

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****November 6, 2007****3:30 P.M. SCHEDULED SESSION****3:52 P.M. MEETING COMMENCED**

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Madeleine Cooper Taylor, Edmund Ford, Henry Hooper, E. C. Jones, Myron Lowery, Scott McCormick, Jack Sammons, Barbara Swearngen-Ware, Brent Taylor and Chairman Tom Marshall

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

(The meeting was called to order by Honorary Sgt. at Arms, Ryan Parlow)

INVOCATION

The meeting was opened with prayer by Dr. Stacy Spencer from New Direction Christian Church. Councilman Hooper presented Dr. Spencer 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.

MINUTES

Approval of the Minutes of the regular meeting of October 16, 2007

MOTION: Lowery
SECOND: Sammons
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware and Chairman Marshall
 Taylor did not cast a vote

APPROVED

CONSENT AGENDA – Items 1 – 4, #6, #62 - #72 & #74 may be acted upon by one motion: SEE PAGE 2327 FOR ROLL CALL

- JOINT ORDINANCE OF THE COUNCIL OF THE CITY OF MEMPHIS AND BOARD OF THE COUNTY COMMISSIONERS OF SHELBY, TENNESSEE ENACTED PURSUANT TO THE COMMUNITY REDEVELOPMENT ACT OF 1998; PROVIDING FOR THE CREATION OF A REDEVELOPMENT TRUST FUND PURSUANT TO SECTION 21 OF THE ACT; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ALL THINGS DEEMED NECESSARY AND ADVISABLE IN CONNECTION WITH THE CREATION OF THE REDEVELOPMENT TRUST FUND; AND PROVIDING AN EFFECTIVE DATE, UP FOR F I R S T READING.**

Ordinance No. 5240

APPROVED, on First reading

2. **ORDINANCE AMENDING THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE CHAPTER 20, MISCELLANEOUS OFFENSES AND PROVISIONS TO ADD ARTICLE VII – GRAFFITI VANDALISM, UP FOR S E C O N D READING.**

Ordinance No. 5238

APPROVED, on Second reading

3. **ORDINANCE AMENDING CHAPTER 33, CODE OF ORDINANCES, TO ADJUST VOLUMETRIC WASTEWATER FEES, UP FOR S E C O N D READING.**

Ordinance No. 5239

APPROVED, on Second reading

4. **JOINT ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY SUBDIVISION REGULATIONS, ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS AND THE CITY COUNCIL OF THE CITY OF MEMPHIS ON DECEMBER 19, 1983, BEING ORDINANCE AND RESOLUTION NO. 3352, SO AS TO MAKE CERTAIN CHANGES THEREIN BY REVISING THE REQUIREMENTS FOR LOCATION OF SEPTIC TANK DISPOSAL FIELD BEDS ON UNSEWERED LOTS, UP FOR F I R S T READING.**

Ordinance No. 5241

Case No. STA 07-001cc

APPROVED, on First reading

(Item#5 was pulled from the Consent Agenda and placed on the Regular Agenda)

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 07-329cc – The Village of Riveredge-II P.D.
- B. Case No. PD 07-330 – Getwell American Way P.D.
- C. Case No. SUP 07-217
- D. Case No. UV 07-07cc

Public Hearing Set for November 20, 2007

- E. Case No. PD 07-326

Public Hearing Set for December 18, 2007

62. **RESOLUTION ACCEPTING GALLERIA OF MEMPHIS P.D., PHASE 6 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 04-312

(Contract No. CR-4908)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Bellevue Parkway and Germantown Parkway. The standard improvement contract was approved on November 23, 2004. Resolution also authorizes the release of the performance bond in the amount of \$849,000.00.

City Engineer recommends approval

APPROVED

63. **RESOLUTION ACCEPTING GARDENS OF GRAYS HOLLOW AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 04-325cc

(Contract No. CR-4960)

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 Walnut Grove Road at Grays Creek. The standard improvement contract was approved on July 5, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$144,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

64. **RESOLUTION APPROVING FINAL PLAT OF RIDGEWAY TRACE P.D.**
Case No. PD 90-312

Resolution approves the final plat located west of Ridgeway Road, between Poplar Avenue and Park Avenue. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

65. **RESOLUTION APPROVING FINAL PLAT OF THOMAS COUNTRY P.D., PHASE 1, AREA B.**
Case No. PD 06-348
Contract No. CR-5098

Resolution approves the final plat located on Houston Levee at Pisgah 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

APPROVED

66. **ORDINANCE TO ESTABLISH MEETING DATES FOR CITY COUNCIL MEETINGS IN 2008, UP FOR F I R S T READING.**
Ordinance No. 5243

APPROVED, on First reading

67. **RESOLUTION ACCEPTING GARDENS OF GRAYS HOLLOW SEWER EXTENSION AND AUTHORIZING RELEASE OF BOND.**
(Contract No. CR-5018)

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 Walnut Grove Road at Grays Creek. The standard improvement contract was approved on July 11, 2006. Resolution also authorizes the release of the letter of credit in the amount of \$400,000.00.

