



CITY OF MEMPHIS

COUNCIL AGENDA

June 21, 2005

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 (June 7, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCES - SECOND READING

1. **ORDINANCE** to amend Chapter 2, Section 2-227 of the City of Memphis, Code of Ordinances by increasing certain administrative fees for land development projects to recover the costs of engineering administration., up for **S E C O N D** reading.

Mitchell

Ordinance No. 5109

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** to amend Chapter 34, Section 34-138 of the City of Memphis, Code of Ordinances by increasing sidewalk improvement/alteration permit fees to recover the costs of engineering administration, up for **S E C O N D** reading.

Mitchell

Ordinance No. 5110

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** to amend Chapter 40, Code of Ordinances, City of Memphis, so as to revise and update Annual Registration Fees for Weights and Measures, up for **S E C O N D** reading.

Mitchell

Ordinance No. 5111

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** revising City Solid Waste Fees to amend Chapter 15, Section 12, of the Code of Ordinances of the City of Memphis pertaining to an increase in the monthly fees charged for the collection and disposal of solid waste, up for **S E C O N D** reading.

Mitchell

Ordinance No. 5112

Director of Public Works and Finance recommends approval

ACTION REQUESTED: Adopt the ordinance on Second reading

5. **ORDINANCE** to amend Chapter 41, Code of Ordinances, City of Memphis, so as to revise and update storage fee schedule for impounded vehicles, up for **S E C O N D** reading.

Mitchell

Ordinance No. 5113

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (none)

ZONING ORDINANCE - SECOND READING (none)

ENGINEERING

6. RESOLUTION approving final plat of ELNORA JOHNSON SUBDIVISION.
Case No. S 04-069

Resolution approves the final plat located on the northeast corner of Hawkins Mill Road and Old Hawkins Mill Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION 1.
Case No. S 04-072

Resolution approves the final plat located on both sides of North Second Street, south of Looney Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION 2.
Case No. S 04-073

Resolution approves the final plat located on the southeast corner of North Fourth Street and Looney Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION 3.
Case No. S 04-074

Resolution approves the final plat located on the southeast corner of North Sixth Street and Looney Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION 4.
Case No. S 04-075

Resolution approves the final plat located on the south side of Saffarans Avenue between North Fifth Street and North Sixth Street. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of UPTOWN REDEVELOPEMENT SUBDIVISION 7.
Case No. S 04-087

Resolution approves the final plat located on the northwest corner of Manassas Street and Saffarans Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 12. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION 9.
Case No. S 05-003

Resolution approves the final plat located on the northeast corner of Mill Avenue and North Fifth Street. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 13. RESOLUTION approves the engineering plans for BELVEDERE COLLECTION.
Contract No. CR-4949

Resolution approves the engineering plans located on the northwest corner of Union Avenue and Belvedere Boulevard. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 14. RESOLUTION approves the final plat of MOUNT PISGAH P.D.
Case No. PD 04-338cc
Contract No. CR-4950

Resolution approves the final plat located north of Macon Road, west of Pisgah Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

This action is subject to County approval

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 15. RESOLUTION approving engineering plans for STATE PLACE, PHASE 2.
Case No. SCBID-04-018
Contract No. CR-4951

Resolution approves the engineering plans located between Georgia and Carolina, 833.11 feet east of Riverside Drive. Cost the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

- 16. NOTATION from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

A. Case No. PD 05-311cc

Located on the west side of Raleigh LaGrange Road; +600 feet south of Macon Road, containing 16.92 acres in the Planned Commercial (C-P) District

Applicant: Robert Fogelman
Ronald Harkavy – Representative

Request: A planned development to create 130 single family lots with a minimum lot size of 3,441 square feet within the plan

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 5, 2005

GENERAL ITEM

17. RESOLUTION approving temporary structures on Riverside Drive from Georgia to Beale Street on July 2, 2005 to July 4, 2005, for the Fourth of July Red, White and Blues Celebration.

