



# CITY OF MEMPHIS

## COUNCIL AGENDA

March 16, 2004

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 (March 2, 2004)**

## **CONSENT AGENDA**

### **GENERAL ORDINANCE - FIRST READING**

1. **ORDINANCE** to amend Chapter 2, Code of Ordinances, City of Memphis, Sections 171 Through 176, relating to the Aging Commission of the Mid-South, concerning the affairs of senior citizens in the City of Memphis and the counties of Fayette, Lauderdale, Shelby and Tipton, up for F I R S T reading. (Held from 1/6; 1/20)

Marshall

Ordinance No. 5034

ACTION REQUESTED: Adopt the ordinance on First reading

### **GENERAL ORDINANCES - SECOND READING**

2. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to establish a new Article to be known as Traffic Control Photographic System, up for S E C O N D reading.

Lowery

Ordinance No. 5044

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** to amend the Code of Ordinances of the City of Memphis pertaining to the Budget, Salaries and Contracts of The Memphis Light, Gas and Water Division, up for S E C O N D reading.

Brown

Ordinance No. 5046

ACTION REQUESTED: Adopt the ordinance on Second reading

### **ZONING ORDINANCES - FIRST READING** (none)

### **ZONING ORDINANCE- SECOND READING**

4. **ORDINANCE** rezoning the southeast corner of South Orleans Street and Pontotoc Avenue, containing 0.37 acre in the Light Industrial (I-L) District, up for S E C O N D reading.

Peete

Ordinance No. 5045

Case No. Z 04-104

Applicant: Metropolitan Inter-Faith Association, Inc.  
Liz Edmundson - Representative

Request: Multiple Dwelling Residential (R-ML) District

LUCB and OPD recommendation: Approval of the Multiple Dwelling Residential (R-MM) District

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

- 5. RESOLUTION approving final plat of WOODLAND HILLS PD, 3RD AMENDMENT, PHASE 17.

Case No. PD 99-352cc  
Contract No. CR-4858

Resolution approves the final plat located on the north side of Humphrey Road, west of Houston Levee 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

- 6. RESOLUTION accepting ROYAL OAKS P.D., PHASE 2 and authorizing release of bond.

Case No. PD 00-351cc  
(Contract No. CR-4705)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Bolen Huse Road, north of Northdale Drive. The standard improvement contract was approved on February 19, 2002. Resolution also authorizes the release of the performance bond in the amount of \$13,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 7. RESOLUTION approving final plat of VILLAGES OF BENNINGTON PD, AMENDED, PHASE 35.

Case No. PD 02-332cc

Resolution approves the final plat located on the east side of Riverdale Road, 545.66 feet north of Holmes Road. Cost of the required improvements to be borne by the developer. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATION FROM OPD**

- 8. 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 04-304

Located on the northwest corner of Barfield Road and Wallace Road, containing 0.46 acre in the Single Family Residential (R-S10) District

Applicant: Ben Duke  
Ghassemi & Associates - Representative

Request: Planned development to create three (3) Single Family Residential Lots, a minimum of 6,390 square feet in area to allow the construction of two (2) new Single Family homes, including the renovation of existing home within the Outline Plan

LUCB and OPD recommendation: REJECTION

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: April 13, 2004**



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Memphis, TN 38103-2017

### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

9. RESOLUTION honoring the Beale Street Development Corporation. (Held from 2/17; 3/2)

Peete

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION honoring Kendrick L. Cavil

Mitchell

ACTION REQUESTED: Adopt the resolution

**EXECUTIVE DIVISION** (none)

### **FINANCE & ADMINISTRATION**

11. RESOLUTION amending the FY 2004 Operating Budget by \$12,462,423.00 for windstorm related revenues and expenses.

Mitchell

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (none)

**DIVISION OF GENERAL SERVICES** (none)

### **DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

12. RESOLUTION authorizes the sale of City owned vacant lots in the Douglas Area to eliminate Douglas Bungalow for redevelopment. The redevelopment of this property will slum and blight and create single family, affordable housing. The properties contain (Tract 1-043-016-00003), 4,791.60 square feet; (Tract 2-043-029-00012), 6011.28 square feet. The sales price is \$1.00.

Ford

Director of Housing & Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION amending the FY 2004 Capital Improvement Budget by transferring an allocation and appropriating \$250,000.00 in G.O. Bonds General from Ambassador Hotel, Project Number CD038 to CVB Whitehaven, Project Number CD062 for construction related costs.

Ford

ACTION REQUESTED: Adopt the resolution

- 14. RESOLUTION amending the FY 2004 Capital Improvement Budget by transferring an allocation and appropriating \$185,000.00 in G.O. Bonds General from Neighborhood Strategy Improvements, Project Number CD026 to Weaver Fields, Project Number CD061 for infrastructure construction costs.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (none)

**LAW DIVISION** (none)

**DIVISION OF PARK SERVICES**

- 15. RESOLUTION transferring an allocation of \$40,000.00 in Construction from Liberty Bowl Stadium Improvements, CIP Project Number PK000 and appropriating to Architect Engineering in Memphis Fairgrounds Improvements, CIP Project Number PK001, by G.O. Bonds General for the demolition of Tim McCarver Stadium.

funded  
McCormick

ACTION REQUESTED: Adopt the resolution

- 16. RESOLUTION transferring an allocation of \$183,000.00 in Construction Funds to Architect Engineering Funds in Liberty Bowl Stadium Improvements, CIP Project Number PK000. Resolution also appropriates \$183,000.00 funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (none)

**DIVISION OF PUBLIC SERVICES**

- 17. RESOLUTION appropriating \$750,000.00 in General Obligation Bonds to Bridges USA, Inc., Project (PS035) in Fiscal Year 2004 to provide for the construction of Bridges Building.