City Engineer recommends approval

APPROVED

68. **RESOLUTION APPROVING FINAL PLAT OF EPPY WHITE SUBDIVISION.**
Case No. S 07-003

Resolution approves the final plat located on the northside of Poplar Avenue, west of Mendenhall. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

69. **RESOLUTION APPROVING FINAL PLAT OF APPLING FARMS BUSINESS PARK P.D., PHASE 2A STREET IMPROVEMENTS.**

Case No. PD 04-385
Contract No. CR-5099

Resolution approves the final plat located north of I-40 between Appling Road and Charles Bryan 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

APPROVED

70. **RESOLUTION RENAMING POPLAR AVENUE FROM LAFAYETTE TO HOLMES ROAD IN HONOR OF CHARLIE MCVEAN.**

APPROVED

71. **RESOLUTION APPROVING FINAL PLAT OF BELWIN CENTER C-P, PHASE 8.**

Case No. Z 95-143
Contract No. CR-5100

Resolution approves the final plat located on the north side of Winchester Road, east of Elvis Presley Boulevard. 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

APPROVED

72. **RESOLUTION ACCEPTING NEW WARFORD P.D., PHASE 1 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 00-370
(Contract No. CR-4898)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Cypress Road and New Warford Road. The standard improvement contract was approved on October 19, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$168,000.00.

City Engineer recommends approval

APPROVED

(Item #73 was pulled from the Consent Agenda and placed on the Regular Agenda)

74. **ORDINANCE PROVIDING FOR THE CREATION OF THE DIVISION OF COMMUNITY ENHANCEMENT FOR THE PURPOSE OF ADDRESSING BLIGHT WITHIN THE CITY OF MEMPHIS, UP FOR F I R S T READING.**

Ordinance No. 5244

APPROVED, on First reading

ROLL CALL CONSENT ITEMS

MOTION: Lowery
 SECOND: Sammons

APPROVED, as amended by unanimous voice vote

(A voice vote was taken on the Consent Agenda, as well as the entire Council Agenda, due to the system malfunctioning)

(Brittenuum made a motion for item#5 be held and tabled until Council gets Official Action on the Unified Development Code).

5. **ORDINANCE AMENDING THE ZONING TEXT AMENDMENT ON NONCONFORMING USES, UP FOR F I R S T READING.**

Ordinance No. 5242
 Case No. ZTA 07-002cc

MOTION: Brittenuum
 SECOND: Lowery
 AYES: Brittenuum, Brown, Chumney, Cooper Taylor, Ford, Hooper, McCormick, Sammons and Ware
 NAYS: Jones, Lowery and Chairman Marshall
 Taylor did not cast a vote

(This item is being Held until Council gets Official Action on the Unified Development Code).

42. **RESOLUTION REQUESTING THE STATE BUILDING COMMISSION GRANT THE NATIONAL CIVIL RIGHTS MUSEUM AN ADDITIONAL 90 DAY EXTENSION OF THE CURRENT LEASE IN ORDER FOR THE CITY OF MEMPHIS PARKS DIVISION TO STUDY AND REPORT ON, INCLUDING THE NATIONAL CIVIL RIGHTS MUSEUM IN THE CITY OF MEMPHIS MUSEUM SYSTEM AND THE NECESSARY STEPS FOR THE NATIONAL CIVIL RIGHTS MUSEUM TO OBTAIN NATIONAL PARK DESIGNATION.**

DROPPED

73. **RESOLUTION COMMENDING DR. BENJAMIN L. HOOKS ON BEING NAMED A RECIPIENT OF THE PRESIDENTIAL MEDALS OF FREEDOM AWARD, THE NATION'S HIGHEST CIVIL HONOR.**

MOTION: Sammons
 SECOND: Brown

APPROVED, unanimous voice vote

7. **RESOLUTION AWARDDING CONTRACT NO. 11186, MLGW ENVIRONMENTAL ABATEMENT SERVICES, TO GENERAL CONSTRUCTION SERVICES IN THE FUNDED AMOUNT OF \$1,950,000.00.**

APPROVED

8. **RESOLUTION AWARDDING CONTRACT NO. 11213, METER DATA MANAGEMENT SYSTEM, TO ITRON, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$475,653.30.**

(Sent Back to Committee for November 20, 2007)

9. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11009, MLGW UTILITY PAYMENT CENTERS, WITH CHECKFREE CORPORATION IN AN ESTIMATED FUNDED AMOUNT OF \$250,000.00. (THIS RENEWS THE CONTRACT**

FOR THE SECOND TERM, RETROACTIVE TO OCTOBER 3, 2007 THROUGH OCTOBER 2, 2008.)

