

**MINUTES****REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****December 5, 2006****3:30 P.M. SCHEDULED SESSION****3:45 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Elder Bobby White from Temple of Deliverance Church of God In Christ. Councilwoman Holt presented Elder White 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.**

**52. RESOLUTION HONORING THE LIFE OF RAY DANIELS.**

MOTION: Sammons  
SECOND: Marshall

**APPROVED**, by unanimous voice vote

**CONSENT AGENDA – Items 1-8 & 54 may be acted upon by one motion. SEE PAGE 2071 FOR ROLL CALL**

1. **ORDINANCE AMENDING THE USE OF PUBLIC PROPERTY AND APPROVING IMPLEMENTATION OF AGREEMENT OF PURCHASE, SALE AND TRANSFER ENTERED INTO BY AND BETWEEN THE UNITED STATES POSTAL SERVICE, THE TENNESSEE BOARD OF REGENTS/STATE OF TENNESSEE AND THE CITY OF MEMPHIS. PROPERTY SHALL BE USED BY THE STATE FOR THE UNIVERSITY OF MEMPHIS CECIL C. HUMPHREYS SCHOOL OF LAW, UP FOR F I R S T READING.**

Ordinance No. 5200

**APPROVED**, on First reading

2. **ORDINANCE REZONING THE NORTH SIDE OF CLEMENTINE ROAD; +200 FEET WEST OF DARLENE STREET, CONTAINING 2.39 ACRES IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5199  
Case No. Z 06-125

**APPROVED**, on First reading

3. **ORDINANCE REZONING THE NORTHWEST CORNER OF RANGE LINE ROAD AND CORNING AVENUE, CONTAINING 13.5 ACRES IN THE PLANNED COMMERCIAL (C-P) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5197  
Case No. Z 06-123

**APPROVED**, on Second reading

4. **ORDINANCE REZONING THE EAST SIDE OF MILLINGTON ROAD; ±125 FEET SOUTH OF THE INTERSECTION OF CINDY LANE, CONTAINING 4.4 ACRES IN THE LOCAL COMMERCIAL (C-L) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5198  
Case No. Z 06-124

**APPROVED**, on Second reading

5. **RESOLUTION ACCEPTING CORDOVA-THE TOWNE PD, PH. 1, AREA A, & PART OF AREA B, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 94-301  
(Contract No. CR-3891)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northside of Macon Road, 470.01' east of Dexter Lane. The standard improvement contract was approved on November 22, 1994. Resolution also authorizes the release of the performance bond (No.108981) in the amount of \$100,000.00.

City Engineer recommends approval

**APPROVED**

6. **RESOLUTION ACCEPTING WOODDALE RIDGE SUBDIVISION, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 00-055  
(Contract No. CR-4658)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Winchester Road, 409' east of Castleman Street. The standard improvement contract was approved on September 4, 2001. Resolution also authorizes the release of the performance bond in the amount of \$154,700.00.

City Engineer recommends approval

**APPROVED**

7. **NOTATIONS FROM THE LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 06-336
- B. Case No. PD 06-340
- C. Case No. PD 06-349
- D. Case No. PD-350cc – Beacon Ridge P.D.
- E. Case No. PD 06-354 – Tournament Center P.D.
- F. Case No. SUP 06-214
- G. Case No. SUP 06-215
- H. Case No. SAC 06-619 – Barkwood Drive Closure
- I. Case No. SAC 06-627 – Poplar Ave. Washington Ave., Danny Thomas & High St.
- J. Case No. SCBID 06-08 – Tennessee Brewery Special Exceptions
- K. Case No. SAC 05-614

Public Hearing Set for December 19, 2006

8. **RESOLUTION WELCOMING ATTENDEES OF THE NEW LEADERS FOR NEW SCHOOLS CONFERENCE TO MEMPHIS.**

**APPROVED**

54. **RESOLUTION APPROVING FINAL PLAT OF SHELBY OAKS-FLETCHER CREEK S/D.**

Case No. S 06-301

Resolution approves the final plat located on the northside of Shelby Oaks North and west of Sycamore View. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT – Items 9-16 may be acted upon by one motion**

9. **RESOLUTION AWARDDING CONTRACT NO. 11138, BUILDING ADDITION FOR NORTH SERVICE CENTER BUILDING #3 AND HICKORY HILL CUSTOMER SERVICE BUILDING, TO HASCO, INC., IN THE FUNDED AMOUNT OF \$163,300.00.**

