

**MINUTES****REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS**

August 21, 2007

**3:30 P.M. SCHEDULED SESSION****3:45 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, Jack Sammons, Brent Taylor and Chairman Tom Marshall  
Henry Hooper was absent

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

**INVOCATION**

The meeting was opened with prayer by Elder Freddie L. Thomas, Jr., from Christ Communion Church of God in Christ. Councilman Ford presented Elder Thomas with a certificate naming him Chaplain of the day.

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

**CONSENT AGENDA – Items 1-6, 64-66 may be acted upon by one motion: SEE PAGE 2259 FOR ROLL CALL**

1. **ORDINANCE TO AMEND CHAPTER 2, ARTICLE II, SECTION 2-18 OF THE CODE OF ORDINANCES SO AS TO ESTABLISH CITY COUNCIL STAFF POSITIONS, UP FOR S E C O N D READING.**

Ordinance No. 5219

**APPROVED**, on Second reading

2. **ORDINANCE TO FIX AND DETERMINE SALARY AND COMPENSATION OF MAYOR, PURSUANT TO HOME RULE AMENDMENTS, UP FOR S E C O N D READING.**

Ordinance No. 5220

**APPROVED**, on Second reading

3. **ORDINANCE REZONING THE EAST SIDE OF AIRWAYS BOULEVARD; +250 SOUTH OF KILARNEY AVENUE, CONTAINING 52.74 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) & MULTIPLE RESIDENTIAL (R-M) DISTRICTS, UP FOR S E C O N D READING.**

Ordinance No. 5218  
Case No. Z 07-110**APPROVED**, on Second reading

4. **RESOLUTION APPROVING FINAL PLAT OF BISHOPS GATE PLANNED DEVELOPMENT, PHASE 3.**

Case No. PD 89-356

Resolution approves the final plat located at the northeast corner of Emerald Street and Winchester Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

5. **RESOLUTION APPROVING FINAL PLAT OF BURNHAM S/D.**

Case No. S 05-086

Resolution approves the final plat located on the northeast corner of Burnham Ave. and Overton Crossing. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

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

A. Case No. PD 07-318 – Jordan Planned Development

Public Hearing Set for September 4, 2007

64. **RESOLUTION APPROVING FINAL PLAT OF GETWELL CAAPS COMMERCIAL SUBDIVISION.**

Case No. S 07-002

Resolution approves the final plat located on the southside of Knight Arnold Road, east of New Getwell Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

**APPROVED**

65. **RESOLUTION ACCEPTING SHELBY PARK PD, PHASE 2 SEWER EXTENSION, AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5031)

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 Mullins Station Road and Raleigh LaGrange. The standard improvement contract was approved on September 5, 2006. Resolution also authorizes the release of the Letter of Credit in the amount of \$45,500.00.

City Engineer recommends approval

**APPROVED**

66. **RESOLUTION APPROVING FINAL PLAT OF LAMAR CROSSING PLANNED DEVELOPMENT, PHASE 2.**

Case No. PD 06-313

Contract No. CR-5090

Resolution approves the final plat located at 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: Sammons  
 SECOND: McCormick  
 AYES: Brittenum, Brown, Cooper Taylor, Ford, Jones, Lowery, Marshall, McCormick, Sammons, Swearengen Ware and Taylor  
 NAY: None  
 Chumney abstained  
 Hooper was absent

**APPROVED****MLGW FISCAL CONSENT – Item 7-36, 38-45 & 69 may be acted upon by one motion**

7. **RESOLUTION RATIFYING EXPEDITED PROCUREMENT REQUEST FOR AWARD OF CONTRACT NO. 11234, HORIZONTAL EARTH BORE, TO MEMPHIS ROAD BORING COMPANY, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$196,420.00.**

**APPROVED**

8. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10987, HELICOPTER HERBICIDE SPRAYING, WITH HELICOPTER APPLICATORS, INC., IN AN ESTIMATED FUNDED AMOUNT NOT TO EXCEED \$162,511.50. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM OF FOUR RENEWAL TERMS, RETROACTIVE TO JUNE 20, 2007 THROUGH JUNE 19, 2008.)**

