

**MINUTES****REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****May 15, 2007****3:30 P.M. SCHEDULED SESSION****3:40 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Rev. Martin McCain, from Grace United Methodist Church. Councilwoman Cooper Taylor presented Rev. McCain 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.**

18. **ORDINANCE APPROVING A NEW CODE OF ETHICS PURSUANT TO LEGISLATION ENACTED BY THE GENERAL ASSEMBLY REQUIRING ALL MUNICIPALITIES IN TENNESSEE TO ADOPT A POLICY FOR ALL MUNICIPAL AND ELECTED OFFICIALS, EMPLOYEES, BOARDS, COMMISSIONS, AUTHORITIES, CORPORATIONS AND OTHER INSTRUMENTALITIES, UP FOR T H I R D AND F I N A L READING.  
(HELD FROM 5/1)**

Ordinance No. 5206

Held until June 5, 2007

19. **ORDINANCE REPEALING ORDINANCE NO. 4709, WHICH ESTABLISHED AN ASPIRATIONAL CODE OF ETHICS FOR ALL ELECTED AND APPOINTED OFFICIALS OF THE CITY AND REPLACING WITH A MORE COMPREHENSIVE ETHICS POLICY, UP FOR T H I R D AND F I N A L READING. (HELD FROM 5/1)**

Ordinance No. 5207

Held until June 5, 2007

28. **RESOLUTION COMMENDING MR. WEBB BREWER FOR HIS OUTSTANDING WORK ON BEHALF OF MEMPHIS AREA LEGAL SERVICES.**

Held until June 5, 2007

27. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON DEADRICK AVENUE, EAST OF BUNTYN STREET AND WEST OF HAYNES STREET AS ROCHELLE STEVENS AVENUE.**

MOTION: Lowery

SECOND: Brittenum

**APPROVED**, unanimous voice vote

26. **RESOLUTION HONORING EDWARD A. BUMPUS FOR HIS LONG-TIME COMMITMENT AND SERVICE TO THE MEMPHIS COMMUNITY.**

MOTION: Brittenum  
 SECOND: Ware

**APPROVED**, unanimous voice vote

**CONSENT AGENDA – Items 1 - 7 & #30 & #31 may be acted upon by one motion. SEE PAGE 2194 FOR ROLL CALL**

1. **ORDINANCE ESTABLISHING THE FISCAL YEAR 2008 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR S E C O N D READING.**

Ordinance No. 5208

**APPROVED**, on Second reading

2. **ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2008, UP FOR S E C O N D READING.**

Ordinance No. 5209

**APPROVED**, on Second reading

3. **ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO INCREASE PENSION BENEFITS ALLOWABLE UNDER SECTION 25-95 AND 25-195, UP FOR S E C O N D READING.**

Ordinance No. 5210

**APPROVED**, on Second reading

4. **RESOLUTION APPROVING FINAL PLAT OF KANSAS STREET IMPROVEMENTS.**

Contract No. CR-5073

Resolution approves the final plat located between Georgia Avenue and Carolina 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**

5. **RESOLUTION ACCEPTING LOGAN’S RUN SUBDIVISION AND AUTHORIZING RELEASE OF BOND.**

Case No. S 04-114cc  
 (Contract No. CR-4897)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on east Holmes Road, 514.33 feet north of Sunny Autumn Lane. The standard improvement contract was approved on October 19, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$44,400.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

6. **RESOLUTION ACCEPTING BUCKINGHAM FARMS PD, PHASE 31 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 95-310cc  
 (Contract No. CR-5004)

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 Nonconnah Parkway, east of Hacks Cross Road. The standard improvement contract was approved on April 11, 2006. Resolution also authorizes the release of the letter of credit in the amount of \$361,000.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

- 7. **RESOLUTION ACCEPTING BAPTIST MEMORIAL HOSPITAL BOX CULVERT, SOUTH OF WALNUT GROVE ROAD AND AUTHORIZING RELEASE OF BOND.**  
(Contract No. CR-5009)

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 Walnut Grove Road, east of Brierview Street. The standard improvement contract was approved on April 25, 2006. Resolution also authorizes the release of the performance bond in the amount of \$268,800.00.

City Engineer recommends approval

**APPROVED**

- 30. **RESOLUTION APPROVING FINAL PLAT OF FOUNDERS POINTE P.D., PHASE 2.**  
Case No. PD 04-333  
Contract No. CR-5074

Resolution approves the final plat located on the west side of Riverside Drive at Channel 3 Drive. 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**

- 31. **RESOLUTION APPROVING FINAL PLAT OF LAMAR CROSSING P.D., PHASE 1, AREA B.**  
Case No. PD 06-313  
Contract No. CR-5075

Resolution approves the final plat located on the southwest corner of Lamar Avenue and Dunn 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**

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT - Items 8 - 16 may be acted upon by one motion**

8. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10977, TIRES AND TIRE SERVICE, WITH SOUTHERN TIRE MART, LLC, IN AN ESTIMATED FUNDED AMOUNT OF \$570,377.92. (THIS RENEWS THE CONTRACT FOR THE THIRD TERM, JUNE 12, 2007 TO JUNE 11, 2008.)**

**APPROVED**

9. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 10979, NETWORK MAINTENANCE, WITH VENTURE TECHNOLOGIES, IN THE FUNDED AMOUNT OF \$495,298.45. (THIS RENEWS THE CONTRACT FOR THE THIRD TERM, JULY 1, 2007 TO JUNE 30, 2008.)**

