

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**  
**July 5, 2005**

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

**ROLL CALL:** Joe Brown, Carol Chumney, Barbara Swearengen Holt, Janet Hooks, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick, TaJuan Stout Mitchell, Rickey Peete, Jack Sammons, Brent Taylor and Chairman Edmund Ford

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

**INVOCATION**

The meeting was opened with prayer by Dr. Joe Weston from Victory Temple Missionary Baptist Church. Councilwoman Chumney presented Dr. Weston with a certificate naming him Chaplain of the day.

**The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.**

29. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE NORTHERN TERMINUS OF WINDERMERE DRIVE EXTENDING EASTWARDLY TO THE WESTERN TERMINI OF LANSING DRIVE AND WINDERWOOD CIRCLE, CONTAINING 25.32 ACRES IN THE WOODS/SINGLE FAMILY RESIDENTIAL (RS-10) DISTRICT. (HELD FROM 6/21)**  
 Case No. S 04-065

Held until July 19, 2005

16. **RESOLUTION HONORING COMMANDER DAVID STALFORT.**

**APPROVED**, unanimous voice vote

52. **RESOLUTION ELIMINATING AUTOMOBILE ALLOWANCES FOR ALL CITY EMPLOYEES; SUBSTITUTING MILEAGE REIMBURSEMENT.**

**(Special Item #1)** – Councilwoman Holt’s motion

(Councilwoman Holt made a motion for the Director’s car allowance be reduced by 50% and all the other employees will be reimbursed for mileage at 40.5 cents. Councilwoman Hooks made offered a friendly amendment adding the Deputy Directors to be included in the same allowance as the Directors).

MOTION: Holt

SECOND: Peete

AYES: Brown, Holt, Hooks, Lowery, Marshall, Mitchell, Peete, Sammons, Taylor and Chairman Ford

NAYS: Chumney, Jones, and McCormick

**APPROVED**, Special Item#1 as amended

**(Special Item #2 – Councilwoman Hooks’ motion**

(Councilwoman Hooks also made a motion that this item be held and sent back to Committee)

MOTION: Hooks  
 SECOND: Brown  
 AYES: Brown, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons and  
 Chairman Ford  
 NAYS: Chumney, Mitchell and Taylor

**APPROVED**, Special Item#2, to send Item#52, Back to Committee on July 19, 2005)

**MINUTES**

Approval of the Minutes of the regular meeting of June 21, 2005 with the following motion:

MOTION: Mitchell  
 SECOND: Holt  
 AYES: Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete, Sammons  
 and Chairman Ford  
 Brown, Chumney and Taylor abstained

**APPROVED**, as amended (Item#21 – Ord.#5113 – The storage of a vehicle by a wrecker or towing operator will be \$30.00 instead of \$17.00)

60. **APPOINTMENT****APPOINTMENT****ADMINISTRATIVE JUDGE OF THE CITY COURT – JUDGE JAYNE R. CHANDLER**

MOTION: Marshall  
 SECOND: McCormick  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell,  
 Peete, Sammons, Taylor and Chairman Ford

**APPROVED**, (The minutes for this item was approved as Special Item#3, see page 1640)

53. **RESOLUTION AUTHORIZING THE CITY TO AMEND THE ORIGINAL APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A SECTION 108 LOAN GUARANTEE FOR THE COURT SQUARE CENTER PROJECT TO INCREASE THE LOAN AMOUNT.**

MOTION: Holt  
 SECOND: Marshall  
 AYES: Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell, Peete,  
 Taylor and Chairman Ford  
 Brown and Sammons did not cast a vote

**APPROVED**, (The minutes for this item was approved as Special Item#3, see page 1640)

35. **APPEAL OF THE IMPASSE COMMITTEE – OPERATING ENGINEERS/PUBLIC WORKS.**

(Councilman Brown made a motion to overrule the Impasse Committee)

**(Special Item #4) – Councilman Brown’s motion**

MOTION: Brown  
 SECOND: Lowery  
 AYES: Brown, Hooks, Jones, Lowery, McCormick and Peete  
 NAYS: Chumney, Holt, Marshall and Chairman Ford

Mitchell, Sammons and Taylor did not cast a vote

**APPROVED**

**(Special Item #6)** – Councilman Marshall’s motion

(Councilman Marshall made a motion to reconsider the vote on item #35, due to a misunderstanding of how many votes were needed to pass this item)

