

**MINUTES****REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****March 20, 2007****3:30 P.M. SCHEDULED SESSION****3:50 P.M. MEETING COMMENCED**

**ROLL CALL:** Dedrick Brittenum, Joe Brown, Carol Chumney, Madeleine Cooper Taylor, Edmund Ford, Barbara Holt-Ware, E. C. Jones, Myron Lowery, Scott McCormick, Rickey Peete, Jack Sammons and Chairman Tom Marshall. Brent Taylor was absent.

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

**INVOCATION**

The meeting was opened with prayer by Pastor Carla Edwards, from Sold Out Truthful Ministries. Councilwoman Ware presented Pastor Edwards with a certificate naming her 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 - 11 may be acted upon by one motion. SEE PAGE 2154 FOR ROLL CALL**

**1. RESOLUTION APPROVING FINAL PLAT OF COLE-COLONIAL ROAD SUBDIVISION.**

Case No. S 04-079

Resolution approves the final plat located at the corner of Cole Road and Colonial Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

**2. RESOLUTION APPROVING FINAL PLAT OF SUNSET RIDGE P.D.**

Case No. PD 02-341cc

Contract No. CR-5062

Resolution approves the final plat located on the northside of St. Elmo Road, 281.5 feet west of New Brownsville 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**

**3. RESOLUTION APPROVING FINAL PLAT OF DAVENPORT PLANNED DEVELOPMENT.**

Case No. PD 04-371

Contract No. CR-5063

Resolution approves the final plat located on the northeast corner of Holmes Road and Tchulahoma 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

**APPROVED**

4. **RESOLUTION APPROVING FINAL PLAT OF HILL AND FONTAINE BROOK AVENUE SUBDIVISION, RE-SUBDIVISION OF PART OF LOT 41 HILL AND FONTAINE BROOK AVENUE SUBDIVISION.**

Case No. S 06-038  
Contract No. CR-506

Resolution approves the final plat located at the northeast corner of Elvis Presley Blvd. and Brooks 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

**APPROVED**

5. **RESOLUTION ACCEPTING FOR PETS SAKE P.D., AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 98-360  
(Contract No. CR-4935)

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 Summer Avenue, north of Gillespie Road. The standard improvement contract was approved on April 19, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$66,000.00.

City Engineer recommends approval

**APPROVED**

6. **RESOLUTION ACCEPTING APPLING COMMONS P.D., 3RD AMENDMENT, PHASE 4, AREA D AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 04-355cc  
(Contract No. CR-4969)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of Goodlett Farms Parkway and Garrett Ridge Road. The standard improvement contract was approved on September 6, 2005. Resolution also authorizes the release of the performance bond in the amount of \$140,000.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

7. **RESOLUTION ACCEPTING NORTHGATE SHOPPING CENTER C-P, PHASE 1 AND AUTHORIZING RELEASE OF BOND.**

Case No. Z 04-131  
(Contract No. CR-4928)

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 Highway 51, north of Whitney Avenue. The standard improvement contract was approved on March 1, 2005. Resolution also authorizes the release of the performance bond in the amount of \$55,000.00.

City Engineer recommends approval

**APPROVED**

8. **RESOLUTION APPROVING FINAL PLAT OF SMITH LUTRELL SUBDIVISION.**

Case No. S 06-046

Resolution approves the final plat located on the south east side of Hwy. 14, north of Old Covington Pike. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

9. **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 05-372cc – Harris Place P.D.
- B. Case No. SAC 06-632 – Roselawn Avenue Closure
- C. Case No. SAC 02-608 – Lenow Road

Public Hearing Set for April 10, 2007

10. **RESOLUTION COMMEMORATING THE LIFE OF BOB CANNON.**

**APPROVED**

11. **RESOLUTION COMMEMORATING THE 40<sup>TH</sup> ANNIVERSARY OF THE MEDAL OF HONOR BEING AWARDED TO SGT. WALTER K. SINGLETON.**

**APPROVED**

**ROLL CALL CONSENT ITEMS**

- MOTION: McCormick
- SECOND: Jones
- AYES: Brittenum, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Peete, Sammons and Chairman Marshall
- Brown did not cast a vote
- Taylor was absent

**APPROVED**

25. **RESOLUTION HONORING THE MEMPHIS CIVIL RIGHTS SIT-IN MOVEMENT OF MARCH, 1960.**

- MOTION: Brittenum
- SECOND: Peete

**APPROVED**, unanimous voice vote

**MLGW FISCAL CONSENT – Items 12-16 may be acted upon by one motion**

12. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 5 TO CONTRACT NO. 10918, OUT-OF-STATE AUTO INSURANCE, WITH PETE MITCHELL & ASSOCIATES, INC., IN THE FUNDED AMOUNT OF \$88,257.00. (THIS CHANGE RENEWS THE CONTRACT FOR THE FOURTH AND FINAL TERM, MARCH 15, 2007 TO MARCH 14, 2008.)**