**APPROVED**

9. **RESOLUTION RATIFYING INTRAGOVERNMENTAL AGREEMENT BETWEEN MLGW AND THE CITY OF MEMPHIS AND ESTABLISHING THE AWARD AMOUNT OF \$26,353,004.00 FOR CONTRACT NO. 11202, ADMINISTRATIVE SERVICES AGREEMENT BETWEEN MLGW AND UNITED HEALTHCARE.**

**APPROVED**

10. **RESOLUTION AWARDDING CONTRACT FOR FIVE-FOOT ALUMINUM SINGLE-ARM BRACKETS TO PSI OF TENNESSEE, LLC, IN THE AMOUNT OF \$45,160.00.**

**APPROVED**

11. **RESOLUTION AWARDDING CONTRACT FOR SWITCHGEAR TO S & C ELECTRIC COMPANY, IN THE AMOUNT OF \$42,338.25.**

**APPROVED**

12. **RESOLUTION AWARDDING CONTRACT FOR PROCESS GAS CHROMATOGRAPH TO DANIEL MEASUREMENT AND CONTROLS, IN THE AMOUNT OF \$42,150.00.**

**APPROVED**

13. **RESOLUTION APPROVING 12-MONTH EXTENSION OF CONTRACT WITH FULLEN DOCK AND WAREHOUSE FOR CRUSHED LIMESTONE, IN THE AMOUNT OF \$493,750.00.**

**APPROVED**

14. **RESOLUTION AWARDDING 36-MONTH CONTRACT FOR CONSTRUCTION AND MAINTENANCE SHIRTS TO TYNDALE COMPANY, INC., IN THE AMOUNT OF \$108,150.00.**

**APPROVED**

15. **RESOLUTION RATIFYING EXPEDITED PROCUREMENT REQUEST FOR AWARD OF CONTRACT TO AZZ/CENTRAL ELECTRIC MANUFACTURING COMPANY FOR METAL-CLAD SWITCHGEAR COMPLEX, IN THE AMOUNT OF \$1,728,531.00.**

**APPROVED**

16. **RESOLUTION AWARDED CONTRACT FOR SPARE PARTS FOR THE REACTOR CUBICLE LOCATED AT SUBSTATION NO. 76 TO MAGNETIC TECHNOLOGIES CORPORATION, IN THE AMOUNT OF \$38,407.00.**

**APPROVED**

17. **RESOLUTION AWARDED CONTRACT FOR FIVE ONE-TON CAB AND CHASSIS TO CROSSROADS FORD, IN THE AMOUNT OF \$150,434.07.**

**APPROVED**

18. **RESOLUTION AWARDED CONTRACT FOR STEEL DEAD-END STRUCTURES TO FALCON STEEL COMPANY, IN THE AMOUNT OF \$131,410.00.**

**APPROVED**

19. **RESOLUTION APPROVING THE EMPLOYMENT OF BAKER, DONELSON, BEARMAN, CALDWELL, & BERKOWITZ, PC, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

20. **RESOLUTION APPROVING THE EMPLOYMENT OF THE BOGATIN LAW FIRM TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

21. **RESOLUTION APPROVING THE EMPLOYMENT OF EVANS & PETREE, PC, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

22. **RESOLUTION APPROVING THE EMPLOYMENT OF GLANKLER BROWN, PLLC, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

23. **RESOLUTION APPROVING THE EMPLOYMENT OF HARRIS SHELTON HANOVER WALSH, PLLC, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

24. **RESOLUTION APPROVING THE EMPLOYMENT OF KIESEWETTER WISE, KAPLAN SCHWIMMER & PRATHER, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

25. **RESOLUTION APPROVING THE EMPLOYMENT OF MILLER & MARTIN, PLLC, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

26. **RESOLUTION APPROVING THE EMPLOYMENT OF MILLER, BALIS & O'NEIL, PC, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

27. **RESOLUTION APPROVING THE EMPLOYMENT OF SPENCEWALK, PLLC, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

28. **RESOLUTION APPROVING THE EMPLOYMENT OF THOMASON, HENDRIX, HARVEY, JOHNSON & MITCHELL, PLLC, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

29. **RESOLUTION APPROVING THE EMPLOYMENT OF ALLAN J. WADE, PLLC, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

30. **RESOLUTION APPROVING THE EMPLOYMENT OF WALLER LANSDEN DORTCH & DAVIS, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

