

## MINUTES

## REGULAR MEETING OF THE CITY COUNCIL

## CITY OF MEMPHIS

September 20, 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. Paul Swets from Second Presbyterian Church. Councilwoman Chumney presented Pastor Swets 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.

40. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTH SIDE\ OF RAINES ROAD, ±392 FEET EAST OF MICHAEL DRIVE, CONTAINING 17,300 SQUARE FEET IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**  
Case No. UV 05-04

Held until October 11, 2005

44. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF POPLAR AVENUE; +750 FEET EAST OF BELLE MEADE LANE, CONTAINING 1.08 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**  
Case No. PD 05-328

Held until November 15, 2005

45. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF MENDENHALL; AT THE WESTERN TERMINUS OF BARRY ROAD, CONTAINING 1.36 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**  
Case No. PD 05-334

Held until October 11, 2005

18. **RESOLUTION HONORING RACHEL HYNEMAN.**

**APPROVED,** unanimous voice vote

**CONSENT AGENDA – Items # 1 - #7, # 49 - #60 & #62 may be acted upon by one motion. SEE PAGE 1696 FOR ROLL CALL**

1. **ORDINANCE TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCES, BY ADDING A NEW SECTION, STORM WATER ENTERPRISE FUND, ESTABLISHING**

**A STORM WATER ENTERPRISE FUND, PROVIDING FOR THE POWERS, DUTIES AND RESPONSIBILITIES OF THE ENTERPRISE, ESTABLISHING A STORM WATER FEE; ESTABLISHING A POLICY REGARDING EXPENDITURE OF ENTERPRISE REVENUES UP FOR F I R S T READING.**

Ordinance No. 5135

**APPROVED**, on First reading

- 2. **ORDINANCE AMENDING CHAPTER 41, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO UPDATE REGULATIONS FOR WRECKERS AND TOWING OPERATORS WITHIN THE CITY OF MEMPHIS, UP FOR S E C O N D READING.**

Ordinance No. 5133

**APPROVED**, on Second reading

- 3. **ORDINANCE AMENDING CHAPTER 4, ARTICLE III, DIVISION 2 OF THE CODE OF ORDINANCES REGARDING GENERAL RESTRICTIONS ON ISSUANCE OF LICENSE TO SELL BEER FOR OFF-PREMISES CONSUMPTION, UP FOR S E C O N D READING.**

Ordinance No. 5134

**APPROVED**, on Second reading

- 4. **ORDINANCE REZONING THE WEST SIDE OF AIRWAYS BOULEVARD; +179 FEET SOUTH OF WINCHESTER, CONTAINING 0.276 ACRE IN THE GENERAL OFFICE (O-G) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5130

Case No. Z 05-106

**APPROVED**, on Second reading

- 5. **ORDINANCE REZONING PLOUGH BOULEVARD SOUTH OF WINCHESTER ROAD, CONTAINING 2,300 LINEAR FEET, UP FOR S E C O N D READING.**

Ordinance No. 5131

Case No. SNC 05-803

**APPROVED**, on Second reading

- 6. **ORDINANCE REZONING THE SOUTH WEST CORNER OF YALE AND COVINGTON PIKE, CONTAINING 0.53 ACRE IN THE MULTIPLE DWELLING RESIDENTIAL (R-ML) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5132

Case No. Z 05-117

**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 05-337 – Fieldstone P.D., Amended
- B. Case No. PD 05-342cc – Winchester/Hackscross Road P.D., 3<sup>rd</sup> Amendment
- C. Case No. PD 05-344cc – Phillips Farms P.D.
- D. Case No. SUP 05-209cc

Public Hearing Set for October 11, 2005

- 49. **RESOLUTION APPROVING FINAL PLAT OF APPLING/I-40 NORTHWEST PD, 4<sup>TH</sup> AMENDMENT, PHASE 2.**

Case No. PD 99-315

Resolution approves the final plat located on the west side of Appling Road and the south side of Fletcher Creek. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

50. **RESOLUTION APPROVING FINAL PLAT OF TUCKAHOE-WEST CHERRY SUBDIVISION.**

Case No. S 05-015

Resolution approves the final plat located on the southeast corner of Tuckahoe Road and West Cherry Circle. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

