



CITY OF MEMPHIS

COUNCIL AGENDA

June 20, 2006

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 (June 6, 2006)

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

1. **ORDINANCE** rezoning the southwest corner of Wolf River and Interstate 240, containing 19.697 acres in the Agricultural (AG) & Agricultural Flood Plain (AG{FP}) Districts, up for F I R S T reading.

Peete

Ordinance No. 5173

Case No. Z 05-104

Applicant: Robert D. Pelts
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Light Industrial (I-L) & Light Industrial Flood Plain (I-L{FP})
Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING

2. **ORDINANCE** rezoning the south side of Macon Road; +475 feet west of Houston Levee Road, containing 1.34 acres in the Agricultural (AG) District, up for S E C O N D reading.

Peete

Ordinance No. 5172

Case No. Z 06-109cc

Applicant: Edward Grinder
Tim McCaskill – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (None)

NOTATIONS FROM OPD

3. **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 01-334cc – SHELBY WOODLANDS PLANNED DEVELOPMENT

Located on the southside of Shelby Drive, 152 feet east of Ridge Walk Lane

Appellant: Eagles Landing Apartments LP

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 05/11/06 which rejected the appellant's request to construct side building elevations for the Eagles Landing Apartments with a brick exterior 3 feet from the ground where the Land Use Control Board previously required 8 feet from the ground

LUCB and OPD recommendation: REJECTION

B. Case No. PD 05-374cc – PAGE-PORTER PLANNED DEVELOPMENT

Located on the northeast corner of Highway 51 North and Wortham Road, containing 6.46 acres and currently governed by the conditions of Page-Porter Planned Development, P.D. 89-362cc, (Plat Book 143, Pg. 64)

Applicant: Thomas J. Page, Jr.
David W. Milem Consulting Engineers - Representative

Request: A planned development to amend the outline plan to delete ± 0.73 acres from the residential area and add it to the commercial area

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 06-311 – FLAGSHIP CONDOMINIUMS PLANNED DEVELOPMENT

Located on the southeast corner of Island Drive and Auction Avenue, containing 2.65 acres in the Highway Commercial (C-H) and Multiple Dwelling Residential (R-MM) Districts

Applicant: Island Properties Associates
Ronald Harkavy – Representative

Request: A Maximum of 45 Condominium Units in 3 – Four Story Buildings

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 06-312cc – FOREST HILL PLAZA PLANNED DEVELOPMENT

Located on the southwest corner of Winchester Road and Forest Hill-Irene Road, containing 67.20 acres and is currently governed by Forest Hill Heights Planned Development, Amended (P.D. 96-347cc)

Applicants: Landmark Properties & Performa Real Estate, Inc.
The Perkins Law Firm & The Reaves Firm – Representatives

Request: Planned development to allow Planned Development (C-P) District land uses, including a hotel within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. PD 06-314cc – LEE LINE FARMS PLANNED DEVELOPMENT, 2ND AMENDMENT

Located on the west side of Houston Levee Road, ±329 ft. north of Macon Road, and north side of Macon Road, ±297 ft. west of Houston Levee Rd., containing 34.54 acres in the Limited Planned Commercial (C-P) and General Office (O-G) uses as permitted in Area F of the Outline Plan for Lee Line Farms Planned Development, as Amended (P.D. 99-346cc)

Applicant: George Lee
Ronald Harkavy – Representative

Request: **A)** Permit limited commercial uses throughout Area F; **B)** relax limitations to permit restaurants with drive-through windows in certain locations; **C)** permit four out-parcels with separate ownership and separate entrances; **D)** increase the number of permitted curb cuts along Macon Road from two (2) to three (3).

use

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. SAC 03-612 – BINGHAM ST., PRINCETON AVE., AUTUMN AVE. ALLEY & PRINCETON AVE. ALLEY TIME EXTENSION

Located on Bingham Street, Princeton Avenue, Autumn Avenue Alley (between Collins and Merton Streets) and Princeton Avenue Alley (between Collins and Bingham Streets) and a - / + 56.8 foot segment west of Bingham Street

Applicant: Memphis Board of Education
Homer Branam, III – Representative

Request: Extend period of compliance with closure conditions to December 31, 2006 for streets previously approved for closure on September 2, 2003

OPD recommendation: APPROVAL

G. Case No. SAC 04-612 – WELLS AVENUE TIME EXTENSION

Located between the west line of Manassas Street and the east line of Tully Street, containing 1.459 acres in the Multiple Dwelling Residential (R-MM) District

Applicant: Memphis Board of Education
Homer Branam, III – Representative

Request: Extend period of compliance with closure conditions by an additional two (2) years to June 20, 2008 for street previously approved for closure on June 20, 2004

OPD recommendation: APPROVAL, with conditions

H. Case No. SAC 06-606 – KANSAS STREET CLOSURE

Located on Kansas Street; between Railroad Avenue and Carolina Avenue, containing 5,632 square feet and 64' X 345' - Width X Length of R.O.W., in the City of Memphis right-of-way ~ Bluffview Residential (R-B) District

Applicant: Faxon-Gillis Homes, Inc.

