



CITY OF MEMPHIS

COUNCIL AGENDA

July 24, 2007

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 (July 10, 2007)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 5, Code of Ordinances, City of Memphis, to update and amend regulations regarding Animals and Fowl, up for F I R S T reading.

Brown

Ordinance No. 5214

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING

2. **ORDINANCE** amending Chapter 2, Article I, Section 2-4, of the Code of Ordinances regarding Background Checks for Fire Protection Personnel, up for S E C O N D reading.

Lowery

Ordinance No. 5213

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

3. **ORDINANCE** rezoning the east side of Elvis Presley Boulevard; +205 feet north of Laudeen Drive, containing 0.27 acre in the Single Family Residential (R-S10) District, up for F I R S T reading.

Lowery

Ordinance No. 5215

Case No. Z 07-109

Applicant: Vontyna Winfrey
Royston Consultants (Evelyn Royston) – Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

4. **ORDINANCE** rezoning the north side of Park Avenue; +240 feet east of Grand Street, containing 0.1190 acre in the Local Commercial (C-L) District, up for F I R S T reading.

Lowery

Ordinance No. 5216

Case No. Z 07-108

Applicant: James Bolden
Charles Hunt, Jr. – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING (None)

ENGINEERING

- 5. RESOLUTION approving final plat of WOLF RIVER BLUFFS P.D., PHASE 1.
Case No. PD 05-377
Contract No. CR-5083

Resolution approves the final plat located on the north side of James Road at McLean Blvd. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 6. RESOLUTION approving final plat of CENTRAL ONE SUBDIVISION.
Case No. S 06-071

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

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 7. RESOLUTION approving final plat of CHRIST COMMUNITY SUBDIVISION.
Case No. S 06-053

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

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. **NOTATIONS FROM OPD**

NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

- A. Case No. PD 96-346 – Cordova Village Mini Storage P.D.

Located on the north side of Autumn Circle Drive, +435 feet west of Germantown Parkway

Appellant: Extra Space Storage

Request: A detached sign 30 feet tall and 175 square feet in area to advertise the existing self storage facility

LUCB and OPD recommendation: REJECTION

- B. Case No. SAC 06-602 – North Second Street Alley

Located on North Second Street; between Auction Avenue and North Parkway Avenue, containing 0.85 acre in the Mixed Use (MU) District

Applicant: ALSAC/St. Jude

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

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. SAC 07-605 – Merton Street Closure

Beginning 151 feet south of Calvert Street; extending to Peres Avenue, containing 28,758 square feet in the Multiple Dwelling Residential (R-MM) District

Applicant: Goodwill Village, LLC
Lisa Agent – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SAC 07-606 – Madewell Avenue Closure

Beginning at the north side of Dellwood Avenue, containing 1.106 acres in the Multiple Dwelling Residential (R-MM) District

Applicant: Alco Greenbriar Partners, L.P.
Cindy Reaves, SR Consulting – Representative

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 7, 2007

GENERAL ITEM

9. RESOLUTION approving temporary structures on the street on September 3, 2007 from 7:30 am. to 12:00 p.m. for Chick-fil-A 5K Run.

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

10. RESOLUTION awarding Contract No. 11194, Aerial Patrol of Gas Transmission Lines, to Tennessee Helicopter Services, Inc., in an estimated funded amount of \$28,140.00.
11. RESOLUTION awarding contract for SONET multiplexers to General Electric Company (GE Multilin), in the amount of \$270,268.00.
12. RESOLUTION awarding contract for server hardware and software to Logicalis, Inc., in the amount of \$234,523.46.
13. RESOLUTION awarding contract for KCMIL class "A" wire to Stuart C. Irby, in the amount of \$305,883.19.
14. RESOLUTION awarding contract for corporate network upgrade to Venture Technologies, in the amount of \$268,456.00.
15. RESOLUTION awarding contract for cab and chassis to Mid-America International Trucks, in the amount of \$1,100,206.00.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

16. **APPOINTMENT**

Taylor

Administrative Judge

Appointment

Tarik B. Sugarmon

GENERAL ORDINANCES - THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

17. RESOLUTION canceling taxes in the total amount of \$2,906.48 for property located at 714 Ayers, identified as parcel number 021-013-036 for the tax years 2005, 2004, 2003.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES

18. RESOLUTION to recognize certain positions as appointed and exempt from civil service and to clarify the status of these employees. (Held from 7/10)

Lowery

ACTION REQUESTED: Adopt the resolution

LAW DIVISION (None)

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

- 19. RESOLUTION to receive and appropriate \$46,000.00 from the State of Tennessee to be used to purchase books and materials for the Memphis Public Library.

