



CITY OF MEMPHIS

COUNCIL AGENDA

October 17, 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 (October 3, 2006)

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

1. **ORDINANCE** establishing meeting dates for City Council Meetings in 2007, up for S E C O N D reading.

Mitchell

Ordinance No. 5184

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** amending Chapter 2, Code of Ordinances, City of Memphis, So As To Establish A Living Wage, up for S E C O N D reading.

Brittenum

Ordinance No. 5185

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

3. **ORDINANCE** rezoning the southwest corner of Goodlett Farms Parkway and Raleigh-LaGrange Road, containing .70 acre in the Multiple Dwelling Residential (R-ML) District, up for F I R S T reading.

Peete

Ordinance No. 5189

Case No. Z 06-118cc

Applicant: Goodlett Farms Associates
Ronald Harkavy – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

4. **ORDINANCE** rezoning +318 feet east of the intersection of Springer Road and Walnut Trace Drive, containing 5.97 acres in the Agricultural (AG) District, up for F I R S T reading.

Peete

Ordinance No. 5190

Case No. Z 06-119

Applicant: Betty Christy

Request: Single Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING

- 5. **ORDINANCE** rezoning the west side of Weaver Road; +103 feet south of Canary Lane, containing 17 acres in the Heavy Industrial (I-H) and Agricultural (AG) Districts, up for S E C O N D reading.

Peete

Ordinance No. 5186
Case No. Z 06-120

Applicant: Sovereign Builders, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

- 6. **ORDINANCE** amending the Zoning Text and the Official Zoning Map, up for S E C O N D reading.

Peete

Ordinance No. 5187
Case No. Z 06-117
(Companion Case: ZTA 06-002)

Applicant: Office of Planning and Development

Request: Revise the Official Zoning Map to Denote the Boundaries of the Medical Center Overlay (MO) District

LUCB recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

- 7. **ORDINANCE** amending the Zoning Text and the Official Zoning Map, up for S E C O N D reading.

Peete

Ordinance No. 5188
Case No. ZTA 06-002
(Companion Case: Z 06-117)

Applicant: Office of Planning and Development

Request: Amend Section 26, Overlay District Regulations, to add a new district to be known as the Medical Center District – Those properties located within the boundaries of the attached map shall be regulated by this new district

LUCB recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

- 8. **RESOLUTION** accepting LUNATI SEWER EXTENSION, and authorizing release of bond. (Contract No. CR-4523)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located in the NS-9 sewer district, outside the present limits of the city of Memphis. The standard sewer extension contract was approved on December 21, 1999. Resolution also authorizes the release of the Letter of Credit (NoP-3240) in the amount of \$36,100.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 9. RESOLUTION approving final plat of SAMANA & KHAN SUBDIVISION.
Case No. S 06-002

Resolution approves the final plat located at the intersection of Bartlett Road and Summer Avenue. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 10. RESOLUTION approving final plat of SUMMER COMMONS SUBDIVISION.
Case No. S 06-014

Resolution approves the final plat located on the northwest corner of Summer Ave. and White Station. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

- 11. 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 06-345cc – STONE CREEK PLANNED DEVELOPMENT

Located on the north side of East Holmes Road; +/-2,700.00 feet west of Hacks Cross Road, containing 59.81 acres in the one-story brick and frame single family home, including a barn as an accessory structure in Agricultural (AG) District

Applicant: HBT Investment, LLC
E.D.S., Inc. – Representative

Request: Planned development to allow one-hundred seventy (170) single family homes with minimum lot sizes of 10,000 square feet in area within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

- B. Case No. PD 06-338cc – THE ENCLAVE AT SPARKLE CREEK, PHASE I PLANNED DEVELOPMENT

Located on the west side of Pisgah Road, +430 feet south of Graybourne Drive, containing 61 acres in the Agricultural (AG) District

Applicant: Sparkle Creek Partners, LLC
Ron Harkavy – Representative

Request: 44-lot single-family residential development

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD for redesign

- C. Case No. SR 06-901 – BYRON ESTATES SUBDIVISION

Located on the south side of Byron Drive, 143 feet east of Neely Road

Owner/Applicant: Amazing Grace Missionary Baptist Church

Request: Revoke the Byron Estates Subdivision for construction of a new church

OPD and LUCB recommendation: APPROVAL, with conditions

D. Case No. SAC 06-601 – WALDRAN BOULEVARD CLOSURE
N. Main Street & Saffarans Avenue Alleys

Alleys in block bounded by N. Main Street, Greenlaw Avenue, N. Second Street and Saffarans Avenue, containing 12,733 Square Feet =0.292 acre in the Vacant/High Density Residential (HDR) District

Applicant: MLB-Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: Close & Vacate Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SAC 06-624 – CAMILLA STREET CLOSURE