51. **RESOLUTION APPROVING FINAL PLAT OF HOLLYWOOD BUSINESS CENTER SUBDIVISION.**

Case No. S 05-031

Resolution approves the final plat located on the east side of S. Hollywood Street, 300 feet south of Milton Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

52. **RESOLUTION APPROVING FINAL PLAT OF APPLING/I-40 NORTHWEST PD, 4<sup>TH</sup> AMENDMENT AND APPLING FARMS BUSINESS PARK PD, PHASE 1.**

Case No. PD 04-385

Resolution approves the final plat located on the west side of Appling Road, opposite Pate Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

53. **RESOLUTION ACCEPTING CARLYLE PLACE PD, PHASE 1, AREA A, B, D AND PART OF C AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 02-333cc  
(Contract No. CR-4821)

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 Houston Levee Road, 4,034 feet north of Macon Road. The standard improvement contract was approved on October 7, 20003. Resolution also authorizes the release of the Trust One Bank letter of credit in the amount of \$97,000.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

54. **RESOLUTION APPROVING FINAL PLAT OF GEMSTONE P.D., PHASE 4.**

Case No. PD 99-380  
Contract No. CR-4971

Resolution approves the final plat located on the south side of Holmes Road, 118 feet west of White Diamond Street. 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**

55. **RESOLUTION APPROVING FINAL PLAT OF GEMSTONE P.D., PHASE 5.**

Case No. PD 99-380  
Contract No. CR-4972

Resolution approves the final plat located 135 feet north of the terminus of Gemstone Way. 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**

56. **RESOLUTION APPROVING FINAL PLAT OF GEMSTONE P.D., PHASE 6.**

Case No. PD 99-380  
Contract No. CR-4973

Resolution approves the final plat located on the south side of Holmes Road, east of Weaver 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**

57. **RESOLUTION APPROVING FINAL PLAT OF WILSON STREET CLOSURE.**

Case No. SAC 03-617  
Contract No. CR-4974

Resolution approves the final plat located on the northeast of Wilson Street and East McLemore Avenue. 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**

58. **RESOLUTION APPROVING FINAL PLAT OF THE ORCHARDS AT KIRBY PARKWAY EAST P.D., PHASE 2.**

Case No. PD 02-364  
Contract No. CR-4975

Resolution approves the final plat located on Shillingford Drive north of Stornaway. 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**

59. **RESOLUTION APPROVING FINAL PLAT OF PIGOTT'S GREENBRIAR SUBDIVISION.**

Case No. S 04-078  
Contract No. CR-4976

Resolution approves the final plat located on the northwest corner of Perkins Road and Greenbriar 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.

City Engineer recommends approval

**APPROVED**

60. **ORDINANCE AMENDING SECTION 29, SIGNS AND SECTION 30, NONCONFORMITIES, UP FOR F I R S T READING.**

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

**APPROVED**, on First reading

62. **ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY LIMITS OF THE CITY OF MEMPHIS BY VIRTUE OF THE PROVISIONS OF CHAPTER 113 OF THE PUBLIC ACTS OF THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE FOR 1955, AS AMENDED, BY ANNEXING RALEIGH NORTH ANNEXATION AREA AND ASSIGNING SAID AREA TO A COUNCIL DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5137

**APPROVED**, on First reading

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

20. **ORDINANCE AMENDING FRANCHISE ORDINANCE #4159, WITH TIME WARNER ENTERTAINMENT CO., TO REFLECT OWNERSHIP CHANGE TO CABLE HOLDCO II, INC., UPON THE SAME TERMS AND CONDITIONS AS PREVIOUSLY HELD BY PAST ENTITIES, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5129

Original franchise adopted with CATV, Inc., adopted April 21, 1992, to run for 10 years, and previously amended by name change to Time Warner Communications May 21, 2000. Time Warner was granted an extension of time to May 3, 2008. The above ordinance further amends ownership from Time Warner Communications to CABLE HOLDCO, II, Inc. for remaining term.

