



**Memphis City Council
Summary Sheet
Inspection and Cleaning of Large Surcharged
Multi Barreled Sewers at 14 Locations**

1. This project is to inspect and clean large sanitary sewer pipes crossing under Wolf River and Nonconnah Creek.
2. This item is being submitted by Public Works (Environmental Engineering)
3. This item does not change an existing ordinance or resolution.
4. This item does require a new contract.
5. This item requires an expenditure of funds.
6. The MWBE Goal for this project is 0%.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved Rehab Existing Sewers, project number SW02001 as part of the Public Works Fiscal Year 2012 Capital Improvement Budget; and

WHEREAS, bids were taken on May 25, 2012 to inspect and clean siphons which cross under Wolf River and Nonconnah Creek with the lowest complying bid of three bids being \$871,888.00 submitted by Ace Pipe Cleaning, Inc; and

WHEREAS, it is necessary to transfer an allocation of \$959,077.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Siphon Sewer Cleaning, project number SW02100 to inspect and clean siphons which cross under Wolf River and Nonconnah Creek ; and

WHEREAS, it is necessary to appropriate \$959,077.00 funded by Sewer Revenue bonds in Siphon Sewer Cleaning, project number SW02100 as follows:

Contract Amount	\$871,888.00
Project Contingencies	<u>87,189.00</u>
Total	\$959,077.00

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2012 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$959,077.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Siphon Sewer Cleaning, project number SW02100 to inspect and clean siphons which cross under Wolf River and Nonconnah Creek.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$959,077.00 funded by Sewer Revenue Bonds chargeable to the Fiscal Year 2012 Capital Improvement Budget and credited as follows:

Project Title:	Siphon Sewer Cleaning
Project Number	SW02100
Amount:	\$959,077.00



Memphis City Council Summary Sheet

Johns Creek Drainage District-Lateral AA Drainage Repair

- This project will repair and stabilize the soil bank of the Lateral to Johns Creek.
- This project was initiated by the Public Works Division and is being administered by the Engineering Division.
- The construction is to be provided by Civil Concepts. The Minority Goal of 4% was approved for this project.
- This project is funded 50% by the Storm Water enterprise fund and 50% by Belz Enterprises.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved Drainage-ST, project number ST03006, as part of the Public Works Fiscal Year 2012 Capital Improvement Budget; and

WHEREAS, bids were taken on May 18,2012 to repair and stabilize the soil bank lateral to Johns Creek with the lowest complying bid of four bids beings \$247,080.00 submitted by Civil Concepts; and

WHEREAS, Belz Enterprises has agreed to pay 50% of the cost of this project; and

WHEREAS, it is necessary to amend the Fiscal Year 2012 Capital Improvement Budget by establishing an allocation of \$133,423.00 funded by Local Other Revenue to repair and stabilize the soil bank lateral to Johns Creek; and

WHEREAS, it is necessary to amend the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of \$133,423.00 funded by G.O. Bonds – General (Storm Water) from Drainage-ST, project number ST03006 to project number ST03151 to repair and stabilize the soil bank lateral to Johns Creek; and

WHEREAS, it is necessary to appropriate \$133,423.00 funded by G.O. Bonds – General (Storm Water) and \$133,423.00 in Local Other Revenue for a total of \$266,846.00 in John’s Creek District Lateral AA, project number ST03151 as follows:

Contract Amount	\$ 247,080.00
Project Contingencies	\$ 19,766.00
Total	\$ 266,846.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2012 Capital Improvement Budget be and is hereby amended by establishing an allocation of \$133,423.00 funded by Local Other Revenue to repair and stabilize the soil bank lateral to Johns Creek.

