

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****January 3, 2006****3:30 P.M. SCHEDULED SESSION****3:30 P.M. MEETING COMMENCED**

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Edmund Ford, Barbara Swearengen Holt, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick, Rickey Peete, Jack Sammons, Brent Taylor and Chairman TaJuan Stout Mitchell

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

INVOCATION

The meeting was opened with prayer by Mr. Ronald E. Mitchell, Sr. Councilman Lowery presented Mr. Mitchell 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.

14. **ORDINANCE AMENDING SECTION 29, SIGNS AND SECTION 30, NONCONFORMITIES, UP FOR T H I R D AND F I N A L READING. (HELD FROM 10/25; 11/1;11/15;12/06; 12/20).**

Ordinance No. 5136
Case No. ZTA 05-001cc

Held until January 17, 2006

24. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF COTTONWOOD ROAD; +/-225 FEET WEST OF PERKINS ROAD, CONTAINING 1.20 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. SUP 05-218

Held until January 17, 2006

27. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTH SIDE OF DOROTHY PLACE; ± 70 FEET WEST OF BELLEVUE BLVD., CONTAINING 7,492 SQUARE FEET IN THE SINGLE FAMILY RESIDENTIAL (RS-6) DISTRICT.(HELD FROM 12/6; 12/20)**

Case No. UV 05-07

Held until January 17, 2006

22. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF DEXTER ROAD AND DEXTER LANE, CONTAINING 8.06 ACRES IN THE AGRICULTURAL (AG) DISTRICT. (HELD FROM 11/1; 12/6)**

Case No. PD 05-325cc

Dropped

CONSENT AGENDA – Items 1 - 3 may be acted upon by one motion. SEE PAGE 1792 FOR ROLL CALL

- 1. **ORDINANCE AMENDING CHAPTER 2, CODE OF ORDINANCES, CITY OF MEMPHIS, SECTIONS 171 THROUGH 176, RELATING TO THE AGING COMMISSION OF THE MID-SOUTH CONCERNING THE AFFAIRS OF SENIOR CITIZENS IN THE CITY OF MEMPHIS AND THE COUNTIES OF FAYETTE, LAUDERDALE, SHELBY AND TIPTON, UP FOR S E C O N D READING.**

Ordinance No. 5150

APPROVED, on Second reading

- 2. **ORDINANCE REZONING THE EAST SIDE OF COVINGTON PIKE; +108 FEET SOUTH OF OAK MEADOW AVENUE, CONTAINING 1.84 ACRES IN THE SINGLE FAMILY RESIDENTIAL (S-S10) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5151

Case No. Z 05-121

APPROVED, on First reading

- 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 05-377

B. Case No. S 05-032 – Laurelwood Subdivision, Resubdivision of Lot 127

Public Hearing Set for January 17, 2006

ROLL CALL CONSENT ITEMS

MOTION: Marshall

SECOND: Ford

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

APPROVED

MLGW FISCAL CONSENT – Items 4 - 9 may be acted upon by one motion

- 4. **RESOLUTION APPROVING EXPENDITURE OF FUNDS TO MUTUAL AID AGREEMENT MEMBER, AS FOLLOWS:**

North Little Rock Electric Department.....\$31,742.07

APPROVED

- 5. **RESOLUTION AWARDED CONTRACT NO. 11080, MANAGED PRESCRIPTION DRUG PROGRAM, TO EXPRESS SCRIPTS, INC., FOR THE PERIOD 4/1/06 TO 3/31/07, IN AN ESTIMATED FUNDED AMOUNT OF \$10,640,137.00, BASED ON PLAN PARTICIPANTS.**

APPROVED

- 6. **RESOLUTION AWARDED CONTRACT NO. 11099, BELLSOUTH VOICE AND DATA SERVICES, TO BELLSOUTH TELECOMMUNICATIONS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$1,616,355.00, COVERING A 36-MONTH PERIOD.**

APPROVED

7. **RESOLUTION AWARDING CONTRACT FOR ACSR WIRE TO UTILICOR IN THE AMOUNT OF \$790,608.00.**

APPROVED

8. **RESOLUTION AWARDING CONTRACT FOR AERATOR COKE TO GUTHRIE SALES AND SERVICE COMPANY IN THE AMOUNT OF \$179,344.56.**

APPROVED

9. **RESOLUTION APPROVING AGREEMENT BETWEEN MLGW AND MEMPHIS BOTANIC GARDEN TO PROVIDE A GRANT IN THE AMOUNT OF \$96,000.00 FOR THE PURCHASE AND INSTALLATION OF A 10 KW PHOTOVOLTAIC SYSTEM.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of December 20, 2005 with the following motion:

(Councilman Marshall wanted it noted that in the previous discussion of item#44, SAC 05-615, it was agreed upon that all of the adjacent land owners to that alleyway will be given a key to the gate, so that they can have access to their own backyards and that they will be provided access without harassment, by anyone and that the Neighborhood Association will be responsible for the locking of that gate, from this point forward, It will not be a responsibility of Public Works.)

