

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****June 21, 2005****3:30 P.M. SESSION**

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

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

INVOCATION

The meeting was opened with prayer by Rev. Herman Powell, Sr., from Early Grove Baptist Church. Councilwoman Chumney presented Rev. Powell 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.

41. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF SHELBY DRIVE; ±215 FEET EAST OF RIVERDALE ROAD, CONTAINING 14.7 ACRES IN THE PLANNED COMMERCIAL (C-P) DISTRICT, REGULATED BY GENERAL PLAN FOR SHELBY SQUARE SHOPPING CENTER.**

Case No. SUP 04-227

Held to July 5, 2005

42. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHWEST CORNER OF ELVIS PRESLEY BOULEVARD AND HERNANDO ROAD, CONTAINING 7.87 ACRES IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT.**

Case No. SUP 05-203

Held to July 19, 2005

46. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE NORTH SIDE OF TOURNAMENT DRIVE, 150 FEET WEST OF WINDEMERE LANE. (Held from 6/7)**

Case No. PD 96-315cc

Chairman Ford recognized the following persons from the audience:

Ronald Poe, 261 Germantown Bend Cv., Cordova, TN 38018
Bill Powell, 7500 Capital Dr., Germantown, TN 38138
Buck Wellford, 165 Madison Ave., Mphs, TN 38103
Jerry West, 8580 Tournament Drive, Mphs, TN 38125

Appellant: St. Regis Development Group, LLC

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on March 10, 2005 in which the Board rejected a site plan for 11 lots for single-family detached dwellings

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

MOTION: Peete – Move previous question

SECOND: Sammons

MAIN MOTION: Peete

SECOND: McCormick

AYES: Chumney, Holt, Hooks and Lowery

NAYS: Brown, Jones, Marshall, McCormick, Mitchell, Peete, Sammons and Chairman Ford

Taylor was absent

FAILED

MINUTES

Approval of the Minutes of the regular meeting of June 7, 2005 with the following motion:

MOTION: Holt – 3% increase for the Judges and the City Court Clerk

SECOND: Jones

AYES: Brown, Holt, Hooks, Jones, Lowery, Peete and Ford

NAYS: Chumney, Marshall, McCormick, Mitchell and

Sammons

Taylor was absent

Comptroller set up Special Item #2 for Holt amendment

APPROVED, Special Item #2, as it amended Item #25

Comptroller set up Special Item #3 for Marshall amendment

MOTION: Marshall – 3% increase for Division Directors

SECOND: Peete

AYES: Brown, Holt, Hooks, Jones, Lowery, Marshall, Peete, Sammons and Chairman Ford

NAYS: Chumney and McCormick

Mitchell abstained

Taylor was absent

APPROVED, Special Item #3, as it amended Item #25

After a discussion on whether or not to vote on the item below with a separate motion, Attorney Wade suggested that you move to amend the minutes to add the language that you want to add to that one resolution and then approve the minutes as amended

MAIN MOTION: Mitchell – Amend Item #22, Center City Commission's Budget by adding one section that was omitted

SECOND: Peete

AYES: Chumney, Holt, Hooks, Jones, Lowery, Marshall, Mitchell, Peete and Sammons and Chairman Ford

NAYS: McCormick

Brown did not cast a vote

Taylor was absent

APPROVED, as amended

- 26. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, TO ESTABLISH A NEW ARTICLE TO BE KNOWN AS TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM, UP FOR T H I R D AND F I N A L READING.**
Ordinance No. 5108

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

APPROVED

- 37. **RESOLUTION ADOPTING A REDEVELOPMENT PLAN FOR THE ROZELLE-ANNESDALE NEIGHBORHOOD.**

Friendly Amendment: Delete Letter D

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

APPROVED, as amended

- 38. **ORDINANCE REZONING THE ROZELLE-ANNESDALE NEIGHBORHOOD BOUNDED BY THE L & N RAILROAD TO THE NORTH, THE MOPAC RAILROAD TO THE WEST, THE SOUTHERN RAILROAD TO THE SOUTH AND MCLEAN BOULEVARD TO THE EAST, CONTAINING ½ SQUARE MILES IN MULTIPLE DISTRICTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5106
 Case No. Z 05-107

