

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

October 16, 2007

3:30 P.M. SCHEDULED SESSION

4:05 P.M. MEETING COMMENCED

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Madeleine Cooper Taylor, Edmund Ford, Henry Hooper, E. C. Jones, Myron Lowery, Scott McCormick, Jack Sammons, Barbara Swearngen-Ware, Brent Taylor and Chairman Tom Marshall

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

INVOCATION

The meeting was opened with prayer by Rev. Don Johnson from Church of the Lord Jesus Christ. Councilwoman Ware presented Rev. Johnson 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.

MINUTES

Approval of the Minutes of the regular meeting of October 2, 2007

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

APPROVED

CONSENT AGENDA – Items 1-20, 34-36 & 42-43 may be acted upon by one motion: SEE PAGE 2316 FOR ROLL CALL

- 1. **ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES SO AS TO ESTABLISH A STANDARD FOR USE OF BIODIESEL FUELS, UP FOR S E C O N D READING.**

Ordinance No. 5224

APPROVED, on Second reading

- 2. **ORDINANCE AMENDING CHAPTER 14 OF THE MEMPHIS CITY CODE OF ORDINANCES TO ADOPT THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE AND ATTACHED AMENDMENTS AS THE FIRE CODE FOR THE CITY OF MEMPHIS, UP FOR S E C O N D READING.**

Ordinance No. 5225

APPROVED, on Second reading

3. **ORDINANCE AMENDING THE JOINT EXISTING BUILDING CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 295 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5124 ON SEPTEMBER 6, 2005, 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. 5226

APPROVED, on Second reading

4. **ORDINANCE AMENDING THE JOINT ELECTRIC CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 297 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5123 ON SEPTEMBER 6, 2005, 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. 5227

APPROVED, on Second reading

5. **ORDINANCE AMENDING THE JOINT MECHANICAL CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 299 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5121 ON SEPTEMBER 6, 2005, 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. 5228

APPROVED, on Second reading

6. **ORDINANCE AMENDING THE JOINT FUEL GAS CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 298 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5125 ON SEPTEMBER 6, 2005, 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. 5229

APPROVED, on Second reading

7. **ORDINANCE AMENDING THE JOINT PLUMBING CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 300 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5120 ON SEPTEMBER 6, 2005, 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. 5230

APPROVED, on Second reading

8. **ORDINANCE AMENDING THE JOINT BUILDING CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 296 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5122 ON SEPTEMBER 6, 2005, 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. 5231

APPROVED, on Second reading

9. **ORDINANCE AMENDING THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO PROVIDE FOR THE RECALL OF A MEMPHIS CITY COUNCIL MEMBER AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008, UP FOR S E C O N D READING.**

Ordinance No. 5232

APPROVED, on Second reading

10. **ORDINANCE REZONING THE NORTHEAST CORNER OF N. SECOND STREET & KEEL AVENUE; SOUTHSIDE OF CHELSEA AVENUE; +/-91.221 FEET EAST OF N. SECOND STREET; SOUTHWEST CORNER OF N. THIRD STREET & CHELSEA AVENUE AND THE EAST SIDE OF N. THIRD STREET; +/-73.39 FEET SOUTH OF CHELSEA AVENUE, CONTAINING 0.859 ACRE (37,418 SQ. FT.) IN THE MIXED USE (MU) & NEIGHBORHOOD CENTER (NC) OVERLAY DISTRICTS, UP FOR S E C O N D READING.**

Ordinance No. 5233

Case No. Z 07-112

APPROVED, on Second reading

11. **ORDINANCE REZONING THE SOUTHEAST CORNER OF N. FOURTH STREET & CHELSEA AVENUE, INCLUDING THE SOUTHWEST CORNER OF N. FIFTH STREET AND CHELSEA AVENUE, CONTAINING 0.635 ACRE (27,660 SQ. FT.), IN THE NEIGHBORHOOD CENTER (NC) OVERLAY DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5234

Case No. Z 07-113

APPROVED, on Second reading

12. **ORDINANCE REZONING THE EAST SIDE OF SYCAMORE VIEW ROAD; +/-50 FEET NORTH OF RESOURCES DRIVE, CONTAINING 1.52 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5235

Case No. Z 07-111

APPROVED, on Second reading

13. **ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY ZONING MAP TO REFLECT CHANGES IN THE FLOOD PLAIN (FP) OVERLAY AND FLOODWAY (FW) DISTRICTS AS REQUIRED BY CHANGES IN THE FLOOD MAPS ISSUED BY FEMA EFFECTIVE SEPTEMBER 28, 2007, UP FOR S E C O N D READING.**

Ordinance No. 5236

Case No. Z 07-116cc

APPROVED, on Second reading

14. **ORDINANCE AMENDING SECTION 26 OF THE MEMPHIS AND SHELBY COUNTY ZONING ORDINANCE "OVERLAY DISTRICT REGULATIONS, FLOOD PLAIN (FP) DISTRICT" TO REFLECT CHANGES IN THE TEXT AS REQUESTED BY FEMA THROUGH THE NATIONAL FLOOD INSURANCE PROGRAM STATE COORDINATION, UP FOR S E C O N D READING.**

Ordinance No. 5237

Case No. ZTA 07-001cc

APPROVED, on Second reading

15. **RESOLUTION ACCEPTING COLONIAL OAKS PLANNED DEVELOPMENT, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 06-346
(Contract No. CR-5053)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Colonial Oaks, 410' north of Poplar Ave. The standard improvement contract was approved on February 20, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$87,200.00.

City Engineer recommends approval

APPROVED

16. **RESOLUTION ACCEPTING FLEMING'S STEAKHOUSE P.D., AND AUTHORIZING THE RELEASE OF BOND.**

Case No. PD 04-374
(Contract No. CR-4947)

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 Poplar Avenue, 670 feet west of Massey Road. The standard improvement contract was approved on June 7, 2005. Resolution also authorizes the release of the performance bond in the amount of \$39,000.00.

City Engineer recommends approval

APPROVED

17. **RESOLUTION APPROVING FINAL PLAT OF RIDGEWAY TRACE DEVELOPMENT IMPROVEMENTS.**

Contract No. CR-5096

Resolution approves the final plat located on the south side of Poplar Avenue, at Ridgeway Loop 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

18. **RESOLUTION APPROVING FINAL PLAT OF HACKS BILL MORRIS PARKWAY PLANNED DEVELOPMENT.**

Case No. PD 05-313cc
Contract No. CR-5097

Resolution approves the final plat located at the southeast corner of Hacks Cross Road and Bill Morris Parkway. 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

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

- A. Case No. SAC 07-611 – Michigan Street
- B. Case No. SUP 07-210

Public Hearing set for November 6, 2007

20. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREETS OCTOBER 27, 2007 FROM 9:00 A.M. UNTIL 12:00 A.M., FOR THE ART AND SOUL FESTIVAL.**

APPROVED

34. **RESOLUTION ACCEPTING CORDOVA OAKS S/D, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 05-081
(Contract No. CR-5059)

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 Blake Road, 168.75' north of Rocky Point Road. The standard improvement contract was approved on March 6, 2007. Resolution also authorizes the release of the letter of credit in the amount of \$183,200.00.

City Engineer recommends approval

APPROVED

35. **RESOLUTION ACCEPTING MEMPHIS INTERMODAL FACILITY JOHN'S CREEK SEWER RELOCATION AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5035)

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 US Hwy 78, north of John's Creek. The standard improvement contract was approved on September 19, 2006. Resolution also authorizes the release of the performance bond in the amount of \$441,600.00.

City Engineer recommends approval

APPROVED

36. **RESOLUTION ACCEPTING RIVERDALE/RAINES C-P, PHASE 1, AND AUTHORIZING RELEASE OF BOND.**

Case No. Z 2360
(Contract No. CR-4983)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Riverdale Road, north of Raines Road. The standard improvement contract was approved on October 25, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$58,800.00.

City Engineer recommends approval

APPROVED

42. **ORDINANCE AMENDING THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE CHAPTER 20, MISCELLANEOUS OFFENSES AND PROVISIONS TO ADD ARTICLE VII – GRAFFITI VANDALISM, UP FOR F I R S T READING.**

Ordinance No. 5238

APPROVED, on First reading

43. **ORDINANCE AMENDING CHAPTER 33, CODE OF ORDINANCES, TO ADJUST VOLUMETRIC WASTEWATER FEES, UP FOR F I R S T READING.**

Ordinance No. 5239

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: McCormick
 SECOND: Sammons
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery,
 McCormick, Hooper, Sammons, Taylor and Chairman Marshall
 Brittenum recused on Item #19B only

APPROVED

22. **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.** (Held from 8/21; 9/18;10/2)

Ordinance No. 5217

Held to November 20, 2007

40. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON N. THIRD STREET, BETWEEN MADISON AVENUE AND COURT AVENUE, FOR GEORGE DOBBINS, JR.**

MOTION: Lowery
 SECOND: Brown

APPROVED, by unanimous voice vote

31. **RESOLUTION RECOGNIZING ALPHA KAPPA ALPHA SORORITY, INC.'S UPCOMING CENTENNIAL CELEBRATION AND THEIR SERVICE TO THIS COMMUNITY AND THE NATION.**

The Chairman recognized the following persons from the audience:

Debra Davis, 3011 Dumbearth Rd., Mphs, TN 38128
 Phyllis Jones 7587 October Rose, Mphs, TN 38119
 Shanta Wilson, 1475 Catherine St., Mphs, TN 38118

MOTION: Cooper Taylor
 SECOND: Ware

APPROVED, by unanimous voice vote

21. **ORDINANCE AMENDING CHAPTER 4, ARTICLE III, OF THE CODE OF ORDINANCES TO UPDATE AND AMEND REGULATIONS REGARDING THE SALE OF BEER FOR OFF-PREMISE CONSUMPTION, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5223

MOTION: Brittenum – Delete residential and add 3-2-3 penalty provision
 SECOND: Sammons

NO ACTION WAS TAKEN ON THIS MOTION

MAIN MOTION: Ware – Send back to Committee
 SECOND: Jones

APPROVED, by unanimous voice vote

23. **RESOLUTION CANCELLING PROPERTY TAXES IN THE TOTAL AMOUNT OF \$11,461.21 ON PROPERTIES LOCATED AT 4400 HICKORY HILL ROAD AND 4392 HICKORY HILL ROAD, FOR TAX YEARS 2005 AND 2006.**

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

APPROVED

24. **RESOLUTION AMENDING THE FISCAL YEAR 2008 CAPITAL IMPROVEMENT BUDGET FOR ADA FACILITY COMPLIANCE, CIP PROJECT #GS01010 TO INCLUDE AN EQUIPMENT LINE FOR THE PURCHASE OF A TABLE-ENGRAVER.**

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

APPROVED

25. **RESOLUTION AMENDING AND INCREASING THE FISCAL YEAR 2008 OPERATING BUDGET FOR THE POLICE ORGANIZED CRIME UNIT TO PURCHASE AN ADDITIONAL 14 CARS FOR A TOTAL COST OF \$300,000.00 WITH THE FUNDING FROM THE DRUG FUND RESERVE.**

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

APPROVED

26. **RESOLUTION APPROVING THE COMPLETION OF PLANS AND SPECIFICATIONS AND TAKING OF BIDS FOR THE MOTOR VEHICLE INSPECTION STATION, CIP PROJECT NUMBER PS01009, AS PART OF THE FY 2008 CAPITAL IMPROVEMENT PROGRAM AT AN ESTIMATED CONSTRUCTION COST OF \$3,353,967.00 FUNDED BY G.O. BONDS GENERAL. (Held from 10/2)**

Documents were presented to Council members supporting an 80% breakdown of the funds being Grant Funded and 20% being G.O. Bonds General

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

APPROVED

27. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE EAST SIDE OF RIVERDALE ROAD AT BIRCH RUN LANE, CONTAINING 18.22 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. UV 07-06

Applicant: Union University Foundation, LLC
 Fisher & Arnold, Inc. – Representative

Request: Use Variation to continue a private school greater than five (5) acres

LUCB and OPD recommendation: APPROVAL, with conditions

No Public Hearing Required; No Opposition at LUCB

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

APPROVED

28. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF EAST OAKSIDE DRIVE; +/-2,500 FEET SOUTH OF WINCHESTER ROAD, CONTAINING 8.91 ACRES IN THE TOWNHOUSE RESIDENTIAL (R-TH) DISTRICT.** (Held from 7/10;10/2).

Case No. PD 07-311

The Chairman recognized the following persons from the audience:

Michael Clark, 1460 Whitewater Rd., Mphs, TN 38117
 Floyd Hughey, 3733 Oak Lane, Mphs, TN 38118
 Gerald O'Brien, 61 W. Georgia Ave., Mphs, TN 38103
 Sandra Pittman, 679 Walker Ave., Mphs, TN 38126
 Shelia Rutherford, 2584 Hawkins Mill Rd., Mphs, TN 38127
 Crystal Shoemaker, 648 Jennette Place, Mphs, TN 38126
 Ramona Stewart, 426 N. Butler, Mphs, TN 38126
 Jacqueline Taylor, 3808 Oakside, Mphs, TN 38118
 Angela Stewart-Woods, 2489 Harvard Ave., Mphs, TN 38112

