

**MINUTES****REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****October 2, 2007****3:30 P.M. SCHEDULED SESSION****3:43 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Pastor Rickey Dugger from Norris Avenue Missionary Baptist Church. Councilman Brittenum presented Pastor Dugger 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.**

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

Held to October 16, 2007

59. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF EAST OAKSIDE DRIVE; +/-2,500 FEET SOUTH OF WINCHESTER ROAD, CONTAINING 8.91 ACRES IN THE TOWNHOUSE RESIDENTIAL (R-TH) DISTRICT.**  
Case No. PD 07-311

Held to October 16, 2007

61. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING +197 FEET SOUTH OF GEORGIA AVENUE, CONTAINING 6,940 SQUARE FEET IN THE RIVERSIDE RESIDENTIAL (R-R) DISTRICT.**  
Case No. SAC 07-608

Held to October 16, 2007

62. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING AT THE WESTERN TERMINUS OF T.M. HENDERSON AVENUE, CONTAINING 3,489.49 SQUARE FEET IN THE MIXED USE (MU) HIGH DENSITY RESIDENTIAL (HDR) DISTRICT.**  
Case No. SAC 07-610

Held to October 16, 2007

**CONSENT AGENDA – Items 1-22 & 66-68 may be acted upon by one motion: SEE PAGE 2301 FOR ROLL CALL**

1. **ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES SO AS TO ESTABLISH A STANDARD FOR USE OF BIODIESEL FUELS, UP FOR F I R S T READING.**

Ordinance No. 5224

**APPROVED**, on First reading

2. **ORDINANCE AMENDING CHAPTER 14 OF THE MEMPHIS CITY CODE OF ORDINANCES TO ADOPT THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE AND ATTACHED AMENDMENTS AS THE FIRE CODE FOR THE CITY OF MEMPHIS, UP FOR F I R S T READING.**

Ordinance No. 5225

**APPROVED**, on First reading

3. **ORDINANCE AMENDING THE JOINT EXISTING BUILDING CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 295 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5124 ON SEPTEMBER 6, 2005, 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. 5226

**APPROVED**, on First reading

4. **ORDINANCE AMENDING THE JOINT ELECTRIC CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 297 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5123 ON SEPTEMBER 6, 2005, 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. 5227

**APPROVED**, on First reading

5. **ORDINANCE AMENDING THE JOINT MECHANICAL CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 299 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5121 ON SEPTEMBER 6, 2005, 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. 5228

**APPROVED**, on First reading

6. **ORDINANCE AMENDING THE JOINT FUEL GAS CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 298 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5125 ON SEPTEMBER 6, 2005, 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. 5229

**APPROVED**, on First reading

7. **ORDINANCE AMENDING THE JOINT PLUMBING CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 300 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5120 ON SEPTEMBER 6, 2005, 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. 5230

**APPROVED**, on First reading

8. **ORDINANCE AMENDING THE JOINT BUILDING CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 296 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5122 ON SEPTEMBER 6, 2005, 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. 5231

**APPROVED**, on First reading

9. **ORDINANCE AMENDING THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO PROVIDE FOR THE RECALL OF A MEMPHIS CITY COUNCIL MEMBER AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008, UP FOR F I R S T READING.**

Ordinance No. 5232

**APPROVED**, on First reading

10. **ORDINANCE AMENDING CHAPTER 4, ARTICLE III, OF THE CODE OF ORDINANCES TO UPDATE AND AMEND REGULATIONS REGARDING THE SALE OF BEER FOR OFF-PREMISE CONSUMPTION, UP FOR S E C O N D READING.**

Ordinance No. 5223

**APPROVED**, on Second reading

11. **ORDINANCE REZONING THE NORTHEAST CORNER OF N. SECOND STREET & KEEL AVENUE; SOUTH SIDE OF CHELSEA AVENUE; +/-91.221 FEET EAST OF N. SECOND STREET; SOUTHWEST CORNER OF N. THIRD STREET & CHELSEA AVENUE AND THE EAST SIDE OF N. THIRD STREET; +/-73.39 FEET SOUTH OF CHELSEA AVENUE, CONTAINING 0.859 ACRE (37,418 SQ. FT.) IN THE MIXED USE (MU) & NEIGHBORHOOD CENTER (NC) OVERLAY DISTRICTS, UP FOR F I R S T READING.**