Chairman Ford recognized the following persons from the audience:

Stoy Bailey, 1700 Vesey Ave., Mphs, TN 38114
 Linda Williams, 990 S. Willett, Mphs, TN 38114

Applicant: Memphis & Shelby County Division of Planning & Development

Request: Adopt the proposed ordinance amendments

LUCB and OPD recommendation: Adopt the ordinance on Third and Final reading

Friendly Amendment: Drop recommendations 13 and 17

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

APPROVED, as amended

CONSENT AGENDA – Items 1-17 & 55-64 may be acted upon by one motion. SEE PAGE 1614 FOR ROLL CALL

1. **ORDINANCE TO AMEND CHAPTER 2, SECTION 2-227 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES BY INCREASING CERTAIN ADMINISTRATIVE FEES FOR LAND DEVELOPMENT PROJECTS TO RECOVER THE COSTS OF ENGINEERING ADMINISTRATION., UP FOR S E C O N D READING.**

Ordinance No. 5109

APPROVED, on Second reading

2. **ORDINANCE TO AMEND CHAPTER 34, SECTION 34-138 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES BY INCREASING SIDEWALK IMPROVEMENT/ALTERATION PERMIT FEES TO RECOVER THE COSTS OF ENGINEERING ADMINISTRATION, UP FOR S E C O N D READING.**

Ordinance No. 5110

APPROVED, on Second reading

3. **ORDINANCE TO AMEND CHAPTER 40, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO REVISE AND UPDATE ANNUAL REGISTRATION FEES FOR WEIGHTS AND MEASURES, UP FOR S E C O N D READING.**

Ordinance No. 5111

APPROVED, on Second reading

4. **ORDINANCE REVISING CITY SOLID WASTE FEES TO AMEND CHAPTER 15, SECTION 12, OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO AN INCREASE IN THE MONTHLY FEES CHARGED FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE, UP FOR S E C O N D READING.**

Ordinance No. 5112

Director of Public Works and Finance recommends approval

APPROVED, on Second reading

5. **ORDINANCE TO AMEND CHAPTER 41, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO REVISE AND UPDATE STORAGE FEE SCHEDULE FOR IMPOUNDED VEHICLES, UP FOR S E C O N D READING.**

Ordinance No. 5113

APPROVED, on Second reading

6. **RESOLUTION APPROVING FINAL PLAT OF ELNORA JOHNSON SUBDIVISION.**

Case No. S 04-069

Resolution approves the final plat located on the northeast corner of Hawkins Mill Road and Old Hawkins Mill Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

7. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPMENT SUBDIVISION 1.**

Case No. S 04-072

Resolution approves the final plat located on both sides of North Second Street, south of Looney Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

8. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPMENT
SUBDIVISION 2.**

Case No. S 04-073

Resolution approves the final plat located on the southeast corner of North Fourth Street and Looney Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

9. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPMENT
SUBDIVISION 3.**

Case No. S 04-074

Resolution approves the final plat located on the southeast corner of North Sixth Street and Looney Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

10. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPMENT
SUBDIVISION 4.**

Case No. S 04-075

Resolution approves the final plat located on the south side of Saffarans Avenue between North Fifth Street and North Sixth Street. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

11. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPEMENT
SUBDIVISION 7.**

Case No. S 04-087

Resolution approves the final plat located on the northwest corner of Manassas Street and Saffarans Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

12. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPMENT
SUBDIVISION 9.**

Case No. S 05-003

Resolution approves the final plat located on the northeast corner of Mill Avenue and North Fifth Street. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

13. **RESOLUTION APPROVES THE ENGINEERING PLANS FOR BELVEDERE
COLLECTION.**

Contract No. CR-4949

Resolution approves the engineering plans located on the northwest corner of Union Avenue and Belvedere Boulevard. 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

14. **RESOLUTION APPROVES THE FINAL PLAT OF MOUNT PISGAH P.D.**

Case No. PD 04-338cc

Contract No. CR-4950

Resolution approves the final plat located north of Macon Road, west of Pisgah 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