Chumney

ACTION REQUESTED: Adopt the resolution

- 18. RESOLUTION authorizing acceptance of funds in the amount of \$496,750.00 from the U.S. Department of Housing and Urban Development and allocating said funds for demolition and construction at the Memphis Biotech Foundation, Inc.

Chumney

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS**

- 19. RESOLUTION amending the FY 2004 Capital Improvement Budget by establishing an allocation of \$365,600.00 using State of Tennessee Department of Transportation Surface Transportation Program Funds for Forest Hill-Irene Road, Project Number PW221. Resolution also appropriates \$365,600.00 in Federal Funds for Forest Hill-Irene Road, Project Number PW221.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 20. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$27,645.00 in G.O. Bonds from Miscellaneous Intersections, Project Number PW039 to Hickory Hill Ridgeway-Ridgeway Blvd., Project Number PW490 for right of way acquisition.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**GENERAL ORDINANCES -THIRD AND FINAL READING** (none)

**ZONING ORDINANCES - THIRD AND FINAL READING**

- 21. **ORDINANCE** rezoning the north right-of-way line of McLemore Avenue and proceeding approximately three thousand (3,000) feet or half (0.5) a mile southwardly to the south right-of-way line of South Parkway East, up for T H I R D and F I N A L reading.(Held from 2/3;2/17;3/2)

Peete

Ordinance No. 5037  
Case No. SNC 03-802

Applicant: John H. Freeman

Request: Change name to "Willie Mitchell Boulevard"

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**74 NOTICES MAILED ON JANUARY 23, 2004**

- 22. **ORDINANCE** rezoning the east side of Elvis Presley Blvd., +/-309.5 feet south of Timothy Drive, containing 0.28 acre(12,197 sq. ft.) in the Single Family Residential (R-S10) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5043  
Case No. Z 03-131

Applicant: Michael Miller  
Timothy Willis – Representative

Request: Neighborhood Commercial (C-N) District

LUCB recommendation: APPROVAL, of the Neighborhood Commercial (C-N) District

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**43 NOTICES MAILED ON MARCH 5, 2004**

**DIVISION OF PLANNING & DEVELOPMENT**

- 23. RESOLUTION approving a use variance located on the northeast corner of Evelyn Avenue and Rozelle Street, containing 0.88 acre in the Light Industrial (I-L) District

Peete

Case No. UV 03-07

Applicant: William Guy Johnson and Chris Robinson

Request: Workshop for arts and crafts with on-site residences

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

- 24. RESOLUTION approving a hotel waiver for the Red Roof Inn located at 42 South Camilla, Memphis, TN 38104.

Peete

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

25. RESOLUTION approving a planned development located on the west side of Waring Road; +750 feet south of Chickasaw Road, containing 1.96 acres in the Single Family Residential (R-S10) District.

Peete

Case No. PD 03-329

Applicant: Brad Rainey Homes  
Ralph Smith, ETI - Representative

Request: A maximum of 2 lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**55 NOTICES MAILED ON MARCH 5, 2004**

26. RESOLUTION approving a planned development located on the north side of E. Shelby Drive; +507.50 feet west of Sandy Park Drive, containing 1.88 acres in the Townhouse Residential (R-TH) District.

Peete

Case No. PD 04-302

Applicant: Shelby Service Center, LLC  
K & G Investments - Representative

Request: Planned development to allow a contractor's park, including offices and showrooms for display of samples and merchandise within a new one-story multi-tenant building, including the outdoor storage of fleet vehicles within the Outline Plan

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**56 NOTICES MAILED ON MARCH 5, 2004**

27. RESOLUTION approving a planned development located on the south side of Stage Road, +880 feet west of Covington Pike, containing 18.83 acres in the Planned Commercial (C-P) District.

Peete

Case No. PD 04-305

Applicant: Alleson of Rochester, Inc.  
Lodie V. Biggs (Ball Wiseman PLC) & Cara Martin (Pickering Firm, Inc.) - Representatives

Request: Warehousing, distribution and limited processing of sporting goods and apparel; also commercial uses and offices as permitted in the Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**29 NOTICES MAILED ON MARCH 5, 2004**

28. RESOLUTION approving an appeal located on the northwest corner of Migaldi Drive and Nicholas Lane, containing 20,068 square feet on lot 106 and 21,587 square feet on lot 107.

Peete

Case No. S 04-005cc

Applicant: Michael J. Fahy-Prime Development Group, Inc.

Request: Resubdivide Lots 106 & 107 to allow for an additional lot (Lot 204) and reduce the required front yard building setback ten (10') feet for Lots 106, 107 & 204 along Migaldi Drive

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**53 NOTICES MAILED ON MARCH 5, 2004**

29. RESOLUTION approving a street/alley closure located between Promenade Street and North Front Street, beginning 148 feet south of Mill Avenue.

Peete

Case No. SAC 03-606

Applicant: Craig Mednikow

Request: Close and Vacate Alley Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**6 NOTICES MAILED ON MARCH 5, 2004**

**GENERAL ITEM** (none)

**ADJOURNMENT**