



# CITY OF MEMPHIS

## COUNCIL AGENDA

December 4, 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 (November 20, 2007)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

## **CONSENT AGENDA**

### **GENERAL ORDINANCES - FIRST READING**

1. **ORDINANCE** amending Chapter 36, Article I, Section 36-11 of the Code of Ordinances so as to establish a Senior Property Tax Freeze, up for **F I R S T** reading.  
Chumney Ordinance No. 5251

ACTION REQUESTED: Adopt the ordinance of First reading

2. **ORDINANCE** amending Chapter 21, Article VI, Section 237 of the Code of Ordinances to prohibit Minors Soliciting from Right of Ways, up for **F I R S T** reading. (Held from 11/20).  
Brittenum Ordinance No. 5248

ACTION REQUESTED: Adopt the ordinance on First reading

### **GENERAL ORDINANCES - SECOND READING**

3. **ORDINANCE** to amend Chapter 2, Article VI of the Code of Ordinances, so as to establish the City of Memphis International Council, up for **S E C O N D** reading.  
Brittenum Ordinance No. 5245

ACTION REQUESTED: Adopt the Ordinance on Second reading

4. **ORDINANCE** amending Chapter 2, Article IV of the Code of Ordinances so as to establish the City of Memphis Youth City Council, up for **S E C O N D** reading.  
Consent Ordinance No. 5249

ACTION REQUESTED: Adopt the ordinance on Second reading

5. **ORDINANCE** repealing Ordinance 4013 regulating Sexually Oriented Businesses and adopting Adult-Oriented Establishment Registration Ordinance, up for **S E C O N D** reading.  
Consent Ordinance No. 5250

ACTION REQUESTED: Adopt the ordinance on Second reading

### **ZONING ORDINANCE - FIRST READING** (None)

**ZONING ORDINANCE - SECOND READING**

6. **ORDINANCE** approving a street name change beginning at the south side of Goodlett Farms Parkway, extending eastwardly to the terminus of the request street name location, containing 1,431 feet in the Single Family Residential (R-S6) District, up for **S E C O N D** reading.

Lowery

Ordinance No. 5246  
Case No. SNC 07-802cc

Applicant: Harrah’s Operating Company – Memphis  
The Reaves Firm – Representative

Request: Street name change request from Seven Star Way to Cherry Farms Road

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING** (None)

7. **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 07-328 – BILLY MAY PLANNED DEVELOPMENT

Located on the south side of U.S. Highway 64; +2,292 feet west of Collierville-Arlington Road, containing 2.59 acres in the Agricultural (AG) District

Applicant: Billy May  
McCaskill & Associates, Tim McCaskill – Representative

Request: A mixed use planned development consisting of commercial/retail, office and residential uses

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 07-333 – PENISULA POINT TWO PLANNED DEVELOPMENT

Located on the northeast corner of Raleigh LaGrange Road and Summer Avenue, containing 3.26 acres in the Single Family Residential (R-S8) District

Applicant: Double A Oil Company  
Prime Development Group, Inc. Michael Fahy – Representative

Request: Planned development to allow commercial uses as regulated by  
Planned Commercial (C-P) District

the

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 07-335 – AVANTI PLANNED DEVELOPMENT, 2<sup>ND</sup> AMENDMENT

Located on the east side of North Germantown Parkway; +/-744 feet north of Club Parkway, containing 7.5 acres and is currently governed by Avanti Planned Development, Amended (P.D. 04-309)

Applicant: Geronimo, LLC  
SR Consulting, LLC – Representative

Request: Planned development amendment to create Parcel ‘D’ to allow Planned Commercial (C-P) District land uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 07-338 - LEGENDS PARK PLANNED DEVELOPMENT

Located on the north side of Poplar Avenue; between Ayers Street and Decatur Street, containing 38.26 acres in the Multiple Dwelling Residential (R-MM) District

Applicant: Memphis Housing Authority  
Tom Currell – Representative

Request: Mixed Use planned development consisting of residential & commercial uses

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. PD 07-339 – AVANTI NORTH PLANNED DEVELOPMENT, 8<sup>TH</sup> AMENDMENT

Located on the south side of Bonnie Lane; +/-208 feet east of North Germantown Parkway, containing 1.16 acres and is currently governed by Avanti-North Planned Development, 7<sup>th</sup> Amendment (P.D. 06-302)

Applicant: John Mahoney  
McCaskill Consultants – Representative

Request: Planned development amendment to consolidate a part of Phase 23: Area ‘A-3’ surplus property to be included in Phase 22: Area ‘A-3’ to allow construction of an accessory storage building

