



CITY OF MEMPHIS

COUNCIL AGENDA

March 21, 2006

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (March 7, 2006)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE - SECOND READING (none)

ZONING ORDINANCE - FIRST READING (none)

ZONING ORDINANCES - SECOND READING (none)

ENGINEERING

1. RESOLUTION approving final plat of ANGEL PLANNED DEVELOPMENT.
Case No. PD 05-347

Resolution approves the final plat located at the terminus of Cowden Avenue and Greer Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving final plat of M.L. NIX SUBDIVISION.
Case No. S 05-037

Resolution approves the final plat located at the terminus of Oakley and Highland. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

3. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 05-386 – Martin P.D.

Located on the northside of Wilburn Avenue; beginning 1006.4 feet east of Mendenhall Road, containing 0.24 acre in the Single Family Residential (R-S6) District

Applicant: DLM Enterprises
Ghassemi & Associates - Representative

Request: 2 Lot Residential Infill Subdivision

LUCB and OPD recommendation: APPROVAL, subject to conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: April 11, 2006

GENERAL ITEMS

4. RESOLUTION approving temporary structures on the street on Saturday, April 22, 2006 from 7:00 a.m. to 12:00 p.m. for Youth Villages 5K Run/Walk.

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving temporary structures on the street on Saturday, April 29, 2006 from 6:00 a.m. to 6:00 p.m. for Backyard Burners' Barbeque Cooking Contest and Jazz Showcase.

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving temporary structures on the street on Friday, June 9, 2006 from 5:00 p.m. to 10:00 p.m. for Gibson Guitar/Baldwin Piano 5K Run.

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving temporary structures on the street on Wednesday, June 21, 2006 from 4:00 p.m. to 10:00 p.m. for Daimler Chrysler Concept Reveal.

ACTION REQUESTED: Adopt the resolution



CITY OF MEMPHIS

COUNCIL AGENDA

March 21, 2006

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

MLGW FISCAL CONSENT

8. RESOLUTION approving expenditure of funds to Nashville Electric Service for Contract No.C1190, Mutual Aid Agreement, in the funded amount of \$66,130.88.
9. RESOLUTION awarding Contract No. 11072, Employee Assistance Program, to Methodist Healthcare, Inc., in an estimated funded amount of \$28,500.00.
10. RESOLUTION approving Expedited Procurement Request for Change No. 1 to Contract No. 11028, Security Services, with CDA, Inc., in an estimated funded amount of \$2,357,164.18. (This covers additional manpower expenses and renews the contract for the first term, 4/1/06 to 3/31/07.)
11. RESOLUTION approving Expedited Procurement Request for Change No. 1 to Contract No. 11055, Filter Building Improvements at Morton Station, with Chris Hill Construction Company, LLC, in the funded amount of \$72,900.00. (This covers emergency filter repair.)
12. RESOLUTION awarding contract for one S & C Electric pad-mounted source transfer switch PMH-9 to Tennessee Valley Electric Supply Company, in the amount of \$46,690.00.
13. RESOLUTION awarding 36-month contract for URD secondary cable to Prysmian Cables and Systems, in the amount of \$4,497,310.00.



CITY OF MEMPHIS

COUNCIL AGENDA

March 21, 2006

Public Session, Tuesday, 3:30p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

14. APPOINTMENTS (Held from 2/21)
Marshall

PENSION BOARD

Appointment

Michael Jubirt

GENERAL ORDINANCES - THIRD AND FINAL READING

15. **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 T H I R D and F I N A L reading.(Held from 10/11; 10/25;11/1; 12/6; 1/03; 1/17; 2/21; 3/7)
Sammons Ordinance No. 5133

ACTION REQUESTED: Take whatever action Council deems advisable

16. **ORDINANCE** amending the City of Memphis Code of Ordinances, Chapter 33 Article IV, Division 3, Storm Water Enterprise Fund, to revise the Rate Schedule and to specify an Implementation Date, up for T H I R D and F I N A L reading.
Jones Ordinance No. 5157

Director of Public Works recommends approval

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (none)

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

17. **RESOLUTION** approving the purchase of easement rights from Turner Ashby Wingo, for the sum of \$62,040.00 for 1.551 acres located on the south side of Keough Road at the Shelby County and Fayette County dividing line.
Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES

- 18. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring a previous allocation and appropriation of \$3,890.00 funded by G.O. Bonds General from Architect and Engineering to Other Costs in CIP Project #GA04011, Laboratory Renovation/Upgrade. Resolution also amends the FY 2006 Capital Improvement Budget by transferring previous allocations of \$1,051.00 from CIP Project #GA04011, Laboratory Renovation/Upgrade, \$4,651.00 from CIP Project #GA04007, Laboratory Information System and \$21,000.00 from CIP Project #GA04012, Amsco Autoclave, funded by G.O. Bonds General to establish new CIP Project #GA04032, Atomic Absorption Spectrometer. Resolution also appropriates \$26,702.00 funded by G.O. Bonds General for the purchase of equipment for Memphis and Shelby County Health Department's Central Laboratory.