Ordinance No. 5233

Case No. Z 07-112

**APPROVED**, on First reading

12. **ORDINANCE REZONING THE SOUTHEAST CORNER OF N. FOURTH STREET & CHELSEA AVENUE, INCLUDING THE SOUTHWEST CORNER OF N. FIFTH STREET AND CHELSEA AVENUE, CONTAINING 0.635 ACRE (27,660 SQ. FT.), IN THE NEIGHBORHOOD CENTER (NC) OVERLAY DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5234

Case No. Z 07-113

**APPROVED**, on First reading

13. **ORDINANCE REZONING THE EAST SIDE OF SYCAMORE VIEW ROAD; +/-50 FEET NORTH OF RESOURCES DRIVE, CONTAINING 1.52 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5235

Case No. Z 07-111

**APPROVED**, on First reading

14. **ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY ZONING MAP TO REFLECT CHANGES IN THE FLOOD PLAIN (FP) OVERLAY AND FLOODWAY (FW) DISTRICTS AS REQUIRED BY CHANGES IN THE FLOOD MAPS ISSUED BY FEMA EFFECTIVE SEPTEMBER 28, 2007, UP FOR F I R S T READING.**

Ordinance No. 5236

Case No. Z 07-116cc

**APPROVED**, on First reading

15. **ORDINANCE AMENDING SECTION 26 OF THE MEMPHIS AND SHELBY COUNTY ZONING ORDINANCE "OVERLAY DISTRICT REGULATIONS, FLOOD PLAIN (FP) DISTRICT" TO REFLECT CHANGES IN THE TEXT AS REQUESTED BY FEMA THROUGH THE NATIONAL FLOOD INSURANCE PROGRAM STATE COORDINATION, UP FOR F I R S T READING.**

Ordinance No. 5237

Case No. ZTA 07-001cc

**APPROVED**, on First reading

16. **RESOLUTION ACCEPTING AMERICAN WAY AND FARRISVIEW BLVD., TRAFFIC SIGNAL, AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5040)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at American Way and Farrisview Blvd. The standard improvement contract was approved on October 3, 2006. Resolution also authorizes the release of the performance bond in the amount of \$70,000.00.

City Engineer recommends approval

**APPROVED**

17. **RESOLUTION APPROVES FINAL PLAT OF CORDOVA STATION PLANNED DEVELOPMENT, 3<sup>RD</sup> AMENDMENT, PHASE 31.**

Case No. PD 00-375

Resolution approves the final plat located on the southside of Macon Road, north of Cordova Station Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

18. **RESOLUTION ACCEPTING KRYSTINA RENEE PD, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 02-356

(Contract No. CR-4936)

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 Addington Road, and Old Raleigh-Millington Road.

The standard improvement contract was approved on April 19, 2005. Resolution also authorizes the release of the performance bond in the amount of \$59,359.93.

City Engineer recommends approval

**APPROVED**

19. **RESOLUTION ACCEPTING LOVES TRAVEL STOPS AND COUNTRY STORE, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 05-069  
(Contract No. CR-5015)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of American Way and Lamar Avenue. The standard improvement contract was approved on June 6, 2006. Resolution also authorizes the release of the performance bond in the amount of \$60,100.00.

City Engineer recommends approval

**APPROVED**

20. **RESOLUTION APPROVING FINAL PLAT OF PATE ROAD SUBDIVISION.**

Case No. S 06-050

Resolution approves the final plat located north of I-40, on the eastside of Pate Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

21. **RESOLUTION APPROVING FINAL PLAT OF HARRIS PLACE PLANNED DEVELOPMENT.**

Case No. PD 05-372cc  
Contract No. CR-5094

Resolution approves the final plat located at the northeast corner of Pisgah Road and Latting 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**

22. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREETS ON OCTOBER 26 – 28, 2007, FROM 9:00 A.M. UNTIL 9:00 P.M., FOR THE RIVER ARTS FESTIVAL.**

**APPROVED**

66. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. SAC 07-612 – Gallaway Avenue Closure

Public Hearing Set for November 6, 2007

67. **RESOLUTION APPROVING FINAL PLAT OF BELWIN CENTER C-P, PHASE 8.**

Case No. Z 95-143

Resolution approving final plat located north of Winchester Rd., east of Elvis Presley Blvd. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