APPROVED

10. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11051, ROOF MAINTENANCE, WITH B FOUR PLYED, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$60,000.00. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM, JANUARY 1, 2008 THROUGH DECEMBER 31, 2008.)**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11112, GENERATOR PREVENTATIVE MAINTENANCE AGREEMENT, WITH CUMMINS MID-SOUTH, LLC, IN THE FUNDED AMOUNT OF \$55,897.11. (THIS RENEWS THE CONTRACT FOR THE FIRST TERM, RETROACTIVE TO OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008.)**

APPROVED

12. **RESOLUTION AWARDED CONTRACT FOR THREE MANHOLE SHORING BOXES TO TRENCH SAFETY AND SUPPLY, INC. IN THE AMOUNT OF \$38,908.00.**

APPROVED

13. **RESOLUTION AWARDED 36-MONTH CONTRACT FOR SERVERS TO THOMAS CONSULTANTS, INC. IN THE AMOUNT OF \$1,834,107.29.**

APPROVED

14. **RESOLUTION AWARDED CONTRACT FOR MINI EXCAVATOR TO TIGER EQUIPMENT, INC. IN THE AMOUNT OF \$80,993.00.**

APPROVED

15. **RESOLUTION AWARDED 12-MONTH CONTRACT FOR LUMINARIES TO AMERICAN ELECTRIC C/O RUFFIN & ASSOCIATES IN THE AMOUNT OF \$1,081,292.85.**

APPROVED

16. **RESOLUTION APPROVING PAYMENT TO THE TENNESSEE VALLEY PUBLIC POWER ASSOCIATION IN THE AMOUNT OF \$43,465.53 FOR 2005 MEMBERSHIP DUES.**

APPROVED

17. **RESOLUTION APPROVING PAYMENT TO THE TENNESSEE MUNICIPAL ELECTRIC POWER ASSOCIATION IN THE AMOUNT OF \$25,023.34 FOR 2007-2008 MEMBERSHIP DUES.**

APPROVED

18. **RESOLUTION APPROVING THE EMPLOYMENT OF CHARLES E. CARPENTER TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

APPROVED

19. **RESOLUTION APPROVING THE EMPLOYMENT OF CROWELL & MORING, LLP, TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

APPROVED

20. **RESOLUTION APPROVING THE EMPLOYMENT OF NORMAN P. HAGEMEYER TO PROVIDE LEGAL SERVICES ON AN AS-NEEDED BASIS AT AGREED UPON HOURLY RATES.**

APPROVED

21. **RESOLUTION AWARDED CONTRACT FOR HAZARDOUS MATERIALS/CHEMICAL OUTDOOR STORAGE BUILDINGS TO NEW PIG CORPORATION IN THE AMOUNT OF \$59,705.03.**

APPROVED

22. **RESOLUTION AMENDING PURCHASE ORDER NO. 124065 WITH XEROX COVERING 36-MONTH RENTAL OF A DOCUCOLOR 6060 COPIER SYSTEM IN THE AMOUNT OF \$70,004.11, FOR A TOTAL AMOUNT OF \$468,539.97.**

APPROVED

23. **RESOLUTION APPROVING CONTRIBUTION OF UP TO \$250,000.00 PER YEAR FOR FIVE YEARS BEGINNING IN 2006 BUDGET TO IMPLEMENT A REGIONAL GROUNDWATER STUDY OF THE SPARTA SANDS AND MEMPHIS SANDS IN MISSISSIPPI, ARKANSAS AND TENNESSEE, APPROVED BY THE MLGW BOARD AT MEETING HELD APRIL 21, 2005.**

APPROVED

MOTION: Chumney
 SECOND: Jones
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware and Chairman Marshall
 Taylor did not cast a vote

APPROVED, with the exception of item #8

24. **APPOINTMENTS**

Memphis Youth Guidance CommissionAppointments

James Q. Bacchus
 Joseph Eberle, III
 Robert Lemoyne Robinson
 Mary Singer
 Katherine Smythe Thinnes