MOTION: Marshall  
 SECOND: Peete  
 AYES: Brown, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons,  
 Taylor and Chairman Ford  
 NAY: Chumney  
 Mitchell did not cast a vote

**APPROVED** (This vote overturns the previous vote of 6/4)

**CONSENT AGENDA – Items #1 - #7 & #36 - #51 & #54 - #59 may be acted upon by one motion. SEE PAGE 1633 FOR ROLL CALL**

1. **ORDINANCE TO AMEND CHAPTER 33, CODE OF ORDINANCES, CITY OF MEMPHIS, TO CHANGE REQUIREMENTS REGARDING CONTROL OF SOIL EROSION FROM CONSTRUCTION SITES TO REFLECT CHANGES IN STATE REGULATIONS, UP FOR F I R S T READING.**

Ordinance No. 5116

**APPROVED,** on First reading

2. **ORDINANCE AMENDING CHAPTER 2, DIVISION 6, SECTION 2-332, CODE OF ORDINANCES, CITY OF MEMPHIS, TO PROVIDE FOR A LOCAL BIDDING PREFERENCE FOR CONTRACTS AWARDED BY THE CITY, UP FOR S E C O N D READING.**

Ordinance No. 5114

**APPROVED,** on Second reading

3. **ORDINANCE REZONING THE NORTHWEST CORNER OF EAST SHELBY DRIVE AND TULANE ROAD, CONTAINING 0.39 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5117

Case No. Z 05-109

**APPROVED,** on First reading

4. **ORDINANCE REZONING THE NORTH SIDE OF OLD BROWNSVILLE ROAD; +/- 547.87 FEET EAST OF WOLFCHASE FARMS PARKWAY, CONTAINING 51.51 ACRES IN THE AGRICULTURAL (AG), AGRICULTURAL FLOOD PLAIN (AG[FP]) AND LIGHT INDUSTRIAL (I-L) DISTRICTS, UP FOR F I R S T READING.**

Ordinance No. 5118

Case No. Z 05-113cc

**APPROVED,** on First reading

5. **ORDINANCE REZONING THE SOUTHWEST CORNER OF BILLY MAHER ROAD AND RENNSLAER DRIVE, CONTAINING 11.3 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) AND AGRICULTURAL (AG) DISTRICTS, UP FOR F I R S T READING.**

Ordinance No. 5119

Case No. Z 05-112cc

**APPROVED**, on First reading

6. **ORDINANCE REZONING THE NORTHEAST SIDE OF I-40, EXTENDING SOUTHEASTWARD FROM THE WESTBOUND RAMP TO EXIT 8, CONTAINING 15.95 ACRES IN THE AGRICULTURAL FLOOD PLAIN (AG[FP] AND FLOODWAY (FW) DISTRICTS, UP FOR S E C O N D READING.**

Ordinance No. 5115  
Case No. Z 05-111

**APPROVED**, on Second reading

7. **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 05-321cc – Curtman Glenn P.D.
- B. Case No. PD 05-326cc – Laurel Tree II, P.D.
- C. Case No. PD 05-330cc – Pisgah Forest East, P.D.
- D. Case No. PD 05-331- Powell Crossing Apartments, P.D.
- E. Case No. SAC 05-605 – Parkview Street/Alley Closure
- F. Case No. SAC 05-606 – Virginia Avenue Street Closure

Public Hearing Set for July 19, 2005

36. **RESOLUTION APPROVING FINAL PLAT OF WESLEY FOREST SUBDIVISION.**

Case No. S 00-013  
Contract No. CR-4955

Resolution approves the final plat located on the west side of Neely Road, north of Raines 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.

City Engineer recommends approval

**APPROVED**

37. **RESOLUTION APPROVING FINAL PLAT OF FIRST ASSEMBLY OF GOD P.D., AMENDED, PHASE 1.**

Case No. PD 02-314  
Contract No. CR-4956

Resolution approves the final plat located on the southeast corner of Rockcreek Parkway and Germantown Parkway. 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

**APPROVED**

38. **RESOLUTION ACCEPTING GOODLETT FARMS EAST P.D., PHASE 12 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 90-317cc  
(Contract No. CR-4739)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Goodlett Farms Parkway, east of Charles Bryan Road. The standard improvement contract was approved on September 3, 2002. Resolution also authorizes the release of the performance bond in the amount of 505,000.00.