Chumney

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

18. RESOLUTION awarding Contract No. 11039, MLGW Gas/Water Leak Survey, to Heath Consultants, Inc., in an estimated funded amount of \$331,060.10.
19. RESOLUTION awarding Contract No. 11041, Right-of-Way Mowing, to Bean and Prince Contractors, in an estimated funded amount of \$130,800.00.
20. RESOLUTION approving Change No. 5 to Contract No. 10727, System Furniture, with Corporate Express, Inc., in an estimated funded amount of \$775,000.00. (This renews the contract for the fourth term, 7/1/05 to 6/30/06.)
21. RESOLUTION awarding contract for PVC conduit to Tennessee Valley Electric Supply Company in the amount of \$3,013,360.00.
22. RESOLUTION awarding contract for front mounted truck winches to Terex Utilities in the amount of \$87,352.00.
23. RESOLUTION awarding contract for substation capacitor banks to Tennessee Valley Electric Supply Company in the amount of \$92,000.00.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

24. APPOINTMENTS

Marshall

Memphis City Beautiful Commission

Appointments

James Kincaide

Joe Spake

Reappointment

Martha Fuller

Memphis Light, Gas & Water Board

Appointment

William Lewis Taylor

Memphis & Shelby County New Arena Public Building Authority

Appointment

Carol Winfield Jones, P.E.

GENERAL ORDINANCES - THIRD AND FINAL READING

25. **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 T H I R D and F I N A L reading.

Mitchell

Ordinance No. 5107

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** amending Chapter 21, Code of Ordinances, City of Memphis, to establish a new article to be known as Traffic Control Photographic System, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5108

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION

- 27. RESOLUTION classifying the Executive Director of Memphis Public Library and Information Center as appointed, pursuant to Section 250 of the Memphis City Charter.

Marshall

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

- 28. RESOLUTION including Automated Fuel System, CIP Number GS01017, as part of the Fiscal Year 2005 Capital Improvement Program. Resolution seeks to appropriate \$200,000.00 in construction funds, funded by G.O. Bonds General.

Brown

ACTION REQUESTED: Adopt the resolution

- 29. RESOLUTION authorizing acquisition by condemnation or by purchase of property for improvement of Gray’s Creek Interceptor Sewer Extension Contract 3, Plat 1 of 1, Project No. SW058.

Brown

Resolution authorizes acquisition by condemnation of property containing 104,730 square feet for a sanitary sewer easement, 244,370 square feet for a temporary construction easement and 117,049 square feet for an access ingress/egress easement over and across the property located east of Pisgah Road and north of Gray’s Creek Drainage Canal in Shelby County, Tennessee. Resolution provides that a total of \$30,450.00 be deposited with the Circuit Court Clerk, pending completion of the suit, or settlement by the parties.

General Services Director and City Engineer and Public Works Director recommend approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

- 30. RESOLUTION approving the transfer of one parcel of property from Housing and Community Development and two parcels acquired from Shelby County to United Housing, Inc. These properties will be used toward the development of the James Road Housing Development, which includes approximately 295 units of housing and park space available for the public.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES

- 31. RESOLUTION accepting grant funds in the amount of \$177,217.00 from the State of Tennessee, Department of Finance and Administration, Office of Criminal Justice Programs for the Victims of Crime Act(VOCA) Grant to be use to provide crisis intervention counseling, comprehensive advocacy services, and short-term counseling services to victims of sexual assault in order to reduce the impact of victimization.

Resolution also amends FY 2006 Operating Budget to establish and appropriate grant funds.

Chumney
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ACTION REQUESTED: Adopt the resolution

32. RESOLUTION accepting grant funds in the amount of \$21,100.00 from the State of Tennessee, Department of Finance and Administration, Office of Criminal Justice Programs for the STOP Violence Against Women Grant to be used to provide crisis intervention counseling and advocacy services to victims of sexual assault in order to reduce the impact of victimization. Resolution also amends FY 2006 Operating Budget to establish and appropriate grant funds.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

33. RESOLUTION amending the Capital Improvement Budget by transferring and allocation and appropriating \$250,000.00 in Sewer Funds from Rehabilitation of Existing Sewers project number SW02001 to Sidewalk Replacement project number SW02004.

Hooks

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION amending the Capital Improvement Budget by transferring an allocation of \$150,374.00 in G.O. Bonds from Drainage project number PW03006 to Integrated Stormwater Management Planning Section 1, project number PW03078 and establishing an allocation of \$150,374.00 for Shelby County Government. Resolution appropriates \$300,748.00 in Architecture and Engineering with \$150,374.00 in G.O. Bonds and \$150,374.00 in Local Shared Revenue for Integrated Stormwater Management Planning Section 1, project number PW03078.

Hooks

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION amending the Capital Improvement Budget by accepting \$1,000,000.00 in Local Other Revenue from the University of Memphis for the University of Memphis Crosswalk Study, project number PW04029 and establishing an allocation of \$1,000,000.00 in Local Other Revenue to fund the project.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION accepting grant funds in the amount of \$276,800.00 from the Shelby County Government for the Transportation Planning Grant to pay a portion of personnel services for transportation planning for the Metropolitan Planning Organization. Grant funds are matched with a 20% match from the Engineering Operating Budget. Resolution also amends FY 2005 Operating Budget to establish and appropriate grant funds.