BE IT FURTHER RESOLVED that the Fiscal Year 2012 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$133,423.00 funded by G.O. Bonds – General (Storm Water) from Drainage-ST, project number ST03006, to John’s Creek District Lateral AA, project number ST03151 to repair and stabilize the soil bank lateral to Johns Creek.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$133,423.00 funded by G.O. Bonds - General (Storm Water) and \$133,423.00 funded by Local Other Revenue for a total of \$266,846.00 chargeable to the Fiscal Year 2012 Capital Improvement Budget and credited as follows:

Project Title:	John's Creek Dist. Lateral AA	
Project Number:	ST03151	
Amount:	Local Other Revenue	\$ 133,423.00
	G.O. Bonds-Storm Water	\$ 133,423.00



Memphis City Council Summary Sheet

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. This is a referendum ordinance to authorize the Council to levy a gasoline tax in the amount of one cent per gallon.
2. Councilman Edmund Ford, Jr. is the sponsor.
3. The funds generated from this tax will be used for public transportation expenses.
4. It does not affect any contracts.
5. This ordinance does not require an expenditure of funds.

REFERENDUM ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) AND THE ACTS OF 1915, CHAPTER 408 SO AS TO AUTHORIZE THE LEVY AND COLLECTION OF A ONE CENT GASOLINE TAX AND TO AUTHORIZE THE USE OF REVENUE DERIVED THEREFROM AND FOR BUDGET EXPENDITURES FOR PUBLIC TRANSPORTATION AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 6, 2012

PREAMBLE

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the present Charter of said City be amended by ordinance as provided by Article XI, Section 9, of the Constitution of the State of Tennessee (Home Rule Amendment)

NOW, THEREFORE,

SECTION 1. QUESTION FOR VOTERS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the present Charter of the City of Memphis, consisting of the provisions of the Acts of the State of Tennessee for the year 1879, as amended, pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) the following proposal shall be published and submitted by the City of Memphis to its qualified voters at the first state general election, which shall be held in the City of Memphis on November 6, 2012, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Home Rule Charter of the City of Memphis, Tennessee, be amended by adding the following provisions to read as follows:

“The Council of the City of Memphis is authorized by Ordinance to authorize the City of Memphis to levy and collect a one cent gasoline tax on all sales within the city and to authorize the use of revenue derived therefrom for budget expenditures for public transportation.”

SECTION 2. PUBLICATION OF HOME RULE AMENDMENT.

BE IT FURTHER ORDAINED, That the Comptroller be and is hereby directed to cause this Proposal (Ordinance) to be published pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee.

SECTION 3. DELIVERY TO ELECTION COMMISSION.

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis, shall certify the adoption of this Ordinance to the Shelby County Election Commission in charge of the holding the first general state election of November 6, 2012, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

SECTION 4. PROPOSAL AND PREFERENCE.

BE IT FURTHER ORDAINED, That the Comptroller of the city of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 6th day of November, 2012:

REFERENDUM ON HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS TO AUTHORIZE THE LEVY AND COLLECTION OF A ONE CENT GASOLINE TAX ON ALL SALES WITHIN THE CITY AND TO AUTHORIZE THE USE OF REVENUE DERIVED THEREFROM FOR BUDGET EXPENDITURES FOR PUBLIC TRANSPORTATION.

Said Ordinance of the City of Memphis was adopted on the 7th day of August, 2012, to Provide for referendum vote on a Home Rule Amendment to the Charter of the City of Memphis to read as follows:

“The Council of the City of Memphis is authorized by Ordinance to authorize the City of Memphis to levy and collect a one cent gasoline tax on all sales within the city and to authorize the use of revenue derived therefrom for budget expenditures for public transportation.”

FOR (YES) _____
AGAINST (NO) _____

SECTION 5. EFFECTIVE DATE.

BE IT FURTHER ORDAINED, That this ordinance shall take effect immediately after its approval by a majority of the qualified voters voting thereon in an election to be held on the 6th of November, 2012, the public welfare requiring it.

SECTION 6. CERTIFICATION OF RESULTS.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

SECTION 7. NONCONFLICTING-CONFLICTING LAWS

BE IT FURTHER ORDAINED, That upon adoption of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same continued in full force and effect, and all laws in conflict therewith are hereby repealed.

SECTION 8. SEVERABILITY.

BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

SECTION 9. PUBLICATION.