15. **RESOLUTION APPROVING ENGINEERING PLANS FOR STATE PLACE, PHASE 2.**

Case No. SCBID-04-018

Contract No. CR-4951

Resolution approves the engineering plans located between Georgia and Carolina, 833.11 feet east of Riverside Drive. Cost 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

16. **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 05-311cc
- B. Case No. SAC 04-601 – Channel 3 Dr. (Aka Railroad Ave.& Latham Ave. (not open)
- C. Case No. SAC 04-626 – Looney Avenue Alley
- D. Case No. SAC 04-627 – Old Thomas St. & Looney Avenue Alley
- E. Case No. SAC 05-602 – Kansas Street

Public Hearing set for July 5, 2005

17. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON RIVERSIDE DRIVE FROM GEORGIA TO BEALE STREET ON JULY 2, 2005 TO JULY 4, 2005, FOR THE FOURTH OF JULY RED, WHITE AND BLUES CELEBRATION.**

APPROVED

55. **RESOLUTION ACCEPTING CONCORD ESTATES SUBDIVISION, SECTION B, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 99-062cc

(Contract No. CR-4750)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the terminus of Gertrude Drive, 796.66 feet south of Shelby Drive. The standard improvement contract was approved on October 15, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$28,500.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

56. **RESOLUTION ACCEPTING GERLAND CREEK P.D., PHASE 5, PART OF PARCEL 3, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 92-349cc
(Contract No. CR-4881)

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 Shelby Drive, 2630.64 feet west of Hacks Cross Road. The standard improvement contract was approved on July 6, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$10,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

57. **RESOLUTION ACCEPTING STONEBRIAR P.D., PHASE 2, PARTS OF AREAS 1 & 4 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 03-335cc
(Contract No. CR-4866)

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 Easterly Lane, 906.99 feet south of East Holmes Road. The standard improvement contract was approved on May 4, 2004. Resolution also authorizes the release of the cashier's check in the amount of \$10,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

58. **RESOLUTION APPROVING FINAL PLAT OF AUTUMN HEIGHTS SUBDIVISION, RESUBDIVISION OF LOTS 9 AND 10.**

Case No. S 04-083

Resolution approves the final plat located on the northeast corner of Autumn Avenue and Galloway Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

59. **RESOLUTION APPROVING ENGINEERING PLANS OF PEMBERTON MEADOWS PD SEWER EXTENSION.**

Contract No. CR-4952

Resolution approves the engineering plans located on the north side of Holmes Road, 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 sewer extension contract.

City Engineer recommends approval

APPROVED

60. **RESOLUTION APPROVING STANDARD TRAFFIC SIGNAL MODIFICATION CONTRACT FOR WINCHESTER/HACKS CROSS ROAD PD-SIGNAL AT WINCHESTER ROAD AND CENTENNIAL DRIVE.**

Contract No. CR-4953

Resolution approves the standard traffic signal modification contract located at the intersection of Winchester Road and Centennial Drive. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard traffic signal contract.

City Engineer recommends approval

APPROVED

61. **RESOLUTION APPROVING FINAL PLAT OF RITE AID CORPORATION C-P, PHASE 1.**

Case No. Z 98-165
Contract No. CR-4954

Resolution approves the final plat located on the southeast corner of Raleigh Lagrange Road, and Sycamore View 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

62. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON STREET JUNE 30, 2005, FROM 8:00 A.M. UNTIL 9:00 P.M., FOR "LE BONHEUR ASSOCIATE EVALUATION" EVENT.**

APPROVED

63. **ORDINANCE AMENDING CHAPTER 2, DIVISION 6, SECTION 2-332, CODE OF ORDINANCES, CITY OF MEMPHIS, TO PROVIDE FOR A LOCAL BIDDING PREFERENCE FOR CONTRACTS AWARDED BY THE CITY, UP FOR F I R S T READING.**

Ordinance No. 5114

APPROVED, on First reading

64. **ORDINANCE REZONING THE NORTHEAST SIDE OF I-40, EXTENDING SOUTHEASTWARD FROM THE WESTBOUND RAMP TO EXIT 8, CONTAINING 15.95 ACRES IN THE AGRICULTURAL FLOOD PLAIN (AG[FP] AND FLOODWAY (FW) DISTRICTS, UP FOR F I R S T READING.**