31. **RESOLUTION APPROVING THE EMPLOYMENT OF THE WHARTON LAW FIRM TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

32. **RESOLUTION APPROVING THE EMPLOYMENT OF WISEMAN BRAY, PLLC, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

33. **RESOLUTION APPROVING THE EMPLOYMENT OF WYATT, TARRANT & COMBS, PLLC, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

**APPROVED**

34. **RESOLUTION APPROVING PAYMENT OF INVOICES IN THE COMBINED AMOUNT OF \$14,674.00 TO GENERAL CONSTRUCTION SERVICES TO COVER PROJECT COSTS WHICH EXCEEDED THE AWARDED AMOUNT OF CONTRACT NO. C1437. THE TOTAL AMOUNT OF WORK PERFORMED IN ASSOCIATION WITH SAID CONTRACT IS \$37,174.00.**

**APPROVED**

35. **RESOLUTION RATIFYING AWARD OF CONTRACT NO. C1241 WITH PAETEC (FORMERLY US LEC OF TENNESSEE), FOR T1 LINES, IN THE AMOUNT OF \$48,600.00.**

**APPROVED**

36. **RESOLUTION APPROVING REVISED SCHEDULE OF FEES FOR CONTRACT NO. 9985 WITH FIRST TENNESSEE BANK FOR PROVIDING CHECKING ACCOUNT AND OTHER BANKING SERVICES.**

**APPROVED**

37. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 10637, CLAIMS AND LEGAL MANAGEMENT SYSTEM, WITH COMPUTER SCIENCES CORPORATION, IN THE AMOUNT OF \$113,058.99. (THIS COVERS CONTINUED PROVISION OF MAINTENANCE, ENHANCEMENTS AND SERVICES DURING THE PERIOD AUGUST 1, 2007 TO JULY 30, 2010.)**

Held to September 4, 2007

38. **RESOLUTION APPROVING THE TERMINATION OF INVESTMENT CONTRACT WITH MOUNT LUCAS MANAGEMENT AND APPROVING SELECTION OF MORGAN KEEGAN HIGH INCOME FUND TO MANAGE \$20,000,000 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND APPROVED BY THE MLGW BOARD AT MEETING HELD AUGUST 19, 2004.**

**APPROVED**

39. **RESOLUTION APPROVING THE SELECTION OF WEAVER C. BARKSDALE AND ASSOCIATES AND BRANDYWINE ASSET MANAGEMENT TO MANAGE APPROXIMATELY \$38,000,000 EACH FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND APPROVED BY THE MLGW BOARD AT MEETING HELD NOVEMBER 18, 2004.**

**APPROVED**

40. **RESOLUTION APPROVING THE SELECTION OF BLACKROCK REALTY-TOWER FUND TO MANAGE UP TO \$20,000,000 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND APPROVED BY THE MLGW BOARD AT MEETING HELD JUNE 16, 2005.**

**APPROVED**

41. **RESOLUTION APPROVING THE TERMINATION OF INVESTMENT CONTRACT WITH PIMCO (PACIFIC INCOME MANAGEMENT COMPANY), AND SELECTION OF BRANDYWINE INVESTMENT TRUST TO MANAGE APPROXIMATELY \$3,700,000 FOR BENEFIT OF THE MLGW POST-RETIREMENT FUND APPROVED BY THE MLGW BOARD AT MEETING HELD FEBRUARY 17, 2005.**

**APPROVED**

42. **RESOLUTION APPROVING THE SELECTION OF ATLANTA LIFE INVESTMENT ADVISORS, INC. TO MANAGE \$20,000,000 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND APPROVED BY THE MLGW BOARD AT MEETING HELD JULY 7, 2005.**

**APPROVED**

43. **RESOLUTION APPROVING THE SELECTION OF PIMCO ALL-ASSET FUND TO MANAGE APPROXIMATELY \$10,000,000 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND APPROVED BY THE MLGW BOARD AT MEETING HELD FEBRUARY 16, 2006.**