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

**APPROVED**

39. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE WEST SIDE OF PERRY ROAD; ±150 FEET NORTH OF MALLORY AVENUE, CONTAINING 18,750 SQUARE FEET IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.**

Case No. SUP 05-210

Applicant: Deloris Wilson

Request: Group Day Care Home

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

43. **RESOLUTION TO ADOPT THE SOUTH FORUM DISTRICT REDEVELOPMENT PLAN AS A FRAMEWORK TO GUIDE FUTURE DEVELOPMENT IN THE “SOUTH FORUM DISTRICT” (ROUGHLY BOUNDED BY LINDEN ON THE NORTH, GE PATTERSON ON THE SOUTH, MULBERRY ON THE WEST, AND DANNY THOMAS ON THE EAST) AND TO REVITALIZE THIS IMPORTANT NEIGHBORHOOD. (HELD FROM 9/6)**

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

**APPROVED**

16. **RESOLUTION DECLARING THE WEEK OF SEPTEMBER 17<sup>TH</sup> – 23<sup>RD</sup> AS CONSTITUTION WEEK.**

MOTION: Jones  
 SECOND: Holt

**APPROVED**, unanimous voice vote

17. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR REV. RALPH WHITE.**

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

**APPROVED**

19. **ORDINANCE AMENDING ORDINANCE NO. 5014, TO EXTEND THE SUNSET CLAUSE TO NOVEMBER 1, 2007, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5128

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

**APPROVED**

21. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$593,475.00 IN G.O. BONDS GENERAL FROM TRAFFIC CALMING DEVICES, PROJECT NUMBER EN01007 TO SPEED HUMP INSTALLATION GROUP 5, PROJECT NUMBER EN01012. RESOLUTION ALSO APPROPRIATES \$593,475.00 FOR A CONSTRUCTION CONTRACT WITH LEHMAN ROBERTS.**

City Engineer recommends approval

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

**APPROVED**

22. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$6,752.16 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR ADULT EDUCATION DIVISION FOR WIA TITLE ONE CAREER CENTER RESOURCE SHARE GRANT. RESOLUTION ALSO AMENDS THE FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

23. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$4,304.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF HUMAN SERVICES VOCATIONAL REHABILITATION DIVISION FOR WIA TITLE ONE CAREER CENTER RESOURCE SHARE GRANT. RESOLUTION ALSO AMENDS THE FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

24. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$2,161,458.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR FOR WIA TITLE ONE YOUTH SERVICES GRANT. RESOLUTION ALSO AMENDS THE FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

25. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$364,571.80 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR FOR WIA TITLE ONE ADMINISTRATIVE SERVICES GRANT. RESOLUTION ALSO AMENDS THE FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

26. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$559,917.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR FOR WIA TITLE ONE DISLOCATED WORKER SERVICES GRANT. RESOLUTION ALSO AMENDS**

**THE FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

27. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$559,771.20 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR FOR WIA TITLE ONE ADULT SERVICES GRANT. RESOLUTION ALSO AMENDS THE FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

28. **RESOLUTION APPROVING THE ACQUISITION OF EASEMENT FROM BRYAN SHELBY FARMS L.P., LOCATED ON THE NORTH SIDE OF GRATITUDE CHURCH ROAD, APPROXIMATELY 1,085.6 FEET NORTH OF THE CENTERLINE OF PLEASANT RIDGE ROAD AS MEASURED ALONG THE CENTERLINE OF GRATITUDE CHURCH ROAD, FOR THE SUM OF \$120,184.00. (HELD FROM 9/6)**

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

**APPROVED**

29. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$1,300,000.00 FUNDED BY G.O. BONDS GENERAL AND APPROPRIATING \$2,750,000.00 FUNDED BY G.O. BONDS GENERAL WITHIN HCD-FIRESTONE, PROJECT NUMBER CD01013 FOR PROJECT DEVELOPMENT FEES AND LAND ACQUISITION PURPOSES.**

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

**APPROVED**

30. **RESOLUTION APPROPRIATING \$1,750,000.00 IN G.O. BONDS GENERAL FOR ZOO N. W. PASSAGE, CIP PROJECT NUMBER PK09003.**

Council did include Zoo N.W. Passage, CIP Project Number PK09003 as part of the FY 2006 Capital Improvement Program. The City of Memphis has entered into a construction agreement with the Memphis Zoological Society for the design and construction of the N.W. Passage Exhibit.