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SUP 07-214

Located on the northeast corner of Manassas Street and Gene Logan Drive, containing 2.35 acres in the Light Industrial (I-L) District

Applicant: Tower Ventures V, LLC  
Billy Orgel – Representative

Request: Cellular Tower (160’ monopole, slick stick with flush mounted antennas)

LUCB and OPD recommendation: APPROVAL, with conditions

G. Case No. S 07-018cc –EDGEWOOD SUBDIVISION

Located on the north side of Raleigh-LaGrange Road; ±461 feet west of Wiseman, containing 23.12 acres in the Single family dwellings ~ Agricultural (AG) District

Applicant: Langsdon Development, LLC  
ETI Corporation – Representative

Request: 11 Lot Preliminary Plat

LUCB and OPD recommendation: APPROVAL, with conditions

H. Case No. UV 07-10

Located on the northwest corner of Midland Avenue and Boston Street intersection, containing 5,000 sq. ft. (0.114 acres) in the Residential Duplex (R-D) District

Applicant: Jacob’s Ladder Community Development Corporation

Request: Use variation for an after-school enrichment program

LUCB and OPD recommendation: APPROVAL, with conditions

I. Case No. SAC 07-614 – Goodwyn Street Closure

Located ±42 feet north of Southern Avenue, containing 1,219 square feet in the Single Family Residential (R-S6) District

Applicant: Midland Goodwyn Neighborhood Association  
Buckner Wellford - Representative

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

LUCB and OPD recommendation: REJECTION

J. Case No. SNC 07-803 – Charlie Vergos’ Rendezvous Alley

Located between Monroe Avenue and Union Avenue, containing 6,260 square feet in the Central Business (CBD) District

Applicant: Nick Vergos

Request: Street name change request from Maggie H. Isabel Street to Charlie Vergos’ Rendezvous Alley

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: December 18, 2007**

**GENERAL ITEMS**

8. RESOLUTION honoring the life of Wanda Martin, Deputy Director of The Office of Planning and Development.

Marshall

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION honoring the life of Harry “Buddy” McEwen.

Marshall

ACTION REQUESTED: Adopt the resolution



# CITY OF MEMPHIS

## COUNCIL AGENDA

December 4, 2007

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

---

## MLGW FISCAL CONSENT

10. Resolution awarding Contract No. 11181, Identity Management Infrastructure Solution, to GCA Technology Services in the funded amount of \$135,500.00.
11. Resolution approving Change No. 8 to Contract No. 10879, Information Services Support, with TEK Systems in an estimated funded amount of \$507,458.00. (This extends the current contract for the period January 1, 2008 through March 31, 2008.)
12. Resolution approving Change No. 6 to Contract No. 10881, Information Services Support, with Cook Systems International in an estimated funded amount of \$110,256.00. (This extends the current contract for the period January 1, 2008 through March 31, 2008.)
13. Resolution approving Change No. 7 to Contract No. 10883, Information Services Support, with CIBER, Inc. in an estimated funded amount of \$1,036,277.00. (This extends the current contract for the period January 1, 2008 through March 31, 2008.)
14. Resolution approving Change No. 6 to Contract No. 11018, Trash Removal Services, with Waste Connection, Inc. in an estimated funded amount of \$144,075.35. (This covers additional haul and return services, and renews the contract for the third term, January 1, 2008 to December 31, 2008.)
15. Resolution approving Change No. 3 to Contract No. 11026, Division Audit, with Watkins Uiberall, PLLC, in an estimated funded amount of \$250,000.00. (This covers Division audit for year ending December 31, 2007.)
16. Resolution amending award of Contract No. 11080 and approving Change No. 3 to Contract No. 11080, Managed Prescription Drug Program, with Express Scripts, Inc. in an estimated funded amount of \$24,220,196.00. (On December 15, 2005, the Board awarded said Contract for the period April 1, 2006 to March 31, 2007. This amends the record to cover the period January 1, 2006 through December 31, 2007. Change No. 3 extends the contract for the two-year period, January 1, 2008 through December 31, 2009, which includes new pricing and incorporates the filing of prescription information to the Center for Medicare Services for Medicare Part D Subsidy payments.)
17. Resolution approving Change No. 2 to Contract No. 11096, Mobile Sweeper Cleaning, with Horizon of Memphis, Inc. in the funded amount of \$70,387.01, with no increase in present monthly charges. (This renews the contract for the second term, February 29, 2008 to February 28, 2009.)
18. Resolution approving Change No. 4 to Contract No. 11141, Information Services Support, with Viasys Technology in an estimated funded amount of \$402,463.00. (This extends the current contract for the period January 1, 2008 through March 31, 2008.)
19. Resolution awarding contract for black malleable iron gas fittings to Consolidated Pipe and Supply in the amount of \$96,774.75.
20. Resolution awarding contract for two tubular steel dead-end structures to Transamerica Power Products, Inc. c/o Utilicor in the amount of \$34,280.00.
21. Resolution awarding contract for aerial boom lift to H & E Equipment in the amount of \$92,600.00.
22. Resolution awarding contract for hot-dipped galvanized steel to Amtex Steel, Inc. in the amount of \$121,542.00.