City Engineer recommends approval

**APPROVED**

39. **RESOLUTION ACCEPTING RIVER GROVE ESTATES SEWER OUTFALL AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-4691)

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 Autumn Forest Drive, south of East Holmes Road. The standard improvement contract was approved on December 18, 2001. Resolution also authorizes the release of the letter of credit in the amount of \$70,000.00.

City Engineer recommends approval

**APPROVED**

40. **RESOLUTION ACCEPTING BUCKINGHAM FARMS P.D., PHASE 21, PART OF PARCELS H & D AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 95-310cc  
(Contract No. CR-4699)

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 Meadow Vale Drive, 300 feet north of East Shelby Drive. The standard improvement contract was approved on January 22, 2002. Resolution also authorizes the release of the letters of credit in the amount of \$382,800.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

41. **RESOLUTION APPROVING FINAL PLAT OF HOUSTON LEVEE TRAILS P.D., 1<sup>ST</sup> ADDITION, 2<sup>ND</sup> AMENDMENT, PHASE 8, PART OF AREA A.**

Case No. PD 00-350  
Contract No. CR-4957

Resolution approves the final plat located on the south side of Highway 64, east 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.

City Engineer recommends approval

**APPROVED**

42. **RESOLUTION APPROVING FINAL PLAT OF LEVI LANDING SUBDIVISION, PHASE 3.**

Case No. S 03-040  
Contract No. CR-4958

Resolution approves the final plat located on the east side of Weaver Road, 331.50 feet south of Levi 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.

City Engineer recommends approval

**APPROVED**

43. **RESOLUTION APPROVING FINAL PLAT OF BUCKINGHAM FARMS P.D., PART OF PARCEL O, PHASE 28.**

Case No. PD 95-310cc  
Contract No. CR-4959

Resolution approves the final plat located on the north side of East Shelby Drive, 521.03 feet west of Meadow Cliff Drive. 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

**APPROVED**

44. **RESOLUTION APPROVING FINAL PLAT OF GARDENS OF GRAYS HOLLOW.**  
Case No. PD 04-325cc  
Contract No. CR-4960

Resolution approves the final plat located on the south side of Walnut Grove Road at Grays Creek. 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

**APPROVED**

45. **RESOLUTION APPROVING FINAL PLAT OF TALUSWOOD P.D.**  
Case No. PD 04-329cc  
Contract No. CR-4961

Resolution approves the final plat located on the west side of Pisgah Road, 1642.98 feet north of Macon 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

**APPROVED**

46. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPMENT SUBDIVISION 6.**  
Case No. S 04-086

Resolution approves the final plat located on the west side of North Sixth Street, 166.5 feet south of Mill Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

47. **RESOLUTION APPROVING FINAL PLAT OF HUFFMAN SUBDIVISION.**  
Case No. S 04-063

Resolution approves the final plat located on the east side of Covington Pike, 108 feet south of Oak Meadows Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

48. **RESOLUTION ACCEPTING ISLAND POINT P.D., PHASE 2 AND AUTHORIZING RELEASE OF BOND.**  
Case No. PD 03-348  
(Contract No. CR-4911)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west of Henning Street (future Island Place East), 57.8 feet north of Island Club Drive. The standard improvement contract was approved on December 21, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$106,000.00. City Engineer recommends approval.

City Engineer recommends approval

**APPROVED**

49. **RESOLUTION ACCEPTING RIGGINS HILL P.D., 2<sup>ND</sup> AMENDMENT, PHASE 1, AREAS C & D AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 00-303cc  
(Contract No. CR-4639)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located south of U.S. Highway 64 at the terminus of Misty Pine Drive and Misty Bay Drive. The standard improvement contract was approved on June 5, 2001. Resolution also authorizes the release of the performance bond in the amount of \$173,000.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

50. **RESOLUTION APPROVING FINAL PLAT OF ELVIS PRESLEY BOULEVARD INDUSTRIAL SUBDIVISION.**

Case No. S 04-080

Resolution approves the final plat located on the east side of Elvis Presley Blvd., south of I-240. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

51. **RESOLUTION APPROVING FINAL PLAT OF CORPORATE AVENUE INDUSTRIAL SUBDIVISION.**

Case No. S 04-082

Resolution approves the final plat located on the north side of Corporate Avenue, west of Millbranch Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

54. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AMENDING THE JOINT PLUMBING CODE OF MEMPHIS AND SHELBY COUNTY, AS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN ORDINANCE #248 ON AUGUST 27, 2001 AND BY THE COUNTY OF THE CITY OF MEMPHIS ON SEPTEMBER 4, 2001 IN ORDINANCE # 4890, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND PROVIDING AN EFFECTIVE DATE, UP FOR F I R S T READING.**