**APPROVED**

44. **RESOLUTION APPROVING THE EXCHANGE OF SHARES OF THE SPECIAL VALUE ABSOLUTE RETURN FUND FOR MEMBERSHIP INTEREST IN SPECIAL VALUE CONTINUATION FUND, LLC, MANAGED BY TENNENBAUM CAPITAL PARTNERS, LLC, AND APPROVING THE TRANSFER OF INVESTMENT IN THE BLACKROCK REALTY-TOWER FUND TO THE BLACKROCK GRANITE PROPERTY FUND, INC., FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND APPROVED BY THE MLGW BOARD AT MEETING HELD JULY 20, 2006.**

**APPROVED**

45. **RESOLUTION APPROVING THE SELECTION OF SECTOR CAPITAL MANAGEMENT TO MANAGE APPROXIMATELY \$25,000,000 FOR BENEFIT OF THE MLGW RETIREMENT AND PENSION FUND APPROVED BY THE MLGW BOARD AT MEETING HELD NOVEMBER 16, 2006**

**APPROVED**

69. **RESOLUTION APPROVING CONTRACT AUTHORITY TO MLGW GENERAL COUNSEL FOR CLAIMS SETTLEMENTS IN THE AMOUNT OF \$207,200.00.**

**APPROVED**

**ROLL CALL MLGW FISCAL CONSENT ITEMS**

MOTION: Ford – Hold Item #37 to September 4, 2007

SECOND: McCormick

MAIN MOTION: Jones

SECOND: McCormick

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

**APPROVED**, with the exception of Item #37 which is held to September 4, 2007

46. **APPOINTMENTS**

**Memphis and Shelby County Community Redevelopment Agency**

**Appointment**

Alandas Dobbins

**Reappointment**

Michael R. Frick

**Memphis and Shelby County Convention Center Commission**

**Reappointments**

Hal J. Lansky

Wayne D. Tabor

MOTION: Taylor

SECOND: Ford

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

**APPROVED**

47. **ORDINANCE TO AMEND CHAPTER 5, CODE OF ORDINANCES, CITY OF MEMPHIS, TO UPDATE AND AMEND REGULATIONS REGARDING ANIMALS AND FOWL, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5214

MOTION: Brown  
 SECOND: McCormick  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery, Marshall, McCormick, Sammons, Swearengen Ware and Taylor  
 Hooper was absent

**APPROVED**

48. **ORDINANCE AMENDING CHAPTER 24, ARTICLE III, OF THE CODE OF ORDINANCES TO UPDATE AND AMEND REGULATIONS REGARDING JUNK AND SCRAP DEALERS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5217

MOTION: Sammons – Hold to September 18, 2007

Without Objection, item held to September 18, 2007

49. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$136,992.60 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE CAREER CENTER RESOURCES SHARE GRANT. RESOLUTION ALSO AMENDS THE FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Brittenum  
 SECOND: Jones  
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery, Marshall, McCormick, Sammons, Swearengen Ware and Taylor  
 Hooper was absent

**APPROVED**

59. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF N. PARKWAY; +595 FEET WEST OF UNIVERSITY STREET, CONTAINING 2.81 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. PD 07-312

The Chairman recognized the following persons from the audience:

Robert Fountain, 694 Hawthorne, Mphs, TN 38107  
 Michael Goar, 2597 Avery, Mphs, TN 38112  
 Andree Glenn, 2045 Hallwood Dr., Mphs, TN 38107  
 Lillian Scarbrough, 1960 N. Parkway #1006, Mphs, TN 38112  
 Jeff Warren, 215 Buena Vista, Mphs, TN 38112  
 Mary Wilder, 678 Idlewild, Mphs, TN 38107

Applicant: Trammell Crow Higher Education Development, Inc.  
 R. Kemp Conrad - Representative

Request: A residential planned development consisting of 164 apartment units with accessory common areas and a leasing office

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery  
 SECOND: McCormick

AYES: Brown, Cooper Taylor, Ford, Jones, Lowery, McCormick, Sammons,  
Swearengen Ware and Taylor  
NAYS: Chumney and Marshall  
Brittenuum recused  
Hooper was absent

**APPROVED**, as amended

50. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$6,752.16 FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR WORKFORCE DEVELOPMENT ADULT EDUCATION DIVISION OF WIA TITLE ONE CAREER CENTER RESOURCE SHARE GRANT. RESOLUTION ALSO AMENDS THE FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Sammons  
SECOND: Jones  
AYES: Brittenuum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery,  
Marshall, McCormick, Sammons, Swearengen Ware and Taylor  
Hooper was absent

**APPROVED**

51. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$240,000.00 FUNDED BY G.O. BONDS-GENERAL FROM CONTRACT CONSTRUCTION WITHIN HCD-MIDDLE INCOME DEVELOPER'S ASSISTANCE PROGRAM, PROJECT CD01025, TO CONTRACT CONSTRUCTION AND INFRASTRUCTURE CONSTRUCTION COSTS WITHIN ST. CLAIRE VILLAS, PROJECT CD01075.**

MOTION: Swearengen Ware  
SECOND: Jones  
AYES: Brittenuum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery,  
Marshall, McCormick, Sammons, Swearengen Ware and Taylor  
Hooper was absent

**APPROVED**

52. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$320,000.00 FUNDED BY G. O. BONDS-GENERAL FROM CONTRACT CONSTRUCTION WITHIN HCD-MIDDLE INCOME DEVELOPER'S ASSISTANCE PROGRAM, PROJECT CD01025, TO CONTRACT CONSTRUCTION AND INFRASTRUCTURE CONSTRUCTION COSTS WITHIN NORTH MAIN TOWNHOMES, PROJECT CD01073.**

MOTION: Swearengen Ware  
SECOND: McCormick  
AYES: Brittenuum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery,  
Marshall, McCormick, Sammons, Swearengen Ware and Taylor  
Hooper was absent

**APPROVED**

53. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$500,000.00 FUNDED BY G.O. BONDS GENERAL- FROM CONTRACT CONSTRUCTION WITHIN HCD-MIDDLE INCOME DEVELOPER'S ASSISTANCE PROGRAM, PROJECT CD01025, TO CONTRACT CONSTRUCTION AND INFRASTRUCTURE CONSTRUCTION COSTS WITHIN GEMSTONE, PROJECT CD01074.**

MOTION: Swearengen Ware  
SECOND: Lowery  
AYES: Brittenuum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery,

Marshall, McCormick, Sammons, Swearngen Ware and Taylor  
Hooper was absent

**APPROVED**

54. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$4,489,676.00 FUNDED BY G.O. BONDS – GENERAL FROM ASPHALT PAVING, PROJECT NUMBER PW01040 TO ASPHALT PAVING FY08, PROJECT NUMBER PW01187, FOR PAVING DONE BY CITY EMPLOYEES.**

Director of Public Works recommends approval

MOTION: Sammons  
SECOND: Jones  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery,  
Marshall, McCormick, Sammons, Swearngen Ware and Taylor  
Hooper was absent

**APPROVED**

55. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A CONSTRUCTION ALLOCATION AND APPROPRIATING \$217,554.00 FUNDED BY SEWER FUNDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW02001 TO A CAPITAL EQUIPMENT ALLOCATION IN NORTH PLANT SLUDGE DISPOSAL PROJECT NUMBER SW02009 AND FOR A CONTRACT WITH LIQUID WASTE TECHNOLOGY LLC.**

Director of Public Works recommends approval

MOTION: Sammons  
SECOND: McCormick  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery,  
Marshall, McCormick, Sammons, Swearngen Ware and Taylor  
Hooper was absent

**APPROVED**

56. **ORDINANCE REZONING THE EAST SIDE OF ELVIS PRESLEY BOULEVARD; +205 FEET NORTH OF LAUDEEN DRIVE, CONTAINING 0.27 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5215  
Case No. Z 07-109

Applicant: Vontyna Winfrey  
Royston Consultants (Evelyn Royston) – Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

MOTION: Lowery  
SECOND: McCormick  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery,  
Marshall, McCormick, Sammons, Swearngen Ware and Taylor  
Hooper was absent

**APPROVED**

57. **ORDINANCE REZONING THE NORTH SIDE OF PARK AVENUE; +240 FEET EAST OF GRAND STREET, CONTAINING 0.1190 ACRE IN THE LOCAL COMMERCIAL (C-L) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5216  
Case No. Z 07-108

Applicant: James Bolden  
Charles Hunt, Jr. – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery, Marshall, McCormick, Sammons, Swearingen Ware and Taylor  
Hooper was absent

