

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****July 24, 2007****3:30 P.M. SCHEDULED SESSION****4:30 P.M. MEETING COMMENCED**

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Madeleine Cooper Taylor, Edmund Ford, Barbara Holt-Ware, E. C. Jones, Myron Lowery, Scott McCormick, Henry Hooper, Jack Sammons, Brent Taylor and Chairman Tom Marshall

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

INVOCATION

The meeting was opened with prayer by Rev. Calvin Burns from Pilgrims Rest M.B. Church. Councilman Lowery presented Rev. Burns 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.

CONSENT AGENDA – Items 1-9 & # 30, #31, #32, #33 & #34 may be acted upon by one motion. SEE PAGE 2239 FOR ROLL CALL

- 1. ORDINANCE TO AMEND CHAPTER 5, CODE OF ORDINANCES, CITY OF MEMPHIS, TO UPDATE AND AMEND REGULATIONS REGARDING ANIMALS AND FOWL, UP FOR F I R S T READING.**

Ordinance No. 5214

APPROVED, on First reading

- 2. ORDINANCE AMENDING CHAPTER 2, ARTICLE I, SECTION 2-4, OF THE CODE OF ORDINANCES REGARDING BACKGROUND CHECKS FOR FIRE PROTECTION PERSONNEL, UP FOR S E C O N D READING.**

Ordinance No. 5213

APPROVED, on Second reading

- 3. ORDINANCE REZONING THE EAST SIDE OF ELVIS PRESLEY BOULEVARD; +205 FEET NORTH OF LAUDEEN DRIVE, CONTAINING 0.27 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5215

Case No. Z 07-109

APPROVED, on First reading

- 4. ORDINANCE REZONING THE NORTH SIDE OF PARK AVENUE; +240 FEET EAST OF GRAND STREET, CONTAINING 0.1190 ACRE IN THE LOCAL COMMERCIAL (C-L) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5216
Case No. Z 07-108

APPROVED, on First reading

5. **RESOLUTION APPROVING FINAL PLAT OF WOLF RIVER BLUFFS P.D., PHASE 1.**

Case No. PD 05-377
Contract No. CR-5083

Resolution approves the final plat located on the north side of James Road at McLean Blvd. 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

6. **RESOLUTION APPROVING FINAL PLAT OF CENTRAL ONE SUBDIVISION.**

Case No. S 06-071

Resolution approves the final plat located at the south east corner of Hollywood Street and Central Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

7. **RESOLUTION APPROVING FINAL PLAT OF CHRIST COMMUNITY SUBDIVISION.**

Case No. S 06-053

Resolution approves the final plat located at the intersection of Mitchell Road and Highway 61. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

8. **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 96-346 – Cordova Village Mini Storage P.D.
- B. Case No. SAC 06-602 – North Second Street Alley
- C. Case No. SAC 07-605 – Merton Street Closure
- D. Case No. SAC 07-606 – Madewell Avenue Closure

Public Hearing Set for August 7, 2007

9. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREET ON SEPTEMBER 3, 2007 FROM 7:30 A.M. TO 12:00 P.M. FOR CHICK-FIL-A 5K RUN.**

APPROVED

30. **RESOLUTION APPROVING ENGINEERING PLANS OF ACME BRICK COMPANY, MACON ROAD SEWER EXTENSION.**

Contract No. CR-5084

Resolution approves the engineering plans located on the northeast corner of Macon Road between Lenow Road and Big Orange Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

APPROVED

31. **RESOLUTION APPROVING THE SUPPLEMENTAL AGREEMENT #1 TO UNIVERSITY PLACE PHASE 1, STREET AND DRAINAGE IMPROVEMENTS.**
Contract No. CR-5034AM

Resolution approves the Supplemental Agreement #1 located on the southeast corner of Crump Boulevard and Sommerville Street. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #1.

City Engineer recommends approval

APPROVED

32. **RESOLUTION ACCEPTING CAROLINA LOFTS AND AUTHORIZING RELEASE OF BOND.**
Case No. SCBID 04-07
(Contract No. CR-4892)

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 Carolina Avenue and Kansas Street. The standard improvement contract was approved on October 5, 2004. Resolution also authorizes the release of the performance bond in the amount of \$106,000.00.