Brown

ACTION REQUESTED: Adopt the resolution

- 19. RESOLUTION appropriating \$114,222.00 funded by G.O. Bonds-General, in CIP Project #GA04022, Laboratory Equipment for the purchase of various pieces of laboratory equipment for Memphis and Shelby County Health Department.

Brown

ACTION REQUESTED: Adopt the resolution

- 20. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring a previous allocation of \$21,945.00 funded by G.O. Bonds-General from Furniture Fixture and Equipment in CIP Project #GA04020, Laboratory Refrigerators to Other Costs in CIP Project #GA04025, Laboratory Renovation for laboratory renovations and upgrade. Resolution also appropriates \$40,810.00 funded by G.O. Bonds-General in CIP Project #GA04025, Laboratory Renovation for renovations and upgrade costs for Memphis and Shelby County Health Department.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (none)

ZONING ORDINANCES - THIRD AND FINAL READING

- 21. ORDINANCE rezoning the northeast corner of Mill Avenue and Seventh Street, containing 0.78 acre in the Mixed Use(MU) & Moderate Density Residential (MDR) Districts, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5158
Case No. Z 05-137

Applicant: MLB-Uptown LLC
S R Consulting – Representative

Request: Moderate Density Residential (MDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

49 NOTICES MAILED ON MARCH 10, 2006

- 22. ORDINANCE rezoning the southeast corner of Pennsylvania Avenue and Illinois Avenue, containing 2.02 acres in the Heavy Industrial (I-H) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5159
Case No. Z 05-140

Applicant: Pennsylvania Ave., LLC

Request: Bluffview Residential (R-B) District

LUCB and OPD recommendation: APPROVAL of the Bluffview Residential (R-B) District

ACTION REQUESTED: Take whatever action Council deems advisable

24 NOTICES MAILED ON MARCH 10, 2006

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

23. RESOLUTION approving a planned development located on the northwest corner of Mendenhall Road and Cole Road; extending +587.98 feet to the south, containing 2.93 acres in the Single Family Residential (R-S10) District.

Peete Case No. PD 05-369

Applicant: Donatti Construction, LLC
Steve Vescovo – Representative

Request: A maximum of 12 residential lots and one open space lot

LUCB and OPD recommendation: APPROVAL of a maximum of 10 lots with one open space lot

ACTION REQUESTED: Take whatever action Council deems advisable

64 NOTICES MAILED ON MARCH 10, 2006

24. RESOLUTION approving a planned development located on the east side of Clarke Road; +195 feet north of Knight Arnold Road, containing 6.15 acres in the Single Family Residential (R-S6 & R-S8) Districts. (Held from 3/7)

Peete Case No. PD 05-380

Applicant: Jamar Investments
ETI (Ralph Smith) – Representative

Request: A maximum of 31 residential lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

67 NOTICES MAILED ON FEBRUARY 24, 2006

25. RESOLUTION approving a planned development Located on the northeast corner of Highland Street and Central Avenue, containing 1.29 acres in the Single Family Residential (R-S6) District.

Peete Case No. PD 05-382

Applicant: Makowsky, Ringel, Greenberg, LLC
Ronald Harkavy – Representative

Request: A maximum of 40 condominium units in a 4-story building with a parking garage

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

196 NOTICES MAILED ON MARCH 10, 2006

26. RESOLUTION approving a planned development located on the south side of Centennial Drive; +/-200 feet west of Hackscross Road, containing 1.7 acres in an area currently governed by Area 'D' of Winchester/Hackscross Road Planned Development, 3rd Amendment (PD 05-383cc).