BE IT FURTHER ORDAINED, That this Ordinance shall be published immediately after the adoption hereof.

SECTION 10. ENACTMENT OF CITY ORDINANCE.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

EDMUND FORD, JR., Ed.D.
Council Member

BILL MORRISON
Chairman

Attest:



Memphis City Council Summary Sheet Instructions

This ordinance is to amend Chapter 2, Code of Ordinance, City of Memphis, Section 2-277 Subsection C.4 to increase discretionary spending amounts for Divisions from \$2,000 to \$5,000.

1. This item raises the discretionary spending amounts for Division from \$2,000 to \$5,000.
2. This item is being initiated by the Finance Division.
3. This is a change to an existing ordinance.
4. This change in ordinance does not affect any contract(s).
5. This change does not require an expenditure of fund or a budget amendment.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 2, CODE OF ORDINANCE,
CITY OF MEMPHIS, SECTION 2-277 SUBSECTION C. 4
TO INCREASE DISCRETIONARY SPENDING AMOUNTS
FOR DIVISIONS FROM \$2,500 TO \$5,000**

WHEREAS, The Charter of the City of Memphis was amended by Home Rule Amendment Referendum Ordinance No. 4434, adopted by the voters of the City of Memphis on November 5, 1996; and

WHEREAS, said Charter amendment permits the City Council to modify purchasing threshold amounts by ordinance; and

WHEREAS, increasing the discretionary spending amounts for Divisions from \$2,500 to \$5,000 will facilitate the efforts to deliver more efficient and effective purchasing services for the City.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That Chapter 2, Section 2-277, Subsection C. 4, Code of Ordinances, City of Memphis, be and is hereby amended to provide:

“C.4. Notwithstanding any other provision of the Charter or this Code, the discretionary amount allowable and necessary for division purchases shall be \$5,000 with approval of the division director.”

SECTION 2. BE IT FURTHER ORDAINED, That this ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Bill Morrison, Chairman
Memphis City Council

RESOLUTION

Resolution to Form Committee to Evaluate Whether To Include Various Tax-Abated and Tax-Exempt Entities Within the City of Memphis PILOT Program

WHEREAS, the need to generate tax revenue to cover budget shortfalls has never been more important since the Mayor of the City of Memphis presented his FY2013 budget to the Memphis City Council on April 17, 2012; and

WHEREAS, the primary source of revenue for the City of Memphis is property taxes; however, various properties located within the City of Memphis are subject to tax abatements or are tax-exempt; and

WHEREAS, while part of the tax-exempt property in the City of Memphis is government-owned, certain entities like corporations, universities, hospitals, and non-profit institutions are also tax-exempt or subject to tax abatements; and

WHEREAS, the City of Memphis lost \$41.6 million in property tax abatements during FY2011, while Shelby County lost a total of \$50 million in property tax abatements; and

WHEREAS, the top ten tax abatements, totaling \$24 million in lost property taxes, were granted to corporations located within the City of Memphis with net incomes that cumulatively total at least \$12.937 billion collectively, including Nike, Cargill, Inc., FedEx, Int'l Paper Co., and Valero Energy Corp.; and

WHEREAS, city taxpayers finance incentives to recruit and retain property tax abated and tax-exempt businesses in Memphis through a Payments-in-Lieu-of-Taxes ("PILOT") program via the Economic Development Growth Engine ("EDGE"); and

WHEREAS, such PILOT programs obligate users of otherwise taxable property to make voluntary periodic payments to the City of Memphis; and

WHEREAS, a committee should be formed to thoroughly study: 1) the necessity of the extent of financial incentives provided to tax-abated and tax-exempt entities which are not current users of the PILOT program; 2) the effectiveness of these incentives in terms of local jobs and tax collections; and 3) any improvements or changes that need to be made to the incentives currently in place; and

WHEREAS, the committee should be comprised of two City Council members, the Mayor or his designee, the executive director of EDGE, one board member of EDGE, a representative from the Greater Memphis Chamber of Commerce, and one at-large member.