**APPROVED**

10. **RESOLUTION AWARDDING CONTRACT NO. 11139, TRAINING CENTER VAV & CONTROL UPGRADE, TO CS3, INC., IN THE FUNDED AMOUNT OF \$173,900.00.**

**APPROVED**

11. **RESOLUTION AWARDDING CONTRACT NO. 11157, STREET LIGHT POLES MAPPING AND AUDIT PROJECT, TO FURR AND ASSOCIATES, INC., IN THE FUNDED AMOUNT OF \$449,280.00.**

**APPROVED**

12. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10766, EMPLOYEE BENEFIT DENTAL PLAN, WITH DELTA DENTAL PLAN OF TENNESSEE, IN AN ESTIMATED FUNDED AMOUNT OF \$1,697,725.08. (THIS RENEWS THE CONTRACT FROM JANUARY 1, 2007 THROUGH DECEMBER 31, 2007 FOR THE THIRD TERM IN THE PREFERRED PROVIDER AND PREMIER DENTAL PLAN FOR ACTIVE EMPLOYEES AND RETIREES.)**

**APPROVED**

13. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10871, HMO BENEFIT GROUP AGREEMENT WITH AETNA U.S. HEALTHCARE, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$1,153,972.68, WITH AN INCREASE IN BOTH THE MEDICAL AND DENTAL PLANS. (THIS RENEWS THE CONTRACT FOR A FOURTH TERM BEGINNING JANUARY 1, 2007 THROUGH DECEMBER 31, 2007.)**

**APPROVED**

14. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10897, MEDICAL BENEFIT PROVIDER, WITH CIGNA HEALTHCARE, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$5,260,791.00 WITH A 4.4% RATE INCREASE. (THIS RENEWS THE CONTRACT FROM JANUARY 1, 2007 THROUGH DECEMBER 31, 2007 FOR THE ELEVENTH TERM.)**

**APPROVED**

15. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11051, ROOF MAINTENANCE, WITH B FOUR PLYED, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$80,000.00. (THIS RENEWS THE CONTRACT FOR THE FIRST TERM OF FOUR RENEWAL TERMS BEGINNING JANUARY 1, 2007 TO DECEMBER 31, 2007.)**

**APPROVED**

16. **RESOLUTION AWARDED CONTRACT FOR GROUND RODS TO STUART C. IRBY IN THE AMOUNT OF \$79,200.00.**

**APPROVED**

**ROLL CALL MLGW FISCAL CONSENT ITEMS**

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

**APPROVED**

49. **RESOLUTION CONGRATULATING ST. AGNES ACADEMY STARS, ON WINNING THE STATE CHAMPIONSHIP IN SOCCER.**

Christine Bakewell, Laura Bosi, Lauren Browning, Caroline Capacoccia, Kelly Dyer, Aly Hancock, Jessica Hiltenbrand, Aja Jenkins, Danielle Kern, Michelle Kinsella, Molly Kinsella, Megan Kinsella, Madeline Langenfelder, Carley Newman, Grace Orians, Tricia Pirozzi, Anna Robillio, Sara Catherine Ryan, Neely Slattery, Tori Taylor, Eileen Walsh, Montanna Whittington, Carleigh Stratton, Molly Glaser, Devan Langston, Meri Taylor Favi, Caylee Steward, Lauren Hutton, Cathy Strini, Kate Ryan, Ellen Fisher, Morgan Heathcock, Sarah Stringfellow and Mary Kate Walsh

MOTION: Sammons  
 SECOND: Holt

**APPROVED**, by unanimous voice vote

17. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCE, CHAPTER 33, SO AS TO CREATE THE GRAYS CREEK SEWER SERVICE DISTRICT 2, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5196

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

**APPROVED**

23. **RESOLUTION CANCELING PROPERTY TAXES FOR MOUNT CALVARY MINISTRIES INC., LOCATED AT 2086 FLORIDA, IN THE AMOUNT OF \$249.37.**

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

**APPROVED**

24. **RESOLUTION CANCELING PROPERTY TAXES FOR SWEET COMMUNITY MINISTRY, INC., LOCATED AT 0 KIMBALL AVENUE AND 3679 KIMBALL AVENUE, IN THE AMOUNT OF \$13,549.83.**