**APPROVED**

58. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST AND SOUTHWEST CORNERS OF LINDEN AVENUE AND SOUTHERN RAILWAY RAILROAD, CONTAINING 4.53 ACRES IN THE LIGHT INDUSTRIAL (I-L) DISTRICT.**

Case No. PD 06-359

Applicant: Linden Yard, LLC - Stephen Turgeon  
Powers Hill Design, LLC - Representative

Request: A planned development to create 106 units within five existing warehouse buildings

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery, Marshall, McCormick, Sammons, Swearingen Ware and Taylor  
Hooper was absent

**APPROVED**

60. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON MONROE AVENUE IN MEMPHIS BETWEEN RIVERSIDE DRIVE AND THIRD STREET BE DESIGNATED AS THE “CHARLIE VERGOS PARKWAY.”** (Held from 7/24; 8/7)

**DROPPED**

61. **RESOLUTION RECOGNIZING CERTAIN POSITIONS AS APPOINTED AND EXEMPT FROM CIVIL SERVICES AND TO CLARIFY THE STATUS OF THESE EMPLOYEES, FOR DEPUTY OF CITY ENGINEER.** (Held from 8/7)

MOTION: Lowery

SECOND: Cooper Taylor

AYES: Brittenum, Brown, Cooper Taylor, Ford, Lowery, Marshall, Sammons, Swearingen Ware and Taylor

NAYS: Jones and McCormick  
Chumney did not cast a vote  
Hooper was absent

**APPROVED**

62. **RESOLUTION RECOGNIZING CERTAIN POSITIONS AS APPOINTED AND EXEMPT FROM CIVIL SERVICES AND TO CLARIFY THE STATUS OF THESE EMPLOYEES, FOR DIRECTOR OF PINK PALACE MUSEUM SYSTEM.** (Held from 8/7)

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

**APPROVED**

63. **ORDINANCE REZONING THE SOUTHEAST CORNER OF WHITEBROOK DRIVE AND OLD GETWELL RD., CONTAINING 3.87 ACRES IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT, UP FOR T H I R D AND F I N A L READING.** (Reconsidered from 7/24).

Ordinance No. 5211  
 Case No. Z 07-104

The Chairman recognized the following person from the audience:

Romalic Jones, 3180 Old Getwell Road, Mphs, TN 38118

Applicant: Najib H. Makarem  
 Larry Fleming - Representative

Request: Multiple-Dwelling Residential (R-MM) District

LUCB and OPD recommendation: REJECTION

MOTION: Lowery  
 SECOND: McCormick  
 AYES: Brittenum, Cooper Taylor, Ford, Jones, Lowery, Marshall, McCormick, Sammons, Swearngen Ware and Taylor  
 NAYS: Brown  
 Chumney abstained  
 Hooper was absent

**APPROVED**

67. **RESOLUTION DECLARING AUGUST 22-26, 2007, AS “UNIVERSOUL CIRCUS WEEK”.**

MOTION: Lowery  
 SECOND: McCormick  
 AYES: Brown, Chumney, Cooper Taylor, Ford, Swearngen Ware, Jones, Lowery, Marshall, McCormick, Sammons, Taylor and Brittenum  
 Hooper was absent

**APPROVED**

68. **ORDINANCE ASSIGNING NEWLY ANNEXED AREAS TO COUNCIL DISTRICTS AND TO REVISE AND CHANGE ALL COUNCIL DISTRICTS AS A RESULT OF NEWLY ANNEXED AREAS, SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICABLE AND ALL SUCH DISTRICTS WILL COMPLY WITH THE INJUNCTION DECREE, ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER, PERTAINING TO VOTING RIGHTS ACT REMEDIES, UP FOR F I R S T READING.**

Ordinance No. 5221

MOTION: Sammons  
SECOND: Jones  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery, Marshall, McCormick, Sammons, Swearengen Ware and Taylor  
Hooper was absent

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of August 7, 2007 with the following motion:

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

**APPROVED**

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

Chairman Marshall recognized the following person from the audience:

Walter Broady, III, 4256 Ledbetter, Mphs, TN 38109

**ADJOURNED MEETING AT 7:00 P.M.**

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

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C H A I R M A N

Attest:

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