City Engineer recommends approval

APPROVED

33. **RESOLUTION APPROVING FINAL PLAT OF NORTHERN ANDREWS SUBDIVISION.**
Case No. S 07-005

Resolution approves the final plat located on the northside of Elmore Park, west of Covington Pike. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

34. **ORDINANCE AMENDING CHAPTER 24, ARTICLE III, OF THE CODE OF ORDINANCES TO UPDATE AND AMEND REGULATIONS REGARDING JUNK AND SCRAP DEALERS, UP FOR F I R S T READING.**
Ordinance No. 5217

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Sammons
SECOND: McCormick
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons and Chairman Marshall
Brown and Taylor did not cast a vote

APPROVED

MLGW FISCAL CONSENT – Items 10 - 15 may be acted upon by one motion

10. **RESOLUTION AWARDING CONTRACT NO. 11194, AERIAL PATROL OF GAS TRANSMISSION LINES, TO TENNESSEE HELICOPTER SERVICES, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$28,140.00.**

APPROVED

11. **RESOLUTION AWARDING CONTRACT FOR SONET MULTIPLEXERS TO GENERAL ELECTRIC COMPANY (GE MULTILIN), IN THE AMOUNT OF \$270,268.00.**

APPROVED

12. **RESOLUTION AWARDING CONTRACT FOR SERVER HARDWARE AND SOFTWARE TO LOGICALIS, INC., IN THE AMOUNT OF \$234,523.46.**

APPROVED

13. **RESOLUTION AWARDING CONTRACT FOR KCMIL CLASS “A” WIRE TO STUART C. IRBY, IN THE AMOUNT OF \$305,883.19.**

APPROVED

14. **RESOLUTION AWARDING CONTRACT FOR CORPORATE NETWORK UPGRADE TO VENTURE TECHNOLOGIES, IN THE AMOUNT OF \$268,456.00.**

APPROVED

15. **RESOLUTION AWARDING CONTRACT FOR CAB AND CHASSIS TO MID-AMERICA INTERNATIONAL TRUCKS, IN THE AMOUNT OF \$1,100,206.00.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Chumney

SECOND: Ware

AYES: Brittenum, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons and Chairman Marshall
Brown and Taylor did not cast a vote

APPROVED

16. **APPOINTMENT**

ADMINISTRATIVE JUDGE**APPOINTMENT**

TARIK B. SUGARMON

MOTION: Ware

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons and Chairman Marshall
Taylor did not cast a vote

APPROVED

27. **RESOLUTION WELCOMING AND RECOGNIZING THE PRESENCE OF THE AFRICA CHANNEL ON COMCAST CABLE NETWORK.**

MOTION: Cooper Taylor
 SECOND: Sammons

APPROVED, unanimous voice vote

17. **RESOLUTION CANCELING TAXES IN THE TOTAL AMOUNT OF \$2,906.48 FOR PROPERTY LOCATED AT 714 AYERS, IDENTIFIED AS PARCEL NUMBER 021-013 036 FOR THE TAX YEARS 2005, 2004, 2003.**

MOTION: Chumney
 SECOND: Ware
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons and Chairman Marshall
 Taylor did not cast a vote

APPROVED

18. **RESOLUTION TO RECOGNIZE CERTAIN POSITIONS AS APPOINTED AND EXEMPT FROM CIVIL SERVICE AND TO CLARIFY THE STATUS OF THESE EMPLOYEES. (HELD FROM 7/10)**

MOTION: Lowery
 SECOND: Sammons
 AYES: Brittenum, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons and Chairman Marshall
 Chumney abstained
 Brown and Taylor did not cast a vote

APPROVED

19. **RESOLUTION TO RECEIVE AND APPROPRIATE \$46,000.00 FROM THE STATE OF TENNESSEE TO BE USED TO PURCHASE BOOKS AND MATERIALS FOR THE MEMPHIS PUBLIC LIBRARY.**

MOTION: Brown
 SECOND: Ware
 AYES: Brittenum, Brown, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons and Chairman Marshall
 Chumney and Taylor did not cast a vote

APPROVED

20. **RESOLUTION AUTHORIZING SECOND AMENDMENT TO THE LEASE AGREEMENT WITH CARGILL, INCORPORATED, DATED OCTOBER 9, 1992, AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY COMMISSION ON MARCH 15, 2007.**

Contract No. CR-5082

MOTION: Brittenum
 SECOND: McCormick
 AYES: Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons and Chairman Marshall
 Brittenum recused
 Brown and Taylor did not cast a vote

APPROVED

21. **ORDINANCE REZONING THE SOUTHEAST CORNER OF WHITEBROOK DRIVE AND OLD GETWELL RD., CONTAINING 3.87 ACRES IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5211
 Case No. Z 07-104

Applicant: Najib H. Makarem
 Larry Fleming - Representative

Request: Multiple-Dwelling Residential (R-MM) District

LUCB and OPD recommendation: REJECTION

MOTION: Lowery
 SECOND: Jones
 AYES: Lowery and Chairman Marshall
 NAYS: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, McCormick, Hooper,
 Sammons and Taylor
 Jones abstained