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

LUCB and OPD recommendation: APPROVAL, with conditions

I. Case No. SAC 06-608 – HOSPITAL STREET

Located between Madison Avenue and Jefferson Avenue, containing 27,506 square feet and 18' X 770' – Width X Length of R.O.W., in the Street right-of-way ~ Hospital (H) District

Applicant: City of Memphis

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

LUCB and OPD recommendation: APPROVAL, with conditions

J. Case No. SUP 06-206cc – CMCS TOWER AT 11804 MACON ROAD

Located on the north side of Macon Road; +1,700 feet west of Collierville-Arlington Road, containing 28.86 acres in the Agricultural (AG) District

Applicant: Tower Ventures V
Billy Orgel – Representative

Request: 180-foot tower for commercial mobile communication systems (cell tower)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 11, 2006

GENERAL ITEM

4. RESOLUTION approving temporary structures on the streets for the Beale Street Merchants Association- Fourth of July Red, White and Blues Celebration, July 2, 2006 from 7:00 a.m. through July 4, 2006 at 8:00 a.m.

Chumney

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

5. RESOLUTION awarding Contract No. 11110, Courier Services, to Express Courier, Inc., in an estimated funded amount of \$142,783.51.
6. RESOLUTION approving Change No. 4 to Contract No. 10924, Professional Investigating Services, with CDA, Inc., in the funded amount of \$301,076.84. (This renews the contract for the third term of four renewal terms for the period August 1, 2006 to July 31, 2007.)
7. RESOLUTION approving Change No. 1 to Contract No. 11040, Surveying Services, with Ollar Surveying Company, in an estimated funded amount of \$183,786.63. (This renews the contract for the first renewal term of four renewal terms for the period July 19, 2006 to July 18, 2007.)
8. RESOLUTION awarding contract for expansion and upgrade of MLGW's Telecommunications System to Coleman Technologies, Inc. in the amount of \$231,709.50.
9. RESOLUTION approving Expedited Procurement Request for Change No. 1 to Contract No. 10908, Supply Contract, with Mobile Data Solutions, in the funded amount of \$191,912.23. (This provides additional funds for support and maintenance and PCR 2399--Street Level Routing and Mobile Mapping.)



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

10. APPOINTMENTS

Marshall

Civilian Law Enforcement Review Board

Appointments

Shirley Gholston Key

Harry 'Josh' Randle

MATA Board

Re-appointments

Karl Birkholz

Mattie P. Carter

Vicki V. Carayiannis (Cloud)

E. Ray Holt

Fred Johnson

John R. Walker

Memphis & Shelby County Air Pollution Board

Appointment

Joel Barns

Re-appointments

John A. Bossier

Amado X. Freire

Phil G. Coop

Carol Tsangarakis

Memphis & Shelby County Depot Redevelopment Corporation

Re-appointments

Larry D. Cox

Albert Crawford

James B. Jalenak

GENERAL ORDINANCES - THIRD AND FINAL READING

11. **ORDINANCE** amending Chapter 25, Article II, Section 25-2 of the Code of Ordinances regarding Pension and Retirement Board of Administration, up for T H I R D and F I N A L reading.

Marshall

Ordinance No. 5168

ACTION REQUESTED: Take whatever action Council deems advisable

- 12. **ORDINANCE** amending Chapter 25, Article III, Section 25-31 of the Code of Ordinances regarding Investment of Trust Fund, up for T H I R D and F I N A L reading.
Marshall Ordinance No. 5169

ACTION REQUESTED: Take whatever action Council deems advisable

- 13. **ORDINANCE** amending previous Ordinance 4388, codified as City Code, Chapter 2, Division 5, Section 2-325, et seq., so as to revise Section 2-331(a) (Sunset Clause) to allow said Chapter 2, Division 5 to remain in full and effect until June 30, 2009, up for T H I R D and F I N A L reading.
Marshall Ordinance No. 5171

ACTION REQUESTED: Take whatever action Council deems advisable

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

DIVISION OF FIRE SERVICES

- 14. RESOLUTION accepting grant funds in the amount of \$533,750.00 from the State of Tennessee for the In-Service Training Program for in-service training for 1,525 fire services personnel. Resolution also amends FY 2006 Operating Budget to establish and appropriate grant funds.
Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

DIVISION OF PARK SERVICES

- 15. RESOLUTION requesting City Council’s approval for an agreement to be executed between the City of Memphis, Tennessee, through its Division of Park Services and the Association for the Study of Negro Life and History (TROOPS) for Army Park and Navy Park to be developed, maintained, and operated as fitting memorials for unsung African American Civil War Heroes. The resolution also states that the subject agreement will take effect upon the signature of the Mayor of the City of Memphis.
McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

