

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****July 19, 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, Brent Taylor and Chairman Edmund Ford

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

INVOCATION

The meeting was opened with prayer by Rev. Dwight Montgomery from Annesdale Cherokee Baptist Church. Councilwoman Hooks presented Rev. Montgomery 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.

2. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AMENDING THE JOINT PLUMBING CODE OF MEMPHIS AND SHELBY COUNTY, AS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN ORDINANCE #248 ON AUGUST 27, 2001 AND BY THE COUNTY OF THE CITY OF MEMPHIS ON SEPTEMBER 4, 2001 IN ORDINANCE # 4890, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND PROVIDING AN EFFECTIVE DATE, UP FOR S E C O N D READING.**

Ordinance No. 5120

Held until August 2, 2005

3. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AMENDING THE JOINT MECHANICAL CODE OF MEMPHIS AND SHELBY COUNTY, AS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN ORDINANCE #247 ON AUGUST 27, 2001 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE #4891 ON SEPTEMBER 4, 2001 SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND ESTABLISH AN EFFECTIVE DATE THEREFORE, UP FOR S E C O N D READING.**

Ordinance No. 5121

Held until August 2, 2005

4. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AMENDING THE JOINT BUILDING CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 244 ON AUGUST 27, 2001 AND THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 4549 ON SEPTEMBER 4, 2001, SO AS TO MAKE**

CERTAIN CHANGES AS HEREINAFTER SET OUT AND ESTABLISH AN EFFECTIVE DATE THEREFORE, UP FOR S E C O N D READING.

Ordinance No. 5122

Held until August 2, 2005

5. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AMENDING THE JOINT ELECTRIC CODE OF MEMPHIS AND SHELBY COUNTY, AS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN ORDINANCE #245 ON AUGUST 27, 2001 AND THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE #4892 ON SEPTEMBER 4, 2001, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND PROVIDING AN EFFECTIVE DATE THEREFORE, UP FOR S E C O N D READING.**

Ordinance No. 5123

Held until August 2, 2005

6. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS ADOPTING THE 2005 JOINT EXISTING BUILDING CODE AND PROVIDING FOR AN EFFECTIVE DATE, UP FOR S E C O N D READING.**

Ordinance No. 5124

Held until August 2, 2005

7. **JOINT ORDINANCE BY THE COUNCIL OF THE CITY OF MEMPHIS AND BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AMENDING THE JOINT FUEL GAS CODE OF MEMPHIS AND SHELBY COUNTY, AS ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN ORDINANCE #246 ON AUGUST 27, 2001 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE #4889 ON SEPTEMBER 4, 2001, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND TO ESTABLISH THE EFFECTIVE DATE THEREFORE, UP FOR S E C O N D READING.**

Ordinance No. 5125

Held until August 2, 2005

52. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED +/-700 FEET EAST OF PISGAH ROAD; OPPOSITE MABRY MILL DRIVE, CONTAINING 94.33 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. PD 05-330cc

Held until August 2, 2005

55. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE NORTHEAST CORNER OF PARKVIEW STREET AND AUTUMN AVENUE, CONTAINING 5,134 SQUARE FEET IN THE SINGLE FAMILY RESIDENTIAL (RS6), HISTORIC CONSERVATION (HC) AND SINGLE FAMILY RESIDENTIAL (RS15) DISTRICTS.**

Case No. SAC 05-605

Held until August 2, 2005

36. **RESOLUTION HONORING THE NAACP ACT-SO COMPETITION PARTICIPANTS AND AWARD RECIPIENTS.**

MOTION: Peete
SECOND: Brown

APPROVED, unanimous voice vote

54. **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. (HELD FROM 6/21; 7/5)**

Case No. S 04-065

Chairman Ford recognized the following person from the audience:

Ken Lansing, 3060 Woodhills, Memphis, TN. 38128

Applicant: Rysta, Inc.

Appellants: Kenneth D. Lansing & Gerald F. Easter
Lorenzo Lester – Representative

Request: Appeal to overturn Land Use Control Board Decision

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

MOTION: Peete

SECOND: Holt

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

Sammons and Taylor did not cast a vote

APPROVED, as amended

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

Ordinance No. 5115

Case No. Z 05-111

Applicant: William H. Thomas, Jr.
ETI Corporation – Representative

Request: Light Industrial Flood Plain (I-L[FP] and Floodway Districts (FW)

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

MOTION: Peete

SECOND: Holt

AYE: Hooks

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

Chumney did not cast a vote

FAILED

44. **RESOLUTION APPROVING CONTINUATION OF PLANS, SPECIFICATIONS AND TAKING OF BIDS FOR THE COMPLETION OF THE POLICE HEADQUARTERS RENOVATION AT AN ESTIMATED CONSTRUCTION COST OF \$19,000,000.00.**

Council did include the Police Headquarter Renovation, CIP Project Number PD04007 as part of the FY2006 Capital Improvements Budget.

MOTION: Sammons

SECOND: Jones

AYES: Brown, Chumney, Holt, Hooks, Jones, Lowery, Marshall, McCormick, Mitchell,

Peete, Sammons, Taylor and Chairman Ford

APPROVED

- 49. **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. (HELD FROM 6/21)**

Case No. SUP 05-203

Applicant: Lynley Churchwell
John M. Moore, Attorney – Representative

Request: Special permit to allow used heavy equipment sales and storage, including front end loaders, tractors bulldozers, dump trucks, cranes and tractor trailers

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

MOTION: Taylor

SECOND: Jones

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

NAYS: Lowery and Mitchell
Hooks did not cast a vote

APPROVED, as amended

- 50. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED +200 FEET WEST OF THE SOUTHERN TERMINUS OF WISEMAN ROAD, CONTAINING 52.7 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. PD 05-321cc

Applicant: Grace Development
Brenda Solomito – Representative

Request: A Planned development to create 20 single family detached lots with a minimum lot size of 2.0 acres

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Holt

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

APPROVED

- 51. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF EAST HOLMES ROAD; +/-1,323.74 FEET EAST OF HACKS CROSS ROAD, CONTAINING 33.98 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. PD 05-326cc

Applicant: Bronze Builders, LLC
W. H. Porter Consultants, PLLC – Representative

Request: Planned development to allow sixty-eight (68) single family homes with minimum lot area of 15,000 square feet within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

53. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF WEAVER ROAD, NORTH OF THE MISSISSIPPI STATE LINE, CONTAINING 88.5 ACRES IN THE LIGHT INDUSTRIAL (I-L) DISTRICT.**

Case No. PD 05-331

Chairman Ford recognized the following people from the audience:

Tommy Powell, 4847 Eastshore, Memphis, TN. 38109
 Booker Holloway, 5042 Eastshore Rd., Memphis, TN. 38109
 James H. Carter, 6908 Stateline Rd., Wall, Ms., 38680
 Bill Russell, 5560 Stateline Rd., Wall, Ms., 38680
 Mary F. Thomas, 5296 Gemstone Way, Memphis, TN. 38109
 Dexter Dockery, Sr., 878 Ruby Creek, Memphis, TN. 38109
 Dale Wilson, 5145 Nail Rd., Olive Branch, Ms., 38632

Applicant: Thomas and Frances Powell
 Homer Branam – Representative

Request: Mixed use development including 488 apartment units; self-service mini-storage warehouses and commercial uses allowed in the Planned Commercial (C-P) District

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

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

APPROVED

56. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE SOUTHWEST CORNER OF S. MAIN STREET AND VIRGINIA AVENUE, CONTAINING 5,400 SQUARE FEET IN THE GATEWAY COMMERCIAL (C-G) DISTRICT AND SOUTH DOWNTOWN BUSINESS PARK (SDBP) DISTRICT.**

Case No. SAC 05-606

Applicant: Judy Ann Vining

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

61. **RESOLUTION APPROVING THE CONTINUATION OF PLANS AND SPECIFICATIONS AND TAKING OF BIDS AT AN ESTIMATED CONSTRUCTION COST OF \$4,000,000.00 FUNDED BY G.O. BONDS GENERAL.**

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

APPROVED

37. **APPOINTMENTS**

APPOINTMENT

HEALTH, EDUCATION & HOUSING FACILITY BOARD

CAROL WARREN BLAKEMORE

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

APPROVED

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

Ordinance No. 5114

Held until August 2, 2005

39. **RESOLUTION APPROPRIATING \$425,000.00 IN G.O. BONDS GENERAL IN CIP PROJECT NUMBER IS01011, CRITICAL NETWORK INFRASTRUCTURE REPLACEMENT. THIS PROJECT WILL PROVIDE FUNDING TO REPLACE THE CITY'S CORE RING ROUTERS WHICH ARE CRITICAL COMPONENTS OF THE CITY'S FIBER RING THAT ARE NOT SUPPORTED BY THE HARDWARE VENDOR.**

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

APPROVED

40. **RESOLUTION APPROPRIATING \$1,200,000.00 IN G.O. BONDS GENERAL IN CIP PROJECT NUMBER IS01004, COMMUNICATIONS NETWORK EXPANSION AND UPGRADE FOR THE PURPOSE OF CONNECTING REMOTE CITY FACILITIES AND REPLACING PROBLEMATIC COMMUNICATIONS EQUIPMENT.**

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

APPROVED

41. **RESOLUTION APPROPRIATING \$1,800,000.00 IN G.O. BONDS GENERAL IN CIP PROJECT NUMBER IS01007, REPLACE OBSOLETE EQUIPMENT. THIS PROJECT WILL PROVIDE FUNDS TO REPLACE OBSOLETE EQUIPMENT AND INCREASE STORAGE CAPACITY ON MANY OF THE CITY'S WORKSTATIONS AND SERVERS.**

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

APPROVED

42. **RESOLUTION AUTHORIZING ACCEPTANCE OF A GIFT OF REAL PROPERTY FROM PROPERTIES II, INC., FOR USE AS ADDITIONAL AREA TO THE EXISTING PUBLIC EASEMENT FOR A SCENIC RIVER WALKWAY.**

Chairman Ford recognized the following person from the audience:
 Sue A. Williams, 1694 N. Parkway, Memphis, TN. 38112

Resolution authorizes the acceptance of a gift of real property from Properties II, Inc., for use as an additional area to the existing Public Easement for a scenic river walkway. The property is contiguous to and lies along the east side of the existing Public Easement for scenic river walkway along the east bank of the Mississippi River. This property contains approximately 6,198 square feet and a portion of the property identified by the Shelby County Assessor's Office as Ward 002, Block 086, Parcel 015. Additionally, Properties II, Inc., is allowing Riverfront Development Corporation, acting by and on behalf of the City, to enter upon a temporary construction easement area and temporary access easement area to be used during the construction of the scenic river walkway at no cost. Riverfront Development Corporation is paying for the surveys, environmental reports and closing costs. Resolution also authorizes the Mayor and proper City Officials to execute the Gift of Land Agreement and related instruments to effect a closing on behalf of the City of Memphis.

Director of General Services recommends approval

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

APPROVED

43. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$252,600.00 FUNDED BY G.O. BONDS FROM HCD-MIDDLE INCOME DEVELOPER'S ASSISTANCE PROGRAM, PROJECT NUMBER CD01025, TO KEATHLEY CONDOS, CD01057 FOR INFRASTRUCTURE IMPROVEMENT PURPOSES.**

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

APPROVED

47. **RESOLUTION APPROPRIATING \$17,569,163.00 IN SEWER FUNDS FOR WOLF RIVER/GRAY'S CREEK INTERCEPTOR SEWER EXTENSION, PROJECT NUMBER SW04004 FOR CONSTRUCTION CONTRACT WITH ROBINSON MECHANICAL CONTRACTORS, INC., DBA ROBINSON CONSTRUCTION COMPANY.**

Director of Public Works recommends approval

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

APPROVED

45. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$750,000.00 IN G.O. BONDS FOR MUD ISLAND ROAD IMPROVEMENTS, PROJECT NUMBER PW01083 FOR A CONSTRUCTION CONTRACT WITH RIVERFRONT DEVELOPMENT CORPORATION.**

Director of Public Works and City Engineer recommends approval

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

APPROVED

46. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$2,319,900.00 IN SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO NONCONNAH INTERCEPTOR 108" REPAIR, PROJECT NUMBER SW02059 FOR CONSTRUCTION CONTRACT WITH SPINIELLO COMPANIES.**

Director of Public Works recommends approval

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

APPROVED

60. **RESOLUTION SUPPORTING THE OFFICE OF FLEET SERVICES.**

(Councilwoman Chumney made motion to eliminate car allowances effective November 30, 2005 & ask the Administration to come back with more information on the proposal for an Office of Fleet Services, so that Council can have the facts, before they vote on this. This was seconded by Councilman Lowery)

(Councilman Marshall offered a friendly amendment to this resolution, eliminating auto allowances & the creation of the Office of Fleet Services shall be presented to the Council, prior to implementation, with a detailed plan that includes an organizational chart & budget for the Council's review & approval. This was seconded by Councilwoman Mitchell).

(Councilman Lowery withdrew his second on Councilwoman Chumney's motion and since no one else seconded the motion, Councilwoman Chumney's motion was not voted on).

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

APPROVED, as amended (Councilman Marshall’s friendly amendment)

62. **RESOLUTION OF INTENT TO ANNEX THE INTEGRA PLANNED DEVELOPMENT (AREAS A-D).**

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

APPROVED

57. **RESOLUTION WAIVING PROPERTY TAXES FOR MT. CALVARY MINISTRIES LOCATED AT 2072 FLORIDA STREET IN THE AMOUNT OF \$2,555.08.**

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of July 5, 2005 with the following motion:

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

APPROVED (The Minutes on Items #53 & #60, were approved on July 5, 2005)

CONSENT AGENDA – Items #1, #8 – #20 & #58, #59 & #63 may be acted upon by one motion. SEE PAGE 1653 FOR ROLL CALL (Items #2 - #7 were held until August 2, 2005).

1. **ORDINANCE TO AMEND CHAPTER 33, CODE OF ORDINANCES, CITY OF MEMPHIS, TO CHANGE REQUIREMENTS REGARDING CONTROL OF SOIL EROSION FROM CONSTRUCTION SITES TO REFLECT CHANGES IN STATE REGULATIONS, UP FOR S E C O N D READING.**

Ordinance No. 5116

APPROVED, on First reading

8. **ORDINANCE REZONING THE NORTHWEST CORNER OF EAST SHELBY DRIVE AND TULANE ROAD, CONTAINING 0.39 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5117
 Case No. Z 05-109

APPROVED, on Second reading

9. **ORDINANCE REZONING THE NORTH SIDE OF OLD BROWNSVILLE ROAD; +/- 547.87 FEET EAST OF WOLFCHASE FARMS PARKWAY, CONTAINING 51.51 ACRES IN THE AGRICULTURAL (AG), AGRICULTURAL FLOOD PLAIN (AG[FP]) AND LIGHT INDUSTRIAL (I-L) DISTRICTS, UP FOR S E C O N D READING.**

Ordinance No. 5118
Case No. Z 05-113cc

APPROVED, on Second reading

10. **ORDINANCE REZONING THE SOUTHWEST CORNER OF BILLY MAHER ROAD AND RENNSLAER DRIVE, CONTAINING 11.3 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) AND AGRICULTURAL (AG) DISTRICTS, UP FOR S E C O N D READING.**

Ordinance No. 5119
Case No. Z 05-112cc

APPROVED, on Second reading

11. **RESOLUTION ACCEPTING SUTTON PLACE EAST P.D., PHASE 1 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 03-340cc
(Contract No. CR-4855)

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 Pisgah Road, 2700 feet west of Pisgah Forest Road. The standard improvement contract was approved on February 17, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$76,500.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

12. **RESOLUTION ACCEPTING SUTTON PLACE EAST P.D., PHASE 2 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 03-340cc
(Contract No. CR-4872)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southside of Sutton Ridge Lane, west of Hamilton View Drive. The standard improvement contract was approved on June 1, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$72,600.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

13. **RESOLUTION ACCEPTING STONEBRIAR P.D., PHASE 1, PARTS OF AREAS 1, 2, 3 & 5 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 03-335cc
(Contract No. CR-4864)

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, 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 \$66,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED14. **RESOLUTION ACCEPTING SHELBY PARK P.D., PHASE 1, AREA A AND AUTHORIZING RELEASE OF BOND.**Case No. PD 03-361cc
(Contract No. CR-4879)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Mullins Station Road and Appling 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 \$113,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED15. **RESOLUTION ACCEPTING GERLAND CREEK P.D., PHASE 7 (RICHWOOD HILLS SUBDIVISION SECTION "C"), AND AUTHORIZING RELEASE OF BOND.**Case No. PD 92-349cc
(Contract No. CR-4905)

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, 135.10 feet east of Gertrude Drive. The standard improvement contract was approved on November 23, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$15,000.00.

City Engineer recommends approval

APPROVED16. **RESOLUTION ACCEPTING BELLEVUE HILLS COMMERCIAL P.D., AND AUTHORIZING RELEASE OF BOND.**Case No. PD 02-347
(Contract No. CR-4819)

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 Appling Road and Appling Glen Drive. The standard improvement contract was approved on September 16, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$64,000.00.

City Engineer recommends approval

APPROVED17. **RESOLUTION ACCEPTING BRIARCREST BAPTIST SCHOOL SYSTEM P.D., 2ND AMENDMENT, PHASE 1 AND AUTHORIZING RELEASE OF BOND.**Case No. PD 04-321cc
(Contract No. CR-4913)

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 Old Dexter Road, 129.5 feet west of Beaver Trail. The standard improvement contract was approved on December 21, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$45,000.00.

City Engineer recommends approval

APPROVED

18. **RESOLUTION ACCEPTING TAXIWAY ROAD AND RUDDER ROAD TURNAROUND AND AUTHORIZING RELEASE OF BOND.**

Case No. SD 03-701
(Contract No. CR-4900)

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 Rudder Road, east of Taxiway Road. The standard improvement contract was approved on October 19, 2004. Resolution also authorizes the release of the performance bond in the amount of \$143,000.00.

City Engineer recommends approval

APPROVED

19. **RESOLUTION ACCEPTING MID-SUMMER COMMON P.D., SOUTH AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 03-355cc
(Contract No. CR-4880)

Resolution accepts completion of the improvements and the dedication of public easements as shown on the final plat located on the north side of Holmes Road, 3,960 feet east 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 \$92,600.00.

City Engineer recommends approval

APPROVED

20. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 05-316 – Springfield, P.D.
- B. Case No. SAC 05-608 – Jessamine Avenue Alley

Public Hearing Set for August 2, 2005

58. **RESOLUTION APPROVING ENGINEERING PLANS FOR MEMPHIS BIOTECH FOUNDATION, D/B/A MEMPHIS BIOWORKS FOUNDATION.**

Contract No. CR-4962

Resolution approves the engineering plans located on the northeast corner of East Street and Union 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

59. **RESOLUTION APPROVING FINAL PLAT OF FOREST CREEK PD, PHASE 6, PART OF AREAS 6 & 7.**

Case No. PD 02-365cc
Contract No. CR-4963

Resolution approves the final plat located on the west side of Mayfield Drive, 135.50 feet north of Fairmont Circle North. 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

63. **RESOLUTION TO APPROVE TEMPORARY STRUCTURES AUGUST 2, 2005 FROM 4:00 P.M. TO 10:00 P.M. FOR THE NATIONAL NIGHT OUT CELEBRATION.**

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

MLGW FISCAL CONSENT- Items #21 - #35 may be acted upon by one motion

21. **RESOLUTION AWARDDING CONTRACT NO. 11030, ARLINGTON VAPOR CANOPY, TO HASCO, INC. IN THE FUNDED AMOUNT OF \$39,400.00.**

APPROVED

22. **RESOLUTION AWARDDING CONTRACT NO. 11045, MLGW ROOFING PROJECTS, TO B FOUR PLIED, INC. IN THE FUNDED AMOUNT OF \$273,175.00.**

APPROVED

23. **RESOLUTION APPROVING CHANGE NO. 13 TO CONTRACT NO. 10780, ELECTRIC CONSTRUCTION AND MAINTENANCE, WITH ALLIED ELECTRICAL CONTRACTORS, INC. IN THE FUNDED AMOUNT OF \$596,263.93. (THIS RENEWS THE CONTRACT FOR THE THIRD TERM, 1/1/04 TO 4/30/05.)**

APPROVED

24. **RESOLUTION APPROVING CHANGE NO. 14 TO CONTRACT NO. 10780, ELECTRIC CONSTRUCTION AND MAINTENANCE, WITH ALLIED ELECTRICAL CONTRACTORS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$4,208,350.81. (THIS RENEWS THE CONTRACT FOR THE FOURTH TERM, 5/1/05 TO 4/30/06.)**

APPROVED

25. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10878, INFORMATION SUPPORT SERVICES, WITH KC MANAGEMENT GROUP IN AN ESTIMATED FUNDED AMOUNT OF \$120,000.00. (THIS RENEWS THE CONTRACT FOR THE THIRD TERM, 10/4/05 TO 10/4/06, AND RESTRUCTURES THE PRESENT BILLABLE RATE SCHEDULE.)**

APPROVED

26. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10881, INFORMATION SUPPORT SERVICES, WITH COOK SYSTEMS INTERNATIONAL, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$264,000.00. (THIS RENEWS THE CONTRACT FOR THE THIRD TERM, 10/4/05 TO 10/4/06, AND RESTRUCTURES THE PRESENT BILLABLE RATE SCHEDULE.)**

APPROVED

27. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10883, INFORMATION SUPPORT SERVICES, WITH CIBER, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$638,000.00. (THIS RENEWS THE CONTRACT FOR THE THIRD TERM, 10/4/05 TO 10/4/06, AND RESTRUCTURES THE PRESENT BILLABLE RATE SCHEDULE.)**

APPROVED

28. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10948, REPAIR OF RESIDENTIAL GAS METERS, WITH TRI-STATE METER AND REGULATOR SERVICE IN THE FUNDED AMOUNT OF \$246,866.95. (THIS RENEWS THE CONTRACT FOR THE FIRST TERM, 7/1/05 TO 7/1/06, AND INCLUDES A 6% TO 7% INCREASE FOR PARTIAL, GENERAL AND COMPLETE REPAIRS.)**

APPROVED

29. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10990, MASTER AGREEMENT FOR SERVICES, WITH EQUIFAX INFORMATION SERVICES, LLC IN AN ESTIMATED FUNDED AMOUNT OF \$60,000.00. (THIS COVERS APPLICATION SCORING AND MONITORING FOR COMMERCIAL CUSTOMERS.)**

APPROVED

30. **RESOLUTION AWARDED CONTRACT FOR MANHOLE SUPPORT TRAILERS TO TEAM FENEX IN THE AMOUNT OF \$57,707.66.**

APPROVED

31. **RESOLUTION AWARDED CONTRACT FOR TRAILER-MOUNTED PULLER TO SHERMAN & REILLEY IN THE AMOUNT OF \$85,700.00.**

APPROVED

32. **RESOLUTION AWARDED CONTRACT FOR DUPLEX SWITCHBOARD TO CARTER & CRAWLEY, INC, IN THE AMOUNT OF \$417,766.00.**

APPROVED

33. **RESOLUTION AWARDED CONTRACT FOR DIGITAL FAULT RECORDER SYSTEM TO MEHTA TECH, INC. IN THE AMOUNT OF \$39,990.00.**

APPROVED

34. **RESOLUTION AUTHORIZING RATIFICATION OF PAYMENT FOR GASOLINE AND DIESEL FUEL TO CARY OIL COMPANY, INC. IN THE AMOUNT OF \$2,700,000.00.**

APPROVED

35. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 10840, TEMPORARY PERSONNEL SERVICES, WITH KELLY SERVICES IN AN ESTIMATED FUNDED AMOUNT OF \$625,000.00. (THIS EXTENDS THE CONTRACT NOT TO EXCEED 60 DAYS BEGINNING 7/7/05, RETROACTIVE TO 6/4/05, WITH NO INCREASE IN PRESENT CONTRACT RATES.)**

APPROVED**ROLL CALL MLGW FISCAL CONSENT ITEMS**

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

ADJOURNMENT

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

C H A I R M A N

Attest:

Deputy Comptroller/Council Records