23. Resolution awarding contract for utility bodies, as follows:

|                                 |                  |
|---------------------------------|------------------|
| Utility Equipment Services..... | \$4,258.00       |
| Scruggs Equipment Services..... | <u>48,647.00</u> |
| Total.....                      | \$52,905.00      |

24. Resolution approving payment of 2008 membership dues to the American Public Gas Association (APGA) in the amount of \$25,650.00.

25. Resolution approving the selection of Atlanta Life Investment Advisors to manage approximately \$10,000,000.00; the selection of Thornburg International Value A Fund to manage approximately \$14,000,000.00; and the termination of Invesco International Equity Fund, for benefit of the MLGW Post-Retirement Fund.



# CITY OF MEMPHIS

## COUNCIL AGENDA

December 4, 2007

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

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

---

## REGULAR AGENDA

26.  
Taylor

### APPOINTMENTS

#### Alcohol Commission

##### Reappointments

Martavius D. Jones  
Robert Wayne West

#### Memphis and Shelby County Airport Authority

##### Reappointment

Herbert H. Hilliard

#### Memphis and Shelby County Center City Commission

##### Reappointment

Paul Morris

#### Memphis and Shelby County Film Commission

##### Reappointments

Calvin Miller  
James Tashie  
Ruby Wilson

#### Memphis Youth Guidance Commission

##### Appointment

Ralph B. Chumbley

### GENERAL ORDINANCES – THIRD AND FINAL READING

27. **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; 9/18;10/2;10/16;11/20)

Sammons

Ordinance No. 5217

ACTION REQUESTED: Take whatever action Council deems advisable

28. **ORDINANCE** amending Chapter 21 of the Code of Ordinances so as to establish a standard for use of Biodiesel Fuels, up for T H I R D and F I N A L reading. (**Pulled from 11/06/07 Minutes**)

Brittenum

Ordinance No. 5224

ACTION REQUESTED: Take whatever action Council deems advisable

29. **JOINT ORDINANCE** of the Council of the City of Memphis and Board of the County Commissioners of Shelby, Tennessee enacted pursuant to the Community Redevelopment Act of 1998; providing for the creation of a Redevelopment Trust Fund pursuant to Section 21 of the Act; authorizing the proper officials of the City to do all things deemed necessary and advisable in connection with the creation of the Redevelopment Trust Fund; and providing an effective date, up for T H I R D and F I N A L reading.

Brittenum

Ordinance No. 5240

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** to establish Meeting Dates for City Council Meetings in 2008, up for T H I R D and F I N A L reading.

Marshall

Ordinance No. 5243

ACTION REQUESTED: Take whatever action Council deems advisable

31. **ORDINANCE** providing for the creation of the Division of Community Enhancement for the purpose of addressing blight within the City of Memphis, up for T H I R D and F I N A L reading.

Sammons

Ordinance No. 5244

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES**

32. RESOLUTION appropriating \$2,750,000.00 in G.O. Bonds General in CIP Project FS04004 CAD Upgrade required to replace the obsolete system.

Sammons

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION appropriating \$1,224,477.00 in G.O. Bonds from the Fiscal Year 2008 CIP Budget to purchase three (3) Pumpers for the Division of Fire Services.

Sammons

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION appropriating \$1,299,342.00 in G.O. Bonds from the Fiscal Year 2008 CIP Budget to purchase two (2) Aerial Trucks for the Division of Fire Services.

Sammons

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION appropriating \$85,446.00 in G.O. Bonds from the Fiscal Year 2008 CIP Budget to purchase one (1) Hydrant Truck for the Division of Fire Services.