Memphis and Shelby County Center City CommissionAppointment

Florence J. Raines

Memphis and Shelby County Community Redevelopment AgencyAppointment

Deborah Daniels

Memphis and Shelby County Industrial Development Board

Reappointment

Mary Singer

MOTION: Lowery
 SECOND: Ware
 AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware and Chairman Marshall
 Brown and Taylor did not cast a vote

APPROVED

25. **ORDINANCE AMENDING CHAPTER 4, ARTICLE III, OF THE CODE OF ORDINANCES TO UPDATE AND AMEND REGULATIONS REGARDING THE SALE OF BEER FOR OFF-PREMISE CONSUMPTION, UP FOR T H I R D AND F I N A L READING. (HELD FROM 10/16)**

Ordinance No. 5223

MOTION: Sammons
 SECOND: Ware
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

26. **ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES SO AS TO ESTABLISH A STANDARD FOR USE OF BIODIESEL FUELS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5224

Chairman Marshall recognized the following person from the audience:

Andrew Couch, 31 N. Idlewild, Memphis, TN. 38104

MOTION: Brittenum
 SECOND: Hooper
 AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
 Brown did not cast a vote

APPROVED, as amended

27. **ORDINANCE AMENDING CHAPTER 14 OF THE MEMPHIS CITY CODE OF ORDINANCES TO ADOPT THE 2003 EDITION OF THE INTERNATIONAL FIRE CODE AND ATTACHED AMENDMENTS AS THE FIRE CODE FOR THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5225

MOTION: Lowery
 SECOND: Sammons
 AYES: Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
 Brittenum and Brown did not cast a vote

APPROVED

28. **ORDINANCE AMENDING THE JOINT EXISTING BUILDING CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 295 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5124 ON SEPTEMBER 6, 2005, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND ESTABLISH AN EFFECTIVE DATE THEREFORE, UP FOR T H I R D AND**

F I N A L R E A D I N G .

Ordinance No. 5226

MOTION: Lowery
 SECOND: Hooper
 AYES: Chumney, Cooper Taylor, Ford, Hooper, Lowery, McCormick, Sammons, Ware,
 Taylor and Chairman Marshall
 Brittenum, Brown and Jones did not cast a vote

APPROVED

29. **ORDINANCE AMENDING THE JOINT ELECTRIC CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 297 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5123 ON SEPTEMBER 6, 2005, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND ESTABLISH AN EFFECTIVE DATE THEREFORE, UP FOR T H I R D AND F I N A L R E A D I N G .**

Ordinance No. 5227

MOTION: Lowery
 SECOND: Hooper
 AYES: Chumney, Cooper Taylor, Ford, Hooper, Lowery, McCormick, Sammons, Ware,
 Taylor and Chairman Marshall
 Brittenum, Brown and Jones did not cast a vote

APPROVED

30. **ORDINANCE AMENDING THE JOINT MECHANICAL CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 299 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5121 ON SEPTEMBER 6, 2005, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND ESTABLISH AN EFFECTIVE DATE THEREFORE, UP FOR T H I R D AND F I N A L R E A D I N G .**

Ordinance No. 5228

MOTION: Lowery
 SECOND: Hooper
 AYES: Chumney, Cooper Taylor, Ford, Hooper, Lowery, McCormick, Sammons, Ware,
 Taylor and Chairman Marshall
 Brittenum, Brown and Jones did not cast a vote

APPROVED

31. **ORDINANCE AMENDING THE JOINT FUEL GAS CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 298 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5125 ON SEPTEMBER 6, 2005, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND ESTABLISH AN EFFECTIVE DATE THEREFORE, UP FOR T H I R D AND F I N A L R E A D I N G .**

Ordinance No. 5229

MOTION: Lowery
 SECOND: McCormick
 AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Lowery, McCormick,
 Sammons, Ware, Taylor and Chairman Marshall
 Brown and Jones did not cast a vote

APPROVED

32. **ORDINANCE AMENDING THE JOINT PLUMBING CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 300 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5120 ON SEPTEMBER 6, 2005, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND ESTABLISH AN EFFECTIVE DATE THEREFORE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5230

MOTION: Lowery
 SECOND: Sammons
 AYES: Chumney, Cooper Taylor, Ford, Hooper, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
 Brittenum, Brown and Jones did not cast a vote

APPROVED

33. **ORDINANCE AMENDING THE JOINT BUILDING CODE OF MEMPHIS AND SHELBY COUNTY, AS LAST ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS IN JOINT ORDINANCE NO. 296 ON JUNE 6, 2005 AND BY THE COUNCIL OF THE CITY OF MEMPHIS IN ORDINANCE NO. 5122 ON SEPTEMBER 6, 2005, SO AS TO MAKE CERTAIN CHANGES AS HEREINAFTER SET OUT AND ESTABLISH AN EFFECTIVE DATE THEREFORE, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5231

