



CITY OF MEMPHIS

COUNCIL AGENDA

August 2, 2005

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 19, 2005)

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (none)

GENERAL ORDINANCES - SECOND READING

1. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Plumbing Code** of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance #248 on August 27, 2001 and by the County of the City of Memphis on September 4, 2001 in Ordinance # 4890, so as to make certain changes as hereinafter set out and providing an effective date, up for S E C O N D reading.(Held from 7/19)

Marshall

Ordinance No. 5120

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Mechanical Code** of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance #247 on August 27, 2001 and by the Council of the City of Memphis in Ordinance #4891 on September 4, 2001 so as to make certain changes as hereinafter set out and establish an effective date therefore, up for S E C O N D reading.(Held from 7/19)

Marshall

Ordinance No. 5121

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Building Code** of Memphis and Shelby County, as last adopted by the Shelby County Board of Commissioners in Joint Ordinance No. 244 on August 27, 2001 and the Council of the City of Memphis in Ordinance No. 4549 on September 4, 2001, so as to make certain changes as hereinafter set out and establish an effective date therefore, up for S E C O N D reading.(Held from 7/19)

Marshall

Ordinance No. 5122

ACTION REQUESTED: Adopt the ordinance on Second reading

- 4. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Electric Code** of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance #245 on August 27, 2001 and the Council of the City of Memphis in Ordinance #4892 on September 4, 2001, so as to make certain changes as hereinafter set out and providing an effective date therefore, up for S E C O N D reading.(Held from 7/19)

Marshall

Ordinance No. 5123

ACTION REQUESTED: Adopt the ordinance on Second reading

- 5. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners adopting the 2005 **Joint Existing Building Code** and providing for an effective date, up for S E C O N D reading.(Held from 7/19)

Marshall

Ordinance No. 5124

ACTION REQUESTED: Adopt the ordinance on Second reading

- 6. **JOINT ORDINANCE** by the Council of the City of Memphis and by the Shelby County Board of Commissioners amending the **Joint Fuel Gas Code** of Memphis and Shelby County, as adopted by the Shelby County Board of Commissioners in Ordinance #246 on August 27, 2001 and by the Council of the City of Memphis in Ordinance #4889 on September 4, 2001, so as to make certain changes as hereinafter set out and to establish the effective date therefore, up for S E C O N D reading.(Held from 7/19)

Marshall

Ordinance No. 5125

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

- 7. **ORDINANCE** rezoning the east side of Cox Street; +47.5 feet north of Young Avenue, containing 0.13 acre in the Local Commercial (C-L) District, up for F I R S T reading.

Peete

Ordinance No. 5126

Case No. Z 05-116

Applicant: Northside Properties
Stephen Steinbach – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (none)

ENGINEERING (none)

NOTATIONS FROM OPD

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

A. Case No. SUP 05-207

Located on the northeast corner of Pier Street and Channel Avenue, containing 5.022 acres in the Heavy Industrial (I-H) District

Applicant: Radiological Assistance Consulting & Engineering (RACE)
Robert Spence, SpenceWalk, PLLC – Representative

Request: Storage & Distribution of Radioactive Materials including a radioactive waste incinerator

LUCB recommendation: REJECTION

OPD recommendation: NO RECOMMENDATION

B. Case No. SUP 05-208

Located on the southeast corner of Jack Carley Causeway and West Trigg Avenue, containing 28.951 acres in the Heavy Industrial (I-H) District

Applicant: Radiological Assistance Consulting & Engineering (RACE)
Robert Spence, SpenceWalk, PLLC – Representative

Request: Storage & Distribution of Radioactive Materials

LUCB recommendation: REJECTION

OPD recommendation: NO RECOMMENDATION

C. Case No. SAC 05-609 – TWELFTH ROAD CLOSURE

Located +/-287 feet north of McFarland Road, containing 20,334 square feet – Area of R.O.W. and 813' x 25' –Length X Width of R.O.W., in the Single Family Residential (R-S8) District

Applicant: Carlson W. Orange

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 16, 2005



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MLGW FISCAL CONSENT

9. RESOLUTION awarding Contract No. 11048, Boiler Upgrade, to Barnes & Brower, Inc. in the funded amount of \$148,557.00.
10. RESOLUTION approving Change No. 10 to Contract No. 10636, Multi-Channel Digital Voice Recording Server, with Rhodes Lauck & Associates in the funded amount of \$164,750.00. (This adds a redundant Digital Voice Recorder (DVR) and Agent Evaluation/Monitoring (AEM) application, including maintenance for the Customer Care Center.)
11. RESOLUTION approving Change No. 3 to Contract No. 10783, Emergency Aid Agreement, with Dillard Smith Construction Company in the funded amount of \$99,084.47. (This covers reimbursement of mobilization costs, including labor, equipment, meals, lodging and transportation charges requested by Distribution Support for emergency aid in anticipation of the April 29, 2005 forecasted storm.)
12. RESOLUTION approving Change No. 6 to Contract No. 10840, Temporary Personnel Services, with Kelly Services, Inc. in an estimated funded amount of \$1,875,000.00. (This renews the contract for the third term, 6/4/05 to 6/4/06, with rate adjustments to the standard and payrolling labor rates.)
13. RESOLUTION approving Change No. 1 to Contract No. 11043, SYMON Target Vision License Agreement, with SYMON Communications, Inc. in the funded amount of \$84,783.10. (This covers complete upgrade to the existing system and authorizes staff to purchase yearly hardware/software maintenance.)
14. RESOLUTION awarding contract for network transformers and protectors, as follows:

Utilicor.....	\$138,364.00
Carte International.....	38,467.00
Richards Manufacturing.....	<u>119,587.00</u>
Total:	\$296,418.00



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

15. PRESENTATION of certificates to students involved in Operation Hope.
Brown

GENERAL ORDINANCES - THIRD AND FINAL READING

16. **ORDINANCE** amending Chapter 2, Division 6, Section 2-332, Code of Ordinances, City of Memphis, to provide for a local bidding preference for contracts awarded by the City, up for T H I R D and F I N A L reading.(Held from 7/19)
Sammons Ordinance No. 5114

ACTION REQUESTED: Take whatever action Council deems advisable

17. **ORDINANCE** to amend Chapter 33, Code of Ordinances, City of Memphis, to change requirements regarding control of soil erosion from construction sites to reflect changes in state regulations, up for T H I R D and F I N A L reading.
Hooks Ordinance No. 5116

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION

18. RESOLUTION appropriating \$700,000.00 in G.O. Bonds General in CIP Project IS01014, Enterprise Imaging, to implement a City-wide document imaging solution that is accessible by all City divisions.
Jones

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION appropriating \$488,000.00 in G.O. Bonds General in CIP Project IS01010, PC Management Solution. This project will provide funding to purchase a PC Management tool that allows IS to more effectively and efficiently manage the City's computer assets.
Jones

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION appropriating \$300,000.00 in G.O. Bonds General in CIP Project IS01020, Active Directory, to procure software/hardware mechanism to reliably ensure the consistency of directory information.
Jones

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (none)

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

- 21. RESOLUTION amending the FY 2005 Capital Improvement Budget to include CIP Project Number PK07084, Children’s Theater to provide Architect/Engineering funds for the preparation of a bid package to demolish the existing Ewing Children’s Theater. The resolution also establishes an allocation as Local Other Revenue and appropriates \$22,500.00 in Architect/engineering for PK07084, Children’s Theater.

McCormick

ACTION REQUESTED: Adopt the resolution

- 22. RESOLUTION appropriating \$38,000.00 in Construction funded by G.O. Bonds General chargeable to the Fiscal Year 2006 Capital Improvement Budget for Paving-Major Maintenance, CIP Project Number PK12005 to pave the parking lot located at the previous site of the Fairgrounds – Shelby County Building. The work is to be performed by the Public Works Division.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS (none)

ZONING ORDINANCES - THIRD AND FINAL READING

- 23. ORDINANCE rezoning the northwest corner of East Shelby Drive and Tulane Road, containing 0.39 acre in the Single Family Residential (R-S10) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5117
Case No. Z 05-109

Applicant: William B. Johnson

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL, of the General Office (O-G) District

ACTION REQUESTED: Take whatever action Council deems advisable

62 NOTICES MAILED ON JULY 22, 2005

- 24. ORDINANCE rezoning the north side of Old Brownsville Road; +/-547.87 feet east of Wolfchase Farms Parkway, containing 51.51 acres in the Agricultural (AG), Agricultural Flood Plain (AG[FP]) and Light Industrial (I-L) Districts, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5118
Case No. Z 05-113cc

Applicant: Chamberlain & McCreery, Inc.
The Bray-Davis Firm, LLC – Representative

Request: Single Family Residential (R-S10) and Single Family Residential Flood Plain (R-S10[FP]) Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

280 NOTICES MAILED ON JULY 22, 2005

25. **ORDINANCE** rezoning the southwest corner of Billy Maher Road and Rennslaer Drive, containing 11.3 acres in the Single Family Residential (R-S10) and Agricultural (AG) Districts, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5119
Case No. Z 05-112cc

Applicant: Patton & Price
The Bray-Davis Firm, Inc. – Representative

Request: Single Family Residential (R-S8) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

556 NOTICES MAILED ON JULY 22, 2005

DIVISION OF PLANNING & DEVELOPMENT

26. **RESOLUTION** approving a special use permit located on the northeast corner of Southern Avenue and Tanglewood Street, containing ±14,900 sq. ft. (0.343 acres) in the Single Family Residential (R-S6 District).