Ordinance No. 5120

**APPROVED**, on First reading

55. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AMENDING THE JOINT MECHANICAL CODE OF MEMPHIS AND SHELBY COUNTY, AS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN ORDINANCE #247 ON**

**AUGUST 27, 2001 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE #4891 ON SEPTEMBER 4, 2001 SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND ESTABLISH AN EFFECTIVE DATE THEREFORE, UP FOR F I R S T READING.**

Ordinance No. 5121

**APPROVED**, on First reading

56. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AMENDING THE JOINT BUILDING CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 244 ON AUGUST 27, 2001 AND THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 4549 ON SEPTEMBER 4, 2001, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND ESTABLISH AN EFFECTIVE DATE THEREFORE, UP FOR F I R S T READING.**

Ordinance No. 5122

**APPROVED**, on First reading

57. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AMENDING THE JOINT ELECTRIC CODE OF MEMPHIS AND SHELBY COUNTY, AS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN ORDINANCE #245 ON AUGUST 27, 2001 AND THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE #4892 ON SEPTEMBER 4, 2001, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND PROVIDING AN EFFECTIVE DATE THEREFORE, UP FOR F I R S T READING.**

Ordinance No. 5123

**APPROVED**, on First reading

58. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS ADOPTING THE 2005 JOINT EXISTING BUILDING CODE AND PROVIDING FOR AN EFFECTIVE DATE, UP FOR F I R S T READING.**

Ordinance No. 5124

**APPROVED**, on First reading

59. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AMENDING THE JOINT FUEL GAS CODE OF MEMPHIS AND SHELBY COUNTY, AS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN ORDINANCE #246 ON AUGUST 27, 2001 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE #4889 ON SEPTEMBER 4, 2001, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND TO ESTABLISH THE EFFECTIVE DATE THEREFORE, UP FOR F I R S T READING.**

Ordinance No. 5125

**APPROVED**, on First reading

**ROLL CALL CONSENT ITEMS**

MOTION: Holt  
 SECOND: Hooks  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford  
 Mitchell did not cast a vote

**APPROVED**

**MLGW FISCAL CONSENT- Items 8 - 15 may be acted upon by one motion**

8. **RESOLUTION AWARDING CONTRACT NO. 11040, SURVEYING SERVICES, TO COLLAR SURVEYING COMPANY IN AN ESTIMATED FUNDED AMOUNT OF \$178,450.00.**

**APPROVED**

9. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10673, FACILITIES LOCATION SERVICES, WITH HEATH CONSULTANTS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$180,000.00. (THIS EXTENDS THE CONTRACT NOT TO EXCEED 60 DAYS BEGINNING AUGUST 1, 2005, DUE TO EVALUATION OF CONTRACT NO. 11042 NOT BEING READY FOR RECOMMENDATION OF AWARD.)**

**APPROVED**

10. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10760, AERATOR MAINTENANCE, WITH R. P. SERVICES, INC. IN THE FUNDED AMOUNT OF \$187,375.23. (THIS RENEWS THE CONTRACT FOR THE FOURTH TERM, 8/7/05 TO 8/6/06, AND INCLUDES A 3% OVERALL PRICE INCREASE DUE TO INSURANCE RATE AND COST-OF-LIVING INCREASE.)**

**APPROVED**

11. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10923, WORKERS' COMPENSATION CLAIMS ADMINISTRATOR, WITH BRENTWOOD SERVICES, INC. IN THE FUNDED AMOUNT OF \$65,000.00. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM, 7/1/05 TO 6/30/06.)**

**APPROVED**

12. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10924, PROFESSIONAL INVESTIGATING SERVICES, WITH CDA, INC. IN THE FUNDED AMOUNT OF \$287,452.82. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM, 8/1/05 TO 7/31/06, AND INCLUDES A 4% INCREASE TO COVER COST-OF-LIVING ADJUSTMENT AND VEHICLE USAGE, PLUS THE ADDITION OF A FOURTH INVESTIGATOR WITH VEHICLE.)**

**APPROVED**

13. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10978, GLOBAL POSITIONING SYSTEM, WITH AT ROAD, INC. IN THE FUNDED AMOUNT OF \$140,000.00. (THIS COVERS AN ADDITIONAL 100 GPS UNITS WITH MONTHLY MONITORING FEES, AND MAINTENANCE AND REPAIR COSTS TO EXISTING GPS UNITS.)**