Hooks

ACTION REQUESTED: Adopt the resolution

SPECIAL PUBLIC HEARING

Re: Adopting the Rozelle-Annesdale Plan

37. RESOLUTION adopting a Redevelopment Plan for the Rozelle-Annesdale Neighborhood.

Peete

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING

38. **ORDINANCE** rezoning the Rozelle-Annesdale Neighborhood bounded by the L & N Railroad to the north, the MoPac Railroad to the west, the Southern Railroad to the south and McLean Boulevard to the east, containing ½ square miles in Multiple Districts, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5106
Case No. Z 05-107

Applicant: Memphis & Shelby County Division of Planning & Development

Request: Adopt the proposed ordinance amendments

LUCB and OPD recommendation: Adopt the ordinance on Third and Final reading

ACTION REQUESTED: Take whatever action Council deems advisable

929 NOTICES MAILED ON JUNE 10, 2005

39. **ORDINANCE** rezoning the west side of U.S. Highway 61; +126 feet south of Fairway Avenue, containing 0.376 acre in the Single Family Residential (R-S6) District, up for T H I R D and F I N A L reading. (Held from 5/3;5/17;6/7)

Peete

Ordinance No. 5096
Case No. Z 04-137

Applicant: Diane Boyd

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL of Rezoning to General Office (O-G) District

ACTION REQUESTED: Take whatever action Council deems advisable

41 NOTICES MAILED ON APRIL 22, 2005

40. **ORDINANCE** rezoning the southeast corner of Thomas (U.S. Highway 51) and Carrolton Avenue, containing 0.81 acre in the Single Family Residential (R-S6) District, up for T H I R D and F I N A L reading.(Held from 6/7)

Peete

Ordinance No. 5103
Case No. Z 05-103

Applicant: Glen Ray Thomas

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

51 NOTICES MAILED ON MAY 20, 2005

DIVISION OF PLANNING & DEVELOPMENT

41. **RESOLUTION** approving a special use permit located on the north side of Shelby Drive; ±215 feet east of Riverdale Road, containing 14.7 acres in the Planned Commercial (C-P) District, regulated by General Plan for Shelby Square Shopping Center.

Peete

Case No. SUP 04-227

Applicant: L. Don McNeal

Request: Motor vehicle leasing: truck rental

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

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42. RESOLUTION approving a special use permit located on the southwest corner of Elvis Presley Boulevard and Hernando Road, containing 7.87 acres in the Highway Commercial (C-H) District.

Peete

Case No. SUP 05-203

Applicant: Lynley Churchwell
John M. Moore, Attorney – Representative

Request: Special permit to allow used heavy equipment sales and storage, including front-end loaders, tractors bulldozers, dump trucks, cranes and tractor trailers

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

43. RESOLUTION approving a special use permit located on the east side Forest Hill Irene Road; ±800 feet north of the Mississippi State Line Lane, containing 6.0 acres in the Agricultural (AG) District.

Peete

Case No. SUP 05-204cc

Applicant: Randy Griffie & Kim Christopher
Randy Griffie & Kim Christopher – Representatives

Request: Kennel

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

44. RESOLUTION approving a use variance located on the northside of Park Avenue; ±702 feet east of Semmes Street, containing 8,626 square feet (0.198 acre) in the General Office (O-G) District.

Peete

Case No. UV 05-02

Applicant: Ivory J. Winfield & Elnora Johnson
Lisa Verse – Representative

Request: Catering Establishment

LUCB recommendation: Conversion to a use variation and approval of catering establishment

OPD recommendation: Rejection of rezoning to C-L District

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

45. RESOLUTION approving a street/alley closure located between the west line of Manassas and the east line of Tully Street, containing 1.459 acres in the Multiple Dwelling Residential (R-MM) District. (Held from 4/5;5/3)

Peete

Case No. SAC 04-612

Applicant: Memphis Board of Education
Homer Branan, III & Dedrick Brittenum, Jr. – Representatives

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

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ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES MAILED ON MARCH 18, 2005

46. RESOLUTION approving an appeal located on the north side of Tournament Drive, 150 feet west of Windemere Lane.(Held from 6/7)

Peete

Case No. PD 96-315cc

Appellant: St. Regis Development Group, LLC

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on March 10, 2005 in which the Board rejected a site plan for 11 lots for single-family detached dwellings

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

32 NOTICES MAILED ON MAY 20, 2005

47. RESOLUTION approving a planned development located on the southeast corner of Poplar Avenue and Cherry Road, containing 1.72 acres in the Single Family Residential (R-S10) District.