Peete

Case No. PD 03-383cc

Applicant: Michael A. Lightman, Robert T. Levy & John R. Lightman
Trustees
ETI Corporation – Representative

Request: Planned development amendment to allow motor vehicle services in Area 'D' of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

32 NOTICES MAILED ON MARCH 10, 2006

27. RESOLUTION approving an appeal located on the east side of Germantown Parkway, 228 feet south of Rockcreek Parkway.

Peete

Case No. PD 02-314
(Companion Case: Z 1692)

Appellant: Countrywood Neighborhood Association

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 2/9/06 which approved on the request of Family Value Property, LLC to construct a private drive to tie into the adjoining Village Green Shopping Center along the planned development north boundary

LUCB recommendation: APPROVAL of the private drive

OPD recommendation: HOLD for a traffic study

23 NOTICES MAILED ON MARCH 10, 2006

28. RESOLUTION approving an appeal located on the south side of Rockcreek Parkway, 800 feet east of Germantown Parkway.

Peete

Case No. Z 1692
(Companion Case: PD 02-314)

Appellant: Countrywood Neighborhood Association

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 2/9/06 which approved the request of Family Values Property, LLC to construct a private drive to tie into the adjoining First Assembly of God Planned Development along the shopping center south boundary

LUCB recommendation: APPROVAL of the private drive

OPD recommendation: HOLD for a traffic study

ACTION REQUESTED: Take whatever action Council deems advisable

23 NOTICES MAILED ON MARCH 10, 2006

29. RESOLUTION approving a subdivision appeal located on the northside of Grove Park Circle; beginning 370 feet west of Grove Park, containing 1.01 acres in the Single Family Residential (R-S10) District. (Held from 1/17)

Peete

Case No. S 05-032

Appellant: David M. Dunlap

Request: Appeal to overturn the action of the Land Use Control Board approving the 2 Lot Preliminary Plat for the Resubdivision of Lot 127, Laurelwood Subdivision

LUCB and OPD recommendation: APPROVAL, with three (3) conditions and one (1) design modification

ACTION REQUESTED: Take whatever action Council deems advisable

21 NOTICES MAILED ON JANUARY 6, 2006

30. RESOLUTION approving a street/alley closure located on Kentucky Street at Railroad Avenue, containing 8,869 square feet. (Held from 3/7)

Peete

Case No. SAC 05-625

Applicant: City of Memphis
Wayne Gaskins, City Engineer

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the resolution

14 NOTICES MAILED ON FEBRUARY 24, 2006

PRESENTATIONS AND RECOGNITION OF VISITORS

31. RESOLUTION congratulating Gedeon McKinney for his participation in American Idol.

Mitchell

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

32. RESOLUTION awarding 36-month contract for rental of copy machines as follows: (Held from 3/7).

MLGW Fiscal
Consent

Nova Copy, Inc.....	\$125,580.96
The Office Product Store.....	260,863.20
Ikon Office Solutions.....	<u>102,240.00</u>
Total.....	\$ 488,684.16

33. RESOLUTION encouraging the appointment of a West Tennessean to the TVA Board.
Mitchell

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION approving a subdivision appeal located on the north side of Smithson Trail, containing 13.17 acres in the Agricultural (AG) District. **(This item was pulled from the minutes of 2/21/06 on 3/7/06 and sent back to Committee on 3/21/06).**

Peete

Case No. S 05-061cc

Applicant/Appellant: Fred Elam
Frank P. Palumbo, Jr. – Representative

Request: Appeal to overturn action of the Land Use Control Board requiring the dedication and installation of dry sanitary sewer lines and the dedication and improvement of a stub street to the north property line

LUCB and OPD recommendation: APPROVAL, subject to 4 variances, 16 conditions and 3 design changes

ACTION REQUESTED: Take whatever action Council deems advisable

17 NOTICES MAILED ON JANUARY 20, 2006

35. RESOLUTION declaring March 23, 2006 as “Tiger Blue and Gray Day” throughout the City of Memphis.

Mitchell

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION adopting a Hazard Mitigation Plan as the first step in a long term commitment to mitigation as a means of reducing the human and economic costs of natural and manmade disasters of the citizens of Memphis, Tennessee.

Chumney

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. & 2 – Approved
- 3. Public Hearing Set for April 11, 2006
- 4. 12 – Approved
- 13. Held until April 11, 2006
- 14. Withdrawn
- 15. Approved
- 16. Held until April 11, 2006
- 17. Through 22 – Approved

ADD-ONS

23. Held until April 11, 2006
24. Approved, as amended
25. Approved
26. Approved, as amended
27. & 28 – Held until April 11, 2006
29. Held until April 11, 2006, due this case being in Chancery Court
30. Failed
31. Approved
32. Held until April 11, 2006
33. Approved
34. Failed
35. & 36 – Approved

ACTION TAKEN ON THE MINUTES OF MARCH 7, 2006 MEETING

Approved