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

**APPROVED**

25. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$78,500.00 FROM THE SHELBY COUNTY DISTRICT ATTORNEY FOR THE PROJECT SAFE NEIGHBORHOOD 2006 GRANT TO PROVIDE OVERTIME, EQUIPMENT AND SUPPLIES FOR THE PSN UNIT. RESOLUTION ALSO AMENDS THE FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$78,500.00.**

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

**APPROVED**

26. **RESOLUTION APPROVING A HOTEL WAIVER FOR MOTEL 6, LOCATED AT 4000 LAMAR AVENUE, MEMPHIS, TN. 38118.**

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

**APPROVED**

27. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTHEAST CORNER OF N. WATKINS STREET AND CORNING AVENUE, CONTAINING 0.36 ACRE [15,682 SQ. FT.] IN THE LOCAL COMMERCIAL (C-L) DISTRICT.**

Case No. UV 06-011

Applicant: Artic Ice, Inc.  
 Bray-Davis Firm, LLC – Representative

Request: Use variation to allow an Ice House

OPD and LUCB recommendation: APPROVAL, with conditions

MOTION: Lowery  
 SECOND: Holt  
 AYES: Brittenum, Chumney, Ford, Holt, Lowery, Marshall, McCormick, Sammons and  
 Chairman Mitchell

Brown, Jones and Taylor did not cast a vote  
Peete recused

**APPROVED**

28. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE EAST SIDE OF HIGHWAY 61; 368.9 FT. NORTH OF FAIRWAY AVENUE, CONTAINING 8.17 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. UV 06-12

Applicant: Valley Forge LLC  
Ronald Harkavy – Representative

Request: Temporary Off-Premise Sign

LUCB and OPD recommendation: APPROVAL, with conditions

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

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

**APPROVED**, as amended in Committee

35. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF MIDLAND AVENUE AND HIGHLAND STREET, CONTAINING 10.62 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. PD 06-320

Chairman Mitchell recognized the following persons from the audience:

Eugene Bernstein, Jr., 1715 Aaron Brenner Dr., Mphs, TN 38120  
Tillman C. Carroll, 546 Ellsworth St., Mphs, TN 38111  
Richard Graham, 561 Ellsworth St., Mphs, TN 38111  
Dr. Mark Matheny, 1509 Granville Ln., Mphs, TN 38104  
Melissa Pearce, 3855 Kearney Ave., Mphs, TN 38111

Applicant: Poag & McEwen Lifestyle Centers – Memphis, LLC (Mark Granbergs)  
Ronald Harkavy – Representative

Request: A mixed use planned development consisting of retail and residential uses

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**, as amended in Committee

36. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF CENTRAL AVENUE; +177.33 FEET WEST OF ROSEWELL COVE, CONTAINING 1.68 ACRES. P.D. 94-358 AND THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT. (Held from 10/17;11/07)**

Case No. PD 06-327

Chairman Mitchell recognized the following person from the audience:

Kirk Bobo, 372 Grandview St., Mphs, TN 38111

Applicants: John and Mark Duke  
The Reaves Firm (Harvey Marcom) – Representative

Request: Amend the existing Planned Development to add two residential lots

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Marshall

AYES: Brittenum, Brown, Holt, Jones, Lowery, Marshall, McCormick and Sammons

NAYS: Chumney and Chairman Mitchell

Ford and Taylor did not cast a vote

Peete recused

**APPROVED**, as amended in Committee

51. **RESOLUTION COMMENDING MR. JORIS M. RAY, FOR HIS LEADERSHIP AS DIRECTOR OF THE DIVISION OF ALTERNATIVE SCHOOLS.**

MOTION: Mitchell

SECOND: Peete

**APPROVED**, by unanimous voice vote

50. **RESOLUTION CONGRATULATING THE GEORGIAN HILL COUGARS FOOTBALL TEAM, ON WINNING THE MIAA AND TMSAA CHAMPIONSHIPS.**

Arthur Smith, Andrew Thomas, Josh Jones, Jeremy Grooms, Javelin Lott, Devin Houston, Sentrovous Huey, Verderick Ball, Donald Smith, Calvin Holloway, Russell Hawkins, Xzavier Davis, Cameron Mayfield, Joshua Benjamin, Juwan Fields, Shunvontay Armstrong, DeAndre' Wray, Timothy Robinson, Tyler Robinson, Irvin Ewing, Deshawn Ford, Keandre Jones, Dontavius Williams and Coach Marron Thomas, Assistant Coach Jimmy Chambers, Volunteer Eric Conrad and Georgian Hills Jr. High School Principal Ms. Rosalind Martin