Peete

Case No. PD 05-309

Applicant: Poplar Cherry Partners, LLC (Bob Browne)
Bob Browne – Representative

Request: A maximum of 8 single family lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

122 NOTICES MAILED ON JUNE 10, 2005

48. RESOLUTION approving a planned development located on the south side of U.S. Highway 64; opposite Appling Road, containing 2.43 acres in the Countryside Corporate Center Planned Development, 1st Addition as amended by (P.D. 02-359).

Peete

Case No. PD 05-317

Applicant: Appling Way II Group
Dickinson & Bennett - Representative

Request: Sale and display of all-terrain vehicles and increased area for auto rental parking

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

13 NOTICES MAILED ON JUNE 10, 2005

49. RESOLUTION approving a planned development located on the west side of Brunswick Road; +208 feet south of the western terminus of Hillman Way, containing 36.42 acres in the Agricultural (AG) District.

Peete

Case No. PD 05-319cc

Applicant: Brunswick Village, LLC
Land Development Solutions – Representative

Request: A Planned Development to create a mix use residential development including 48 single family detached lots, 66 condominium units and a 100 unit assisted living facility

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LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES MAILED ON JUNE 10, 2005

50. RESOLUTION approving a planned development located on the north side of Macon Road; +/- 1,136.44 feet east of Century Center Parkway, containing .48 acre(20,910 sq. ft.). The vacant land is governed by Whitten/I-40 Planned Development, Amended(P.D. 89-353).

Peete

Case No. PD 05-320
(formerly PD 89-353)

Applicant: Boyle Investment Company (BICO)
Dalhoff-Thomas-Daws(Debra Daws) - Representative

Request: Planned development amendment to add 20,910 sq. ft.(.48 acre parcel), to be included in Area 'C' to allow uses permitted in the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

14 NOTICES MAILED ON JUNE 10, 2005

51. RESOLUTION approving an appeal located on the northern terminus of Windermere Drive extending eastwardly to the western termini of Lansing Drive and Windewood Circle, containing 25.32 acres in the Woods/Single Family Residential (RS-10) District.

Peete

Case No. S 04-065

Applicant: Rysta, Inc.

Appellants: Kenneth D. Lansing & Gerald F. Easter
Lorenzo Lester – Representative

Request: Appeal to overturn Land Use Control Board Decision

LUCB and OPD recommendation: APPROVAL, with fourteen (14) conditions & two design changes

ACTION REQUESTED: Take whatever action Council deems advisable

124 NOTICES MAILED ON JUNE 10, 2005

52. RESOLUTION approving an appeal located on the west side of North Germantown Parkway; +150 feet south of Fischer Steel Road, containing 6.7 acres in the Plants Plus vacant/Light Industrial (I-L) and Heavy Industrial (I-H) Districts.

Peete

Case No. S 04-077

Owner of Record/Applicant: Insomnia, Inc.

Equitable Owner/Applicant: Fergis & Harding Arch., Inc.
ETI Corp. – Dan Graddy – Representative

Request: Appeal to overturn action of Land Use Control Board deferring action on preliminary plat and to approve the preliminary plat as recommended by the Office of Planning and Development

LUCB and OPD recommendation: APPROVAL, with fourteen (14) conditions & two design changes

ACTION REQUESTED: Take whatever action Council deems advisable

31 NOTICES MAILED ON JUNE 10, 2005

53. RESOLUTION approving a street/alley closure beginning +117 feet east of Latham Street;

extending +461 feet eastwardly, containing 5,098 square feet (Area of R.O. W.) and 424' x 12' feet (Length x Width of R.O.W.) in the Single Family Residential (R-S6) District.

Peete

Case No. SAC 04-632

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Applicant: King Solomon Missionary Baptist Church
McCaskill Consultants – Representative

Request: Close & Vacate Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

79 NOTICES MAILED ON JUNE 10, 2005

54. RESOLUTION approving a street/alley closure located on the southside of Linden Avenue; +165 feet east of S. Front Street, containing 3,007 square feet (Area of R.O.W.) and 10' x 300.7' feet (Length x Width of R.O.W.), in the Street/Alley – South Main (SM) District.

Peete

Case No. SAC 05-603

Applicant: Southfront Partners

Request: Close & Vacate Alley Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

38 NOTICES MAILED ON JUNE 10, 2005

ADJOURNMENT