



CITY OF MEMPHIS

COUNCIL AGENDA

February 15, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (February 1, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE- SECOND READING

1. **ORDINANCE** to amend Chapter 18, Article II, to reflect current changes in the structure and operations of the Memphis and Shelby County Public Library and Information Center, up for **S E C O N D** reading.

Taylor

Ordinance No. 5093

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

2. **ORDINANCE** rezoning the northwest corner of Brunswick Road & Phillip Road, containing 5.08 acres in the Agricultural (AG) District, up for **F I R S T** reading

Peete

Ordinance No. 5094

Case No. Z 04-127cc

Applicant: Artis Parker
Doveland Bldg. & Eng. Co. – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL, of Neighborhood Commercial (C-N) District

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** rezoning the West side of Pisgah Road; +/-4,323 feet south of Latting Road, containing 2.02 acres in the Agricultural (AG) District, up for **F I R S T** reading.

Peete

Ordinance No. 5095

Case No. Z 04-142cc

Applicant: Erric P. Little
Erric P. Little – Representative

Request: Single Family Residential (R-S15) District

LUCB and OPD recommendation: APPROVAL, of the Single Family residential (R-S15) District

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

- 4. **ORDINANCE** rezoning Looney Avenue and Saffarans Avenue, containing 2.051 acres in the Mixed Use (MU) District, up for S E C O N D reading.

Peete

Ordinance No. 5092
Case No. Z 04-140

Applicant: Memphis Land Bank
SR Consulting LLC Cindy Reaves

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

- 5. **RESOLUTION** accepting BLUE STONE GLEN PLANNED DEVELOPMENT, and authorizing release of bond.

Case No. PD 03-310cc

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 East Holmes Road, east of Cherokee Rose Lane. The standard improvement contract was approved on November 4, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$32,000.00 and Amendment #1 dated August 19, 2004, in the amount of \$18,000.00. This action is subject to county approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 6. **RESOLUTION** accepting ROYAL OAKS PD SEWER OUTFALL, and authorizing release of bond.

(Contract No. CR-4647)

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 Bolen Huse Road, west of Singleton Parkway. The standard sewer extension contract was approved on August 7, 2001. Resolution also authorizes the release of the performance bonds in the amount of \$532,200.00 and \$5,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 7. **RESOLUTION** accepting WOODLAND HILLS PD, 3RD AMENDMENT, PH 17, and authorizing release of bond.

Case No. PD 99-352cc
(Contract No. CR-4858)

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 Humphrey Road, west of Houston Levee Road. The standard improvement contract was approved on March 16, 2004. Resolution also authorizes the release of the certificate of deposit in the amount of \$7,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

8. 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 04-364 – GRAY’S CREEK BUSINESS PARK PLANNED DEVELOPMENT, 3RD AMENDMENT

Located on the east side of Gray’s Creek Drive; +/-372 feet south of U.S. Highway 64, containing 7.64 acres and is currently governed by Gray’s Creek Business Park Planned Development, 2nd Amendment (P.D. 03-314) and the Agricultural (AG) District

Applicant: Lawrence Tile & Marble
Davis Engineering Co., Inc. – Representative

Request: Planned development amendment to add three (3) acres to Outline Plan to Create Area ‘A-3’ to allow Planned Commercial (C-P) District uses, including a contractor’s office with outdoor storage yard within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 04-373

Located on the south side of Western Park Drive; +633 feet east of S. Third Street, containing 21.4 acres in the Single Family Residential (R-S6) District

Applicant: Southwest Community Development Corporation
Dickinson & Bennett, Inc. – Representative

Request: A residential planned development containing single family and multi-family residential units

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 04-378

Located on the southwest corner of Dunn Avenue and Airways Boulevard, containing 403.19 acres in the Light Industrial (I-L) District

Applicant: Depot Redevelopment Corporation
Jim Covington, President
Jim Dugan, Dugan Design Group, Inc. – Representative

Request: Industrial warehouse and limited commercial uses

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 04-377 – THE ARBORS AT HICKORY RIDGE P.D., 2ND AMENDMENT

Located on the northeast corner of Knight Arnold Road and Ridgeway Road, containing 5.65 acres and is Parcel 5 of The Arbors at Hickory Ridge Planned Development(P.D. 87-342cc)