MOTION: Sammons

SECOND: Jones

**APPROVED**, by unanimous voice vote

53. **RESOLUTION ESTABLISHING THE RATE OF PAY FOR CITY OF MEMPHIS PART-TIME AND TEMPORARY EMPLOYEES AGED 18 AND UP AT A MINIMUM OF \$10.00 AN HOUR.**

MOTION: Marshall

SECOND: Holt

AYES: Brittenum, Brown, Chumney, Ford Holt, Jones, Lowery, Marshall, McCormick, Peete, Taylor and Chairman Mitchell

Sammons did not cast a vote

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of November 21, 2006

MOTION: Holt

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

**APPROVED**

55. **RESOLUTION EXTENDING A MORATORIUM ON ADULT ORIENTED BUSINESSES WITHIN THE CORPORATE LIMITS OF THE CITY OF MEMPHIS UNTIL JUNE 30, 2007.**

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

**APPROVED**

37. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF WOLF RIVER AND SUMMER AVENUE (U.S. HIGHWAY 70), CONTAINING 7.628 ACRES IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT.** (Held from 11/07).

Case No. PD 06-334

Applicant: 5325 Summer Avenue Properties, LLC  
Brenda Solomito – Representative

Request: Planned development to create six lots for commercial/office uses

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery – The name of William Thomas is not being considered with this application and nothing that he has is before us today on this matter and delete Lot #7

SECOND: Jones

**NO ACTION WAS TAKEN ON THIS MOTION**

MOTION: Marshall – Delay this case for two weeks until such time Attorney Wade can give us something in writing that describes these events that we can read on a piece of paper and better understand the ramifications, not only what’s transpired and how we may or not have broken protocol, but also give us an understanding of what it means to take something out verses leaving something in, what it might mean to the future of billboards for those of us who may wish to vote for them or may wish to vote against them and to fully understand what rights Mr. Thomas may or may not have in this matter because quite honestly this is far more complicated than I believe we’re going to be able to discern here tonight

SECOND: Sammons

Friendly Amendment: Ask City Attorney Hall to also review this matter

Marshall accepted this as a Friendly Amendment

**MOTION WITHDRAWN BY MARSHALL**

Set up as Special Item #1 for this motion

MAIN MOTION: Marshall – Lay this on the table for two weeks pursuant to my previous motion and hear from our attorney before we make a decision on this

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Jones, Marshall, McCormick, Sammons, Taylor and Chairman Mitchell

NAYS: Holt and Lowery  
Ford and Peete recused

**APPROVED**, Special Item #1 – Held until December 19, 2006

29. **PUBLIC HEARING IN CONNECTION WITH ANNEXATION**

Chairman Mitchell recognized the following person from the audience:

Lois Bailey, 7020 Country Walk Dr., Cordova, TN 38018

- A. ORDINANCE to extend the boundaries of the city limits of the City of Memphis and to establish the services to be delivered and the projected timing of the services for the proposed Southeast Extended Annexation Area. (Held from 10/17; 11/21)
- B. ORDINANCE to extend the boundaries of the city limits of the City of Memphis and to establish the services to be delivered and the projected timing of the services for the proposed Bridgewater Annexation Area. (Held from 10/17; 11/21)

**NO VOTE WAS REQUIRED**

18. **ORDINANCE EXTENDING 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 SOUTHEAST EXTENDED ANNEXATION AREA AND ASSIGNING SAID AREA TO A COUNCIL DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Held from 11/21)

Ordinance No. 5191

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

**FAILED**

19. **ORDINANCE EXTENDING 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 BRIDGEWATER ANNEXATION AREA 1 AND ASSIGNING SAID AREA TO A COUNCIL DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Held from 11/21)

Ordinance No. 5192

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

**FAILED**

20. **ORDINANCE EXTENDING 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 BRIDGEWATER ANNEXATION AREA 2 AND ASSIGNING SAID AREA TO A COUNCIL DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Held from 11/21)