MOTION: Lowery
 SECOND: Hooper
 AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
 Brown and Jones did not cast a vote

APPROVED

34. **ORDINANCE AMENDING THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO PROVIDE FOR THE RECALL OF A MEMPHIS CITY COUNCIL MEMBER AND TO SUBMIT THE PROPOSED ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD NOVEMBER 4, 2008, UP FOR T H I R D AND F I N A L READING.**

MOTION: Taylor
 SECOND: Ford
 AYES: Brittenum, Chumney, Ford, Hooper, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
 Brown, Cooper Taylor and Jones did not cast a vote

APPROVED

35. **INITIAL RESOLUTION TO ISSUE SANITARY SEWERAGE SYSTEM REVENUE BONDS, SERIES 2007, OF THE CITY OF MEMPHIS, TENNESSEE FOR THE PURPOSE OF FINANCING IMPROVEMENTS, ADDITIONS AND EXTENSION TO THE CITY'S SANITARY SEWERAGE SYSTEM.**

MOTION: Chumney
 SECOND: Sammons
 AYES: Brittenum, Chumney, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
 Brown and Cooper Taylor did not cast a vote

APPROVED

36. **SERIES RESOLUTION AUTHORIZING THE ISSUANCE OF SANITARY SEWERAGE SYSTEM REVENUE BONDS, SERIES 2007, OF THE CITY OF MEMPHIS, TENNESSEE FOR THE PURPOSE OF FINANCING IMPROVEMENTS, ADDITIONS AND EXTENSIONS TO THE CITY'S SANITARY SEWERAGE SYSTEM.**

MOTION: Chumney
 SECOND: Hooper
 AYES: Brittenum, Chumney, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
 Brown and Cooper Taylor did not cast a vote

APPROVED

37. **RESOLUTION APPROPRIATING \$192,500.00 IN G.O. BONDS FROM THE FISCAL YEAR 2008 CIP BUDGET TO PURCHASE AIRMASK SYSTEM UNITS AND ACCESSORIES FOR THE DIVISION OF FIRE SERVICES.**

MOTION: Sammons
 SECOND: Jones
 AYES: Brittenum, Chumney, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
 Brown and Cooper Taylor did not cast a vote

APPROVED

38. **RESOLUTION APPROPRIATING \$192,500.00 IN G.O. BONDS FROM THE FISCAL YEAR 2008 CIP BUDGET TO PURCHASE FIRE FIGHTING TURNOUTS/FIRE PROTECTIVE ENSEMBLE FOR THE DIVISION OF FIRE SERVICES.**

MOTION: Sammons
 SECOND: Jones
 AYES: Brittenum, Chumney, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
 Brown and Cooper Taylor did not cast a vote

APPROVED

39. **RESOLUTION APPROPRIATING \$299,759.00 IN G.O. BONDS FROM THE FISCAL YEAR 2008 CIP BUDGET TO PURCHASE "LIFESHIRTS" AND ASSOCIATED EQUIPMENT FOR THE DIVISION OF FIRE SERVICES.**

MOTION: Sammons
 SECOND: Jones
 AYES: Brittenum, Chumney, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
 Brown and Cooper Taylor did not cast a vote

APPROVED

40. **RESOLUTION ACCEPTING AN OFFER TO PURCHASE CITY-OWNED PROPERTY IDENTIFIED AS PARCEL NUMBERS 079-061-00193 & 079-061-00196. VACANT PROPERTY LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE LYING EAST OF ELVIS PRESLEY BOULEVARD AND SOUTH OF SHELBY DRIVE KNOWN AS PART OF THE WOOTEN ESTATE, ORIGINALLY ACQUIRED BY THE CITY UNDER INSTRUMENT NO. T3-0903 AS A 75.45 ACRE TRACT, LESS AND EXCEPT 16.462 ACRES CONVEYED BY THE CITY TO MLGW UNDER INSTRUMENT NO. DD-0615, THE REMAINDER TO BE CONVEYED BY THIS AGREEMENT AND BEING 58.98 ACRES, MORE OR LESS, AS MORE DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE PART THEREOF. THE AMOUNT OF THE OFFER IS \$193,200.00. PER ORDINANCE, THE SALE OF THE**

SUBJECT PARCEL IS SUBJECT TO THE OFFER LAYING OVER FOR A FUTURE COUNCIL MEETING FOR AN INCREASE OF BID. RESOLUTION APPROVAL ON THE SECOND READING, AFTER OPENING TO THE FLOOR FOR AN INCREASE IN THE OFFER SHALL BE DEEMED AS APPROVAL OF SALE. RESOLUTION ALSO AUTHORIZES THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS IN CONNECTION WITH THE SALE.