- 16. RESOLUTION appropriating \$297,000.00 in Fixtures & Equipment funded by G. O. Bonds General for the Hickory Hill Police Precinct, CIP #PD02002.
Chumney

ACTION REQUESTED: Adopt the resolution

- 17. RESOLUTION appropriating funding for Vice Narcotics Unit Special funds for Fiscal Year 2007 in the amount of \$3,788,585.00.
Chumney

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

18. RESOLUTION appropriating \$1,500,000.00 in G.O. Bond funds to Memphis Bioworks Foundation, Inc. as a grant for Capital Improvements that will enhance the Economic Development of the Memphis Medical Center Area.

Taylor

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION appropriating \$275,000.00 for CIP Project PS02018 Convention Center Upgrades to fund numerous Improvements to the Facility to maintain its competitive advantage both regionally and nationally.

Taylor

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

20. RESOLUTION appropriating \$233,169.00 funded by G.O. Bond Funds for Street Lighting, project number PW01093 for the installation and replacement of City owned street light poles and equipment on expressways.

Jones

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring a previous allocation of \$1,853,561.00 funded by Sewer Funds from Rehab Existing Sewers, project number SW02001 to Cured-In-Place-Pipe, project number SW02030, for a construction contract with Spiniello Companies.

Jones

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring a previous allocation of \$1,875,126.00 funded by Sewer funds from Rehab Existing Sewers, project number SW02001 to Cured-In-Place-Pipe, project number SW02030, for a construction contract with Insituform Technologies, Inc.

Jones

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION amending the Fiscal Year 2006 Capital Improvement Budget by transferring a previous allocation of \$2,670,163.00 funded by G.O. Bonds – General from Drainage, CIP Project number ST03006 to Black Bayou/Normal, CIP Project number ST03025, for a construction contract with B & C Construction Co., Inc. for drainage repair.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING

24. ORDINANCE rezoning the northwest corner of Macon Road and Houston Levee Road, containing 2.0 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5170
Case No. Z 06-108cc

Applicant: Trustmark National Bank
Davis Engineering – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

204 NOTICES MAILED ON JUNE 9, 2006

DIVISION OF PLANNING & DEVELOPMENT

25. RESOLUTION approving a Motel/Hotel SUP Waiver for Wingate Inn, located at 2270 N. Germantown Parkway.

Peete

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION approving a Hotel Waiver for Wyndham Garden Hotel, located at 300 N. 2nd Street, Memphis, TN. 38015.

Peete

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION approving a Hotel SUP Waiver for Holiday Inn, located at 2490 Mt. Moriah.

Peete

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

28. RESOLUTION approving a planned development located on the south side of Firestone Avenue @ Morehead Street containing 18.50 acres in the Heavy Industrial (I-H) & Light Industrial (I-L) Districts.

Peete

Case No. PD 05-384

Applicant: Memphis Housing Authority
ETI – Representative

Request: A planned development to permit 130 residential lots consisting of single family homes and townhouses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

122 NOTICES MAILED ON JUNE 9, 2006

29. RESOLUTION approving a planned development located on the south side of East McLemore Avenue; between Neptune Street and College Street, containing 4 acres in the College University (C-U) and Multiple Dwelling Residential (R-MM) Districts.

Peete

Case No. PD 06-315

Applicant: New Town Center @ Soulsville, LLC
Self-Tucker Architects (James Murray) – Representative

Request: A Mixed Use Planned Development (consisting of Commercial, Office, and Residential Uses)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

146 NOTICES MAILED ON JUNE 9, 2006

30. RESOLUTION approving a subdivision appeal located east of East Shore Drive and north of Des Arc Road, opposite the terminus of Bowers Road, containing 19.20 acres in the Single family dwelling ~ Single Family Residential (R-S10) District

Peete

Case No. S 05-089

Applicant/Appellant: Harold W. Krag, III

Request: Appeal to overturn action of the Land Use Control Board which rejected the forty-nine (49) lot preliminary plat for the proposed Shore Drive Subdivision

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

27 NOTICES MAILED ON JUNE 9, 2006

31. RESOLUTION approving a subdivision appeal located on the southwest corner of Cole Road and Colonial Road, containing 28,749 square feet (0.66acre) in the Single family dwelling ~ Single Family Residential (R-S10) District.

