contract for water quality reports to Direct FX Solutions, in the amount of \$45,181.00.
16. RESOLUTION approving Expedited Procurement Request for Change No. 8 to Contract No. 10737, Courier Services, with Express Courier, Inc., in the estimated funded amount of \$50,000.00. (This provides additional funds to pay pending and future invoices over a 90 day time period).
17. RESOLUTION approving Change No. 5 to Contract No. 10857, LNG Property/Boiler and Machinery Insurance, with Hilb Rogal and Hobbs, in the funded amount of \$297,835.00. (This renews the policy for the period 6/1/06 to 5/31/07.)
18. RESOLUTION approving Change No. 5 to Contract No. 10858, All Risk Property Insurance, with Factory Mutual Insurance Company, Inc., in the funded amount of \$1,106,446.00. (This renews the policy for the period 6/1/06 to 5/31/07.)
19. RESOLUTION rescinding award of contract for polyethylene pipe to M. T. Deason, and awarding contract to Performance Pipe, in the amount of \$40,331.37.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

20. APPOINTMENTS

Marshall

Civil Service Commission

Appointment

Barbara A. Holmes, Ph.D.

Pension Board

Appointments

Derek Brassel
Dwan L. Gilliom
Mary Gray
Janice Currin Pilot

Reappointments

Nancy Albonetti
Jim Davis
Joe Garrone

GENERAL ORDINANCE - THIRD AND FINAL READING (none)

ENGINEERING DIVISION (none)

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

21. RESOLUTION to amend the FY 2006 Operating Budget to reflect expenditure shifts by transferring and appropriating funds between legal levels in Public Works, General Services and City Engineering.

Sammons

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION to amend the FY 2006 Operating Budget to reflect expenditure shifts by transferring and appropriating funds between legal levels in Fire Services, Police Services, Unallocated and Grants and Agencies.

Sammons

ACTION REQUESTED: Adopt the resolution

23. INITIAL RESOLUTION authorizing the issuance of General Obligation Bonds of the City of Memphis, Tennessee for the purpose of financing the cost of Public Works Projects in the City.

Sammons

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION authorizing and providing for the issuance and sale of Commercial Paper of the City of Memphis, Tennessee and providing for certain other matters related thereto.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

25. RESOLUTION approving the purchase of easement rights from John C. Turley, III, as Trustee of The John C. Turley, III Living Trust, 22.777 acres located on the southwest corner of Millington-Arlington Road and Gotley Road for the sum of \$271,000.00.

Ford

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION approving the purchase of property from Charlotte Carraway, 0.459 acres located on the west side of Griffin Road, south of Deerfield Estates Subdivision, for the sum of \$30,000.00.

Ford

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION approving the purchase of easement from Dawne Denise Jones, 5.365 acres located on the south side of Stewart Road and east of the east line of Palomino Road, for the sum of \$42,920.00.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

28. RESOLUTION to adopt and approve the proposed FY 2007 Annual Action Plan/Consolidated Plan. Resolution also appropriates FY 2007 CDBG, HOME, ESG and HOPWA Program Funds and anticipated Program Income from CDBG and HOME repayments to the FY 2007 budget for the Division of Housing and Community Development.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES

29. RESOLUTION accepting grant funds in the amount of \$450,000.00 from the Tennessee Emergency Management Agency for the Buffer Zone Protection Grant to purchase equipment necessary to provide enhanced security around selected public buildings. Resolution also amends the FY2006 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$450,000.00.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

30. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring a previous construction allocation of \$126,578.00 funded by G.O. Bonds General from Bridge Repair, Project Number PW02001 to Architecture and Engineering/right-of-way in Holmes Street Bridge over CSX Railroad, Project Number PW02015 for deposit in the City's Local Government Investment Pool. Resolution also appropriates \$126,578.00 in Architecture and Engineering funded by G.O. Bonds General for Holmes Street Bridge over CSX Railroad, Project Number PW02015 for deposit in the City's Local Government Investment Pool.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING

31. **ORDINANCE** amending Section 29, Signs and Section 30, Nonconformities, up for T H I R D and F I N A L reading. (Held from 10/25; 11/1;11/15;12/06; 12/20; 1/03; 1/17; 2/7; 3/7; 4/25)

Peete

Ordinance No. 5136
Case No. ZTA 05-001cc

Applicant: Office of Planning & Development

Request: Amend Section 29, Signs to expand the statement of intent regarding the location of off-premise signs and amend Section 30, Nonconformities regarding alteration, expansion, replacement and moving of off-premise and all signs

Recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

32. **ORDINANCE** rezoning the southwest corner of Vance Avenue and Boyd Street, containing 0.24 acre (10,323 sq. ft.), in the Highway Commercial (C-H) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5160
Case No. Z 06-102

Applicant: Kenneth Kennedy

Request: Duplex Residential (R-D) District

LUCB and OPD recommendation: APPROVAL of the Duplex Residential (R-D) District

ACTION REQUESTED: Take whatever action Council deems advisable

46 NOTICES MAILED ON APRIL 21, 2006

33. **ORDINANCE** rezoning the north side of Ball Road; +714 feet west of Airways Boulevard, 6.516 acres in the Light Industrial (I-L) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5161
Case No. Z 06-101

Applicant: Alpha Omega Veteran Services
John F. Williams – Representative

Request: Multiple Family Residential (R-MM) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

54 NOTICES MAILED ON APRIL 21, 2006

34. **ORDINANCE** rezoning the west side of Mountain Terrace Street; +135 feet north of James Road, containing 4.44 acres in the Duplex Residential (R-D) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5162
Case No. Z 06-103

Applicant: Erby Price
Frank P. Palumbo, Jr. – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

35 NOTICES MAILED ON APRIL 21, 2006

35. **ORDINANCE** rezoning the south side of Monroe Av.; ±300 ft. east of McNeil St., containing 12,987 sq. ft. (0.30 acre), in the Multiple Dwelling Residential (R-MH) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5163
Case No. Z 06-104

Applicant: Cadence Bank, N.A.
Cindy Reaves, S.R Consulting, LLC –Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

70 NOTICES MAILED ON APRIL 21, 2006

36. **ORDINANCE** rezoning the northeast corner of McCorkle Road and Crescent Avenue, containing 86,651 sq. ft. (1.99 acres) in the Townhouse Residential (R-TH) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5164
Case No. Z 05-126

Applicant: R & D Development
Ghassemi and Associates – Representative

Request: Single-Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

37 NOTICES MAILED ON APRIL 21, 2006

DIVISION OF PLANNING & DEVELOPMENT

37. **RESOLUTION** approving a hotel waiver for Holiday Inn Select Memphis Airport, located at 2240 Democrat Road, Memphis, Tennessee, 38132.

Peete

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION approving a special use permit located on the northeast corner of Weaver Road and Levi Road, containing 1.45 acres in the Single Family Residential (R-S6) District.

Peete

Case No. SUP 06-201

Applicant: Tower Ventures V, LLC
Billy Orgel – Representative

Request: Cellular Tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

PUBLIC HEARINGS

39. RESOLUTION approving an appeal located on the east side of Germantown Parkway, 228 feet south of Rockcreek Parkway.(Held from 3/21; 4/11)

Peete

Case No. PD 02-314
(Companion Case: Z 1692)

Appellant: Countrywood Neighborhood Association

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 2/9/06 which approved on the request of Family Value Property, LLC to construct a private drive to tie into the adjoining Village Green Shopping Center along the planned development north boundary

LUCB recommendation: APPROVAL of the private drive

OPD recommendation: HOLD for a traffic study

23 NOTICES MAILED ON MARCH 10, 2006

40. RESOLUTION approving an appeal located on the south side of Rockcreek Parkway, 800 feet east of Germantown Parkway.(Held from 3/21; 4/11)

Peete

Case No. Z 1692
(Companion Case: PD 02-314)

Appellant: Countrywood Neighborhood Association

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 2/9/06 which approved the request of Family Values Property, LLC to construct a private drive to tie into the adjoining First Assembly of God Planned Development along the shopping center south boundary

