



CITY OF MEMPHIS

COUNCIL AGENDA

February 6, 2007

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 (January 16, 2007)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

1. RESOLUTION accepting CARLYLE PLACE P.D., PHASE 1, SEWER EXTENSION, and authorizing release of bond.

Case No. PD 02-333cc
(Contract No. CR-4839)

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 Macon Road, east of Houston Levee Road. The standard improvement contract was approved on December 16, 2003. Resolution also authorizes the release of the Letter of Credit (No.221) in the amount of \$104,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

2. RESOLUTION approving final plat of GEMSTONE PD, PART OF AREA C, PHASE 8.

Case No. PD 99-380
Contract No. CR-5048

Resolution approves the final plat located north of Weaver Road, east of Holmes 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

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION approving final plat of GEMSTONE PD, PART OF AREA C, PHASE 9.

Case No. PD 99-380
Contract No. CR-5049

Resolution approves the final plat located east of Weaver Road, south of Holmes 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

ACTION REQUESTED: Adopt the resolution

- 4. RESOLUTION accepting ST. ANDREWS PLACE PD, and authorizing release of bond.
Case No. PD 04-314cc
(Contract No. CR-4943)

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 Houston Levee Road, north of Macon Road. The standard improvement contract was approved on June 7, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$110,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 5. RESOLUTION approving final plat of WESTIN-BEALE STREET HOTEL.
Contract No. CR-5050

Resolution approves the final plat located on the northwest corner of Third Street and Lt. George W. Lee 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

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

- 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 06-364 – EUDORA PLANNED DEVELOPMENT

Located on the northeast corner of Poplar Avenue and Perkins Road, containing 4.126 acres in the Single Family Residential (R-S10) & Highway Commercial (C-H) Districts

Owner of Record: Eudora Baptist Church

Applicant: Newman-Tillman Properties
Homer Branam/Ronald Harkavy – Representative

Request: A planned development to create a mixed use development consisting of both commercial and institutional uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 20, 2007



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MLGW FISCAL CONSENT

7. RESOLUTION awarding contract for multifunction meters to Stuart C. Irby in the amount of \$98,250.00.
8. RESOLUTION awarding Contract No. 11193, Janitorial Services, to KIMCO Corporation, in the funded amount of \$116,350.00. (This replaces Contract No. 11136 awarded to FME at the Board's meeting of October 5, 2006).
9. RESOLUTION approving Change No. 2 to Contract No. 11026, Division Audit, with Watkins Uiberall, PLLC, in an estimated funded amount of \$243,000.00. (This will allow performance of the year ending December 31, 2006 audit.)



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

10. APPOINTMENTS
Taylor

Memphis Community Development Enterprise

Appointments

Richard S. Copeland
Barbara Swearngen Holt
Roby S. Williams
Emily Trenholm

Memphis and Shelby County Film and Television Commission

Appointment

Dr. Susan G. Murrmann-Price

Memphis and Shelby County Sports Authority

Appointment

Mark Frank Rosenberg

Memphis Light Gas and Water Board

Appointment

Phillip R. Bowden, M.D.

Public Art Oversight Committee

Reappointment

Erin Harmon

GENERAL ORDINANCE - THIRD AND FINAL READING

11. **ORDINANCE** providing for the transfer of the Permits Department from the Finance Division to the Law Division pursuant to Section 8 of the Home Rule Amendment to the Charter of the City of Memphis, up for T H I R D and F I N A L reading.

Marshall

Ordinance No. 5203

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

- 12. RESOLUTION amending the FY 2007 Capital Improvement Budget by transferring an allocation and appropriating \$200,000.00 funded by G.O. Bonds – General from contract construction within HCD-Middle Income Developer’s Assistance Program, project CD01025, to contract construction within Wesley Phase III, project CD01050, for infrastructure construction costs.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

DIVISION OF PARK SERVICES

- 13. RESOLUTION including CIP Project Number PK07083, Overton Park Shell Restoration as part of the 2007 Capital Improvement Program. Resolution seeks approval to continue preparation of plans and specifications through the taking of bids at an estimated total construction cost of \$1,000,000.00, funded by 50% Local Other CIP and 50% G.O. Bonds General.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

- 14. RESOLUTION transferring an allocation and appropriating \$539,995.00 funded by GO Bonds – General from ADA Curb Ramps, project number PW04007 to ADA Curb Ramps 29, project number PW04055, for a contract with Dixieland Contractors, Inc. for installation of ADA ramps at various locations in the City.

Sammons

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING

- 15. **ORDINANCE** rezoning the north side of Clementine Road; +200 feet west of Darlene Street, containing 2.39 acres in the Duplex Residential (R-D) District, up for T H I R D and F I N A L reading. (Held from 1/2/07;01/16)

Lowery

Ordinance No. 5199
Case No. Z 06-125

Applicant: ProUnited Realtors
Fisher & Arnold Engs. (Jud Te Paske) – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

16. **ORDINANCE** amending the text of the Subdivision Regulations, up for
T H I R D and F I N A L reading.