Beginning on the north side of Grove Avenue, proceeding northwardly +/-587.8 feet

Applicant: Memphis Housing Authority

Request: Close & Vacate Street Right-Of-Way

OPD and LUCB recommendation: APPROVAL, with conditions

F. Case No. SAC 06-625 – SOMERVILLE STREET CLOSURE

Located between Grove Avenue and Central Avenue

Applicant: Memphis Housing Authority

Request: Close & Vacate Street Right-Of-Way

OPD and LUCB recommendation: APPROVAL, with conditions

G. Case No. SAC 06-626 – GROVE AVENUE CLOSURE

Located between Camilla Street and Somerville Street

Applicant: Memphis Housing Authority

Request: Close & Vacate Street Right-Of-Way

OPD and LUCB recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: November 7, 2006

GENERAL ITEMS



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MLGW FISCAL CONSENT

12. RESOLUTION awarding Contract No. 11136, Janitorial Services, to Facilities Maintenance Experts, Inc. (FME), in the funded amount of \$109,932.08.
13. RESOLUTION approving Change No. 3 to Contract No. 10905, Third Party Medical Plan Administrator, with Claims Management Services, Inc., to extend the current Contract for six (6) months beginning November 1, 2006 to April 30, 2007, in the estimated funded amount of \$552,815.00.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

GENERAL ORDINANCE - THIRD AND FINAL READING

14. **ORDINANCE** amending Ordinance No. 5014 to delete the Sunset Clause, up for T H I R D and F I N A L reading.

Brittenum

Ordinance No. 5183

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

15. RESOLUTION accepting grant funds in the amount of \$35,475.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Incumbent Worker Services Grant. Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION accepting grant funds in the amount of \$40,099.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Incumbent Worker Services Grant. Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds.

Brittenum

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

17. RESOLUTION approving sale of property to Hunt-Phelan, LLC, 1.060 acres located on the north side of Driver Place, north of the north line of Linden Avenue, for the sum of \$312,000.00.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

DIVISION OF PARK SERVICES

- 18. RESOLUTION appropriating \$19,325.00 in Contract Construction for CIP Project Number PK08010, Hardin Hall Carpet, funded by G.O. Bonds General and chargeable to Fiscal Year 2007 Capital Improvements Budget.

McCormick

ACTION REQUESTED: Adopt the resolution

- 19. RESOLUTION including the Liberty Bowl Stadium Improvements, CIP Project Number PK10001, as part of the FY 2007 Capital Improvement Program. The lowest and best bid, out of five bids received on September 8, 2006, was submitted by P.C. Mock Construction, LLC in the amount of \$3,349,300.00. An unencumbered construction appropriation in the amount of \$657,656.00 exists; consequently. Resolution seeks to appropriate \$2,959,588.00 in Construction funds, funded by G.O. Bonds General, for the Construction contract composed of the bid amount plus contingency.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

ZONING ORDINANCE - THIRD AND FINAL READING (None)

DIVISION OF PLANNING & DEVELOPMENT

PUBLIC HEARING IN CONNECTION WITH ANNEXATION

- 20. ORDINANCE to extend the boundaries of the city limits of the City of Memphis and to establish the services to be delivered and the projected timing of the services for the proposed Southeast Extended Annexation Area.

- 21. ORDINANCE to extend the boundaries of the city limits of the City of Memphis and to establish the services to be delivered and the projected timing of the services for the proposed Bridgewater Annexation Area.

- 22. RESOLUTION requesting that a study and comprehensive plan and rezoning of the Richland neighborhood be prepared by the Office of Planning and Development, with the intent of protecting the character of the Richland neighborhood.(Held from 10/03)

Chumney

ACTION REQUESTED: Adopt the resolution

- 23. RESOLUTION approving a hotel waiver for the Residence Inn Downtown, located at 110 Monroe Avenue, Memphis, TN. 38103

Peete

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

- 24. RESOLUTION approving a street/alley closure located on Country Club Lane at Southern Avenue, containing 0.63 acre in the Duplex Residential (R-D) District. (Held from 09/19)

Peete

Case No. SAC 05-621

Applicant: Country Club Lane Property Owners Association
Harvey Marcom – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

66 NOTICES MAILED ON SEPTEMBER 8, 2006

25. RESOLUTION approving a planned development located on the southeast corner of Houston Levee Road and Walnut Grove Road, containing 35 acres and is currently governed by the conditions of the Walnut Grove Southeast Planned Development, P.D. 01-333CC (Plat Book 196, Page 97).

Peete

Case No. PD 06-321cc

Applicant: Mojo Indoor Soccer –Chris Talley
Ronald Harkavy – Representative

Request: A planned development amendment to permit an indoor recreational facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

27 NOTICES MAILED ON OCTOBER 6, 2006

26. RESOLUTION approving a planned development located on the south side of Central Avenue; +177.33 feet west of Rosewell Cove, containing 1.68 acres. P.D. 94-358 and the Single Family Residential (R-S10) District.

Peete

Case No. PD 06-327

Applicants: John and Mark Duke
The Reaves Firm (Harvey Marcom) – Representative

Request: Amend the existing Planned Development to add two residential lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

35 NOTICES MAILED ON OCTOBER 6, 2006

27. RESOLUTION approving a planned development located on the east side of South Perkins Road; +/-385 feet south of Southern Avenue, containing 0.47 acre (20,473 sq. ft.), the one-story split-level wood frame single family home is currently governed by South Perkins Planned Development, 3rd Amendment.

Peete

Case No. PD 06-333

Applicants: William & Linda Felts
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Planned development amendment to allow limited retail commercial uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

31 NOTICES MAILED ON OCTOBER 6, 2006

28. RESOLUTION approving a planned development located on the southwest corner of Waynoka Avenue and Highland Street, containing 15 acres in the Single Family Residential (R-S6) District overlaid by P.D.03-359.

Peete

Case No. PD 06-341

Applicant: Trezevant Episcopal Home
John Webb – Representative

Request: Amend Trezevant Manor/Allen Morgan Health Center P.D., Amended, P.D. 05-359 to increase the height of a permitted four story independent living facility to five and to add four stores of

independent living units to the approved one story common facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

116 NOTICES MAILED ON OCTOBER 6, 2006

29. RESOLUTION approving a planned development, location is bounded by E.H. Crump Boulevard and I-240, containing 56 acres in the Single Family Residential District.

Peete Case No. PD 06-344

Applicant: Memphis Housing Authority
Tom Currell – Representative

Request: A mixed use redevelopment of the former Lamar Terrace public housing site

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

88 NOTICES MAILED ON OCTOBER 6, 2006

30. RESOLUTION approving a street/alley closure located between Linden Avenue and Pontotoc Street, containing 14,960 square feet = 0.343 acre, Width X Length of R.O.W. is 50' X 299', Street right-of-way ~ South Main Special District with Historic Preservation (HP) Overlay on west half of right-of-way.

Peete Case No. SAC 06-610
(Companion Case SCBID 06-003)

Applicant: Memphis Development A, LLC

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

4 NOTICES MAILED ON OCTOBER 6, 2006

31. RESOLUTION approving a street/alley closure located on the west side of N. Second Street, South of Keel Avenue.

Peete Case No. SAC 06-612

Applicant: Peter Eckel

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

18 NOTICES MAILED ON OCTOBER 6, 2006

32. RESOLUTION approving a south central business improvement district hotel located generally on the southwest corner of Linden Avenue and Second Street, extending west to Mulberry and south to Pontotoc Avenue.

Peete Case No. SCBID 06-003
(Companion Case SAC 06-610)

Applicant: Area Hotels LLC

Request: Council approval of a Site Plan for Hotel (Hilton Garden Inn) as required by the South Main District

OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

19 NOTICES MAILED ON OCTOBER 6, 2006

33. RESOLUTION approving a south central business improvement district appeal located southwest of Beale Street and Front Street.

Peete

Case No. SCBID 06-06

Applicant: The Carlisle Corporation

Request: A special exception including specific requests for variations to allow greater building height, building width and to permit a tavern or cocktail lounge with greater than 125 seats to accommodate a 30 story, mixed use building

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

145 NOTICES MAILED ON OCTOBER 6, 2006

PRESENTATIONS AND RECOGNITION OF VISITORS

GENERAL ITEM

34. RESOLUTION approving the election of City Council Chairman for 2007.

Mitchell

ACTION REQUESTED: Adopt the resolution

ADJOURNMENT

ADD-ONS

- 35. RESOLUTION accepting APPLING FARMS BUSINESS PARK PD, PHASE 2, ROAD DEDICATION, and authorizing release of bond.

Consent

Case No. PD 04-385
(Contract No. CR-4991)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located north of I-40 between Appling Road and Charles Bryan Road. The standard improvement contract was approved on November 15, 2005. Resolution also authorizes the release of the certificate of deposit (No. 172750285) in the amount of \$104,100.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 36. RESOLUTION approving final plat of ERIC LITTLE SUBDIVISION.

Consent

Case No. S 04-067cc
Contract No. CR-5041

Resolution approves the final plat located on the south side of Pisgah Road, 4,320 feet east of Latting Woods 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. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 37. RESOLUTION approving final plat of GILLIAM SUBDIVISION.