1st Reading

Sammons

Director of General Services recommends approval

MOTION: Sammons

SECOND: Ware

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED, on First reading

41. RESOLUTION APPROVING EXCEPTIONS FOR EVENTS OUTSIDE OF ESTABLISHED PARK HOURS.

MOTION: McCormick

SECOND: Cooper Taylor

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

(Items #43 - #47 were called together)

- 43. RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$992,515.64 FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION GOVERNOR'S HIGHWAY SAFETY OFFICE FOR THE FY08 ALCOHOL SATURATION PATROLS/ROADSIDE SOBRIETY CHECKPOINTS GRANT PROGRAM TO CONDUCT SATURATION PATROLS AND CHECKPOINTS PRIORITIZED AROUND MEMPHIS' TOP TEN CRASH SITES AND REPORT ENFORCEMENT ACTIVITIES RELATED TO SATURATION PATROLS AND CHECKPOINTS. RESOLUTION ALSO AMENDS FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**
- 44. RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$196,816.55 FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION GOVERNOR'S HIGHWAY SAFETY OFFICE FOR THE FY08 MULTIPLE VIOLATIONS GRANT PROGRAM TO CONDUCT HIGH-VISIBILITY MULTIPLE VIOLATIONS ENFORCEMENT PATROLS TARGETING HIGH CRASH SITES; HIGH VOLUME TRAFFIC TIME FRAMES; AND PEAK IMPAIRED DRIVING HOURS BASED ON SHELBY COUNTY DUI STATISTICS. RESOLUTION ALSO AMENDS FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**
- 45. RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$108,290.16 FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION GOVERNOR'S HIGHWAY SAFETY OFFICE FOR THE FY08 COMPREHENSIVE ALCOHOL RISK REDUCTION (C.A.R.D.) GRANT PROGRAM TO EXECUTE ENHANCED ENFORCEMENT ACTIVITIES CONDUCTED IN CONJUNCTION WITH SELECT HOLIDAYS AND NATIONAL CAMPAIGNS. RESOLUTION ALSO AMENDS FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**
- 46. RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$149,535.00 FROM THE DEPARTMENT OF JUSTICE OFFICE OF JUSTICE PROGRAMS FOR THE 2007 GANG RESISTANCE EDUCATION AND TRAINING (G.R.E.A.T.) GRANT TO IMPLEMENT GANG RESISTANCE EDUCATION AND TRAINING WITHIN THE**

MEMPHIS CITY SCHOOLS. RESOLUTION ALSO AMENDS FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.

(Brittenuum recused on this item)

47. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$14,999.92 FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION GOVERNOR'S HIGHWAY SAFETY OFFICE FOR THE FY08 NETWORK COORDINATOR GRANT PROGRAM TO STRENGTHEN STATE SAFETY INITIATIVES ON THE LOCAL LEVEL AND TO ACHIEVE COMMUNITY SUPPORT FOR THE INITIATIVES THROUGH 16 LAW ENFORCEMENT NETWORK ORGANIZATIONS ACROSS THE STATE. RESOLUTION ALSO AMENDS FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Sammons

SECOND: Jones

AYES: Brittenuum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
Hooper did not cast a vote
Brittenuum recused on item #46

APPROVED, items #43 - #47 together

48. **RESOLUTION APPROPRIATING \$150,000.00 FUNDED BY G.O. BONDS GENERAL FROM ARCHITECTURE AND ENGINEERING IN THE HICKORY HILL PRECINCT IN CIP #PD02002 TO CONTRACT CONSTRUCTION IN THE POLICE REAL TIME CRIME CENTER, CIP #PD04017 FOR IMPROVEMENTS TO THE SPACE DESIGNATED FOR THE POLICE REAL TIME CENTER.**

MOTION: Sammons

SECOND: Brown

AYES: Brittenuum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery, McCormick, Sammons, Ware and Chairman Marshall
Hooper and Taylor did not cast a vote

APPROVED

49. **RESOLUTION APPROPRIATING \$974,237.00 FUNDED BY SEWER FUNDS FOR HIGHLAND/GETWELL PM & FM, PROJECT NUMBER SW02070 FOR A CONSTRUCTION CONTRACT WITH NELSON, INC.**

Director of Public Works recommends approval

MOTION: Sammons

SECOND: Brown

AYES: Brittenuum, Brown, Chumney, Cooper Taylor, Ford, Jones, Lowery, McCormick, Sammons, Ware and Chairman Marshall
Hooper and Taylor did not cast a vote