Ordinance No. 5193

MOTION: Holt  
SECOND: Lowery

AYES: Lowery and Chairman Mitchell  
 NAYS: Chumney, Ford, Holt, Jones, McCormick, Sammons and Taylor  
 Brittenum, Brown, Marshall and Peete recused

**FAILED**

21. **ORDINANCE EXTENDING 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 BRIDGEWATER ANNEXATION AREA 3 AND ASSIGNING SAID AREA TO A COUNCIL DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Held from 11/21)

Ordinance No. 5194

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

**FAILED**

22. **ORDINANCE EXTENDING 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 OB THE STATE OF TENNESSEE FOR 1955, AS AMENDED, BY ANNEXING BRIDGEWATER ANNEXATION AREA 4 AND ASSIGNING SAID AREA TO A COUNCIL DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Held from 11/21)

Ordinance No. 5195

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

**FAILED**

**THE FOLLOWING ITEMS 30-34 WERE DROPPED**

30. **RESOLUTION APPROVING A PLAN OF SERVICES FOR THE SOUTHEAST EXTENDED ANNEXATION AREA.** (Held from 11/21)

**DROPPED**

31. **RESOLUTION APPROVING A PLAN OF SERVICES FOR THE BRIDGEWATER ANNEXATION AREA 1.** (Held from 11/21)

**DROPPED**

32. **RESOLUTION APPROVING A PLAN OF SERVICES FOR THE BRIDGEWATER ANNEXATION AREA 2.** (Held from 11/21)

**DROPPED**

33. **RESOLUTION APPROVING A PLAN OF SERVICES FOR THE BRIDGEWATER ANNEXATION AREA 3.** (Held from 11/21)

**DROPPED**

34. **RESOLUTION APPROVING A PLAN OF SERVICES FOR THE BRIDGEWATER ANNEXATION AREA 4.** (Held from 11/21)

**DROPPED**

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

**APPROVED**, items 30-34 dropped

38. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF COLONIAL ROAD; +408 FEET NORTH OF POPLAR AVENUE, CONTAINING 1.77 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. PD 06-346

Applicant: Vince Smith  
 ETI Corporation – Representative  
 Request: Planned development to create eleven (11) Single Family lots (minimum lot size 5,000 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**, as amended in Committee

39. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF EAST SHELBY DRIVE +/-1,020.39 FEET WEST OF HACKS CROSS ROAD, CONTAINING 1.86 ACRES IN SHELBY WOODLANDS PLANNED DEVELOPMENT, 2<sup>ND</sup> AMENDMENT.**

Case No. PD 06-351cc

Applicant: Tower Ventures V, LLC  
 Billy Orgel – Representative  
 Request: Planned development amendment to allow a monopole cellular tower one-hundred eighty feet (180') in height to accommodate six (6) co-locations (carriers) within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

40. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED +150 FEET SOUTH OF THE INTERSECTION OF GREY'S SONG AND GREY'S HOLLOW DRIVE, CONTAINING 68.85 ACRES IN THE AGRICULTURAL (AG), AGRICULTURAL FLOOD PLAIN (AG[FP]) AND FLOODWAY (FW) DISTRICTS.**

Case No. PD 06-352cc

Applicant: Gardens of Grays Hollow, LLC  
Ronald Harkavy – Representative

Request: Planned development to permit 170 single family detached lots (lot size range between approximately 6,000 and 13,000 square feet)

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

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

**APPROVED**

48. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTHWEST CORNER OF CARNES AVENUE AND GREER STREET, CONTAINING 0.23 ACRE IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.** (Held from 11/07).

Case No. UV 06-10

Chairman Mitchell recognized the following persons from the audience:

Betty Jones, 2389 Lynnfield Rd., Mphs, TN 38119  
Michael Seay, 1226 Goodman Cr. West., Mphs, TN 38111  
Trammel White, 707 Ivez, Mphs, TN 38111  
Ben O. Jones, 3245 Chisca, Mphs, TN 38111  
Julia Rogers, 5950 Brierhaven Cv., Mphs, TN 38120  
Sandra K. Gannawag, 6901 Fox Gap, Mphs, TN 38141  
Early Ueal, 3097 Carnes, Mphs, TN 38111  
Lisa Jorgensen, 743 Beasley, Mphs, TN 38111  
Robert Sutton, 3169 Spottswood Ave., Mphs, TN 38111  
Tom Borek, 658 South Greer, Mphs, TN 38111