**APPROVED**

10. **RESOLUTION REQUESTING RATIFICATION OF EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 2 TO CONTRACT NO. 11061, WIRELESS TELEPHONE SERVICES, WITH AT&T (FORMERLY CINGULAR WIRELESS) IN AN ESTIMATED FUNDED AMOUNT OF \$194,253.44. (THIS RENEWS THE CONTRACT FOR THE FIRST TERM, APRIL 3, 2007 TO APRIL 2, 2008.)**

**APPROVED**

11. **RESOLUTION AWARDDING 36-MONTH BLANKET CONTRACT FOR UTILITY BILL ENVELOPES TO TENSION ENVELOPE CORPORATION, IN THE AMOUNT OF \$544,282.76.**

**APPROVED**

12. **RESOLUTION REQUESTING RATIFICATION OF EMERGENCY PURCHASE ORDER NO. 130755 ISSUED TO SIEMENS PT&D, C/O UTILITY SALES AGENCY, INC., FOR A 40-KA POWER CIRCUIT BREAKER, IN THE AMOUNT OF \$37,995.00.**

**APPROVED**

13. **RESOLUTION AWARDDING CONTRACT FOR NINE COUPLING CAPACITOR VOLTAGE TRANSFORMERS TO TRENCH LIMITED, C/O JEANES ENTERPRISES, IN THE AMOUNT OF \$49,950.00.**

**APPROVED**

14. **RESOLUTION AWARDDING CONTRACT NO. 11217, TEMPORARY SERVICES, TO MANPOWER, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$160,000.00.**

**APPROVED**

15. **RESOLUTION AWARDDING CONTRACT NO. 11220, TEMPORARY SERVICES, TO KELLY SERVICES, INC., IN AN AMOUNT NOT TO EXCEED \$220,000.00.**

**APPROVED**

16. **RESOLUTION AWARDDING CONTRACT NO. 11221, TEMPORARY SERVICES, TO NEMARC PROFESSIONAL SERVICES, INC., IN AN AMOUNT NOT TO EXCEED \$180,000.00.**

**APPROVED**

**ROLL CALL MLGW FISCAL CONSENT ITEMS**

MOTION: Chumney  
SECOND: McCormick

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

**APPROVED**

17. **APPOINTMENTS**

**Memphis & Shelby County Cross Connection Board**

Appointments

Lloyd M. Rainey  
Chandrika R. Winston

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

**APPROVED**

20. **RESOLUTION APPROPRIATING \$300,000.00 IN G.O. BONDS GENERAL FOR RESTORATION OF THE OVERTON PARK SHELL.**

Council did include Overton Park Shell, CIP Project Number PK07083, as part of the FY 2007 Capital Improvement Program.

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

**APPROVED**

21. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$30,000.00 FROM THE PLOUGH FOUNDATION FOR THE RAYMOND SKINNER CENTER TO PURCHASE A NEW VAN. RESOLUTION ALSO AMENDS FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS IN THE AMOUNT OF \$30,000.00.**

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

**APPROVED**

22. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE EAST SIDE OF ROCKYFORD ROAD; +374 FEET SOUTH OF RANER CREEK DRIVE, CONTAINING 3.38 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. SUP 07-203cc

Applicant: William Orgel  
Cindy Reaves, SR Consulting – Representative

Request: Cellular Tower

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**, as amended

29. **RESOLUTION DECLARING MAY 14 – MAY 17, 2007 AS “BUSINESS ECONOMIC DEVELOPMENT WEEK”, WHICH IS SPONSORED BY THE MEMPHIS CHAPTER OF THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE.**

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

**APPROVED**

23. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF SHELBY DRIVE; +/-310 FEET WEST OF SANDY PARK DRIVE, CONTAINING 1.90 ACRES IN AN AREA CURRENTLY GOVERNED BY HENRY COMMERCIAL PLANNED DEVELOPMENT (P.D. 99-333).**

Case No. PD 07-303

Applicant: Henry A. McLemore  
 Doveland Building & Engineering Company – Representative

Request: Planned development amendment to modify Outline Plan to create a new Concept Plan to allow two (2) additional buildings within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

24. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF E. PARKWAY SOUTH; +380.47 FEET SOUTH OF CENTRAL AVENUE, CONTAINING 14.89 ACRES IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.**

Case No. PD 07-306

Held until June 5, 2007

25. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF MANSLICK ROAD @ WESTERN TERMINUS OF PRESMOND ROAD, CONTAINING 6.53 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT. (HELD FROM 4/24)**

Case No. PD 07-304cc

Held until June 19, 2007

32. **APPOINTMENT**

Alcohol Commission

**Appointment**

Marsha C. Jenkins

MOTION: Lowery

SECOND: Ware

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

**APPROVED**

**(Councilman Lowery made a motion for the Minutes of item#32, be approved at tonight's meeting)**

**(Special Item #1 - MINUTES for item #32)**

MOTION: Lowery

SECOND: McCormick

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

**(Special Item #1 - APPROVED)**

**MINUTES**

Approval of the Minutes of the regular meeting of May 1, 2007

MOTION: Jones

SECOND: McCormick

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

**APPROVED**

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

**ADJOURNED MEETING AT 4:40P.M.**

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

\_\_\_\_\_  
CHAIRMAN

Attest:

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