Peete

Case No. S 06-007

Equitable Owner/Applicant: Elizabeth Norman

Request: Two (2) Lot Preliminary Plat appeal to overturn action of the Land Use Control Board which rejected a two (2) lot preliminary plat subdivision located at 305 Colonial Road

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

10 NOTICES MAILED ON JUNE 9, 2006

GENERAL ITEMS

32. RESOLUTION instructing the Industrial Development Board to immediately amend their Charter of Incorporation with the State of Tennessee to require approval from the Memphis City Council before granting any payments in lieu of taxes, effective September 1, 2006.(Held from 5/16; 6/6)

Brittenum

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION instructing the Memphis Center City Revenue Finance Corporation to immediately amend their Charter of Incorporation with the State of Tennessee to require approval from the Memphis City Council before granting any payments in lieu of taxes, effective September 1, 2006. (Held from 5/16;6/6)

Brittenum

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION amending the incorporation resolution of the Health, Education and Housing Facilities Board. (Held from 5/16;6/6)

Brittenum

ACTION REQUESTED: Adopt the resolution

PRESENTATIONS AND RECOGNITION OF VISITORS

35. RESOLUTION approving an honorary street name change for Dr. William and Dianne Young. (Held from 6/6)

Mitchell

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

36. RESOLUTION approving final plat of THE GROVE AT SHELBY FARMS PD, PHASE 2.

Consent

Case No. PD 94-337

Resolution approves the final plat located at the corner of Trinity Road and Raleigh LaGrange. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION approving final plat of ROBERTA S. BELL SUBDIVISION.

Consent

Case No. S 06-001

Resolution approves the final plat located on the northside of Holmes Road west of Hillbrook Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION 10 A.

Consent

Case No. S 05-058

Resolution approves the final plat located on the northside of Main Street, south of Keel. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving final plat of CLEVELAND-LARKIN PLANNED DEVELOPMENT.

Consent

Case No. PD 05-364

Contract No. CR-5017

Resolution approves the final plat located on the eastside of North Claybrook, north of Poplar 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

ADD-ONS

NOTATIONS FROM OPD

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

K. Case No. PD 05-385

Located on the southeast corner of U.S. Highway 64 and Reid Hooker Road, containing 176.27 acres in the Highway Commercial (C-H), General Office (O-G), Agricultural (AG), and Agricultural Flood Plain (AG[FP]) Districts

Applicant: Rockgate Center, LLC
The Bray-Davis Firm, LLC – Representative

Request: A mixed use planned development consisting of commercial/office, institutional, single family residential and multi-family residential

LUCB and OPD recommendation: APPROVAL, with conditions

L. Case No. PD 06-308

Located on the southeast corner of Highland Street and Mynders Avenue, containing 0.89 acre in the Highway Commercial (C-H) District

Applicant: Trammell Crow Company
Homer Branan – Representative

Request: A planned development to create a multi-family residential six (6) story mid-rise with 85 dwelling units with limited retail on the ground floor

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: July 11, 2006

40. RESOLUTION requesting the reinstatement of van transportation for the twelve senior citizens formerly provided van service to Lewis Senior Center and Orange Mound Community Service Center to and from their homes effective July 1, 2006. Resolution further requests that the 5-mile limit will continue to be enforced for all other senior citizens requiring transportation services effective July 1, 2006. All new users of the van service must live within a five-mile radius of the respective centers.

McCormick

ACTION REQUESTED: Adopt the resolution

41. Amend the Fiscal Year 2007 Budget pursuant to Section 867.2 *Rewards* to establish a reward fund in the amount of \$100,000.00, that amount not to be taken from previously designated 2007 O&M or CIP funds. (Set up as Special Item #1)

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

APPROVED, set up as Special Item #1

ACTION TAKEN BY COUNCIL ON THIS DATE

1. and 2 – Approved
3. A-H & J-L - Public Hearing set for July 11, 2006
I – Back to Committee on 7/11/06
4. Through 12 – Approved
13. Approved, as amended
14. Through 27 – Approved
28. Approved, as amended
29. Held to July 11, 2006
30. and 31 – Failed
32. Through 34 –Held to August 1, 2006
35. Through 40 – Approved
41. Approved – (set up as Special Item #1 for voting)

ACTION TAKEN ON THE MINUTES OF JUNE 6, 2006 with the following motion:

MOTION: Peete – Separate HCD budget from the minutes
SECOND: Holt
AYES: Brittenum, Brown, Chumney, Holt, Lowery, McCormick and Chairman Mitchell
NAYS: Jones
Peete recused
Ford, Marshall and Sammons did not cast a vote
Taylor was absent

APPROVED, HCD portion only, set up as Special Item #3

MOTION: Brittenum – Separate MCB budget from the minutes
SECOND: Brown
AYES: Brown, Chumney, Holt, Lowery, McCormick, Peete and Chairman Mitchell
NAYS: Jones
Brittenum recused
Ford, Marshall and Sammons did not cast a vote
Taylor was absent

APPROVED, MCS portion only, set up as Special Item #4

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

APPROVED, as amended