Applicant: Ralph and Betty Jones

Request: Neighborhood Convenience Store

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

MOTION: Chumney – Back parking lot be gated and locked when the store is closed  
SECOND: Holt  
AYES: Chumney, Ford, Holt, Lowery, Sammons, Taylor and Chairman Mitchell  
NAYS: Brown  
Brittenuum, Jones, Marshall and McCormick did not cast a vote  
Peete recused

**APPROVED**, Special Item #2

MOTION: Holt – Allow the sale of tobacco and lottery tickets and remove the requirement for a gated fence  
SECOND: Brown  
AYES: Brown, Ford, Holt, Lowery, Sammons, Taylor and Chairman Mitchell  
NAYS: Chumney and McCormick  
Brittenuum, Jones and Marshall did not cast a vote  
Peete recused

**APPROVED**, Special Item #3

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

**APPROVED**, as amended

**THE FOLLOWING ITEMS WERE CALLED TOGETHER BY THE COMPTROLLER**

43. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING AT NEW HORN LAKE ROAD AND EXTENDING WESTWARDLY 1,840 FEET, CONTAINING 1.69 ACRES IN THE HEAVY INDUSTRIAL (I-H) AND HEAVY INDUSTRIAL (I-H[FP]) FLOODPLAIN DISTRICTS.**

Case No. SAC 06-620

Applicant: Canadian National Railroad Company  
 George Holliday – Representative

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

**APPROVED**

44. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN RIVERGATE ROAD AND OLD HORN LAKE ROAD, CONTAINING 1.41 ACRES IN HEAVY INDUSTRIAL (I-H) AND HEAVY INDUSTRIAL (I-H[FP]) FLOODPLAIN DISTRICTS.**

Case No. SAC 06-621

Applicant: Canadian National Railroad Company  
 George Holliday – Representative

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

**APPROVED**

45. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING 3,040 FEET EAST OF RIVERPORT ROAD, EXTENDING EAST TO A POINT 2,060 FEET WEST OF NEW HORN LAKE ROAD, IN THE RIVERGATE INDUSTRIAL PARK/HEAVY INDUSTRIAL I-H[FP]) FLOODPLAIN DISTRICTS.**

Case No. SAC 06-622

Applicant: Canadian National Railroad Company  
 George Holliday – Representative

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

**APPROVED**

MOTION: Lowery  
 SECOND: McCormick  
 AYES: Brown, Chumney, Holt, Lowery, McCormick, Sammons, Taylor and Chairman Mitchell

Brittenum, Ford, Jones and Marshall did not cast a vote  
Peete recused

**APPROVED**, items 43, 44 & 45

42. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON MILLER ROAD AT LAMAR AVENUE, CONTAINING 20,342 SQUARE FEET IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. SAC 06-615

Applicant: BNSF Railroad

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

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

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

**APPROVED**

41. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON STEPHERSON ROAD AT LAMAR AVENUE, CONTAINING 1.2 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. SAC 06-614

Applicant: BNSF Railroad

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

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

**APPROVED**

46. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING ±51 FEET EAST OF TWELFTH STREET, CONTAINING 12,806 SQUARE FEET IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. SAC 06-623

Applicant: C & C, LLC

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

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Holt

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

**APPROVED**

47. **RESOLUTION APPROVING A SUBDIVISION REVOCATION LOCATED ON THE SOUTH SIDE OF BYRON DRIVE, 143 FEET EAST OF NEELY ROAD.** (Held from 11/7)  
Case No. SR 06-901

Owner/Applicant: Amazing Grace Missionary Baptist Church

Request: Revoke the Byron Estates Subdivision for construction of a new church

OPD and LUCB recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Holt

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

**APPROVED**

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

Chairman Mitchell recognized the following persons from the audience:

- Gladys Adams, 1136 Finch Dr., Mphs, TN 38127
- Alma Morris, 981 Alaska St., Mphs, TN 38107
- Vera Redwing, 2907 Copper Ridge Cv., Mphs, TN 38134

**ADJOURNED MEETING AT 8:20 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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CHAIRMAN

Attest:

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