Lowery

Ordinance No. 5202
Case No. STA 06-001cc

Applicant: Office of Planning and Development

Request: Subdivision Text Amendment as follows: Amend Sections 300.2E:
Names and Addresses and 404.3F: Adjacent Properties – to add
requirements for interconnected streets

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

DIVISION OF PLANNING & DEVELOPMENT

17. RESOLUTION approving a special use permit located on the northwest corner of Titus
Street and Interstate 240, containing 5.49 acres in the Highway Commercial (C-H) &
Highway Commercial Flood Plain (C-H{FP}) Districts.

Lowery

Case No. SUP 06-223

Applicant: Roofing Supply Group, Inc.

Request: Special use permit to allow a Contractor’s Yard/Outdoor Storage

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

18. RESOLUTION approving a special use permit located on the west side of Overton
Crossing Street, north of intersection with Pamela Avenue, containing 2.65 acres in the
Single Family Residential (R-S6) District.

Lowery

Case No. SUP 06-224

Applicant: Loran Barnett

Request: Amendment of an existing special use permit to approved new
owner/operator

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

19. RESOLUTION approving a planned development located on the north and south sides of
Winchester Road; west of Hacks Cross road, along both sides of Centennial Drive,
containing 206 acres currently governed by the Winchester/Hacks Cross P.D. 05-383cc
(Plat Book 228, Page 19).

Lowery

Case No. PD 06-342cc

Applicant: Michael Lightman, Sr.
ETI Corporation – Representative

Request: An amendment to include a portion of the property north of
existing Area “A-1” within the boundary of the P.D. to be
governed by bulk requirements of the C-P District and to permit
hotels/motels as a permitted use within Areas “B”, “D”, & “E” of
the P.D.

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

126 NOTICES MAILED ON JANUARY 19, 2007

20. RESOLUTION approving a planned development located on the south side of U.S. Highway 64; +490 feet east of Chambers Chapel Road intersection, containing +25.5 acres in the Agricultural (AG) and Floodway (FW) and Agricultural Flood Plain (AG[FP]) Districts.

Lowery

Case No. PD 06-358

Applicant: Edmund Timothy Brown
John Colvin – Construction Eng. Services, Inc.- Representative

Request: On-site production of mulch and the storage and sale of various landscape materials and firewood

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

26 NOTICES MAILED ON JANUARY 19, 2007

21. RESOLUTION approving a planned development located on the southeast corner of Germantown Parkway and Macon Road, containing 88.37 acres in the Agricultural (AG) District. The property is regulated for development by P.D. 97-367.

Lowery

Case No. PD 06-360

Applicant: Gill Properties
Renaissance Group – Representative

Request: Permit mixed use development of commercial office and residential uses in buildings up to 60 feet in height on land generally between Macon Road and Cordova Station Road and east of Cordova Depot Road

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

355 NOTICES MAILED ON JANUARY 19, 2007

22. RESOLUTION approving a planned development located on the south side of Peabody Avenue; +165 feet west of Cooper Street, containing 0.61 acre in the General Office (O-G) District.

Lowery

Case No. PD 06-355

Applicant: Martin Pantik
Buckner Wellford – Representative

Request: A maximum of 10 residential lots

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

144 NOTICES MAILED ON JANUARY 19, 2007

23. RESOLUTION approving a south central business improvement district appeal located on the west side of Tennessee Street, 300 feet north of G.E. Patterson Street.(Held from 12/06).

Lowery

Case No. SCBID 06-08

Owner/Applicant: Tennessee Brewery, LLC/Gordon Follmer & Guy Rizzo

Appellant: William Evans & Mary Relling

Request: Appeal the decision of the Land Use Control Board on 10/12/06 which approved Special Exceptions to permit new construction as part of the Tennessee Brewery renovation up to a maximum of 154 feet and/or 14 stories and linear street frontage development exceeding 100 feet along Tennessee Street

LUCB and OPD recommendation: APPROVAL of the Special Exceptions with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

130 NOTICES MAILED ON DECEMBER 8, 2006

PRESENTATIONS AND RECOGNITION OF VISITORS

24. RESOLUTION congratulating Drs. James and Linda Porterfield on being awarded the designation of Fellow of the Heart Rhythm Society (FHRS).

Holt

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION making Memphis a model city in honor of Dr. Martin Luther King, Jr.

Brittenum

ACTION REQUESTED: Adopt the resolution

26. PRESENTATION of Certificates of Achievement for completion of the Urban Youth Initiative Operation Hope Program.

Brown &
Peete

GENERAL ITEMS

27. RESOLUTION amending the Rules of Procedure regarding standing committees.

Taylor

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION requesting the City of Memphis legislative delegation and the members of the Tennessee General Assembly to allow cities which authorize a tax relief program for the elderly, to establish their own guidelines within the state approved income limit.

Taylor

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT