



CITY OF MEMPHIS

COUNCIL AGENDA

October 16, 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 (October 2, 2007)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

1. **ORDINANCE** amending Chapter 21 of the Code of Ordinances so as to establish a standard for use of Biodiesel Fuels, up for S E C O N D reading.
Brittenum Ordinance No. 5224

ACTION REQUESTED: Adopt the ordinance on Second 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 S E C O N D reading.
Lowery Ordinance No. 5225

ACTION REQUESTED: Adopt the ordinance on Second 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 S E C O N D reading.
Lowery Ordinance No. 5226

ACTION REQUESTED: Adopt the ordinance on Second 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 S E C O N D reading.
Lowery Ordinance No. 5227

ACTION REQUESTED: Adopt the ordinance on Second 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 S E C O N D reading.

Lowery

Ordinance No. 5228

ACTION REQUESTED: Adopt the ordinance on Second 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 S E C O N D reading.

Lowery

Ordinance No. 5229

ACTION REQUESTED: Adopt the ordinance on Second 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 S E C O N D reading.

Lowery

Ordinance No. 5230

ACTION REQUESTED: Adopt the ordinance on Second 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 S E C O N D reading.

Lowery

Ordinance No. 5231

ACTION REQUESTED: Adopt the ordinance on Second 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 S E C O N D reading.

Taylor

Ordinance No. 5232

ACTION REQUESTED: Adopt the ordinance on Second reading.

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCES- SECOND READING

10. **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 S E C O N D reading.

Lowery

Ordinance No. 5233
Case No. Z 07-112

Applicant: MLB-Uptown, LLC
SR Consulting, LLC – Representative

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **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 **S E C O N D** reading.

Lowery

Ordinance No. 5234
Case No. Z 07-113

Applicant: MLB-Uptown, LLC
SR Consulting, LLC – Representative

Request: Moderate-Density Residential (MDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **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 **S E C O N D** reading.

Lowery

Ordinance No. 5235
Case No. Z 07-111

Applicant: Kenneth D. Hunt
Fisher & Arnold, Inc. – Representative

Request: Planned Commercial (C-P) District, including retail sales, installation and service of mobile communications and security equipment

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

13. **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 **S E C O N D** reading.

Lowery

Ordinance No. 5236
Case No. Z 07-116cc

Applicant: Memphis & Shelby County Office of Planning & Development
Mary L. Baker – Representative

Request: Amend various sections of the Memphis & Shelby County Zoning Ordinance incorporating by reference the Federal Insurance Rate Maps dated September 28, 2007

OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

14. **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 **S E C O N D** reading.

Lowery

Ordinance No. 5237
Case No. ZTA 07-001cc

Applicant: Memphis & Shelby County Office of Planning & Development
Mary L. Baker – Representative

Request: Amend various sections of the Memphis & Shelby County Zoning Ordinance adding the model FEMA floodplain management measures

OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

- 15. RESOLUTION accepting COLONIAL OAKS PLANNED DEVELOPMENT, and authorizing release of bond.

Case No. PD 06-346
(Contract No. CR-5053)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Colonial Oaks, 410' north of Poplar Ave. The standard improvement contract was approved on February 20, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$87,200.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 16. RESOLUTION accepting FLEMING'S STEAKHOUSE P.D., and authorizing the release of bond.

Case No. PD 04-374
(Contract No. CR-4947)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of

Poplar

Avenue, 670 feet west of Massey Road. The standard improvement contract was approved on June 7, 2005. Resolution also authorizes the release of the performance bond in the amount of \$39,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 17. RESOLUTION approving final plat of RIDGEWAY TRACE DEVELOPMENT IMPROVEMENTS.

Contract No. CR-5096

Resolution approves the final plat located on the south side of Poplar Avenue, at Ridgeway Loop 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.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 18. RESOLUTION approving final plat of HACKS BILL MORRIS PARKWAY PLANNED DEVELOPMENT.

Case No. PD 05-313cc
Contract No. CR-5097

Resolution approves the final plat located at the southeast corner of Hacks Cross Road and Bill Morris Parkway. 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

NOTATIONS FROM OPD

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

19. A. Case No. SAC 07-611 – MICHIGAN STREET

Located between Virginia Avenue and CSX Railroad, containing 21, 600 square feet and 60' X 360' Length X Width of R.O.W., in the South Main (SM) District

Applicant: Patrick Lawrence
Chris Thornton – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SUP 07-210

Located on the south side of Monroe Avenue; +/-362 feet west of Willett Street, containing 0.15 acre (6,835 sq. ft.), in the Multiple Family Residential (R-MH) District

Applicants: John & Juanita Gheens

Request: Special use permit to allow a single office in a residential structure

OPD recommendation: APPROVAL, with conditions

LUCB recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 6, 2007

GENERAL ITEM

20. RESOLUTION approving temporary structures on the streets October 27, 2007 from 9:00 a.m. until 12:00 a.m., for the Art and Soul Festival.

Sammons

ACTION REQUESTED: Adopt the resolution



CITY OF MEMPHIS

COUNCIL AGENDA

October 16, 2007

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

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

REGULAR AGENDA

GENERAL ORDINANCES - THIRD AND FINAL READING

21. **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 T H I R D and F I N A L reading.

Sammons

Ordinance No. 5223

ACTION REQUESTED: Take whatever action Council deems advisable

22. **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. (Held from 8/21; 9/1810/2)

Sammons

Ordinance No. 5217

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

23. **RESOLUTION** cancelling property taxes in the total amount of \$11,461.21 on properties located at 4400 Hickory Hill Road and 4392 Hickory Hill Road, for tax years 2005 and 2006.

Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

24. **RESOLUTION** amending the Fiscal Year 2008 Capital Improvement Budget for ADA Facility Compliance, CIP Project #GS01010 to include an equipment line for the purchase of a table-engraver.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES (None)

DIVISION OF POLICE SERVICES

- 25. RESOLUTION amending and increasing the Fiscal Year 2008 Operating Budget for the Police Organized Crime Unit to purchase an additional 14 cars for a total cost of \$300,000.00 with the funding from the Drug Fund Reserve.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

- 26. 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. (Held from 10/2)

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (None)

ZONING ORDINANCE - THIRD AND FINAL READING (None)

DIVISION OF PLANNING & DEVELOPMENT

- 27. RESOLUTION approving a use variance located on the east side of Riverdale Road at Birch Run Lane, containing 18.22 acres in the Agricultural (AG) District.

Lowery

Case No. UV 07-06

Applicant: Union University Foundation, LLC
Fisher & Arnold, Inc. – Representative

Request: Use Variation to continue a private school greater than five (5) acres

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

PUBLIC HEARING

- 28. 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. (Held from 7/10;10/2).

Lowery

Case No. PD 07-311

Applicant: Habitat for Humanity
The Pickering Firm, Inc. – Representative

Request: Planned development to allow forty-four (44) single family homes, including a neighborhood Resource Center/Clubhouse building within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

69 NOTICES MAILED ON SEPTEMBER 21, 2007

- 29. 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. (Held from 10/2)

Lowery

Case No. SAC 07-608

Applicant: Southland Development Partners of Memphis

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

110 NOTICES MAILED ON SEPTEMBER 21, 2007

30. 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.(Held from 10/2)

Lowery

Case No. SAC 07-610

Applicant: North Memphis CDC
Lorenzo Lester – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

37 NOTICES MAILED ON SEPTEMBER 21, 2007

PRESENTATIONS AND RECOGNITION OF VISITORS

31. RESOLUTION recognizing Alpha Kappa Alpha Sorority, Inc.'s upcoming Centennial Celebration and their service to this community and the nation.

Cooper Taylor

ACTION REQUESTED: Adopt the resolution

GENERAL ITEMS

32. RESOLUTION approving the Election of the 2008 Council Chairman.

Marshall

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION requesting audit presentations from quasi-governmental agencies

Brittenum

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

34. RESOLUTION accepting CORDOVA OAKS S/D, and authorizing release of bond.
Consent Case No. S 05-081
(Contract No. CR-5059)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Blake Road, 168.75' north of Rocky Point Road. The standard improvement contract was approved on March 6, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$183,200.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION accepting MEMPHIS INTERMODAL FACILITY JOHN'S CREEK SEWER RELOCATION and authorizing release of bond.
Consent (Contract No. CR-5035)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of US Hwy 78, north of John's Creek. The standard improvement contract was approved on September 19, 2006. Resolution also authorizes the release of the performance bond in the amount of \$441,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION accepting RIVERDALE/RAINES C-P, PHASE 1, and authorizing release of bond.
Consent Case No. Z 2360
(Contract No. CR-4983)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Riverdale Road, north of Raines Road. The standard improvement contract was approved on October 25, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$58,800.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION establishing a Public Hearing Date of November 6, 2007, for the finding of conditions necessary for Community Redevelopment for The University Neighborhood Development Corporation (UNDC)/Highland Row Area.
Brittenum

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION establishing a Public Hearing Date of November 6, 2007, for adopting a Community Redevelopment Plan for The University Neighborhood Development Corporation (UNDC)/Highland Row Area.
Brittenum

ACTION REQUESTED: Adopt the resolution

ADD-ONS

- 39. RESOLUTION establishing a Public Hearing Date of November 6, 2007, for amending The Memphis and Shelby County Community Redevelopment Agency (CRA) Strategic Plan/CRA Workable Program.

Brittenum

ACTION REQUESTED: Adopt the resolution

- 40. RESOLUTION approving an honorary street name change on N. Third Street, between Madison Avenue and Court Avenue, for George Dobbins, Jr.

Lowery

ACTION REQUESTED: Adopt the resolution

- 41. **ORDINANCE** to fix and determine salary and compensation of Mayor, pursuant to Home Rule Amendments, up for T H I R D and F I N A L reading. **(Reconsidered from 9/4 Minutes and Held from 9/18)**

Taylor

Ordinance No. 5220

ACTION REQUESTED: Take whatever action Council deems advisable

- 42. **ORDINANCE** amending the Code of Ordinances of Memphis, Tennessee Chapter 20, Miscellaneous Offenses and Provisions to add Article VII – Graffiti Vandalism, up for F I R S T reading.

Ordinance No. 5238

Consent

ACTION REQUESTED: Adopt the ordinance on First reading

- 43. **ORDINANCE** amending Chapter 33, Code of Ordinances, to adjust Volumetric Wastewater Fees, up for F I R S T reading.

Consent

Ordinance No. 5239

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 18 – Approved
- 19. Public Hearing set for November 6, 2007
- 20. Approved
- 21. Back to Committee on November 6, 2007
- 22. Held to November 20, 2007
- 23. Through 27 – Approved
- 28. Approved, as amended
- 29. Through 43 – Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 2, 2007

Approved