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

**APPROVED**

31. **RESOLUTION APPROPRIATING \$432,591.00 FUNDED BY G.O. BONDS GENERAL FOR BICKFORD PLAYGROUND, CIP PROJECT NUMBER PK07058.**

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

**APPROVED**

32. **RESOLUTION APPROPRIATING \$359,853.00 FUNDED BY G.O. BONDS GENERAL FOR BELZ PLAYGROUND, CIP PROJECT NUMBER PK07078.**

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

**APPROVED**

33. **RESOLUTION APPROPRIATING \$45,820.00 IN G.O. BONDS GENERAL FOR PARK DRAINAGE, CIP PROJECT NUMBER PK07063 TO REPLACE A 120 FT. COLLAPSED WALL SECTION IN LICK CREEK WHICH RUNS THROUGH OVERTON PARK. THE WORK IS TO BE PERFORMED BY THE PUBLIC WORKS DIVISION.**

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

**APPROVED**

34. **RESOLUTION APPROPRIATING \$182,000.00 FUNDED BY G.O. BONDS GENERAL, CIP PROJECT NUMBER PK04005 FOR RALEIGH BARTLETT MEADOWS PARK.**

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

**APPROVED**

35. **RESOLUTION APPROPRIATING \$1,469,774.00 FUNDED BY G.O. BONDS GENERAL, USED TO MIGRATE THE EXISTING INTEGRATED LIBRARY SYSTEM TO A SOFTWARE AND HARDWARE ENHANCED INTEGRATED LIBRARY SYSTEM, WHICH INCLUDES WIRELESS TECHNOLOGY FOR CITY BRANCHES, CIP PROJECT NUMBER LI01013, NEW CENTRAL COMPUTER.**

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

**APPROVED**

- 36. **RESOLUTION APPROPRIATING \$34,939.00 FUNDED BY G.O. BOND FUNDS TO BE DEPOSITED IN THE LOCAL GOVERNMENT INVESTMENT POOL ACCOUNT FOR SAM COOPER EXTENSION, PROJECT NUMBER PW01016, STATE PROJECT STP M-4032(5) & (6).**

Director of Public Works and City Engineer recommends approval

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

**APPROVED**

- 37. **RESOLUTION APPROPRIATING \$379,085.00 FUNDED BY SEWER FUNDS FOR MID-SUMMER COMMONS SEWER EXTENSION, PROJECT NUMBER SW01016, FOR A CONSTRUCTION CONTRACT WITH ARGO CONSTRUCTION.**

Director of Public Works and City Engineer recommend approval

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

**APPROVED**

- 38. **ORDINANCE REZONING THE WEST SIDE OF HERNANDO ROAD; +10 FEET SOUTH OF FERGUSON ROAD, CONTAINING 3.77 ACRES IN THE MULTIPLE FAMILY RESIDENTIAL (R-MM) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5127  
 Case No. Z 05-115

Applicant: Outdoor Management, LLC  
Fisher & Arnold, Inc. – Representative

Request: Light Industrial (I-L) District

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

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

**APPROVED**, as amended

- 41. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE WEST SIDE OF ROSS ROAD; +355.48 FEET SOUTH OF RAINES ROAD, CONTAINING 10.526 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) DISTRICT.**

Case No. UV 05-05

Applicant: Boys and Girls Club of Greater Memphis  
Brenda Solomito – Representative

Request: Reuse of an existing church as a Boys and Girls Club with Lighted Ball Fields

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

42. **RESOLUTION REZONING THE SOUTHEAST CORNER OF DOUGLASS AVENUE AND ECHLES STREET, CONTAINING 0.12 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT. (HELD FROM 9/6)**

Case No. UV 05-06

Applicant: James J. Skefos  
Hill Massengill – Representative

Request: Expansion of an existing nonconforming restaurant

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

46. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF U.S. HIGHWAY 64 & MORNING SUN ROAD, CONTAINING 3.76 ACRES IN THE SINGLE FAMILY HOME AND VACANT LAND IN THE AGRICULTURAL (AG) AND PLANNED COMMERCIAL (C-P) DISTRICTS.**

Case No. PD 05-336

Applicant: Commercial Ventures, Inc.  
SR Consulting Engineers, LLC – Representative

Request: A planned development to permit Planned Commercial (C-P) uses within a specific outline plan

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**, as amended

47. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF SUMMER AVENUE AND MEADOWBROOK STREET, CONTAINING 0.65 ACRE IN THE HIGHWAY COMMERCIAL (C-H) AND SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICTS.**

Case No. PD 05-343

Applicant: Animal Emergency Center  
ETI Corporation, Rodney Joyner – Representative