Ordinance No. 5115
Case No. Z 05-111

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT- Items 18-23 may be acted upon by one motion

18. **RESOLUTION AWARDED CONTRACT NO. 11039, MLGW GAS/WATER LEAK SURVEY, TO HEATH CONSULTANTS, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$331,060.10.**

APPROVED

- 19. **RESOLUTION AWARDING CONTRACT NO. 11041, RIGHT-OF-WAY MOWING, TO BEAN AND PRINCE CONTRACTORS, IN AN ESTIMATED FUNDED AMOUNT OF \$130,800.00.**

APPROVED

- 20. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 10727, SYSTEM FURNITURE, WITH CORPORATE EXPRESS, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$775,000.00. (THIS RENEWS THE CONTRACT FOR THE FOURTH TERM, 7/1/05 TO 6/30/06.)**

APPROVED

- 21. **RESOLUTION AWARDING CONTRACT FOR PVC CONDUIT TO TENNESSEE VALLEY ELECTRIC SUPPLY COMPANY IN THE AMOUNT OF \$3,013,360.00.**

APPROVED

- 22. **RESOLUTION AWARDING CONTRACT FOR FRONT MOUNTED TRUCK WINCHES TO TEREX UTILITIES IN THE AMOUNT OF \$87,352.00.**

APPROVED

- 23. **RESOLUTION AWARDING CONTRACT FOR SUBSTATION CAPACITOR BANKS TO TENNESSEE VALLEY ELECTRIC SUPPLY COMPANY IN THE AMOUNT OF \$92,000.00.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

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

APPROVED

- 24. **APPOINTMENTS**

Memphis City Beautiful Commission

Appointments

James Kincaide
 Joe Spake
 Shelia Wilson – approved at full council; did not attend Committee Meeting

Reappointment

Martha Fuller
 Bethany Smith – approved at full council; did not attend Committee Meeting
 Patricia Trentman – approved at full council; did not attend Committee Meeting

Memphis Light, Gas & Water Board

Appointment

William Lewis Taylor

Memphis & Shelby County New Arena Public Building Authority

Appointment

Carol Winfield Jones, P.E.

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

APPROVED

29. **RESOLUTION AUTHORIZING ACQUISITION BY CONDEMNATION OR BY PURCHASE OF PROPERTY FOR IMPROVEMENT OF GRAY'S CREEK INTERCEPTOR SEWER EXTENSION CONTRACT 3, PLAT 1 OF 1, PROJECT NO. SW058.**

Resolution authorizes acquisition by condemnation of property containing 104,730 square feet for a sanitary sewer easement, 244,370 square feet for a temporary construction easement and 117,049 square feet for an access ingress/egress easement over and across the property located east of Pisgah Road and north of Gray's Creek Drainage Canal in Shelby County, Tennessee. Resolution provides that a total of \$30,450.00 be deposited with the Circuit Court Clerk, pending completion of the suit, or settlement by the parties.

General Services Director and City Engineer and Public Works Director recommend approval

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

APPROVED

25. **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 T H I R D AND F I N A L READING.**

Ordinance No. 5107

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

APPROVED

65. **RESOLUTION APPROVING THE SALE OF DIVISION-OWNED PROPERTY, LOCATED AT THE SOUTHEAST CORNER OF TUTWILER AND AVALON, TO V & E GREENLINE COMMUNITY CORPORATION, FOR THE SUM OF \$1,000.00.**

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

Taylor was absent

APPROVED

27. **RESOLUTION CLASSIFYING THE EXECUTIVE DIRECTOR OF MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER AS APPOINTED, PURSUANT TO SECTION 250 OF THE MEMPHIS CITY CHARTER.**

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

APPROVED

28. **RESOLUTION INCLUDING AUTOMATED FUEL SYSTEM, CIP NUMBER GS01017, AS PART OF THE FISCAL YEAR 2005 CAPITAL IMPROVEMENT PROGRAM. RESOLUTION SEEKS TO APPROPRIATE \$200,000.00 IN CONSTRUCTION FUNDS, FUNDED BY G.O. BONDS GENERAL.**