**APPROVED**

14. **RESOLUTION AWARDING CONTRACT FOR CURRENT LIMITING REACTORS TO TRENCH LIMITED IN THE AMOUNT OF \$78,000.00.**

**APPROVED**

15. **RESOLUTION AWARDING CONTRACT FOR SWITCHGEAR AND ADAPTER CABLE TO TENNESSEE VALLEY ELECTRIC SUPPLY COMPANY IN THE AMOUNT OF \$85,990.00.**

**APPROVED**

MOTION: Holt  
 SECOND: Marshall  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford  
 Mitchell did not cast a vote

**APPROVED**

26. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$902,693.00 IN SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO 2820 HARBOR SEWER PUMP, PROJECT NUMBER SW02049 FOR CONSTRUCTION CONTRACT WITH CHRIS-HILL CONSTRUCTION CO.**

Director of Public Works recommends approval

MOTION: Hooks  
 SECOND: Holt  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford

**APPROVED**

28. **RESOLUTION APPROVING A PLANNED 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.**

Case No. PD 05-311cc

Councilman Ford recognized the following person from the audience:

Joby Dion, 6866 LaGrange Circle North, Cordova, TN. 38018

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

MOTION: Peete  
 SECOND: McCormick  
 AYES: Brown, Holt, Lowery, Peete, Sammons, Taylor and Chairman Ford  
 NAYS: Chumney, Hooks and McCormick  
 Jones and Marshall recused

**APPROVED**

17. **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 T H I R D AND F I N A L READING.**

Ordinance No. 5109

MOTION: McCormick  
 SECOND: Marshall  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford  
 Mitchell did not cast a vote

**APPROVED**

18. **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 T H I R D AND F I N A L READING.**  
Ordinance No. 5110

MOTION: Marshall  
 SECOND: Holt  
 AYES: Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford  
 Brown and Mitchell did not cast a vote

**APPROVED**

19. **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 T H I R D AND F I N A L READING.**  
Ordinance No. 5111

MOTION: Marshall  
 SECOND: Jones  
 AYES: Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford  
 Brown and Mitchell did not cast a vote

**APPROVED**

20. **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 T H I R D AND F I N A L READING.**  
Ordinance No. 5112

Director of Public Works and Finance recommends approval

(Councilman McCormick made a motion for the fees to go back to \$10.00 instead of \$19.00)

**(Special Item #5)** – Councilman McCormick’s motion

MOTION: McCormick  
 SECOND: Chumney  
 AYES: Chumney, McCormick and Taylor  
 NAYS: Holt, Hooks, Jones, Lowery, Marshall, Peete, Sammons and Chairman Ford  
 Brown and Mitchell did not cast a vote

**(Special Item #5- FAILED)**

MAIN MOTION: Marshall  
 SECOND: Jones  
 AYES: Holt, Hooks, Jones, Lowery, Marshall, Peete, Sammons and Chairman Ford  
 NAYS: Chumney, McCormick and Taylor  
 Brown and Mitchell did not cast a vote

**APPROVED**

21. **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 T H I R D AND F I N A L READING.**

Ordinance No. 5113

MOTION: Marshall  
 SECOND: Peete  
 AYES: Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford  
 Brown and Mitchell did not cast a vote

**APPROVED**

22. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$750,000.00 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY FEMA FOR THE FEMA STATION EXHAUST GRANT TO UPGRADE STATION EXHAUST SYSTEMS AT MEMPHIS AREA FIRE STATIONS.**

MOTION: Sammons  
 SECOND: Marshall  
 AYES: Brown, Chumney, Holt, Hooks, Lowery, Marshall, McCormick, Peete, Sammons and Taylor  
 Jones, Mitchell and Chairman Ford did not cast a vote

**APPROVED**

23. **RESOLUTION AMENDING THE FY 2005 OPERATING BUDGET BY APPROPRIATING \$158,528.59 IN REVENUES DERIVED FROM THE HEALTH EDUCATION HOUSING FACILITY BOARD.**

MOTION: Holt  
 SECOND: Marshall  
 AYES: Brown, Chumney, Holt, Hooks, Lowery, Marshall, McCormick, Peete, Sammons, and Taylor  
 Jones, Mitchell and Chairman Ford did not cast a vote