NOW, THEREFORE, BE IT RESOLVED that there is established the above committee which will report its findings and recommend changes no later than eight months from its formation.

FURTHER, BE IT RESOLVED that the Council Chair shall appoint the two Council Members, the representative from the Greater Memphis Chamber of Commerce, and the at-large member.

FURTHER, BE IT RESOLVED that the committee is challenged with studying the effects of implementing the following objectives:

1. Setting a standard level of contributions – in programs and payments – to be met by all major tax-abated and tax-exempt landholders in the City of Memphis.
2. Developing a standard methodology for valuing the community partnerships made by tax-abated and tax-exempt institutions which are not current users of the PILOT program.
3. Proposing a structure for a consolidated program and payment negotiations system, which will allow the City and its tax-abated and tax-exempt institutions to structure longer-term, sustainable partnerships focused on improving services for Memphis' residents.
4. Clarifying the costs associated with providing City services to tax-abated and tax-exempt institutions.
5. If necessary, providing recommendations on legislative changes needed at the City or State level.

Janis Fullilove
Memphis City Council

Lee Harris
Memphis City Council

Memphis Landmarks Commission
STAFF REPORT

Meeting of April 26, 2012

MLC #12-070

Address 259 Mclean

Central Gardens
Historic District

District Description:

The Central Gardens Neighborhood, which is listed on the National Register of Historic Places, is composed of approximately 83 blocks, 1540 structures and 511 acres in Midtown Memphis. The great majority of the structures are single-family residences; the area also contains multifamily dwelling units, churches and schools. Central Gardens is significant for its architecture, community planning and influential residents. The most intensive development of the Neighborhood began in 1900 and concluded in 1930, when the area had achieved most of its present density, order and character. Residential developers created more than 40 individual subdivisions that now are known collectively as Central Gardens. They provided many of the amenities which have become standard in modern community planning. Enlightened practices, such as hierarchical lot sizes and setbacks that relate to the width of an individual street, created a strong sense of spatial order and coherence.

Property Description:

The property is a Queen Ann Victorian styled home located in the McLean Court planned development. Located directly south of the property is a shared drive that wraps around the property providing parking to the rear for the owner of this property and for the properties located directly to the North and to the West.

Project Description:

The proposed project is a bronze colored cast iron fence that will enclose the front yard of the property at 259 McLean in the Central Gardens Historic District. The proposed fence will be 4 feet in height with a gate located near the entrance of the home. The proposed gate will be 54 ½ inches across (approximately 4 ½ feet) with a key lock.

Does the Project Meet the District Guidelines?

SI.1. Fencing; No: Fences that enclose the front yard are not a strong tradition in the Central Gardens Historic district. Enclosing a front yard is usually inappropriate since doing so negatively affects the historic streetscape.

Comments:

Although side and rear yards are absent from the property, the front yard should not be enclosed with any fence so that the integrity of the streetscape will be maintained. There are no examples near the Property of front yard fencing and very few if any located in the Central Gardens Historic District.

Staff Recommendations:

Staff recommends rejection of the iron fence around the front perimeter of the property at 259 Mclean based on the design guidelines of the Central Gardens Historic District.

Prepared by: Zack Hunter



Within local historic districts, exterior changes to property visible from a street must be reviewed and approved by the Memphis Landmarks Commission (MLC). The types and extent of changes which must be reviewed depend on a district's historic zoning (see list of districts and zones on reverse). Proposed work must meet MLC design guidelines to receive a Certificate of Appropriateness (COA). District design guidelines are available upon request.

Memphis Landmarks Commission
City Hall
125 North Main Street, Room 443
Memphis, TN 38103-2084
phone (901) 576-7191

PLEASE NOTE: We cannot accept faxed applications.

Please print or type.