Peete

Case No. SUP 05-206

Applicants: Walter L. and Elise R. Evans

Request: Charter School – Grades K – 3

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

27. **RESOLUTION** approving a use variance located on the northwest corner of Elvis Presley Boulevard and Brownlee Road, containing approximately 17,000 square feet (.38 acre), in the Single Family Residential (R-S10) District.

Peete

Case No. UV 05-03

Applicant: Christian Methodist Episcopal Church
Carmichael Johnson – Representative

Request: Expand existing commercial building in Single Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

PUBLIC HEARINGS

28. **RESOLUTION** approving a planned development located +/-700 feet east of Pisgah Road; opposite Mabry Mill Drive, containing 94.33 acres in the Agricultural (AG) District. (Held from 7/19)

Peete

Case No. PD 05-330cc

Applicant: Chamberlain and McCreery (Jon McCreery)
Bray-Davis Firm – David Bray – Representative

Request: A maximum of 198 Single Family lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

58 NOTICES MAILED ON JULY 8, 2005

29. RESOLUTION approving a street/alley closure located on the northeast corner of Parkview Street and Autumn Avenue, containing 5,134 square feet in the Single Family Residential (R-S6), Historic Conservation (HC) and Single Family Residential (R-S15) Districts.(Held from 7/19)

Peete

Case No. SAC 05-605

Applicant: Stephen Winberg

Request: Close & Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

11 NOTICES MAILED ON JULY 8, 2005

30. RESOLUTION approving a street/alley closure located on the east side of Lauderdale Street; +152 feet north of Linden Avenue, containing 1,522 square feet in the Multiple Dwelling Residential (R-MM) and Light Industrial (I-L) Districts.

Peete

Case No. SAC 05-608

Applicant: YMCA of Memphis and the Mid South
Fisher & Arnold, Inc. – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

39 NOTICES MAILED ON JULY 22, 2005

31. RESOLUTION approving a planned development located on the east side of White Station Road; opposite Bendel Circle South, containing 2.72 acres in the Single Family Residential (R-S10) District.

Peete

Case No. PD 05-316

Applicant: Eddie Kircher
Homer Branam – Representative

Request: Nine Single Family Lots

OPD recommendation: REJECTION of 12 Lots
APPROVAL of 9 Lots, with conditions

LUCB recommendation: REJECTION of 12 Lots

ACTION REQUESTED: Take whatever action Council deems advisable

71 NOTICES MAILED ON JULY 22, 2005

GENERAL ITEM

ADJOURNMENT

ADD-ONS

32. RESOLUTION approving final plat of LOST CREEK PD.

Consent

Case No. PD 04-381cc

Contract No. CR-4964

Resolution approves the final plat located on Dexter Grove Cove, 442 feet southwest of Appling 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

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION approving final plat of BARTLETT RAPPAHANNOCK SUBDIVISION.

Consent

Case No. S 04-051

Resolution approves the final plat located on the northeast corner of Bartlett Road and Rappahannock Drive. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION approving final plat of MEEKS SUBDIVISION.

Consent

Case No. S 03-046

Resolution approves the final plat located on the northeast corner of Weaver Road and Western Park Drive. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION approving final plat of RACQUET CLUB CONDOMINIUM PD.

Consent

Case No. PD 04-351

Resolution approves the final plat located on the southwest corner of Sanderlin Road and White Station Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION accepting THOUSAND OAKS PD, PHASE 4, and authorizing release of bond.

Consent

Case No. PD 83-001

(Contract No. CR-4818)

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 American Way, 443 feet east of Thousand Oaks Blvd. The standard improvement contract was approved on September 2, 2003. Resolution also authorizes the release of the performance bond in the amount of \$94,000.00.

City Engineer recommends approval

ADD-ONS

37. RESOLUTION encouraging the Mayor to maintain the Second chance program as an effort to reduce recidivism and crime in our community.

Ford

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 7 – Approved
8. A & B – Public Hearing set for September 6, 2005
C – Public Hearing set for August 16, 2005
9. Through – 15 – Approved
16. Approved, as amended
17. Through 25 – Approved
26. Approved, as amended
27. Approved
28. Approved, as amended
29. Approved
30. Held to August 16, 2005
31. Approved, as amended
32. Through 37 – Approved

ACTION TAKEN ON THE MINUTES OF JULY 19, 2005

Approved, with the exception of Item #48, Ordinance No. 5115, Case No. Z 05-111, which was reconsidered and will go back to Committee on August 16, 2005