Applicant: Habitat for Humanity
 The Pickering Firm, Inc. – Representative

Request: Planned development to allow forty-four (44) single family homes, including a neighborhood Resource Center/Clubhouse building within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ware – Build 38 homes as opposed to 44
 SECOND: Taylor
 AYES: Brittenum, Chumney, Ford, Ware, McCormick, Sammons and Chairman Marshall
 NAYS: Cooper Taylor, Jones, Lowery, Hooper and Taylor
 Brown did not cast a vote

APPROVED, set up as Special Item #1

MAIN MOTION: Lowery
 SECOND: Cooper Taylor
 AYES: Brittenum, Ford, Ware, Lowery, Hooper, Sammons, Taylor and Chairman Marshall
 NAYS: Chumney, Cooper Taylor, Jones and McCormick

APPROVED, as amended

29. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING +197 FEET SOUTH OF GEORGIA AVENUE, CONTAINING 6,940 SQUARE FEET IN THE RIVERSIDE RESIDENTIAL (R-R) DISTRICT.** (Held from 10/2)

Case No. SAC 07-608

Applicant: Southland Development Partners of Memphis

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

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

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

APPROVED

30. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING AT THE WESTERN TERMINUS OF T.M. HENDERSON AVENUE, CONTAINING 3,489.49 SQUARE FEET IN THE MIXED USE (MU) HIGH DENSITY RESIDENTIAL (HDR) DISTRICT.** (Held from 10/2)

Case No. SAC 07-610

Applicant: North Memphis CDC
Lorenzo Lester – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

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

APPROVED, with the understanding that the CDC will follow the wishes of Councilwoman Ware, (that the City will clean up the alley)

32. **RESOLUTION APPROVING THE ELECTION OF THE 2008 COUNCIL CHAIRMAN.**

MOTION: Lowery – I would like to nominate Scott McCormick for the 2008 Chairman

SECOND: Hooper

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

APPROVED

- A. MOTION: Cooper Taylor – I would like to nominate Myron Lowery for Vice Chairman for 2008
SECOND: Hooper
AYES: Brittenum, Chumney, Cooper Taylor, Ford, Ware, Jones, Lowery, McCormick, Hooper, Sammons, Taylor and Chairman Marshall
Brown did not cast a vote

APPROVED, Item #32A, set up as Special Item #2

MOTION: Cooper Taylor – Suspend the Rules for the purpose of overriding the Mayor's veto of Ordinance No. 5219, Establish City Council Staff Positions, from September 4, 2007

SECOND: McCormick

AYES: Brittenum, Chumney, Cooper Taylor, Jones, Lowery, McCormick, Hooper, and Sammons

NAYS: Brown, Ford, Ware and Taylor
Marshall did not cast a vote

APPROVED, veto overridden, set up as Special Item #3

33. **RESOLUTION REQUESTING AUDIT PRESENTATIONS FROM QUASI-GOVERNMENTAL AGENCIES.**

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

APPROVED

37. **RESOLUTION ESTABLISHING A PUBLIC HEARING DATE OF NOVEMBER 6, 2007, FOR THE FINDING OF CONDITIONS NECESSARY FOR COMMUNITY REDEVELOPMENT FOR THE UNIVERSITY NEIGHBORHOOD DEVELOPMENT CORPORATION (UNDC)/HIGHLAND ROW AREA.**

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

APPROVED

38. **RESOLUTION ESTABLISHING A PUBLIC HEARING DATE OF NOVEMBER 6, 2007, FOR ADOPTING A COMMUNITY REDEVELOPMENT PLAN FOR THE UNIVERSITY NEIGHBORHOOD DEVELOPMENT CORPORATION (UNDC)/HIGHLAND ROW AREA.**

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

APPROVED

39. **RESOLUTION ESTABLISHING A PUBLIC HEARING DATE OF NOVEMBER 6, 2007, FOR AMENDING THE MEMPHIS AND SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY (CRA) STRATEGIC PLAN/CRA WORKABLE PROGRAM.**

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

APPROVED

41. **ORDINANCE TO FIX AND DETERMINE SALARY AND COMPENSATION OF MAYOR, PURSUANT TO HOME RULE AMENDMENTS, UP FOR T H I R D AND F I N A L READING. (Reconsidered from 9/4 Minutes and Held from 9/18)**

Ordinance No. 5220

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

The Chairman recognized the following person from the audience:

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

ADJOURNED MEETING AT 7:30 P.M.

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