Consent

Case No. S 06-032

Resolution approves the final plat located on the west side of Old Allen Road, 305' south of Hawkins Mill Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 38. RESOLUTION accepting HOUSTON LEVEE TRAILS P.D., FIRST ADDITION, SECOND AMENDMENT, PHASE 8, PART OF AREA A, and authorizing release of bond.

Consent

Case No. PD 00-350
(Contract No. CR-4957)

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 Hwy 64, east of Houston Levee Road. The standard improvement contract was approved on July 5, 2005. Resolution also authorizes the release of the performance bond in the amount of \$40,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

- 39. RESOLUTION approving final plat of SHELBY PARK PD, PHASE 2.

Consent

Case No. PD 03-361cc
Contract No. CR-5042

ADD-ONS

Resolution approves the final plat located at the terminus of Mullins Station Road and Raleigh LaGrange. 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

- 40. RESOLUTION declaring October 19, 2006 as, "Mediation Day."
Brittenum

ACTION REQUESTED: Adopt the resolution

- 41. RESOLUTION accepting grant funds in the amount of \$989,679.60 from the State of Tennessee for the In-Service Training Program for training for 1,908 commissioned officers. Resolution also amends FY 2007 Operating Budget to establish and appropriate grant funds.
Chumney

ACTION REQUESTED: Adopt the resolution

- 42. RESOLUTION approving Change No. 7, with Kelly Services, Inc., for a period covering June 05, 2006 to June 4, 2007 in the estimated funded amount of \$3,270,000.00 chargeable to the MLGW fiscal year 2006.

MLGW
Fiscal Consent

ACTION REQUESTED: Adopt the resolution

- 43. RESOLUTION requesting the administration keep Davy Crockett Golf Course open until June 30, 2007, with the understanding that the Housing and Community Development Division will work to develop concrete plans for development of the surrounding area and golf course.

McCormick

ACTION REQUESTED: Adopt the resolution

- 44. **ORDINANCE** extending the boundaries of the City Limits of the City of Memphis by virtue of the provisions of Chapter 113 of the public acts of the general assembly of the State of Tennessee for 1955, as amended, by annexing Southeast Extended Annexation Area and assigning said area to a Council District, up for F I R S T reading.

Consent Ordinance No. 5191

ACTION REQUESTED: Adopt the ordinance on First reading

- 45. **ORDINANCE** extending the boundaries of the City Limits of the City of Memphis by virtue of the provisions of Chapter 113 of the public acts of the general assembly of the State of Tennessee for 1955, as amended, by annexing Bridgewater Annexation Area 1 and assigning said area to a Council District, up for F I R S T reading.

Consent Ordinance No. 5192

ACTION REQUESTED: Adopt the ordinance on First reading

- 46. **ORDINANCE** extending the boundaries of the City Limits of the City of Memphis by virtue of the provisions of Chapter 113 of the public acts of the general assembly of the State of Tennessee for 1955, as amended, by annexing Bridgewater Annexation Area 2 and assigning said area to a Council District, up for F I R S T reading.

Consent Ordinance No. 5193

ADD-ONS

ACTION REQUESTED: Adopt the ordinance on First reading

- 47. **ORDINANCE** extending the boundaries of the City Limits of the City of Memphis by virtue of the provisions of Chapter 113 of the public acts of the general assembly of the State of Tennessee for 1955, as amended, by annexing Bridgewater Annexation Area 3 and assigning said area to a Council District, up for F I R S T reading.

Consent

Ordinance No. 5194

ACTION REQUESTED: Adopt the ordinance on First reading

- 48. **ORDINANCE** extending the boundaries of the City Limits of the City of Memphis by virtue of the provisions of Chapter 113 of the public acts of the general assembly of the State of Tennessee for 1955, as amended, by annexing Bridgewater Annexation Area 4 and assigning said area to a Council District, up for F I R S T reading.

Consent

Ordinance No. 5195

ACTION REQUESTED: Adopt the ordinance on First reading

ACTION TAKEN BY COUNCIL ON THIS DATE

- 1. Approved
- 2. Held to November 7, 2006
- 3. Through 10 – Approved
- 11. Public Hearing set for November 7, 2006
- 12. and 13 – Approved
- 14. Approved, as amended
- 15. Through 19 – Approved
- 20. and 21 – Held to November 21, 2006
- 22. and 23 - Approved
- 24. Failed
- 25. Approved
- 26. Held to November 7, 2006
- 27. Approved
- 28. Approved, as amended
- 29. Through 48 – Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 3, 2006 with the following motion:

MOTION: Chumney – I would like to change my vote on Item #43 to No

Minutes Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 17, 2006 FOR ITEMS #14, #17 AND #41 ONLY

MOTION: Marshall

SECOND: Holt

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

APPROVED, minutes for Items 14, 17 and 41 only