LUCB recommendation: APPROVAL of the private drive

OPD recommendation: HOLD for a traffic study

ACTION REQUESTED: Take whatever action Council deems advisable

23 NOTICES MAILED ON MARCH 10, 2006

41. RESOLUTION approving a planned development located on the northeast corner of Madison Avenue and Edgewood Street, containing .78 acre in the Duplex Residential (R-D) District. (Held from 4/25)

Peete

Case No. PD 06-301

Applicant: Memphis Heritage Inc.
June West, Executive Director – Representative

Request: Headquarters (Office) with accessory dwelling unit

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

67 NOTICES MAILED ON APRIL 13, 2006

42. RESOLUTION approving a planned development located on the south side of Stage Road; ±165 feet east of Kenneth Street, containing 7.02 acres in the Single Family Residential (R-S10) District.

Peete

Case No. PD 06-305

Applicant: NDSJ Investment Corporation
Old Engineering Services – Representative

Request: 100-unit residential development consisting of condominium apartments and townhouse condominiums

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

73 NOTICES MAILED ON APRIL 21, 2006

43. RESOLUTION approving a subdivision appeal located on the west side of Mendenhall Road; at the western terminus of Barry Road, containing 0.688 acre (29,969 square feet), in the Single Family Dwelling – Single Family Residential (R-S10) District.

Peete

Case No. S 06-003

Applicant/Appellant: GKR Investments

Request: Appeal to overturn action of the Land Use Control Board which rejected a two (2) lot preliminary plat subdivision located at 155 Mendenhall Road (06-003 James J. Palmer Subdivision)

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, subject to seven (7) conditions and (1) variance

ACTION REQUESTED: Take whatever action Council deems advisable

49 NOTICES MAILED ON APRIL 21, 2006

PRESENTATIONS AND RECOGNITION OF VISITORS

44. RESOLUTION honoring the Hillcrest Girls Basketball Team.

Ford

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION congratulating Hamilton High School’s basketball team and Coach Keelon Lawson.

Peete

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

- 46. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION 17.
Consent Case No. S 05-063

Resolution approves the final plat located on the northeast corner of Looney Avenue and Second Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 47. RESOLUTION accepting HOUSTON LEVEE TRAILS P.D., 1ST ADDITION, 2ND AMENDMENT, PHASE 17.

Consent Case No. PD 00-350cc
(Contract No. CR-4932)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of U.S. Highway 64 and Houston Levee Road. The standard improvement contract was approved on April 9, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$119,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 48. RESOLUTION accepting LEVI LANDING SUBDIVISION, PHASE 3 and authorizing release of bond.

Consent Case No. S 03-040
(Contract No. 4958)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Weaver Road, 331.50 feet south of Levi Road. The standard improvement contract was approved on July 5, 2005. Resolution also authorizes the release of the cashier's check in the amount of \$246,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 49. RESOLUTION approving a special use permit located on the southeast corner of Front Street and G.E. Patterson Avenue, containing 8.57 acres in the South Main (SM) District.

Peete Case No. SUP 06-203

Applicant: Memphis Farmer's Market
Clark-Dixon Associates – Representative

Request: Special use permit to allow retail sales, outdoor for a Farmer's Market

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

ADD-ONS

50. RESOLUTION declaring Saturday, May 13, 2006, "Opera Memphis Day."
Consent

ACTION REQUESTED: Adopt the resolution

51. RESOLUTION approving final plat of MEMPHIS DEPOT BUSINESS PARK PD.
Consent Case No. PD 04-378

Resolution approves the final plat located between Dunn Avenue and Ball Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 3 – Approved
4. Public Hearing Set for May 16, 2006
5. Approved
6. Back to Committee on May 16, 2006
7. Through 38 – Approved
39. & 40 – Held until May 16, 2006
41. Approved
42. & 43 – Failed
44. Through 51 - Approved

ACTION TAKEN ON THE MINUTES OF APRIL 25, 2006 MEETING

Approved, as corrected