Request: A planned development to permit Planned Commercial (C-P) uses within a specific outline plan

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

48. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE WEST SIDE OF FRONT STREET; +157 FEET NORTH OF GEORGIA AVENUE AND ENDING +614 FEET NORTH OF GEORGIA AVENUE, CONTAINING 17,207 SQUARE FEET IN THE BLUFFVIEW RESIDENTIAL (R-B) DISTRICT.**

Case No. SAC 05-611

Applicant: Kerr Tigrett

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

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

61. **RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE RALEIGH NORTH ANNEXATION AREA.**

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

**APPROVED**

63. **RESOLUTION APPROVING AN EFFICIENCY STUDY FOR THE CITY OF MEMPHIS.**

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

**APPROVED**

64. **RESOLUTION APPROVING THE CONVEYANCE OF CITY OWNED PROPERTY LOCATED ON FOURTH STREET BETWEEN LOONEY AVENUE AND SAFFARANS AVENUE TO THE CITY OF MEMPHIS DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT.**

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

Jones did not cast a vote

**APPROVED**

65. **RESOLUTION APPROVING THE CONVEYANCE OF CITY OWNED PROPERTY LOCATED ON THE EAST SIDE OF THOMAS STREET, SOUTH OF LOONEY AVENUE, TO THE CITY OF MEMPHIS DIVISION OF HOUSING & COMMUNITY DEVELOPMENT.**

MOTION: Holt

SECOND: McCormick

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

**APPROVED**

**MLGW FISCAL CONSENT- Items # 8 – #12 & # 14 & #15 may be acted upon by one motion**

8. **RESOLUTION AWARDDING CONTRACT NO. 11069, MOBILE DOCUMENT SHREDDING SERVICE, TO SHRED-IT IN AN ESTIMATED FUNDED AMOUNT OF \$74,999.98, OF WHICH \$48,298.85 WAS PAID UNDER AGREEMENT NO. C-1106.**

**APPROVED**

9. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 6 TO CONTRACT NO. 10667, RIGHT-OF-WAY MOWING, WITH BEAN & PRINCE CONTRACTORS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$200,000.00.**

**APPROVED**

10. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 4 TO CONTRACT NO. 10882, INFORMATION SERVICES SUPPORT, WITH QUILOGY, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$912,000.00.**

**APPROVED**

11. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 3 TO CONTRACT NO. 10888, DISEASE MANAGEMENT SERVICES AGREEMENT, WITH MEDICAL OUTCOMES MANAGEMENT, INC. IN THE FUNDED AMOUNT OF \$111,332.00.**

**APPROVED**

12. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10905, THIRD PARTY MEDICAL PLAN ADMINISTRATOR, WITH CLAIMS MANAGEMENT SERVICES, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$824,000.00. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM, 11/1/05 TO 10/31/06.)**

**APPROVED**

13. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10918, OUT-OF-STATE AUTO INSURANCE, WITH PETE MITCHELL & ASSOCIATES, INC. IN THE FUNDED AMOUNT OF \$88,160.00. (THIS RATIFIES THE CONTRACT FOR A SECOND TERM, 2/14/05 TO 2/14/06 AND COVERS PAYMENT MADE WITHOUT PRIOR APPROVAL.)**

(Councilman Sammons made a motion for this item to be held, this was seconded by Councilman McCormick)

Held until October 25, 2005

- 14. **RESOLUTION AWARDING CONTRACT FOR 1590 KCMIL WIRE TO STUART C. IRBY IN THE AMOUNT OF \$41,280.00.**

**APPROVED**

- 15. **RESOLUTION REQUESTING RATIFICATION OF PURCHASE ORDERS ISSUED ON AN EMERGENCY BASIS FOR VOLTAGE AND CURRENT TRANSFORMERS AS FOLLOWS:**

Trench Limited.....	\$111,900.00
Ritz Instrument Transformers.....	<u>41,970.00</u>
Total.....	\$153,870.00

**APPROVED**

**ROLL CALL MLGW FISCAL CONSENT ITEMS**

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

**APPROVED**, with the exception of item #13

**MINUTES**

Approval of the Minutes of the regular meeting of September 6, 2005

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

**APPROVED**

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

**ADJOURNMENT**

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 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:

\_\_\_\_\_  
 Deputy Comptroller/Council Records