**APPROVED**

13. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11013, LINE CLEARANCE, WITH BLUME TREE SERVICES, INC., IN THE FUNDED AMOUNT OF \$980,912.01. (THIS CHANGE RENEWS THE CONTRACT FOR A SECOND TERM, MAY 1, 2007 TO APRIL 31, 2008, WITH A 3% INCREASE.)**

**APPROVED**

14. **RESOLUTION AWARDED CONTRACT FOR VOLTAGE AND CURRENT TRANSFORMERS TO AREVA T&D, INC./RITZ HV IT, INC. C/O VINCENT SALES, INC., IN THE AMOUNT OF \$120,000.00.**

**APPROVED**

15. **RESOLUTION APPROVING CHANGE NO. 9 TO CONTRACT NO. 10839, TEMPORARY PERSONNEL SERVICES, WITH NEMARC PROFESSIONAL SERVICES, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$280,000.00. (THIS CHANGE COVERS AN INCREASE IN THE CONTRACT AMOUNT FOR PROJECTED COST OF SERVICES UNTIL THE END OF THE CONTRACT TERM.)**

**APPROVED**

16. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11158, PCB ASSESSMENT OF TRANSFORMER FIRE, WITH SHAW ENVIRONMENTAL AND INFRASTRUCTURE, IN AN AMOUNT NOT TO EXCEED \$100,000.00. (THIS EXPANDS THE SCOPE TO INCLUDE CLEANUP AND REMOVAL OF ENVIRONMENTAL MATERIALS.)**

**APPROVED**

**ROLL CALL MLGW FISCAL CONSENT ITEM**

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

**APPROVED**

17. **RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF CITY OF MEMPHIS, TENNESSEE, GENERAL IMPROVEMENT BONDS SERIES 2007A, FOR THE PURPOSE OF RETIRING OUTSTANDING BOND ANTICIPATION NOTES.**

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

**APPROVED**

18. **RESOLUTION APPROPRIATES \$455,000.00 IN GS01010, ADA FACILITY COMPLIANCE FOR PAVING AND SIDEWALK CONSTRUCTION AT VARIOUS CITY FACILITIES UNDER THE TERMS OF THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF MEMPHIS AND THE FEDERAL GOVERNMENT DEPARTMENT OF JUSTICE.**

MOTION: Sammons  
 SECOND: Ware

AYES: Brittenum, Chumney, Ford, Jones, Lowery, McCormick, Peete, Sammons and Chairman Marshall  
Brown, Cooper Taylor and Ware did not cast a vote  
Taylor was absent

**APPROVED**

19. **RESOLUTION AMENDING THE FY 2007 FEDERAL OPERATING BUDGET BY APPROPRIATING \$118,650.90 IN REVENUES DERIVED FROM THE HEALTH EDUCATION HOUSING FACILITY BOARD.**

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

**APPROVED**

- 20 **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$364,176.00 FROM SHELBY COUNTY GOVERNMENT FOR THE JUSTICE ASSISTANCE GRANT TO PROVIDE CRIME PREVENTION PROGRAMS, OVERTIME AND LAW ENFORCEMENT EQUIPMENT.**

Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$364,176.00.

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

**APPROVED**

28. **RESOLUTION APPROPRIATING \$43,108.00 FUNDED BY G.O. BONDS GENERAL IN WALNUT GROVE GUARDRAIL INSTALLATION, CIP PROJECT NUMBER PW01163 FOR A CONSTRUCTION CONTRACT WITH ACUFF ENTERPRISES DBA SCOTT CONTRACTORS FOR THE INSTALLATION OF GUARDRAILS.**

Director of Public Works and City Engineer recommends approval

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

**APPROVED**

26. **RESOLUTION SUPPORTING THE STUDY OF THE CREATION OF AN ADDITIONAL RAIL RIGHT-OF-WAY AND REQUESTS THE ADMINISTRATION TO EXPLORE THE FEASIBILITY OF SUCH AND PRESENT A PRELIMINARY PLAN WITHIN THIRTY DAYS OF THE ADOPTION OF THIS RESOLUTION.**

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

**APPROVED**

27. **RESOLUTION SUPPORTING THE CREATION OF AN AERO (AEROTROPOLIS) CENTER COMMISSION AND BUSINESS DISTRICT AND REQUESTS THE ADMINISTRATION TO EXPLORE THIS CONCEPT AND PRESENT A PRELIMINARY PLAN WITHIN THIRTY DAYS OF THE ADOPTION OF THIS RESOLUTION.**

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

**APPROVED**

29. **RESOLUTION APPROVING LEGAL LEVEL TRANSFERS WITHIN THE DIVISIONS OF PUBLIC SERVICE FOR THE SUMMER YOUTH PROGRAM CLEAN-UP RESOLUTION, IN THE AMOUNT OF \$898,025.00.**

MOTION: Sammons  
 SECOND: Ware  
 AYES: Ford, Ware, Jones, Lowery, McCormick, Peete, Sammons and Chairman Marshall  
 Brown, Chumney and Cooper Taylor did not cast a vote  
 Brittenum recused  
 Taylor was absent

**APPROVED**

30. **RESOLUTION OPPOSING THE "COMPETITIVE CABLE & VIDEO SERVICES ACT".**

MOTION: Sammons  
 SECOND: Ware  
 AYES: Ford, Ware, Jones, Lowery, McCormick, Peete and Chairman Marshall  
 NAY: Sammons  
 Chumney abstained  
 Brittenum, Brown and Cooper Taylor did not cast a vote  
 Taylor was absent

**APPROVED**, (Although this item passed, Councilman Peete made a motion for this item to be Sent Back to Committee on April 10, 2007 for further discussion).

21. **ORDINANCE REZONING THE NORTH SIDE OF FRAYSER BOULEVARD; +522.02 FEET WEST OF NEW ALLEN ROAD, CONTAINING 34.8 ACRES IN THE HIGHWAY COMMERCIAL (C-H) & SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5204  
 Case No. Z 06-132

Applicant: Belz Investco c/o Ron Belz  
 Ronald Harkavy – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

MOTION: Lowery  
 SECOND: McCormick

AYES: Brittenum, Chumney, Ware, Jones, Lowery, McCormick, Sammons and  
Chairman Marshall  
Brown, Cooper Taylor and Ford did not cast a vote  
Peete recused  
Taylor was absent

**APPROVED**

22. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH  
SIDE OF WINCHESTER ROAD; +353 FEET EAST OF ELVIS PRESLEY  
BOULEVARD, CONTAINING 1.617 ACRES IN THE PLANNED COMMERCIAL (C-P)  
DISTRICT.**

Case No. SUP 06-226

Applicant: CMRG Winchester, LLC  
Cindy Reaves, SR Consulting – Representative

Request: Hotel

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery  
SECOND: Sammons  
AYES: Chumney, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
Brittenum, Brown, Cooper Taylor and Ford did not cast a vote  
Peete recused  
Taylor was absent

**APPROVED**

23. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE  
NORTHWEST CORNER OF N. SECOND STREET AND CHELSEA AVENUE,  
EXTENDING WESTWARD TO N. MAIN STREET, CONTAINING 2.63 ACRES IN THE  
MIXED USE (MU) AND MODERATE DENSITY RESIDENTIAL (MDR) DISTRICTS.**

Case No. PD 06-36

Applicant: Greenmark, LLC  
James Rasberry – Representative

Request: A maximum of 40 townhouse style residential units in seven, 3-story buildings

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: Hold for Re-Design

MOTION: Lowery  
SECOND: McCormick  
AYES: Brittenum, Chumney, Ware, Jones, Lowery, McCormick, Sammons and  
Chairman Marshall  
Brown, Cooper Taylor and Ford did not cast a vote  
Peete recused  
Taylor was absent

**APPROVED**, as amended

24. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE  
EAST SIDE OF KATE BOND ROAD; +/-152.67 FEET SOUTH OF EDUCATORS LANE,  
CONTAINING 1.03 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. PD 06-367

Applicant: VCM, Inc.  
Solomito Land Planning – Representative

Request: Planned development to allow a residential-styled office building within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery  
SECOND: McCormick  
AYES: Brittenum, Chumney, Ware, Jones, Lowery, McCormick, Sammons and Chairman Marshall  
Brown, Cooper Taylor and Ford did not cast a vote  
Peete recused  
Taylor was absent

**APPROVED**, as amended

**(Councilman Sammons made a motion to suspend the rules and approve the Minutes of Item #28, Resolution appropriating \$43,108.00 funded by G.O. Bonds for Walnut Grove Guardrail Installation).**

**(Special Item#1) - Minutes for Item #28)**

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

**APPROVED**

**MINUTES**

**Approval of the Minutes of the regular meeting of March 6, 2007**

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

**APPROVED**, as amended (The Minutes for Item#25, UV 06-15cc, is being held until April 24, 2007).

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

Chairman Marshall recognized the following people from the audience:  
Walter Broady, III (This office did not receive an appearance card for this person)  
Latrisha Wilson (This office did not receive an appearance card for this person)

**ADJOURNED MEETING AT 5:30P.M.**

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

\_\_\_\_\_  
CHAIRMAN

Attest:

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