68. **RESOLUTION APPROVING FINAL PLAT OF SUMMER BARTLETT SUBDIVISION.**

Case No. S 06-055

Contract No. CR-5095

Resolution approves the final plat located on the east side of Bartlett Road, north of Shelby Oaks. 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**

**ROLL CALL CONSENT ITEMS**

MOTION: Sammons

SECOND: Brittenum

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

**APPROVED**

64. **RESOLUTION DEDICATING PENNSYLVANIA AVENUE AS “LT. TRENT KIRK AVENUE”.**

MOTION: Marshall

SECOND: McCormick

**APPROVED**, by unanimous voice vote

65. **RESOLUTION DEDICATING OVERTON CROSSING AS “PRIVATE CHARLES ZACHARY AVENUE”.**

MOTION: Marshall

SECOND: Jones

**APPROVED**, by unanimous voice vote

**MLGW FISCAL CONSENT – Items 23-40 may be acted upon by one motion**

23. **RESOLUTION APPROVING PAYMENT IN THE AMOUNT OF \$40,000.00 TO THE MID-SOUTH MINORITY BUSINESS COUNCIL AS RESTRICTED FUNDS FOR THE MEMPHIS TOMORROW SUPPLIER DIVERSITY PROJECT, APPROVED BY THE MLGW BOARD AT MEETING HELD JUNE 7, 2007.**

**APPROVED**

24. **RESOLUTION AWARDED CONTRACT NO. 11192, PEST CONTROL, TO TERMINIX, IN AN ESTIMATED FUNDED AMOUNT OF \$70,518.00.**

**APPROVED**

25. RESOLUTION RATIFYING EXPEDITED PROCUREMENT REQUEST FOR AWARD OF CONTRACT NO. 11195, PAINTING OF WATER STORAGE TANKS, TO BAZAN PAINTING COMPANY, IN THE FUNDED AMOUNT OF \$1,998,358.00.

**APPROVED**

26. RESOLUTION AWARDED CONTRACT NO. 11240, INFLUENZA VACCINE, TO METHODIST HEALTHCARE ALLIANCE HEALTH SERVICES, IN AN ESTIMATED FUNDED AMOUNT OF \$33,250.00.

**APPROVED**

27. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10863, BLUE PUMPKIN SOFTWARE LICENSE/MAINTENANCE/SUPPORT SERVICES, WITH WITNESS SYSTEMS, INC., IN THE FUNDED AMOUNT OF \$269,341.28. (THIS CHANGES THE NAME TO VERINT AMERICAS, INC., COVERS INSTALLATION OF NEW SOFTWARE, INCLUDES 50 ADDITIONAL LICENSES, AND EXTENDS CONTINUOUS MAINTENANCE FOR THE FIVE-YEAR PERIOD AUGUST 1, 2007 THROUGH JULY 31, 2012.)

**APPROVED**

28. RESOLUTION RATIFYING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 3 TO CONTRACT NO. 10948, REPAIR OF RESIDENTIAL GAS METERS, WITH TRI-STATE METER AND REGULATOR SERVICE, IN AN ESTIMATED FUNDED AMOUNT OF \$304,171.95. (THIS COVERS MODIFICATION OF SPECIFICATIONS AND RENEWS THE CONTRACT FOR THE THIRD TERM, JULY 1, 2007 THROUGH JUNE 30, 2008.)

**APPROVED**

29. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10961, BMC COMBINED SOFTWARE PRODUCTS, WITH BMC SOFTWARE DISTRIBUTION, INC., IN THE FUNDED AMOUNT OF \$28,304.72. (THIS EXTENDS CONTINUOUS MAINTENANCE FOR SOFTWARE PRODUCTS FOR THE THREE-YEAR PERIOD OCTOBER 31, 2007 THROUGH OCTOBER 30, 2010.)

**APPROVED**

30. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11053, ARMORED CAR SERVICES, WITH DUNBAR ARMORED CAR SERVICES, IN THE FUNDED AMOUNT OF \$46,748.40. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM, DECEMBER 19, 2007 TO DECEMBER 18, 2008.)

**APPROVED**

31. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11110, COURIER SERVICES, WITH EXPRESS COURIER, INC. IN THE AMOUNT OF \$146,192.62. (THIS RENEWS THE CONTRACT FOR THE FIRST TERM, SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008, AND ADDS ONE NEW MAIL STOP.)