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

APPROVED

30. **RESOLUTION APPROVING THE TRANSFER OF ONE PARCEL OF PROPERTY FROM HOUSING AND COMMUNITY DEVELOPMENT AND TWO PARCELS ACQUIRED FROM SHELBY COUNTY TO UNITED HOUSING, INC. THESE PROPERTIES WILL BE USED TOWARD THE DEVELOPMENT OF THE JAMES ROAD HOUSING DEVELOPMENT, WHICH INCLUDES APPROXIMATELY 295 UNITS OF HOUSING AND PARK SPACE AVAILABLE FOR THE PUBLIC.**

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

APPROVED

31. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$177,217.00 FROM THE STATE OF TENNESSEE, DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF CRIMINAL JUSTICE PROGRAMS FOR THE VICTIMS OF CRIME ACT(VOCA) GRANT TO BE USE TO PROVIDE CRISIS INTERVENTION COUNSELING, COMPREHENSIVE ADVOCACY SERVICES, AND SHORT-TERM COUNSELING SERVICES TO VICTIMS OF SEXUAL ASSAULT IN ORDER TO REDUCE THE IMPACT OF VICTIMIZATION. RESOLUTION ALSO AMENDS FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

APPROVED

32. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$21,100.00 FROM THE STATE OF TENNESSEE, DEPARTMENT OF FINANCE AND ADMINISTRATION, OFFICE OF CRIMINAL JUSTICE PROGRAMS FOR THE STOP VIOLENCE AGAINST WOMEN GRANT TO BE USED TO PROVIDE CRISIS INTERVENTION COUNSELING AND ADVOCACY SERVICES TO VICTIMS OF SEXUAL ASSAULT IN ORDER TO REDUCE THE IMPACT OF VICTIMIZATION. RESOLUTION ALSO AMENDS FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

APPROVED

33. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AND ALLOCATION AND APPROPRIATING \$250,000.00 IN SEWER FUNDS FROM REHABILITATION OF EXISTING SEWERS PROJECT NUMBER SW02001 TO SIDEWALK REPLACEMENT PROJECT NUMBER SW02004.**

Director of Public Works recommends approval

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

APPROVED

34. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$150,374.00 IN G.O. BONDS FROM DRAINAGE PROJECT NUMBER PW03006 TO INTEGRATED STORMWATER MANAGEMENT PLANNING SECTION 1, PROJECT NUMBER PW03078 AND ESTABLISHING AN ALLOCATION OF \$150,374.00 FOR SHELBY COUNTY GOVERNMENT. RESOLUTION APPROPRIATES \$300,748.00 IN ARCHITECTURE AND ENGINEERING WITH \$150,374.00 IN G.O. BONDS AND \$150,374.00 IN LOCAL SHARED REVENUE FOR INTEGRATED STORMWATER MANAGEMENT PLANNING SECTION 1, PROJECT NUMBER PW03078.**

Director of Public Works and City Engineer recommend approval

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

APPROVED

35. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY ACCEPTING \$1,000,000.00 IN LOCAL OTHER REVENUE FROM THE UNIVERSITY OF MEMPHIS FOR THE UNIVERSITY OF MEMPHIS CROSSWALK STUDY, PROJECT NUMBER PW04029 AND ESTABLISHING AN ALLOCATION OF \$1,000,000.00 IN LOCAL OTHER REVENUE TO FUND THE PROJECT.**

Director of Public Works and City Engineer recommends approval

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

APPROVED

36. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$276,800.00 FROM THE SHELBY COUNTY GOVERNMENT FOR THE TRANSPORTATION PLANNING GRANT TO PAY A PORTION OF PERSONNEL SERVICES FOR TRANSPORTATION PLANNING FOR THE METROPOLITAN PLANNING ORGANIZATION. GRANT FUNDS ARE MATCHED WITH A 20% MATCH FROM THE ENGINEERING OPERATING BUDGET. RESOLUTION ALSO AMENDS FY 2005 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