Application for a Certificate of Appropriateness (COA)

1. Property Address: 259 McLean, Memphis, TN 38104
Historic District: Central Gardens
2. Name of Owner: Chris Miller
Mailing Address: 6752 Kirby Lawns Cove ZIP Code: 38119
Daytime Phone Number: 901-757-2956 Fax Number: 901-757-1871
3. Architect/Contractor: Custom Fence Co
Mailing Address: 247 Moore Ln, Coville, TN ZIP Code: 38017
Daytime Phone Number: 901-854-7482 Fax Number: 901-854-3441

4. Proposed work is (check):
- A. Exterior Building Alteration
 - B. New Construction:
 - 1) Primary structure
 - 2) Outbuilding
 - 3) Addition
 - 4) Other: _____
 - C. Site Improvement
 - 1) Fence
 - 2) Wall
 - 3) Other: _____
 - D. Demolition:
 - 1) Whole primary structure
 - 2) Part of primary structure
 - 3) Outbuilding
 - E. Relocation

5. Briefly describe the work. Use another sheet if necessary. Copies of all material submitted with an application are retained by the Memphis Landmarks Commission.

Install iron fencing with gate around front perimeter

6. On an attached sheet, list the names and mailing addresses of the property owners within 150' of the property address. See the COA application instructions sheet for how to obtain this information.
7. Sign the attached COA Application Certification Form and include it with this application.
8. Include the required application materials and fee. Materials samples (e.g. brick, stone, stucco, mortar, etc.) must be presented for Commission review. Checks should be made out to City of Memphis.

MLC 12-070
Received 2/21/12

This area for office use only.

