

**MINUTES**

**REGULAR MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**March 1, 2005**

**3:30 P.M. SESSION**

**ROLL CALL:** Joe Brown, Carol Chumney, Barbara Swearengen Holt, Janet Hooks, E. C. Jones, Myron Lowery, Scott McCormick, TaJuan Stout Mitchell, Rickey Peete, Jack Sammons, Brent Taylor and Chairman Edmund Ford  
Tom Marshall was absent

**THE MEETING WAS CALLED TO ORDER  
BY THE SERGEANT-AT-ARMS**

**INVOCATION**

The meeting was opened with prayer by Reverend John P. Leach from Church of the Annunciation. Councilman Taylor presented Reverend Leach with a certificate naming him Chaplain of the day.

**The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.**

**CONSENT AGENDA – Items 1 – 12 & #48 - #50 & #52 - #55, may be acted upon by one motion. SEE PAGE 1514 FOR ROLL CALL**

1. **ORDINANCE REZONING THE NORTHWEST CORNER OF BRUNSWICK ROAD & PHILLIP ROAD, CONTAINING 5.08 ACRES IN THE AGRICULTURAL (AG) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5094  
Case No. Z 04-127cc

**APPROVED**, on Second reading

2. **ORDINANCE REZONING THE WEST SIDE OF PISGAH ROAD; +/-4,323 FEET SOUTH OF LATTING ROAD, CONTAINING 2.02 ACRES IN THE AGRICULTURAL (AG) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5095  
Case No. Z 04-142cc

**APPROVED**, on Second reading

3. **RESOLUTION ACCEPTING AFTON GROVE P.D., PHASES II-A AND II-B AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 01-319cc  
(Contract No. CR-4828)

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 Rocky Point Road along Acadia Place and Afton Grove Road. The standard improvement contract was approved on October 21, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$100,000.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

4. **RESOLUTION ACCEPTING WEST MASSEY ROAD IMPROVEMENT (LAUSANNE SCHOOL) AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-4846)

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 West Massey Road, between Lendenwood Road and Ronald Road. The standard improvement contract was approved on January 6, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$39,000.00.

City Engineer recommends approval

**APPROVED**

5. **RESOLUTION APPROVING FINAL PLAT OF JESUS PEOPLE CHURCH SUBDIVISION, SECTION A.**

Case No. S 04-052

Resolution approves the final plat located on the east side of Hickory Hill Road, north of Valleydale Drive. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

6. **RESOLUTION ACCEPTING WHITTEN ROAD COMMERCIAL PD, PHASE 1 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 03-347  
(Contract No. CR-4862)

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 Whitten Road, 320.57 feet north of Hillshire Drive. The standard improvement contract was approved on April 27, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$179,000.00.

City Engineer recommends approval

**APPROVED**

7. **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 99-335 – Highland/Central Planned Development
- B. Case No. PD 01-306 – County Gate Planned Development
- C. Case No. PD 04-379 – Riveredge Planned Development
- D. Case No. PD 04-380
- E. Case No. PD 04-381cc – Lost Creek Planned Development
- F. Case No. PD 04-382
- G. Case No. PD 04-385 – Appling Farms Business Park  
(Formerly Whitten Business Park – PD 94-350cc)
- H. Case No. PD 04-386
- I. Case No. SAC 03-605 – Provine Avenue Alley
- J. Case No. SAC 04-625 – Sevier Street
- K. Case No. SAC 04-623 – Kansas Street Alley Closure – 1
- L. Case No. SAC 04-624 – Kansas Street Alley Closure – 2
- M. Case No. SUP 04-226

Public Hearing Set for March 15, 2005

- 8. **RESOLUTION APPROVING TEMPORARY STREET STRUCTURES ON MARCH 19, 2005 FROM 7:30 A.M. TO 9:00A.M. FOR THE 12<sup>TH</sup> ANNUAL 5K RUN – BANNER FOR CHRIST METHODIST.**

**APPROVED**

- 9. **RESOLUTION HONORING MS. HARRY MAE SIMON.**

**APPROVED**

- 10. **RESOLUTION HONORING MS. JACQUELYN B. SALES.**

**APPROVED**

- 11. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR REVEREND ROGERS PRUITT.**

**APPROVED**

- 12. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR DR. ADRIAN P. ROGERS.**

**APPROVED**

- 48. **RESOLUTION ACCEPTING MLGW DUNLAP SUBSTATION AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-4849)

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 Alabama Avenue, 298.55 feet east of Mosby Avenue. The standard improvement contract was approved on February 3, 2004. Resolution also authorizes the release of the performance bond in the amount of \$271,723.00.