APPROVED

40. **ORDINANCE REZONING THE SOUTHEAST CORNER OF THOMAS (U.S. HIGHWAY 51) AND CARROLTON AVENUE, CONTAINING 0.81 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Held from 6/7)

Ordinance No. 5103
 Case No. Z 05-103

Applicant: Glen Ray Thomas

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

39. **ORDINANCE REZONING THE WEST SIDE OF U.S. HIGHWAY 61; +126 FEET SOUTH OF FAIRWAY AVENUE, CONTAINING 0.376 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Held from 5/3;5/17;6/7)

Ordinance No. 5096
 Case No. Z 04-137

Applicant: Diane Boyd

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL of Rezoning to General Office (O-G) District

MOTION: Marshall

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

APPROVED, converted to UV 05-01

43. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE EAST SIDE FOREST HILL IRENE ROAD; ±800 FEET NORTH OF THE MISSISSIPPI STATE LINE LANE, CONTAINING 6.0 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. SUP 05-204cc

Chairman Ford recognized the following person from the audience:

Randy Griffie, 5524 Forest Hill Irene Rd., Mphs, TN 38125

Applicant: Randy Griffie & Kim Christopher
 Randy Griffie & Kim Christopher – Representatives

Request: Kennel

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

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

APPROVED

44. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTHSIDE OF PARK AVENUE; ±702 FEET EAST OF SEMMES STREET, CONTAINING 8,626 SQUARE FEET (0.198 ACRE) IN THE GENERAL OFFICE (O-G) DISTRICT.**

Case No. UV 05-02

Chairman Ford recognized the following person from the audience:

Lisa Verse, 4054 Valefa, Mphs, TN 38125

Applicant: Ivory J. Winfield & Elnora Johnson
 Lisa Verse – Representative

Request: Catering Establishment

LUCB recommendation: Conversion to a use variation and approval of catering establishment

OPD recommendation: Rejection of rezoning to C-L District

No Opposition at LUCB; No Public Hearing Required

Friendly Amendment: Pave parking lot and put up a site proof fence

MOTION: Hooks
 SECOND: Brown

Peete accepted Mrs. Hooks Friendly Amendment

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

APPROVED, as amended

45. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN THE WEST LINE OF MANASSAS AND THE EAST LINE OF TULLY STREET, CONTAINING 1.459 ACRES IN THE MULTIPLE DWELLING RESIDENTIAL (R-MM) DISTRICT.** (Held from 4/5;5/3)

Case No. SAC 04-612

Applicant: Memphis Board of Education
 Homer Branan, III & Dedrick Brittenum, Jr. – Representatives

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

47. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHEAST CORNER OF POPLAR AVENUE AND CHERRY ROAD, CONTAINING 1.72 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. PD 05-309

Applicant: Poplar Cherry Partners, LLC (Bob Browne)
 Bob Browne – Representative

Request: A maximum of 8 single family lots

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED, as amended in Committee

48. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 64; OPPOSITE APPLING ROAD, CONTAINING 2.43 ACRES IN THE COUNTRYSIDE CORPORATE CENTER PLANNED DEVELOPMENT, 1ST ADDITION AS AMENDED BY (P.D. 02-359).**

Case No. PD 05-317

Applicant: Appling Way II Group
 Dickinson & Bennett - Representative

Request: Sale and display of all-terrain vehicles and increased area for auto rental parking

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Jones

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

APPROVED

49. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF BRUNSWICK ROAD; +208 FEET SOUTH OF THE WESTERN TERMINUS OF HILLMAN WAY, CONTAINING 36.42 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. PD 05-319cc

Applicant: Brunswick Village, LLC
Land Development Solutions – Representative

Request: A Planned Development to create a mix use residential development including 48 single family detached lots, 66 condominium units and a 100 unit assisted living facility

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: McCormick

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

APPROVED

50. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF MACON ROAD; +/-1,136.44 FEET EAST OF CENTURY CENTER PARKWAY, CONTAINING .48 ACRE(20,910 SQ. FT.). THE VACANT LAND IS GOVERNED BY WHITTEN/I-40 PLANNED DEVELOPMENT, AMENDED(P.D. 89-353).**