APPROVED

50. **RESOLUTION ADJUSTING ADDITIONAL TREATMENT CHARGE FOR CITY OF MEMPHIS SEWER FEES.**

MOTION: Sammons

SECOND: Ford

AYES: Brittenuum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

60. **JOINT RESOLUTION OF THE CITY OF MEMPHIS, TENNESSEE AND THE COUNTY OF SHELBY, FINDING OF CONDITIONS NECESSARY FOR COMMUNITY REDEVELOPMENT FOR THE UNIVERSITY NEIGHBORHOOD DEVELOPMENT CORPORATION (UNDC)/HIGHLAND ROW AREA.**

Chairman Marshall recognized the following people from the audience:

- Shirley Raines, 4035 Grandview Ave., Memphis, TN. 38111
- Dan Poag, 264 Cloister Green Lane, Memphis, TN. 38120
- Ed Masten, 3627 Lowden Ave., Memphis, TN. 38111
- Hal Mabray, 4873 Gwynne Road, Memphis, TN. 38117
- Peter Moon, 3547 Walker Avenue, Memphis, TN. 38111
- Kevin Langellier, 440 S. Reese St., Memphis, TN. 38111
- Melissa Pearce, 3855 Kearney Ave., Memphis, TN. 38111
- Michael Frick, 1597 Carr Avenue, Memphis, TN. 38104

MOTION: Brittenum
 SECOND: Brown
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED, as amended

59. **JOINT RESOLUTION OF THE CITY OF MEMPHIS, TENNESSEE AND THE COUNTY OF SHELBY, AMENDING THE MEMPHIS AND SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY (CRA) STRATEGIC PLAN/CRA WORKABLE PROGRAM.**

MOTION: Brittenum
 SECOND: Jones
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED, as amended

61. **JOINT RESOLUTION OF THE CITY OF MEMPHIS, TENNESSEE AND THE COUNTY OF SHELBY, ADOPTING A COMMUNITY REDEVELOPMENT PLAN FOR THE UNIVERSITY NEIGHBORHOOD DEVELOPMENT CORPORATION (UNDC)/HIGHLAND ROW AREA.**

MOTION: Brittenum
 SECOND: McCormick
 AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED, as amended

51. **ORDINANCE REZONING THE NORTHEAST CORNER OF N. SECOND STREET & KEEL AVENUE; SOUTH SIDE OF CHELSEA AVENUE; +/-91.221 FEET EAST OF N. SECOND STREET; SOUTHWEST CORNER OF N. THIRD STREET & CHELSEA AVENUE AND THE EAST SIDE OF N. THIRD STREET; +/-73.39 FEET SOUTH OF CHELSEA AVENUE, CONTAINING 0.859 ACRE (37,418 SQ. FT.) IN THE MIXED USE (MU) & NEIGHBORHOOD CENTER (NC) OVERLAY DISTRICTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5233
Case No. Z 07-112

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

Request: High Density Residential (HDR) District

LUCB and OPD recommendation: APPROVAL

MOTION: Lowery

SECOND: Sammons

AYES: Brittenum, Brown, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
Chumney did not cast a vote

APPROVED

52. **ORDINANCE REZONING THE SOUTHEAST CORNER OF N. FOURTH STREET & CHELSEA AVENUE, INCLUDING THE SOUTHWEST CORNER OF N. FIFTH STREET AND CHELSEA AVENUE, CONTAINING 0.635 ACRE (27,660 SQ. FT.), IN THE NEIGHBORHOOD CENTER (NC) OVERLAY DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5234

Case No. Z 07-113

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

Request: Moderate-Density Residential (MDR) District

LUCB and OPD recommendation: APPROVAL

MOTION: Lowery

SECOND: Sammons

AYES: Brittenum, Brown, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall
Chumney did not cast a vote

APPROVED

53. **ORDINANCE REZONING THE EAST SIDE OF SYCAMORE VIEW ROAD; +/-50 FEET NORTH OF RESOURCES DRIVE, CONTAINING 1.52 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5235

Case No. Z 07-111

Applicant: Kenneth D. Hunt
Fisher & Arnold, Inc. – Representative

Request: Planned Commercial (C-P) District, including retail sales, installation and service of mobile communications and security equipment

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Sammons

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED, as amended

54. **ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY ZONING MAP TO REFLECT CHANGES IN THE FLOOD PLAIN (FP) OVERLAY AND FLOODWAY (FW) DISTRICTS AS REQUIRED BY CHANGES IN THE FLOOD MAPS ISSUED BY**

FEMA EFFECTIVE SEPTEMBER 28, 2007, UP FOR T H I R D AND F I N A L READING.