Applicant: T M Jacks
Guy Payne – Representative

Request: Amend the conditions to regulate Parcel 5 by the Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SAC 04-617 – Shults Road (a.k.a. Sholtz/Shoultz Road)

Located on the east side of Lamar Avenue (U.S. Highway 78); +800 feet north of Southwall Road, containing 10628 Sq. Ft. = 0.243 acre, in the Highway Commercial (C-H) District

Applicant: Lamar South, LLC
Fisher & Arnold, Inc. – Representative

Request: Close & Vacate Road Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. UV 04-04

Located on the north side of Little Weaver Lane; beginning 600 +feet east of Weaver Road, containing 0.615 acre in the Residence/Single Family Residential (R-S6) District

Applicant: Joseph Smith, Jr.

Request: Motor Vehicle Service

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: March 1, 2005



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MLGW FISCAL CONSENT

9. RESOLUTION approving Change No.10 to Contract No. 10780, Electric Construction and Maintenance, with Allied Electrical Contractors, Inc. in an estimated/funded amount of \$850,000. (This extends the contract not to exceed 60 days beginning February 3, 2005, retroactive to August 15, 2004, with no increase in present contract rates. The contract value increase of \$850,000 includes \$400,000 for work already performed.)
10. RESOLUTION approving Change No. 2 to Contract No. 11011, North Service Center Roofing Projects, with B Four Plieed, Inc. in the funded amount of \$30,316. (This covers emergency roof repairs to Building Nos. 5, 6 and 8 at the North Service Center.)
11. RESOLUTION awarding Expedited Procurement Contract No. 11034, Auger Excavations Services, to McKinney Drilling Company in an estimated/funded amount of \$70,500. The agreement value of \$24,999 has been paid for these services under Agreement No. C-1255 and the contract now exceeds the agreement value.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

12. RESOLUTION dedicating Quinn Avenue as "Deputy Chief Carl Wesley Stotts Street" in honor of Mr. Carl Wesley Stotts.

Mitchell

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION extending farewell wishes to Betsy and Kinzie Bird.

Lowery

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCE - THIRD AND FINAL READING (none)

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

14. RESOLUTION amending the FY 2005 Community Development Block Grant (CDBG) Operating Budget by transferring an appropriation of \$38,025.00 in Community Development Block Grant funds from Director's Office, CD90001-award 12180, to Community Initiatives, CD90011-award 12181, to fund operating costs associated with the Hyde Park CDC.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

15. RESOLUTION including Botanic Garden Improvements, CIP Project Number PK08004, as part of the FY 2005 Capital Improvement Program. Resolution seeks approval to continue preparation of plans and specifications, and taking of bids, at an estimated construction cost of \$821,000.00, funded by G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

- 16. RESOLUTION appropriating an allocation of \$36,000.00 in Construction funded by G.O. Bonds General chargeable to the Fiscal Year 2005 Capital Improvement Budget for Aquatic Facilities Major Maintenance, CIP Project Number PK04002 as necessary to make repairs at Fox Meadows and Bickford Pools prior to beginning the season in June 2005.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

- 17. RESOLUTION accepting grants funds in the amount of \$8,500.00 from the Memphis City Schools for the Drug Abuse Resistance Education (DARE) Program. Resolution also amends FY 2005 Operating Budget to appropriate grant and matching funds.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

- 18. RESOLUTION authorizing execution of a lease agreement with Kanorado Corporation for the use of deck barge registered as "BAR 343", as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on December 16, 2004.

Jones

Contract No. CR-4924

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

- 19. RESOLUTION amending the FY 2005 Capital Improvement Budget by appropriating \$268,840.00 in G.O. Bonds for project number PW01049 Front at Carolina for a construction contract with Ensco, LLC.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 20. RESOLUTION transferring and allocation and appropriating \$161,180.00 in G.O. Bond Funds for Orange Mound Drainage District, PW03051 for construction contract with Tiple K Construction.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 21. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$854,760.00 in G.O. Bonds from Arena Area Improvements, project number PW01153 to FedEx Forum Infrastructure, project number PW04048 for reimbursement to Public Building Authority.

Hooks

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

- 22. RESOLUTION amending the FY 2005 Capital Improvement Budget by appropriating \$417,700.00 in G.O. Bonds for project number PW04047 Yard Waste Diversion for a contract with Vermeer Midsouth, Inc. for the purchase of a tub grinder.