City Engineer recommends approval

**APPROVED**

- 49. **RESOLUTION APPROVING FINAL PLAT OF BUCKINGHAM FARMS, P.D., PHASE 25.**

Case No. PD 95-310cc

Contract No. CR-4926

Resolution approves the final plat located on the south side of Nonconnah Parkway, east of Hacks Cross 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

**APPROVED**

- 50. **RESOLUTION APPROVING FINAL PLAT OF MONROE AVENUE CLOSURE.**

Case No. SAC 01-616

Contract No. CR-4927

Resolution approves the final plat located on Monroe Avenue, west of South Orleans Street, east of Manassas Street. Cost of the required improvements to be borne by the agency and the contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

**APPROVED**

52. **RESOLUTION ACCEPTING TRINITY COMMONS C-P, PHASE 2 (NORTH GERMANTOWN PARKWAY CURB CUT) AND AUTHORIZING RELEASE OF BOND.**  
(Contract No. CR-4884)

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 North Germantown Parkway, north of Trinity Road. The standard improvement contract was approved on July 6, 2004. Resolution also authorizes the release of the certificate of deposit in the amount of \$50,600.00.

City Engineer recommends approval

**APPROVED**

53. **RESOLUTION APPROVING FINAL PLAT OF NORTHGATE SHOPPING CENTER C-P, PHASE 1.**  
Case No. Z 04-131  
Contract No. CR-4928

Resolution approves the final plat located on the east side of Highway 51, north of Whitney Avenue. 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

**APPROVED**

54. **RESOLUTION ACCEPTING WOODLANDS TRAILS PD, PHASE 2, AREA B & HAMILTON FARMS SUBDIVISION, SECTION A SEWER EXTENSION AND AUTHORIZING RELEASE OF BOND.**  
(Contract No. CR-4759)

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 Macon Road, west of Pisgah Road. The standard improvement contract was approved on November 12, 2002. Resolution also authorizes the release of the cashier's check in the amount of \$16,700.00.

City Engineer recommends approval

**APPROVED**

55. **RESOLUTION DECLARING THE MONTH OF MARCH 2005 AS "DIRECT DEPOSIT MONTH."**

**APPROVED**

**ROLL CALL CONSENT ITEMS**

MOTION: Brown  
SECOND: Jones  
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
Marshall was absent

**APPROVED**

**FISCAL CONSENT AGENDA- Items 13 - 16 may be acted upon by one motion.**

13. **RESOLUTION AMENDING THE FY 2005 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AND ALLOCATION OF \$25,000.00 FUNDED BY G.O. BONDS GENERAL FROM CIP PROJECT NUMBER GA03013, REPAVE PARKING LOT, TO CIP PROJECT NUMBER GA03010, COMPUTER HARDWARE AND SOFTWARE AND APPROPRIATE \$25,000.00 FUNDED BY G.O. BONDS GENERAL TO CIP PROJECT NUMBER GA03010, COMPUTER HARDWARE AND SOFTWARE, TO FUND THE 10% LOCAL SHARE OF COSTS AS PART OF THE FISCAL YEAR 2005 CAPITAL IMPROVEMENT BUDGET.**

**APPROVED**

14. **RESOLUTION APPROPRIATING \$5,000.00 FUNDED BY G.O. BONDS GENERAL TO CIP PROJECT NUMBER GA03021, REGIONAL RAIL PLAN, TO FUND THE 10% LOCAL SHARE OF COSTS AS PART OF THE FISCAL YEAR 2005 CAPITAL IMPROVEMENT BUDGET.**

**APPROVED**

15. **RESOLUTION APPROPRIATING \$20,000.00 FUNDED BY G.O. BONDS GENERAL TO CIP PROJECT NUMBER GA03022, ADVANCED PUBLIC TRANSPORTATION SYSTEMS, TO FUND THE 10% LOCAL SHARE OF COSTS AS PART OF THE FISCAL YEAR 2005 CAPITAL IMPROVEMENT BUDGET.**

**APPROVED**

16. **RESOLUTION APPROPRIATING \$25,000.00 IN G.O. BOND FUNDS FOR OVERTON CROSSING/HAWKINS MILL, PROJECT NUMBER PW01002 FOR THE REMOVAL OF UNDERGROUND TANK BY ENVIROM, INC.**

Director of Public Works and City Engineer recommend s approval

**APPROVED****ROLL CALL FISCAL CONSENT ITEMS**

MOTION: Sammons  
 SECOND: Jones  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
 Marshall was absent

**APPROVED****MLGW FISCAL CONSENT- Items 17 - 29 may be acted upon by one motion.**

17. **RESOLUTION AWARDDING CONTRACT NO. 11029, VARIABLE FREQUENCY DRIVE REPLACEMENT AT LICHTERMAN, TO TRI-STATE ARMATURE AND ELECTRICAL WORKS, INC. IN THE FUNDED AMOUNT OF \$126,001.**

**APPROVED**

18. **RESOLUTION APPROVING THE 2005 PAYMENT TO THE MEMPHIS AND SHELBY COUNTY HEALTH DEPARTMENT FOR GROUND WATER PROTECTION ACTIVITIES UNDER CONTRACT NO. 9955, IN THE AMOUNT OF \$137,788.20.**

**APPROVED**

19. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 6 TO CONTRACT NO. 10621, LINE CLEARANCE, WITH BLUME TREE SERVICES IN AN ESTIMATED/FUNDED AMOUNT OF \$500,000, WITH NO**

**INCREASE IN PRESENT CONTRACT RATES. (THIS EXTENDS THE CONTRACT NOT TO EXCEED 60 DAYS BEGINNING MARCH 1, 2005. THE CURRENT CONTRACT EXPIRES FEBRUARY 28, 2005, FOR THE FOURTH AND FINAL TERM BEFORE A NEW CONTRACT CAN BE IMPLEMENTED.)**

**APPROVED**

- 20. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 8 TO CONTRACT NO. 10634, SECURITY SERVICES, WITH CDA, INC. IN AN ESTIMATED/FUNDED AMOUNT OF \$902,096. (THIS COVERS UNBUDGETED EXPENDITURES FOR DECEMBER 2004 AND JANUARY-MARCH 2005, ASSOCIATED WITH WATER PUMPING STATION SECURITY AND CODE ORANGE.)**

**APPROVED**

- 21. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10962, PAINTING OF FIRE STORAGE TANK, WITH AETNA COATINGS, INC. IN THE FUNDED AMOUNT OF \$30,150. (THIS COVERS EQUIPMENT DOWN TIME AND MOBILIZATION COSTS.)**

**APPROVED**

- 22. **RESOLUTION AWARDDING CONTRACT FOR NETWORK TRANSFORMERS AND PROTECTORS AS FOLLOWS:**

Carte International, Inc.....	\$83,922.00
Central Moloney, Inc.....	61,124.00
Utilicor.....	78,120.00
ACF Associates/Eaton Electric.....	65,298.00
Richards Manufacturing Company Sales, Inc.....	54,296.00
	<u>\$342,760.00</u>

**APPROVED**

- 23. **RESOLUTION EXTENDING CONTRACT FOR ENROLLMENT IN THE STATE OF TENNESSEE SELECT AGREEMENT FOR MICROSOFT PRODUCTS WITH SOFTWARE PLUS IN THE AMOUNT OF \$138,754.56.**

**APPROVED**

- 24. **RESOLUTION AWARDDING 36-MONTH CONTRACT FOR OFFICE SUPPLIES TO CORPORATE EXPRESS IN THE AMOUNT OF \$645,711.86.**

**APPROVED**

- 25. **RESOLUTION AWARDDING CONTRACT FOR SINGLE-PHASE RECLOSERS TO TENNESSEE VALLEY ELECTRIC SUPPLY COMPANY IN THE AMOUNT OF \$41,775.**

**APPROVED**

- 26. **RESOLUTION AWARDDING CONTRACT FOR 600-VOLT EPR CABLE TO TENNESSEE VALLEY ELECTRIC SUPPLY COMPANY IN THE AMOUNT OF \$2,073,030.**

**APPROVED**

- 27. **RESOLUTION AWARDDING CONTRACT FOR 60' BOOM LIFT TO UNITED RENTALS, INC. IN THE AMOUNT OF \$87,254.**

**APPROVED**

- 28. **RESOLUTION AWARDING CONTRACT FOR UTILITY BODIES TO SCRUGGS EQUIPMENT COMPANY, INC. IN THE AMOUNT OF \$128,000.**

**APPROVED**

- 29. **RESOLUTION AWARDING CONTRACT NO. 11035, EMERGENCY ELECTRIC SYSTEM SUPPORT, TO DILLARD SMITH CONSTRUCTION COMPANY IN THE FUNDED AMOUNT NOT TO EXCEED \$595,000.**

**APPROVED**

**MLGW ROLL CALL FISCAL CONSENT ITEMS**

MOTION: Holt  
 SECOND: Jones  
 AYES: Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
 Brown did not cast a vote  
 Marshall was absent

**APPROVED**

- 30. **RESOLUTION PROCLAIMING FRIDAY, JANUARY 28, 2005 AS “BENJAMIN L. HOOKS DAY.”,(HELD FROM 2/1).**

Held until March 15, 2005

- 31. **ORDINANCE TO AMEND CHAPTER 15, SECTION 1-5, CODE OF ORDINANCES, CITY OF MEMPHIS TO PROVIDE FOR THE DISPOSAL OF PERSONAL PROPERTY DISCARDED ONTO CITY RIGHT-OF-WAYS, EASEMENTS OR PROPERTY OWNED OR MAINTAINED BY THE CITY AFTER AN EVICTION OR SETOUT AND THE DISPOSAL OF PERSONAL PROPERTY ABANDONED OR LEFT ON PREMISES, UP FOR T H I R D AND F I N A L READING. (HELD FROM 2/1)**

Ordinance No. 5091

Held until March 15, 2005

- 39. **ORDINANCE REZONING LOONEY AVENUE AND SAFFARANS AVENUE, CONTAINING 2.051 ACRES IN THE MIXED USE (MU) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5092

Case No. Z 04-140

Applicant: Memphis Land Bank  
 SR Consulting LLC Cindy Reaves

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete  
 SECOND: Jones  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
 Marshall was absent

**APPROVED**

40. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHEAST CORNER OF WINCHESTER ROAD AND TCHULAHOMA ROAD, CONTAINING 0.55 ACRE IN THE LOCAL COMMERCIAL (C-L) DISTRICT. (HELD FROM 2/15)**

Case No. SUP 04-221

Applicant: Tahseen Ali Hamade

Request: Motor Vehicle Sales/Service

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD the case

MOTION: Peete

SECOND: Brown

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
Marshall was absent

**APPROVED**, as amended

41. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF GRAY’S CREEK DRIVE; +/-372 FEET SOUTH OF U.S. HIGHWAY 64, CONTAINING 7.64 ACRES AND IS CURRENTLY GOVERNED BY GRAY’S CREEK BUSINESS PARK PLANNED DEVELOPMENT, 2<sup>ND</sup> AMENDMENT (P.D. 03 314) AND THE AGRICULTURAL (AG) DISTRICT.**

Case No. PD 04-364

Applicant: Lawrence Tile & Marble  
Davis Engineering Co., Inc. – Representative

Request: Planned development amendment to add three (3) acres to Outline Plan to Create Area ‘A-3’ to allow Planned Commercial (C-P) District uses, including a contractor’s office with outdoor storage yard within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
Marshall was absent

**APPROVED**

42. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF WESTERN PARK DRIVE; +633 FEET EAST OF S. THIRD STREET, CONTAINING 21.4 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. PD 04-373

Applicant: Southwest Community Development Corporation  
Dickinson & Bennett, Inc. – Representative

Request: A residential planned development containing single family and multi-family residential units

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Brown

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
Marshall was absent

**APPROVED**

43. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF KNIGHT ARNOLD ROAD AND RIDGEWAY ROAD, CONTAINING 5.65 ACRES AND IS PARCEL 5 OF THE ARBORS AT HICKORY RIDGE PLANNED DEVELOPMENT (P.D. 87-342CC).**

Case No. PD 04-377

Chairman Ford recognized the following person from the audience:

Chris Lamberson, 166 River Lights Lane, Memphis, TN. 38103

Applicant: T M Jacks  
Guy Payne – Representative

Request: Amend the conditions to regulate Parcel 5 by the Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

**(Councilman Sammons made a motion for this item to be held for 2weeks)**  
**(Special Item #1)**

MOTION: Sammons  
SECOND: Jones  
AYES: Chumney, Jones and Sammons  
NAYS: Brown, Holt, Hooks, Lowery, McCormick, Mitchell, Peete, Taylor and Chairman Ford  
Marshall was absent

**(Special Item #1 FAILED)**

MAIN MOTION: Peete  
SECOND: Holt  
AYES: Brown, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Taylor and Chairman Ford  
NAYS: Chumney and Sammons  
Marshall was absent

**APPROVED**, as amended (The signs on this property were not included in this zoning approval)

51. **RESOLUTION APPROVING A HOTEL WAIVER FOR THE BEST WESTERN INN AND SUITES LOCATED AT 1177 MADISON AVENUE.**

MOTION: Peete  
SECOND: Brown  
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
Marshall was absent

**APPROVED**

44. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF DUNN AVENUE AND AIRWAYS BOULEVARD, CONTAINING 403.19 ACRES IN THE LIGHT INDUSTRIAL (I-L) DISTRICT.**

Case No. PD 04-378

Applicant: Depot Redevelopment Corporation  
Jim Covington, President

Jim Dugan, Dugan Design Group, Inc. – Representative

Request: Industrial warehouse and limited commercial uses

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Jones

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
Marshall was absent

**APPROVED**, as amended

45. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE SOUTHEAST CORNER OF S. MENDENHALL ROAD AND SHADY GROVE ROAD, CONTAINING 1.0 ACRE IN THE SINGLE FAMILY DWELLING – SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. S 04-070

Appellant: Elizabeth S. Norman/SR Consulting, LLC (Cindy Reaves)

Request: Three (3) Lot Preliminary Plat  
Appeal to overturn action of the Land Use Control Board which approved a two (2) lot preliminary plat subdivision where the applicant requested a three (3) lot subdivision located 230 Mendenhall Road.

LUCB and OPD recommendation: APPROVAL of two (2) lots subject four (4) conditions

MOTION: Peete

SECOND: Holt

AYES: Brown, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

NAY: Chumney  
Marshall was absent

**APPROVED**

46. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE EAST SIDE OF LAMAR AVENUE (U.S. HIGHWAY 78); +800 FEET NORTH OF SOUTHWALL ROAD, CONTAINING 10628 SQ. FT. = 0.243 ACRE, IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT.**

Case No. SAC 04-617

Applicant: Lamar South, LLC  
Fisher & Arnold, Inc. – Representative

Request: Close & Vacate Road Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Taylor

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
Marshall was absent

**APPROVED**

47. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTH SIDE OF LITTLE WEAVER LANE; BEGINNING 600 +FEET EAST OF WEAVER ROAD, CONTAINING 0.615 ACRE IN THE RESIDENCE/SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT**

Case No. UV 04-04

Applicant: Joseph Smith, Jr.

Request: Motor Vehicle Service

LUCB and OPD recommendation: REJECTION

MOTION: Peete

SECOND: Holt

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Ford

NAY: Mitchell  
Marshall was absent

**APPROVED**

32. **ORDINANCE TO AMEND CHAPTER 18, ARTICLE II, TO REFLECT CURRENT CHANGES IN THE STRUCTURE AND OPERATIONS OF HE MEMPHIS AND SHELBY COUNTY PUBLIC LIBRARY AND INFORMATION CENTER, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5093

MOTION: Taylor

SECOND: Jones

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

Marshall was absent

**APPROVED**

33. **RESOLUTION APPROPRIATING \$500,000.00 FUNDED BY G.O. BONDS GENERAL TO CIP PROJECT NUMBER GA03004, TRANSIT CENTERS, TO FUND THE 10% LOCAL SHARE OF COSTS AS PART OF THE FISCAL YEAR 2005 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Hooks

SECOND: Holt

AYES: Brown, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

Chumney did not cast a vote

Marshall was absent

**APPROVED**

34. **RESOLUTION AMENDING THE FY 2005 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$14,000.00 FUNDED BY G.O. BONDS FROM CIP PROJECT NUMBER GA03013, REPAVE PARKING LOT, TO CIP PROJECT NUMBER GA03011, PARATRANSIT BUSES AND APPROPRIATE \$130,000.00 FUNDED BY G.O. BONDS GENERAL TO CIP PROJECT NUMBER GA03011, PARATRANSIT BUSES, TO FUND THE 11.5% LOCAL SHARE OF COSTS AS PART OF THE FISCAL YEAR 2005 CAPITAL IMPROVEMENT BUDGET.**

MOTION: Hooks

SECOND: Jones

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford

Marshall was absent

**APPROVED**

35. **RESOLUTION APPROVING PURCHASE OF EASEMENT FROM ISKA TAYLOR DUKE, DONNA LYNN DUKE ORNER AND DALE DUKE CRENSHAW, LOCATED ON THE NORTHWEST SIDE OF AUSTIN PEAY HIGHWAY AND SOUTHWESTWARDLY OF THE SOUTH LINE OF MILLINGTON-ARLINGTON ROAD, FOR THE SUM OF \$45,083.18.**

MOTION: Brown  
 SECOND: Jones  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
 Marshall was absent

**APPROVED**

36. **RESOLUTION APPROVING PURCHASE OF PROPERTY FROM ISKA TAYLOR DUKE, DONNA LYNN DUKE ORNER AND DALE DUKE CRENSHAW, LOCATED SOUTH OF THE INTERSECTION OF DONNELL ROAD AND AUSTIN PEAY HIGHWAY, FOR THE SUM OF \$247,200.00.**

MOTION: Brown  
 SECOND: Jones  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
 Marshall was absent

**APPROVED**

37. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$52,701.00 IN SEWER FUNDS FROM REHABILITATION OF EXISTING SEWERS, PROJECT NUMBER SW02001 TO FORREST AVENUE SEWER REPLACEMENT, PROJECT NUMBER SW02056 FOR CONSTRUCTION CONTRACT WITH ENSCOR, LLC.**

Director of Public Works and City Engineer recommends approval

MOTION: Hooks  
 SECOND: Holt  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
 Marshall was absent

**APPROVED**

38. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$125,000.00 IN G.O. BONDS FROM RIVERFRONT DEVELOPMENT PARK IMPROVEMENTS, PROJECT NUMBER GA01003 TO TOM LEE MEMORIAL, PROJECT NUMBER GA01006 FOR A CONSTRUCTION CONTRACT WITH RIVERFRONT DEVELOPMENT CORPORATION.**

MOTION: Hooks  
 SECOND: Holt  
 AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete, Sammons, Taylor and Chairman Ford  
 Marshall was absent

**APPROVED**

**MINUTES**

**Approval of the Minutes of the regular meeting of February 15, 2005**

MOTION: Mitchell  
SECOND: Jones  
AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, McCormick, Mitchell, Peete,  
Sammons, Taylor and Chairman Ford  
Marshall was absent

**APPROVED**

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

Chairman Ford recognized the following people from the audience:  
Dorothy Crook, 485 Beale Street, Memphis, TN. 38103  
Joe Saino, 6560 Kirby Forest Cove, Memphis, TN. 38119  
Bettye Pittman, 360 Hawthorne, Memphis, TN. 38112  
Rev. Link Generette, III, 1062 Deumaine Place, Memphis, TN. 38106  
Jeff Woodard, 4843 Craigmont Dr., Memphis, TN. 38128

**ADJOURNMENT**

.....  
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

\_\_\_\_\_  
CHAIRMAN

Attest:

\_\_\_\_\_  
Deputy Comptroller/Council Records