Ordinance No. 5236
Case No. Z 07-116cc

Applicant: Memphis & Shelby County Office of Planning & Development
Mary L. Baker – Representative

Request: Amend various sections of the Memphis & Shelby County Zoning Ordinance incorporating by reference the Federal Insurance Rate Maps dated September 28, 2007

OPD recommendation: APPROVAL

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

55. **ORDINANCE AMENDING SECTION 26 OF THE MEMPHIS AND SHELBY COUNTY ZONING ORDINANCE “OVERLAY DISTRICT REGULATIONS, FLOOD PLAIN (FP) DISTRICT” TO REFLECT CHANGES IN THE TEXT AS REQUESTED BY FEMA THROUGH THE NATIONAL FLOOD INSURANCE PROGRAM STATE COORDINATION, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5237
Case No. ZTA 07-001cc

Applicant: Memphis & Shelby County Office of Planning & Development
Mary L. Baker – Representative

Request: Amend various sections of the Memphis & Shelby County Zoning Ordinance adding the model FEMA floodplain management measures

OPD recommendation: APPROVAL

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

56. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN VIRGINIA AVENUE AND CSX RAILROAD, CONTAINING 21, 600 SQUARE FEET AND 60’ X 360’ LENGTH X WIDTH OF R.O.W., IN THE SOUTH MAIN (SM) DISTRICT.**

Case No. SAC 07-611

Applicant: Patrick Lawrence
Chris Thornton – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION: Lowery

SECOND: McCormick

AYES: Brittenum, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons, Ware, Taylor and Chairman Marshall

NAY: Brown

Chumney did not cast a vote

APPROVED

57. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BETWEEN HOLMES STREET AND HIGHLAND STREET CONTAINING 2.2 ACRES IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.**

Case No. SAC 07-612

Applicant: Chickasaw Country Club
Homer Branan – Representative

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: REJECTION

MOTION: Lowery

SECOND: Sammons

AYES: Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Sammons,
Taylor and Chairman Marshall

NAYS: Brown and Ware
Brittenuum did not cast a vote

APPROVED, as amended

58. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTH SIDE OF MONROE AVENUE; +/-362 FEET WEST OF WILLETT STREET, CONTAINING 0.15 ACRE (6,835 SQ. FT.), IN THE MULTIPLE FAMILY RESIDENTIAL (R-MH) DISTRICT.**

Case No. SUP 07-210

Chairman Marshall recognized the following people from the audience:

Craig Willis, 1538 Monroe Avenue, Memphis, TN. 38104

Nancy Toma, 1531 Monroe Avenue, Memphis, TN. 38104

Fred Toma, 1531 Monroe Avenue, Memphis, TN. 38104

Dena Owens Willis, 1538 Monroe Avenue, Memphis, TN. 38104

Applicants: John & Juanita Gheens

Request: Special use permit to allow a single office in a residential structure

OPD recommendation: APPROVAL, with conditions

LUCB recommendation: REJECTION

MOTION: Lowery

SECOND: Jones

AYES: Cooper Taylor and Jones

NAYS: Brown, Chumney, Hooper, Lowery, McCormick, Sammons, Ware, Taylor
and Chairman Marshall
Brittenuum and Ford did not cast a vote

FAILED

75. **APPOINTMENT**

MEMPHIS, LIGHT, GAS & WATER DIVISION – PRESIDENT

JERRY COLLINS

MOTION: Lowery

SECOND: McCormick
AYES: Brittenum, Brown, Cooper Taylor, Ford, Hooper, Jones, McCormick, Sammons,
Ware, Taylor and Chairman Marshall
Chumney and Lowery Passed

APPROVED

(Councilman Lowery made a motion for the MINUTES of Item #27, from today’s meeting, be approved).

(Special Item #1) – Item #27’s MINUTES

MOTION: Lowery
SECOND: Jones

APPROVED, unanimous voice vote

76. **RESOLUTION APPROVING MLGW TO AWARD \$90,373.38 FOR CLAIMS SETTLEMENT CONTRACTS.**

MOTION: Brittenum
SECOND: Sammons
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery,
McCormick, Sammons, Ware, Taylor and Chairman Marshall

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

The Chairman recognized the following person from the audience:

- Perry Steele, 4876 Billco Road, Memphis, TN. 38109
- Gene Ingram, 6504 E. Raines Rd., Memphis, TN. 38115
- Herlancer Ross, 201 Poplar, Memphis, TN. 38103

ADJOURNED MEETING AT 7:30 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