Sammons

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

36. RESOLUTION including Overton Park Shell, CIP Project Number PK07083, as part of the FY 2008 Capital Improvement Program. The resolution seeks to appropriate \$100,000.00 in construction funds, funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION including Zoo Major Maintenances, CIP Project Number PK09002, as part of the FY 2008 Capital Improvement Program. The City of Memphis has entered into an agreement with the Memphis Zoological Society which provides for the use and payment of the current and future Capital Appropriation. The resolution seeks to appropriate \$250,000.00 in construction funds, funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION seeking approval to amend the FY 2008 Capital Improvement Budget to allocate and appropriate \$245,000.00 in Furniture, Fixtures and Equipment for CIP Project #PK01024, Community Center Improvements, funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION seeking approval to amend the FY 2008 Capital Improvement Budget to allocate \$30,000.00 in Architect/Engineering and \$114,000.00 in Construction for a total of \$144,000.00 in CIP Project #PK03001, Tennis Improvements, funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

40. RESOLUTION amending the FY 2008 Capital Improvement Budget by transferring an allocation and appropriating \$409,543.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW 02001 to Rehab Upgrade Big Orange PS, project number SW02072 for the installation of two new pumps and for a construction contract with ENSCOR, LLC.

Sammons

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE – THIRD AND FINAL READING**

41. **JOINT ORDINANCE** amending the Memphis and Shelby County Subdivision Regulations, adopted by the Shelby County Board of Commissioners and the City Council of the City of Memphis on December 19, 1983, being Ordinance and Resolution No. 3352, so as to make certain changes therein by revising the requirements for Location of Septic Tank Disposal Field Beds on Unsewered Lots, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5241  
Case No. STA 07-001cc

Applicant: Office of Planning & Development

Request: Subdivision Text Amendment as follows: Amend Sections 301.3: PRELIMINARY PLAN REQUIREMENTS and 505.3: ON SITE SYSTEMS to revise requirements for location of septic tank disposal field beds on unsewered lots

ACTION REQUESTED: Take whatever action Council deems advisable

**NO NOTICES WERE REQUIRED**

**DIVISION OF PLANNING & DEVELOPMENT**

42. RESOLUTION approving a moratorium on issuance of building permits and on acceptance of any type of zoning or subdivision applications until April 30, 2008 or until an updated plan is adopted for Uptown Memphis.

Lowery

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION approving a moratorium on the issuance of adult-oriented business and compensation dance permits by the Memphis and Shelby County Office of Planning & Development and the Memphis Alcohol Commission and Permits Office, until March 5, 2008.

Lowery

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

44. RESOLUTION approving a use variance located on the south side of Highway 70; opposite Doe Hollow Drive intersection, containing 5.00 acres in the Agricultural (AG) District. (Held from 11/20).

Lowery

Case No. UV 07-07cc

Applicant: Richard Moser (d.b.a. Jacksonhouse Plumbing)

Request: Use variation for an office/workshop for plumbing contractor

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**62 NOTICES MAILED ON NOVEMBER 9, 2007**

45. RESOLUTION approving a planned development located on the southwest corner of Willow Road and Mt. Moriah Road, adjacent to I-240, containing 14.59 acres in an area regulated by Moriah Woods Office Park Planned Development (PD 85-352).

Lowery

Case No. PD 07-337

Applicant: Boyle Moriah Woods, LLC  
Harvey Marcom, The Reaves Firm, Inc. - Representative

Request: Amend final plan to permit a communication tower and an additional sign

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**45 NOTICES MAILED ON NOVEMBER 21, 2007**

46. RESOLUTION approving a street/alley closure beginning at its intersection with Macon Road and extending southeast 1,193 feet, containing 1.75 acres.

Lowery

Case No. SAC 06-607cc

Applicant: Teransky, LLC  
SR Consulting, LLC – Cindy Reaves – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**8 NOTICES MAILED ON NOVEMBER 21, 2007**

47. RESOLUTION approving a street/alley closure beginning at the western terminus of Fleet Street and extending to Jack Carley Causeway, containing 1.347 acres in the Heavy Industrial (I-H) Flood Plain (FP) District.

Lowery

Case No. SAC 07-607

Applicant: South Fleet Street, LLC  
Buck Wellford & James Strain - 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

**4 NOTICES MAILED ON NOVEMBER 21, 2007**

48. RESOLUTION approving a planned development located on the east side of North Germantown Parkway; +/-314.40 feet south of Timber Creek Drive, containing 4.0 acres in the General Office (O-G) District.

Lowery

Case No. PD 07-336

Applicant: B & H Hospitality, LLC  
Ronald Harkavy (Harkavy-Shainberg) – Representative

Request: Planned development to allow a three (3) story hotel building and a restaurant building within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

**PRESENTATIONS AND RECOGNITION OF VISITORS**

49. RESOLUTION congratulating Mrs. Margaret Bland McKissick Larry on her designation as Principal of the Year for the State of Tennessee.

Ware

ACTION REQUESTED: Adopt the resolution

50. RESOLUTION honoring Jerry Collins for his service to City of Memphis Government.

Brittenum

ACTION REQUESTED: Adopt the resolution

51. RESOLUTION honoring Robert Lipscomb for his service to the City of Memphis.

Brittenum

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**