Hooks

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING (none)

DIVISION OF PLANNING & DEVELOPMENT

23. RESOLUTION approving a special use permit located on the northwest corner of DuPont Avenue and Overton Crossing Road, containing .29 acre (12,632 sq. ft.) in the Highway Commercial (C-H) District.

Peete

Case No. SUP 04-222

Applicant: Crown Castle, USA
Oasis Consulting, LLC (Shawn Massey) – Representative

Request: Special use permit to increase the height of a cellular communications tower from one-hundred (100') feet to one-hundred eighty (180') feet to allow a maximum of six (6) antennae co-locations

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

24. RESOLUTION approving a special use permit located on the east side of Laurie Lane; beginning 114.53 feet north of Brantford Road, containing 0.28 acre in the Single Family Residential (R-S10) District. (Held from 9/21;11/23;12/21;1/18;2/1)

Peete

Case No. SUP 04-208

Applicant: Margolin Hebrew Academy
Ronald Harkavy – Representative

Request: Student Dormitory

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

60 NOTICES MAILED ON SEPTEMBER 10, 2004

25. RESOLUTION approving a planned development located on the south side of Poplar Avenue; @ the southern terminus of Briarcrest Avenue, containing 3.7 acres in the General Office (O-G) District.

Peete

Case No. PD 04-374

Applicant: Outback Steakhouse, Inc.
Fisher & Arnold (Jud Te Paske) – Representative

Request: Add a free standing restaurant

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

33 NOTICES MAILED ON FEBRUARY 4, 2005

26. RESOLUTION approving a street/alley closure located on the southern terminus of East Cherry Circle, containing 8,362 square feet in the Single Family Residential (R-S10) District.

Peete

Case No. SAC 04-621

Applicant: Christ United Methodist Church
Jud TePaske – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

72 NOTICES MAILED ON FEBRUARY 4, 2005

GENERAL ITEM

ADJOURNMENT

ADD-ONS

February 15, 2005

Page10

27. RESOLUTION approving final plat of CONCORD ESTATES SUBDIVISION, 1ST ADDITION.

Consent

Case No. S 99-063cc
Contract No. CR-4925

Resolution approves the final plat located on the southwest corner of Shelby Drive and Gertrude Drive. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

8. NOTATION from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

G. Case No. S 04-070 – SHADY GROVE MENDENHALL SUBDIVISION

Located on the southeast corner of S. Mendenhall Road and Shady Grove Road, containing 1.0 acre in the Single Family Dwelling – Single Family Residential (R-S10) District

Appellant: Elizabeth S. Norman/SR Consulting, LLC (Cindy Reaves)

Request: Three (3) Lot Preliminary Plat
Appeal to overturn action of the Land Use Control Board which approved a two (2) lot preliminary plat subdivision where the applicant requested a three (3) lot subdivision located 230 Mendenhall Road

LUCB and OPD recommendation: APPROVAL of two (2) lots subject four (4) conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: March 1, 2005

28. RESOLUTION approving a special use permit located on the southeast corner of Winchester Road and Tchulahoma Road, containing 0.55 acre in the Local Commercial (C-L) District.

Peete

Case No. SUP 04-221

Applicant: Tahseen Ali Hamade

Request: Motor Vehicle Sales/Service

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD the case

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

29. RESOLUTION approving that the Early Childhood Scholars program formerly known as Daycare Initiative shall be known as United Way of the Mid-South.

Mitchell

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION appropriating \$931,700.00, funded by G.O. Bonds General, in Construction Funds, for Liberty Bowl Field replacement, CIP Project Number PK10001.

McCormick

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION authorizing the issuance, sale and delivery of City of Memphis, Tennessee, General Improvement Refunding Bonds Series 2005, for the purpose of refunding certain outstanding bonds of the City of Memphis.

Mitchell

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION expressing sympathy to the family of Willard Sparks.

Consent

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Through 7 – Approved
- 8. Public Hearing set for March 1, 2005
- 9. Through 22 – Approved
- 23. Approved, as amended
- 24. Held to March 15, 2005
- 25. Approved, as amended
- 26. and 27 – Approved
- 28. Held to March 1, 2005
- 29. Through 32 – Approved

ACTION TAKEN ON MINUTES OF FEBRUARY 1, 2005

Approved