FAILED

22. **ORDINANCE REZONING THE EAST SIDE OF ELVIS PRESLEY BOULEVARD; +/- 290 FEET NORTH OF LAUDEEN DRIVE, CONTAINING .27 ACRE {11,760 SQ. FT.} IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5212
 Case No. Z 07-105

Chairman Marshall recognized the following people from the audience:

Rose Holmes, 3938 Elvis Presley Blvd., Memphis, TN. 38116
 Martha Thomason, 3914 Royal Oaks Dr., Memphis, TN. 38116

Applicant: William C. Pilot
 Royston Construction Consultants - Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

MOTION: Lowery
 SECOND: Ware
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery,
 McCormick, Hooper, Sammons, Taylor and Chairman Marshall

APPROVED

23. **RESOLUTION APPROVING A HOTEL WAIVER FOR WYNDHAM HOTEL LOCATED AT 300 N. SECOND STREET, MEMPHIS, TN 38105.**

MOTION: Lowery
 SECOND: McCormick
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Lowery, McCormick,
 Hooper, Sammons, Taylor and Chairman Marshall
 Jones did not cast a vote

APPROVED

24. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF S. PERKINS ROAD AND DUNN AVENUE, CONTAINING 11.883 SQUARE FEET IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. PD 07-315

Applicant: Precision Prosthetics, Inc.
 Fisher & Arnold, Inc. – Representative

Request: A planned development to create office/commercial uses in a single existing building

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons and Taylor
Brown and Chairman Marshall did not cast a vote

APPROVED

25. **RESOLUTION APPROVING A ONE YEAR TIME EXTENSION LOCATED ON RIVERBROOK DRIVE & PINEBROOK DRIVE @ MILLBRANCH ROAD, CONTAINING 166,198 SQUARE FEET/3.8 ACRES AND 68'/148' X APPROXIMATELY 3,380' (0.64 MILE) -WIDTH X LENGTH OF R.O.W., IN THE STREET RIGHT-OF-WAY ~ HIGHWAY COMMERCIAL (C-H) DISTRICT. (HELD FROM 7/10)**

Case No. SAC 03-611

(Previously SAC 07-601)

Applicant: Southland Development Partners of Memphis
W. H. Porter Consultants PLLC - Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Cooper Taylor

AYES: Brittenum, Brown, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons and Taylor
Chumney and Chairman Marshall did not cast a vote

APPROVED

26. **RESOLUTION AMENDING THE FISCAL YEAR 2008 O&M BUDGET BY \$50,000.00 TO SUPPORT THE BUILDING OF INFRASTRUCTURE OF OUR STORIES FILMS, CONTINGENT UPON A MATCH FROM SHELBY COUNTY GOVERNMENT AND CONTINUING SUPPORT IN THE SAME AMOUNT FOR FISCAL YEARS 2009 AND 2010.**

Held until August 7, 2007

29. **RESOLUTION APPROVING A HOTEL WAIVER FOR DOUBLETREE HOTEL MEMPHIS DOWNTOWN AT 185 UNION AVENUE, MEMPHIS, TN. 38103.**

Chairman Marshall recognized the following person from the audience:

Kole Siefken, 185 Union Avenue, Memphis, TN. 38103

MOTION: Lowery

SECOND: Jones

AYES: Brittenum, Brown, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons, Taylor and Chairman Marshall
Chumney did not cast a vote

APPROVED

35. **RESOLUTION AMENDING THE CITY OF MEMPHIS PERSONNEL MANUAL, SECTION 66-30 TO ALLOW PERMANENT, FULL-TIME CITY OF MEMPHIS EMPLOYEES TO ACCRUE VACATION TIME FOR UP TO 12 MONTHS DURING ACTIVE MILITARY SERVICE.**

MOTION: Sammons
 SECOND: Jones
 AYES: Brittenum, Brown, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons, Taylor and Chairman Marshall
 Chumney did not cast a vote

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of July 10, 2007 with the following motion:

MOTION: Lowery
 SECOND: McCormick
 AYES: Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons, Taylor and Chairman Marshall
 Brittenum, Brown and Chumney did not cast a vote

APPROVED

- 28. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON MONROE AVENUE IN MEMPHIS BETWEEN RIVERSIDE DRIVE AND THIRD STREET BE DESIGNATED AS THE “CHARLIE VERGOS PARKWAY.”**

Held until August 7, 2007

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Marshall recognized the following person from the audience:

Mckinley Horton, 105 W. Dempster, Memphis, TN. 38109
 Walter Broady, 4256 Ledbetter Cove, Memphis, TN. 38109

ADJOURNED MEETING AT 5:40 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