(Councilman Marshall also wanted item#30, reappointment of Ricky Wilkins and the re-appointment of Dr. Elma Mardis, be sent back to Committee, for the purposes of examining the motion Council made, verses the rules in the Charter, having to do with the term of office. This was seconded by Councilwoman Holt)

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

APPROVED, as amended

10. **APPOINTMENTS**

Memphis Landmarks Commission

Reappointment

Earlice Taylor

Appointments

Alan G. Crone

Elise Frick

William S. 'Bill' Nixon

James Toles

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

APPROVED

- 11. **ORDINANCE AMENDING CHAPTER 41, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO UPDATE REGULATIONS FOR WRECKERS AND TOWING OPERATORS WITHIN THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.(HELD FROM 10/11; 10/25;11/1; 12/6)**

Ordinance No. 5133

Held until January 17, 2006

- 12. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF TWO HUNDRED THOUSAND (\$200,000.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE KATRINA REINTEGRATION COUNSELOR INITIATIVE FUND. RESOLUTION ALSO AMENDS THE FY2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Jones
 SECOND: Holt
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

- 13. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF FIFTY-FOUR THOUSAND, THREE HUNDRED TWENTY-FOUR DOLLARS (\$54,324.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE INCUMBENT WORKER SERVICES TRAINING GRANT. RESOLUTION ALSO AMENDS THE FY2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Jones
 SECOND: Holt
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

- 15. **ORDINANCE REZONING THE SOUTHEAST CORNER OF YOUNG AVENUE & MEDA STREET, CONTAINING 4,329 SQUARE FEET IN THE LOCAL COMMERCIAL (C-L) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5143
Case No. Z 05-124

Applicant: Robert Gordon
Robert Gordon – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete
 SECOND: Ford
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

(ITEMS #16, #17 & #18 WERE CALLED TOGETHER)

16. **ORDINANCE REZONING THE NORTHWEST AND SOUTHEAST CORNERS OF LOONEY AVENUE AND N. MAIN STREET; AND THE SOUTHWEST CORNER OF KEEL AVENUE AND N. MAIN STREET, CONTAINING 1.006 ACRES IN THE MIXED USE (MU) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5144
Case No. Z 05-132

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

17. **ORDINANCE REZONING THE NORTHWEST CORNER OF N. THIRD STREET AND KEEL AVENUE; EAST OF N. THIRD STREET; 74 FEET NORTH OF KEEL AVENUE, CONTAINING 0.81 ACRE IN THE MIXED USE (MU) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5145
Case No. Z 05-133

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

18. **ORDINANCE REZONING THE NORTHEAST CORNER OF N. SECOND STREET AND LOONEY AVENUE, CONTAINING 2.088 ACRES IN THE MIXED USE (MU) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5146
Case No. Z 05-134

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete

SECOND: Holt

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED, items #16, #17 & #18 together

19. **ORDINANCE REZONING THE WEST SIDE OF N. SIXTH STREET, 36 FEET NORTH OF AUCTION AVENUE, CONTAINING 0.336 ACRE IN THE MIXED USE (MU) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5147
Case No. Z 05-135

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: Moderate Density Residential (MDR) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete
SECOND: Holt
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

20. **ORDINANCE REZONING THE NORTHWEST CORNER OF N. SEVENTH STREET AND MILL AVENUE, CONTAINING 0.569 ACRE IN THE MIXED USE (MU) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5148
Case No. Z 04-141

Applicant: Memphis Land Bank – Uptown, LLC
SR Consulting, LLC – Cindy Reaves – Representative

Request: Moderate Density Residential (MDR) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete
SECOND: Holt
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

21. **ORDINANCE TO ALLOW A HISTORIC CONSERVATION OVERLAY DISTRICT OVER THE PRESENT ZONING (SINGLE FAMILY RESIDENTIAL R-S10) WITHIN THE VILLAGE HISTORIC DISTRICT AREA BOUNDED BY POPLAR, GOODLETT, CHERRY AND SOUTHERN RAILROAD, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5149
Case No. Z 05-120

Chairman Mitchell recognized the following people from the audience:

John Rainey, 411 Williamsburg Lane, Memphis, TN. 38117
William Stubblefield, 390 Williamsburg, Memphis, TN. 38117

Applicant: Office of Planning & Development & Memphis Landmarks Comm.

Request: Historic Conservation (HC) District Overlay

LUCB recommendation: APPROVAL

MOTION: Peete
SECOND: Brown
AYES: Chumney, Ford, Lowery and Sammons
NAYS: Brittenum, Brown, Holt, Jones, Marshall, McCormick, Peete, Taylor and Chairman Mitchell

FAILED

23. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF FARRISVIEW ROAD; +412 FEET WEST OF BURLINGTON NORTHERN SANTA FE RAILROAD, CONTAINING 31.12 ACRES IN THE LIGHT INDUSTRIAL (I-L) AND AGRICULTURAL FLOODPLAIN (AG[FP]) DISTRICTS.**

Case No. PD 05-366

Chairman Mitchell recognized the following people from the audience:

David Wade, 6410 Poplar, Memphis, TN. 38119

Woody Welch, 2505 Farrisview, Memphis, TN. 38118

Applicant: Pull-A-Part of Tennessee, LLC
Ronald Harkavy – Representative

Request: Self service, Auto Salvage Yard

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Holt

AYES: Brown, Ford, Holt, Jones, Lowery, Peete and Chairman Mitchell

NAYS: Brittenum, Chumney, Marshall, McCormick, Sammons and Taylor

APPROVED, as amended

25. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE NORTH SIDE OF G.E. PATTERSON AVENUE; +92 FEET WEST OF S. FRONT STREET, CONTAINING 0.05 ACRE = 2,188.48 SQUARE FEET, IN THE SOUTH MAIN EXTENDED (SME) DISTRICT.**

Case No. SAC 04-620

Applicant: Phillip Woodard
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Close & Vacate Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Jones

AYES: Brittenum, Brown, Chumney, Ford, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

Holt did not cast a vote

APPROVED

26. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN DUDLEY STREET AND FRONT STREET, CONTAINING 0.450 ACRE = 19,628 SQUARE FEET, IN LIGHT INDUSTRIAL (I-L) DISTRICT.**

Case No. SAC 05-612

Applicant: Memphis Housing Authority
Rick Kershaw – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

28. **RESOLUTION SUPPORTING THE MISSION AND PURPOSE OF WTN-COPS AND THE WORK IT IS ACCOMPLISHING ON BEHALF OF OUR BRAVE POLICE EMPLOYEES AND THEIR FAMILIES AND REQUESTS THAT THE ADMINISTRATION APPROVE THE PROCESS WHEREBY CITY EMPLOYEES CAN**

VOLUNTARILY CONTRIBUTE TO THIS ORGANIZATION THROUGH PAYROLL DEDUCTIONS.

MOTION: Marshall
SECOND: McCormick
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

29. **RESOLUTION SUPPORTING THE REMOVAL OF THE LAND BRIDGE COMPONENT FROM THE MEMPHIS RIVERFRONT MASTER PLAN ORIGINALLY ENDORSED ON MAY 21, 2002, AS RECOMMENDED BY THE RIVERFRONT DEVELOPMENT CORPORATION.**

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

APPROVED

30. **RESOLUTION ENCOURAGING THE GENERAL ASSEMBLY TO SUPPORT THE ANTI-PREDATORY LENDING BILL.**

MOTION: Holt
SECOND: Peete
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Alma Morris, 981 Alaska St., Memphis, TN. 38107
Margaret Jackson, 2435 Jenwood St., Memphis, TN. 38134

ADJOURNED MEETING AT 5:10 P.M.

.....
Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records

ADD-ONS

3. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

Consent

E. Case No. SAC 05-619 – North Main Street Alley

Located on the west side of North Main Street, 170 feet north of Looney Avenue

Applicant: Memphis Land Bank & Gary A. Meloni, Jr.
Cindy Reaves, SR Consulting - Representative

Request: Close an east/west alley running from North Main Street to North Front Street

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. PD 05-373 – GARROTT’S GLENWOOD PLANNED DEVELOPMENT

Located on the south side of Glenwood Place; +94.65 feet west of Anderson Street, containing .52 acre in the Single Family Residential (R-S8) & Historic Conservation (HC) District

Applicant: Garrott Massie
Askew, Hargraves, & Harcourt – Representative

Request: A maximum of two residential lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: February 7, 2006

28. RESOLUTION honoring Jerry Tate on his retirement from broadcast journalism.

Jones

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION approving final plat of TOSCANA P.D., formerly Audubon Park Place P.D.

Consent

Case No. PD 04-324

Contract No. CR-4995

Resolution approves the final plat located on the south side of Park Avenue, east of Cherry 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

30. RESOLUTION approving final plat of TRINITY CREEK INDUSTRIAL SUBDIVISION, SECTION A, AMENDED, LOTS 1-6.

Consent

Case No. S 04-084

Resolution approves the final plat located on the east side of Trinity Creek Cove, south of Trinity Road. Cost of the required improvements to be borne by the developer.

ADD-ONS

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION declaring there will be no new property tax increase for FY 2007.

Sammons

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION authorizing the issuance, sale and delivery of City of Memphis, Tennessee, General Improvement Bonds, Series, 2006A, for the purpose of retiring certain outstanding bond anticipation notes and General Improvement Refunding Bonds, Series 2006B for the purpose of refunding certain outstanding bonds of the City of Memphis.

Sammons

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION renaming the Blue M Oversight Committee to the Healthcare Oversight Committee, establishing members and quorum necessary to carry a vote.

Brittenum

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. & 2 – Approved
3. Public Hearing Set for February 7, 2006
4. Approved
5. & 6 – Approved, as amended
7. Through 13 – Approved
14. & 15 – Held until February 7, 2006
16. Through 19 – Approved
20. Withdrawn
21. Held until February 7, 2006
22. & 23 - Approved, as amended
24. Held until March 21, 2006
25. Held until February 7, 2006
26. Failed
27. Held until February 7, 2006
28. Through 32 – Approved
33. Approved, as amended

ACTION TAKEN ON THE MINUTES OF JANUARY 3, 2006 MEETING

Approved