**APPROVED**

32. RESOLUTION AWARDED CONTRACT FOR NETWORK TRANSFORMERS AND PROTECTORS, AS FOLLOWS:

Utilicor.....	\$704,640.00
Richards Manufacturing.....	<u>229,740.00</u>
Total.....	\$934,380.00

**APPROVED**

33. **RESOLUTION AWARDING CONTRACT FOR HARDWARE AND INSTALLATION SERVICES TO LOGICALIS, INC., IN THE AMOUNT OF \$60,693.75.**

**APPROVED**

34. **RESOLUTION AWARDING CONTRACT FOR RADIO EQUIPMENT, AS FOLLOWS:**

Railcom.....	\$5,036.00
Leading Edge Wireless.....	25,221.00
Motorola c/o Integrated Communications.....	<u>37,440.00</u>
Total.....	\$67,697.00

**APPROVED**

35. **RESOLUTION AWARDING CONTRACT FOR INSULATING LINKS TO INSULATUS, INC., IN THE AMOUNT OF \$41,565.00.**

**APPROVED**

36. **RESOLUTION AWARDING CONTRACT FOR CABLE JUNCTION ENCLOSURES AND GROUND SLEEVES TO HD SUPPLY UTILITIES, LTD., IN THE AMOUNT OF \$43,455.00.**

**APPROVED**

37. **RESOLUTION AWARDING CONTRACT FOR CAPACITOR BANKS TO UTILICOR IN THE AMOUNT OF \$122,200.00.**

**APPROVED**

38. **RESOLUTION AWARDING CONTRACT FOR SOUTHERN YELLOW PINE POLES, AS FOLLOWS:**

Brown Wood Preserving Company, Inc.....	\$1,425,988.00
North Pacific.....	1,372,821.05
Nationwide Utility Poles & Supply, Inc.....	<u>1,451,061.49</u>
Total.....	\$4,249,870.54

**APPROVED**

39. **RESOLUTION AWARDING CONTRACT FOR SERVER HARDWARE AND SOFTWARE TO LOGICALIS, INC. IN THE AMOUNT OF \$101,230.24.**

**APPROVED**

40. **RESOLUTION APPROVING THE EMPLOYMENT OF STINSON MORRISON HECKER, LLP, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

**ROLL CALL MLGW FISCAL CONSENT ITEMS**

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

**APPROVED**

42. **ORDINANCE TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCES, CHAPTER 23, PARKS AND RECREATION, SECTION, 76, ESTABLISHED ENTRANCES TO BE USED, REMAINING IN PARKS AFTER MIDNIGHT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5222

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

**APPROVED**

43. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$23,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03001, SERVICE VEHICLES, TO FUND THE 10% LOCAL SHARE FOR THE PURCHASE OF FOUR SERVICE VEHICLES, FOR MEMPHIS AREA TRANSIT AUTHORITY, IN FISCAL YEAR 2008 AS PART OF THE FISCAL YEAR 2008 CAPITAL IMPROVEMENT BUDGET.**

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

**APPROVED**

44. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$45,823.00 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE INCENTIVE SERVICES GRANT. RESOLUTION ALSO AMENDS FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

45. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$355,000.00 FUNDED BY G.O. BONDS GENERAL TO CIP PROJECT #GA03004, TRANSIT CENTERS, TO FUND THE LOCAL SHARE OF A PORTION OF THE CONSTRUCTION COSTS FOR THE SOUTH INTERMODAL TERMINAL AT THE NORTHWESTERN CORNER OF AIRWAYS BOULEVARD AND BROOKS ROAD, FOR THE MEMPHIS AREA TRANSIT AUTHORITY, AS PART OF THE FISCAL YEAR 2008 CAPITAL IMPROVEMENT BUDGET.**

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

**APPROVED**

46. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$345,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03011, PARATRANSIT BUSES, TO FUND THE 11.5% LOCAL SHARE FOR THE PURCHASE OF 10 PARATRANSIT BUSES, FOR THE MEMPHIS AREA TRANSIT AUTHORITY, IN FISCAL YEAR 2008 AS PART OF THE FISCAL YEAR 2008 CAPITAL IMPROVEMENT BUDGET.**

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

**APPROVED**

47. **RESOLUTION REQUESTING THE CITY COUNCIL TO APPROPRIATE \$5,250,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03018, PREVENTIVE MAINTENANCE, TO FUND COSTS FOR MAINTENANCE OF CAPITAL ASSETS, FOR THE MEMPHIS AREA TRANSIT AUTHORITY, IN FISCAL YEAR 2008 AS PART OF THE FISCAL YEAR 2008 CAPITAL IMPROVEMENT BUDGET.**

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

**APPROVED**

48. **RESOLUTION APPROPRIATING \$595,000.00 IN GS01010, ADA FACILITY COMPLIANCE FOR PAVING AND SIDEWALK CONSTRUCTION AT VARIOUS CITY FACILITIES UNDER THE TERMS OF THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF MEMPHIS AND THE FEDERAL GOVERNMENT DEPARTMENT OF JUSTICE.**

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

**APPROVED**

49. **RESOLUTION APPROPRIATING \$3,990,000.00 IN GS01010, ADA FACILITY COMPLIANCE FOR CONSTRUCTION AT VARIOUS CITY FACILITIES UNDER THE TERMS OF THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF MEMPHIS AND THE FEDERAL GOVERNMENT DEPARTMENT OF JUSTICE.**

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

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of September 18, 2007 with the following motion:

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

**APPROVED**

50. **RESOLUTION REQUESTING APPROPRIATING AND ALLOCATING \$2.5 MILLION IN CIP FUNDS FOR THE LEGENDS PARK REDEVELOPMENT PROJECT FORMERLY KNOWN AS DIXIE HOMES, FOR FY 2008.**

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

**APPROVED**

51. **RESOLUTION AUTHORIZING AN APPROPRIATION OF \$3,000,000.00 IN FY 08 CAPITAL IMPROVEMENT FUNDS FOR THE FIRST INSTALLMENT OF THE CITY OF MEMPHIS ANTI-BLIGHT STRATEGY.**

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

**APPROVED**

MOTION: Holt – Suspend the Rules for the purpose of approving the minutes tonight for Item #51  
 SECOND: Brown

**APPROVED**, by unanimous voice vote, set up as Special Item #1

52. **RESOLUTION APPROPRIATING, ACCEPTING AND ESTABLISHING THE USE OF GRANT FUNDS IN THE AMOUNT OF \$300,000.00 FROM THE TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) HOUSING TRUST FUND, FOR PLANNED PROJECT ACTIVITIES AND THE RETROFIT PROGRAM FOR THE PHYSICALLY DISABLED, PROJECT CD90009.**

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

**APPROVED**

53. **RESOLUTION REQUESTING CITY COUNCIL APPROVAL OF THE AGREEMENT BETWEEN THE CITY OF MEMPHIS, TENNESSEE THROUGH ITS DIVISION OF PARK SERVICES AND THE PROMISE ACADEMY FOR THE LEASE OF HOLLYWOOD PARK FOR USE OF ACADEMY STUDENTS AND THE GENERAL PUBLIC. THE INITIAL TERM OF THE AGREEMENT IS TO BE FIVE (5) YEARS.**

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

**APPROVED**

54. **RESOLUTION APPROVING THE COMPLETION OF PLANS AND SPECIFICATIONS AND TAKING OF BIDS FOR THE MOTOR VEHICLE INSPECTION STATION, CIP PROJECT NUMBER PS01009, AS PART OF THE FY 2008 CAPITAL IMPROVEMENT PROGRAM AT AN ESTIMATED CONSTRUCTION COST OF \$3,353,967.00 FUNDED BY G.O. BONDS GENERAL.**

MOTION: Taylor – Delay to 10/16/07  
 SECOND: Jones  
 AYES: Ford, Hooper, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall  
 NAYS: Brittenum, Brown, Chumney and Jones  
 Cooper Taylor did not cast a vote

**APPROVED**, item delayed until 10/16/07, set up as Special Item #2

55. **RESOLUTION APPROVING THE COMPLETION OF PLANS AND SPECIFICATIONS AND TAKING OF BIDS FOR THE STREET MAINTENANCE BUILDING, CIP PROJECT NUMBER PW01168, AS PART OF THE FY 2008 CAPITAL IMPROVEMENT PROGRAM AT AN ESTIMATED CONSTRUCTION COST OF \$2,800,000.00 FUNDED BY G. O. BONDS GENERAL.**

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

**APPROVED**

56. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$293,421.00 FUNDED BY SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO CURED-IN-PLACE-PIPE, PROJECT NUMBER SW02030, FOR A CONSTRUCTION CONTRACT WITH REYNOLDS INLINER, LLC.**

Director of Public Works recommends approval

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

**APPROVED**

57. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$267,144.00 FUNDED BY GO BONDS – GENERAL FROM ASPHALT PAVING, PROJECT NUMBER PW01040 AND \$48,355.00 FROM ADA CURB RAMPS TO PAVING STREETS 2008 GROUP 3, PROJECT NUMBER PW01188. RESOLUTION ALSO APPROPRIATES \$315,499.00 FUNDED BY GO BONDS – GENERAL FOR PAVING STREETS 2008 GROUP 3, PROJECT NUMBER PW01188 FOR A CONSTRUCTION CONTRACT WITH APAC – TENNESSEE, INC.**

Director of Public Works and City Engineer recommends approval

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

**APPROVED**

58. **RESOLUTION AMENDING THE FY 08 CAPITAL IMPROVEMENT BUDGET BY ESTABLISHING AN ALLOCATION AND APPROPRIATING \$160,500.00 FUNDED BY LOCAL OTHER REVENUE FOR SAM COOPER PEDESTRIAN BRIDGE AT SEVIER, PROJECT NUMBER PW02025 FOR A CONSTRUCTION CONTRACT WITH MOUNTAIN STATES CONTRACTORS, LLC. RESOLUTION ALSO TRANSFERS A PREVIOUS ALLOCATION AND APPROPRIATES \$74,127.00 FUNDED BY GO BONDS – GENERAL FROM BRIDGE REPAIR VARIOUS LOCATIONS, PROJECT NUMBER PW02017 TO SAM COOPER PEDESTRIAN BRIDGE AT SEVIER, PROJECT NUMBER PW02025.**

Director of Public Works and City Engineer recommends approval

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

**APPROVED**

60. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF CENTRAL AVENUE AND HAYNES STREET, CONTAINING 1.13 ACRES IN THE RESIDENTIAL SINGLE FAMILY (R-S6) DISTRICT.**

Case No. PD 07-321

The Chairman recognized the following person from the audience:

William G. "Bill" Weppner, 345 Haynes St., Mphs, TN 38111

Applicant: Johnson and Emily Phillips  
 W.D. (Butch) Porter – Representative

Request: A maximum of 3 lots (two new lots to be added to the rear yard of 2877 Central Avenue)

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**, as amended in Committee

63. **RESOLUTION ESTABLISHING A POLICY FOR QUASI-GOVERNMENTAL AGENCIES TO ADHERE TO THE TENNESSEE OPEN MEETINGS LAW AND PUBLIC RECORDS ACT.**

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

**APPROVED**

**MINUTES****Approval of the Minutes of the regular meeting of October 2, 2007 for Item #51 only:**

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

**APPROVED**, item #51 only, set up as Special Item #3

69. **RESOLUTION OF SUPPORT FOR PRESERVING THE HISTORIC GRAND CAROUSEL AND ZIPPIN PIPPIN ROLLERCOASTER AS WORKING RIDES FOR THE FAMILIES AND CHILDREN OF MEMPHIS.**

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

**APPROVED**

70. **RESOLUTION REQUESTING THAT THE TENNESSEE REGULATORY AUTHORITY (TRA) DENY APPROVAL OF THE SALE OF MEMPHIS NETWORK TO COMMUNICATIONS INFRASTRUCTURE INCORPORATED (CII).**

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

**APPROVED**

71. **RESOLUTION ADDING TAYLOR BRADFORD, 21-YEAR OLD UNIVERSITY OF MEMPHIS TIGERS DEFENSIVE LINEMAN, SHOT TO DEATH ON SEPTEMBER 30, 2007, TO THE HOMICIDES ELIGIBLE REWARD PROGRAM.**

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

**APPROVED**

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

The Chairman recognized the following person from the audience:

Walter Broady, III, 4256 Ledbetter, Mphs, TN 38109

**ADJOURNED MEETING AT 6:05 P.M.**

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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:

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Deputy Comptroller/Council Records