Brown

ACTION REQUESTED: Adopt the resolution

- 20. RESOLUTION authorizing second amendment to the lease agreement with Cargill, Incorporated, dated October 9, 1992, as approved by the Board of Commissioners of the Memphis and Shelby County Commission on March 15, 2007.

Brittenum

Contract No. CR-5082

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (None)

ZONING ORDINANCES - THIRD AND FINAL READING

- 21. ORDINANCE rezoning the southeast corner of Whitebrook Drive and Old Getwell Rd., containing 3.87 acres in the Highway Commercial (C-H) District, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5211
Case No. Z 07-104

Applicant: Najib H. Makarem
Larry Fleming - Representative

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

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

24 NOTICES MAILED ON JULY 13, 2007

- 22. ORDINANCE rezoning the east side of Elvis Presley Boulevard; +/-290 feet north of Laudeen Drive, containing .27 acre {11,760 Sq. Ft.} in the Single Family Residential (R-S10) District, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5212
Case No. Z 07-105

Applicant: William C. Pilot
Royston Construction Consultants - Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

47 NOTICES MAILED ON JULY 13, 2007

DIVISION OF PLANNING & DEVELOPMENT

- 23. RESOLUTION approving a hotel waiver for Wyndham Hotel located at 300 N. Second Street, Memphis, TN 38105.

Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

- 24. RESOLUTION approving a planned development located on the northwest corner of S. Perkins Road and Dunn Avenue, containing 11.883 square feet in the Single Family

Residential (R-S6) District.

Lowery

Case No. PD 07-315

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

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

79 NOTICES MAILED ON JULY 13, 2007

- 25. RESOLUTION approving a one year time extension located on Riverbrook Drive & Pinebrook Drive @ Millbranch Road, containing 166,198 square feet/3.8 acres and 68'/148' x approximately 3,380' (0.64 mile) -Width x Length of R.O.W., in the Street right-of-way ~ Highway Commercial (C-H) District. (Held from 7/10)

Lowery

Case No. SAC 03-611
(Previously SAC 07-601)

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

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

6 NOTICES MAILED ON JUNE 29, 2007

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

GENERAL ITEM

- 26. RESOLUTION amending the Fiscal Year 2008 O&M Budget by \$50,000.00 to support the building of infrastructure of Our Stories Films, contingent upon a match from Shelby County Government and continuing support in the same amount for Fiscal Years 2009 and 2010.

Brittenuum

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

- 27. RESOLUTION welcoming and recognizing the presence of The Africa Channel on Comcast Cable Network.

Cooper Taylor

ACTION REQUESTED: Adopt the resolution

- 28. RESOLUTION approving an honorary street name change on Monroe Avenue in Memphis between Riverside Drive and Third Street be designated as the "Charlie Vergos Parkway."

Sammons

ACTION REQUESTED: Adopt the resolution

- 29. RESOLUTION approving a hotel waiver for Doubletree Hotel Memphis Downtown at 185 Union Avenue, Memphis, TN. 38103.

Lowery

ACTION REQUESTED: Adopt the resolution

- 30. RESOLUTION approving engineering plans of ACME BRICK COMPANY, MACON ROAD SEWER EXTENSION.

Consent

Contract No. CR-5084

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

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 31. RESOLUTION approving the SUPPLEMENTAL AGREEMENT #1 to UNIVERSITY PLACE PHASE 1, STREET AND DRAINAGE IMPROVEMENTS.

Consent

Contract No. CR-5034AM

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

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 32. RESOLUTION accepting CAROLINA LOFTS and authorizing release of bond.

Consent

Case No. SCBID 04-07
(Contract No. CR-4892)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of Carolina Avenue and Kansas Street. The standard improvement contract was approved on October 5, 2004. Resolution also authorizes the release of the performance bond in the amount of \$106,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ADD-ONS

33. RESOLUTION approving final plat of NORTHERN ANDREWS SUBDIVISION.
Consent Case No. S 07-005

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

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

34. ORDINANCE amending Chapter 24, Article III, of the Code of Ordinances to update and amend regulations regarding Junk and Scrap Dealers, up for F I R S T reading.
Consent Ordinance No. 5217

ACTION REQUESTED: Adopt the ordinance on First reading

35. RESOLUTION amending the City of Memphis Personnel Manual, Section 66-30 to allow permanent, full-time City of Memphis employees to accrue vacation time for up to 12 months during active military service.
Sammons

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 7 - Approved
- 8. Public Hearing Set for August 7, 2007
- 9. Through 20 - Approved
- 21. Failed
- 22. Through 25 - Approved
- 26. Held until August 7, 2007
- 27. Approved
- 28. Held until August 7, 2007
- 29. Through 35 - Approved

ACTION TAKEN ON THE MINUTES OF JULY 10, 2007 MEETING

Approved