**APPROVED**

24. **RESOLUTION APPROPRIATING \$2,126,000.00 FOR VICE NARCOTICS UNIT SPECIAL FUNDS FOR FY 2006.**

MOTION: Sammons  
 SECOND: Holt  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford  
 Lowery and Mitchell did not cast a vote

**APPROVED**

25. **RESOLUTION APPROPRIATING \$1,006,796.70 IN FY 2006 OPERATING BUDGET FOR THE POLICE IN SERVICE TRAINING.**

MOTION: Sammons  
 SECOND: Holt  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Ford  
 Marshall and Mitchell did not cast a vote

**APPROVED**

27. **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. (HELD FROM 6/21)**

Case No. SUP 04-227

Applicant: L. Don McNeal

Request: Motor vehicle leasing: truck rental

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford  
Mitchell did not cast a vote

**APPROVED**

30. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE EAST SIDE OF RIVERSIDE DRIVE EXTENDING EAST ±370 FEET BETWEEN RIVERSIDE DRIVE (FORMERLY PENNSYLVANIA STREET AND KANSAS STREET AND THE EAST SIDE OF RIVERSIDE DRIVE; EXTENDING EAST APPROXIMATELY 327 FEET, CONTAINING 78,921 SQUARE FEET AND 24,000 SQUARE FEET IN THE BLUFFVIEW RESIDENTIAL (BR) DISTRICT.**

Case No. SAC 05-601

Applicant: Southland Development Partners of Memphis  
W. H. Porter & Co. –Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman ford  
Mitchell did not cast a vote

**APPROVED**

31. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE EXCESS RIGHT-OF-WAY ALONG THE WEST SIDE OF KANSAS STREET SOUTH OF CAROLINA AVENUE, EXTENDING SOUTH APPROXIMATELY 291+ FEET, COMPRISING ROUGHLY THE WEST 20 FEET OF AN 80 FOOT WIDE RIGHT-OF-WAY, CONTAINING 889.0 SQUARE FEET, 313.7 SQUARE FEET AND 4,554.3 SQUARE IN THE BLUFFVIEW RESIDENTIAL (BR) DISTRICT.**

Case No. SAC 05-602

Applicant: Southland Development Partners of Memphis  
Terry Lynch – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford

Lowery and Mitchell did not cast a vote

**APPROVED**

- 32. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN LOONEY AVENUE AND SAFFARANS AVENUE; EAST AND WEST SIDE OF N. SECOND STREET, CONTAINING 0.056 ACRE IN THE MIXED USE (MU) DISTRICT.**

Case No. SAC 04-626

Councilman Ford recognized the following person from the audience:

Anthony Scullark, 611 N. Main, Memphis, TN. 38107

Applicant: Memphis Land Bank  
SR Consulting, LLC – Cindy Reaves – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Jones

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford  
Mitchell did not cast a vote

**APPROVED**

- 33. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN LOONEY AVENUE AND SAFFARANS AVENUE, 137.59 ‘ WEST OF OLD THOMAS STREET, CONTAINING 22,535 SQUARE FEET =0.511 ACRE IN THE MEDIUM DENSITY RESIDENTIAL (MDR) AND HIGH DENSITY RESIDENTIAL (HDR) DISTRICTS.**

Case No. SAC 04-627

Applicant: Memphis Land Bank  
SR Consulting, LLC – Cindy Reaves – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Brown

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Ford  
Mitchell did not cast a vote

**APPROVED**

- 34. **RESOLUTION APPROVING A HOTEL WAIVER FOR SKYWAY INN LOCATED AT 1553 ELVIS PRESLEY BOULEVARD.**

MOTION: Peete

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Lowery, Marshall, McCormick, Peete, Taylor and Chairman Ford  
Jones, Mitchell and Sammons did not cast a vote

**APPROVED**

**(Special Item #3)** – Councilman Marshall’s motion

(Approval of the Minutes of Item #53 & #60 from July 5, 2005 Meeting were approved on this meeting date)

MOTION: Marshall  
SECOND: McCormick  
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Peete,  
Taylor and Chairman Ford  
Mitchell and Sammons did not cast a vote

**APPROVED**

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

Councilman Ford recognized the following people from the audience:  
Mr. & Mrs. James Sneed, 4930 Tickle View, Millington, TN. 38053  
Minister Yahweh, 809 Walker Ave., Suite 5

**ADJOURNMENT**



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

Attest:

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Deputy Comptroller/Council Records