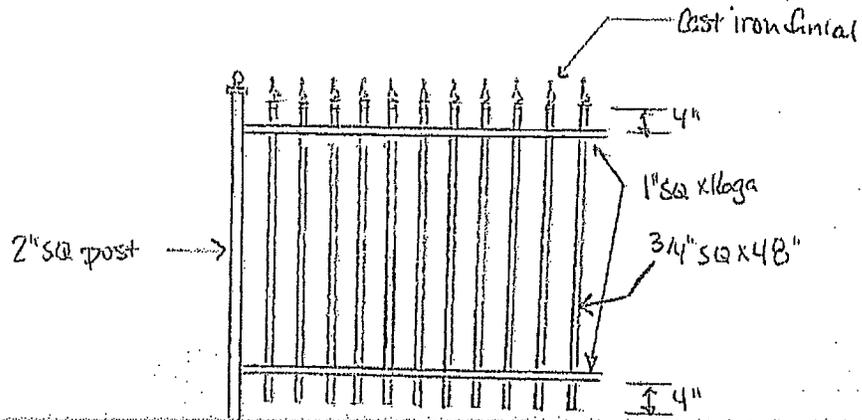
MLC#

12-070

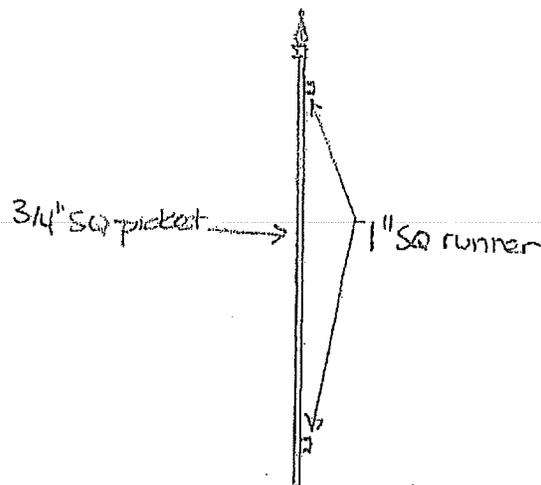
RECEIVED MAR 21 2012

Fence Drawing for 259 McLean

Front View



Side View



MLC#

12-070

RECEIVED MAR 21 2012

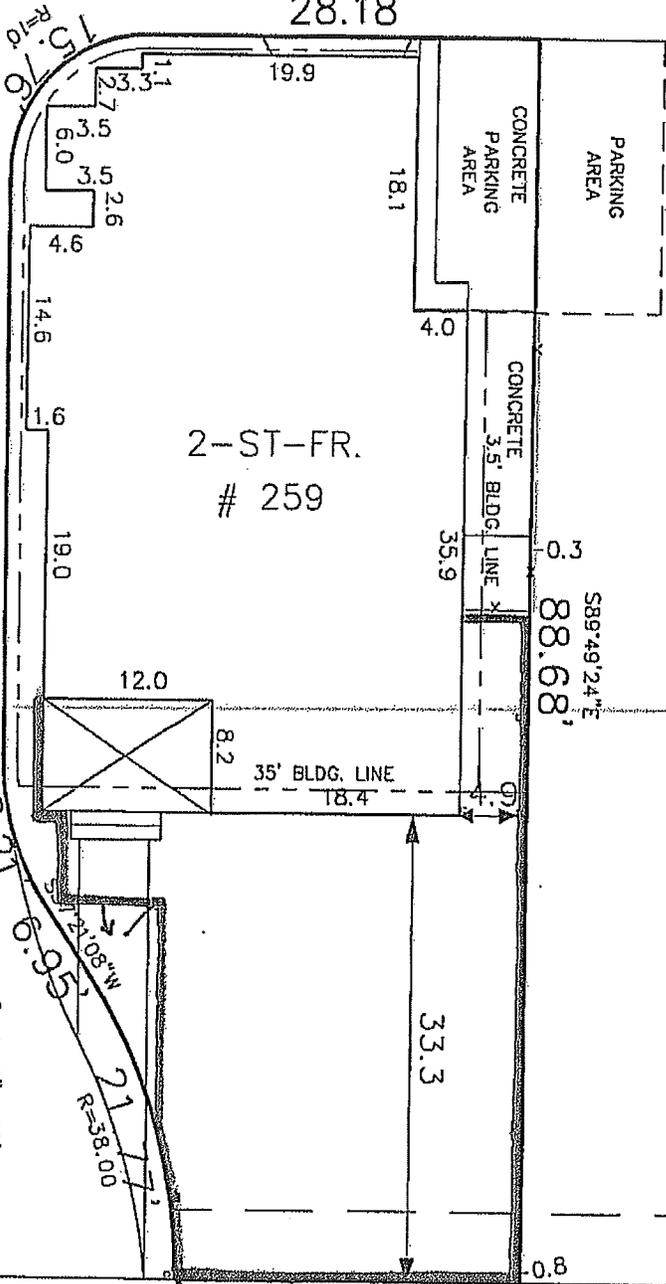
This plot represents a nonmonumented mortgage loan survey done under the authority of TCA 622-18-126; and as such, this is not a general property survey as defined under Rule 0820-3-.07. This plot meets the requirements of Rule 0820-3-.6 as established by the Tennessee State Board of Examiners for Land Surveyors. Campbell Surveying Company, Inc. does not guarantee the completeness of the title information. Underground features are not located unless shown hereon. This property is subject to any governmental codes, ordinances, restrictions, regulations, etc. There are no visible encroachments or projections other than those shown and this plot is true and correct to the best of my knowledge and belief. © This survey is copyright protected. Any unauthorized use is strictly forbidden.

VICTORIAN PLACE

41.91'
S89°51'10"W

ASPHALT DRIVE

N00°10'36"E
28.18'



Fence Post (typ.)

0.63'
S. MCLEAN BLVD.
N89°49'24"W
25.24'
S00°10'36"W

Scale 1" = 10'
Date: MARCH 9, 2012



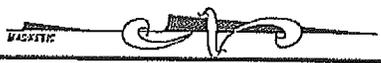
CAMPBELL SURVEYING CO. INC.
1023 S. YATES • SUITE 101 • MEMPHIS, TN 38119 • (901) 683-9114
Prepared exclusively for: Heath Gooch

SURVEY OF:
259 S. McLean Boulevard
Memphis, TN 38104
Lot 1 McLean Court P.O.
Plot Book 188, Page 66,
Register's Office of
Shelby County

MLC#

12-070

MORTGAGE LOAN SURVEY



RECEIVED MAR 21 2012