Case No. PD 05-320
(formerly PD 89-353)

Applicant: Boyle Investment Company (BICO)
Dalhoff-Thomas-Daws(Debra Daws) - Representative

Request: Planned development amendment to add 20,910 sq. ft.(.48 acre parcel), to be included in Area ‘C’ to allow uses permitted in the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Jones

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

APPROVED

51. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE NORTHERN TERMINUS OF WINDERMERE DRIVE EXTENDING EASTWARDLY TO THE WESTERN TERMINI OF LANSING DRIVE AND WINDERWOOD CIRCLE, CONTAINING 25.32 ACRES IN THE WOODS/SINGLE FAMILY RESIDENTIAL (RS-10) DISTRICT.**

Case No. S 04-065

Chairman Ford recognized the following persons from the audience:

Cecil Anderson, 3300 Homewood Dr., Mphs, TN 38128
 Larry Conway, 0 Lakewood Dr., Mphs, TN 38128
 Robert Frett, 3739 Winderwood Cr., Mphs, TN 38128
 Tanner George, 1916 Lamar Ave., Mphs, TN 38114
 Ken Lansing, 3060 Woodhills Dr., Mphs, TN 38128
 Ida Lynch, 6371 Big Creek Cv., Mphs, TN 38135
 Nathaniel Matthews, 3740 Winderwood Cr., Mphs, TN 38128
 Frank Palumbo, 3540 Summer Ave., Mphs, TN 38112
 Robert Spence, 1766 Forest Avenue, Mphs, TN 38112

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

APPROVED, item held to July 5, 2005

53. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING +117 FEET EAST OF LATHAM STREET; EXTENDING +461 FEET EASTWARDLY, CONTAINING 5,098 SQUARE FEET (AREA OF R.O. W.) AND 424' X 12' FEET (LENGTH X WIDTH OF R.O.W.) IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. SAC 04-632

Applicant: King Solomon Missionary Baptist Church
 McCaskill Consultants – Representative

Request: Close & Vacate Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

54. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE SOUTHSIDE OF LINDEN AVENUE; +165 FEET EAST OF S. FRONT STREET, CONTAINING 3,007 SQUARE FEET (AREA OF R.O.W.) AND 10' X 300.7' FEET (LENGTH X WIDTH OF R.O.W.), IN THE STREET/ALLEY – SOUTH MAIN (SM) DISTRICT.**

Case No. SAC 05-603

Chairman Ford recognized the following person from the audience:

Dan Graddy, 6799 Great Oaks, Mphs, TN 38138

Applicant: Southfront Partners

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

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Brown

AYES: Brown, Chumney, Hooks, Jones, Lowery, Marshall, McCormick, Peete and Chairman Ford

Holt, Mitchell and Sammons did not cast a vote

Taylor was absent

APPROVED

52. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE WEST SIDE OF NORTH GERMANTOWN PARKWAY; +150 FEET SOUTH OF FISCHER STEEL ROAD, CONTAINING 6.7 ACRES IN THE PLANTS PLUS VACANT/LIGHT INDUSTRIAL (I-L) AND HEAVY INDUSTRIAL (I-H) DISTRICTS.**

Case No. S 04-077

Chairman Ford recognized the following persons from the audience:

Tim Dulin, 7790 Fisher Steel, Cordova, TN 38018

Richard Myers, 6000 Poplar Ave., Memphis, TN 38119

Buck Wellford, 165 Madison Ave., Mphs, TN 38103

Owner of Record/Applicant: Insomnia, Inc.

Equitable Owner/Applicant: Fergis & Harding Arch., Inc.

ETI Corp. – Dan Graddy – Representative

Request: Appeal to overturn action of Land Use Control Board deferring action on preliminary plat and to approve the preliminary plat as recommended by the Office of Planning and Development

LUCB and OPD recommendation: APPROVAL, with fourteen (14) conditions & two design changes

MOTION: Peete

SECOND: Brown

AYES: Hooks, Lowery and Marshall

NAYS: Brown, Chumney, Holt, Jones, McCormick, Peete and Chairman Ford

Mitchell and Sammons did not cast a vote

Taylor was absent

FAILED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

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