

**MINUTES****REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****December 4, 2007****3:30 P.M. SCHEDULED SESSION****4:10 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**

**INVOCATION**

The meeting was opened with prayer by Rev. R. Meade Walker from Castalia Baptist Church. Councilwoman Cooper Taylor presented Rev. Walker 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.**

28. **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. (Pulled from 11/06/07 Minutes)**

Ordinance No. 5224

Held to December 18, 2007

41. **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 T H I R D AND F I N A L READING.**

Ordinance No. 5241  
Case No. STA 07-001cc

Held until the Unified Code is received

42. **RESOLUTION APPROVING A MORATORIUM ON ISSUANCE OF BUILDING PERMITS AND ON ACCEPTANCE OF ANY TYPE OF ZONING OR SUBDIVISION APPLICATIONS UNTIL APRIL 30, 2008 OR UNTIL AN UPDATED PLAN IS ADOPTED FOR UPTOWN MEMPHIS.**

Held to December 18, 2007

44. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTH SIDE OF HIGHWAY 70; OPPOSITE DOE HOLLOW DRIVE INTERSECTION, CONTAINING 5.00 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**  
(Held from 11/20).

Case No. UV 07-07cc

Applicant: Richard Moser (d.b.a. Jacksonhouse Plumbing)

Request: Use variation for an office/workshop for plumbing contractor

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

**DROPPED**

48. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF NORTH GERMANTOWN PARKWAY; +/-314.40 FEET SOUTH OF TIMBER CREEK DRIVE, CONTAINING 4.0 ACRES IN THE GENERAL OFFICE (O-G) DISTRICT.**

Case No. PD 07-336

Held to December 18, 2007

53. **RESOLUTION NAMING RIDGE BEND ROAD BETWEEN RIDGEWAY LOOP ROAD AND RIDGELAKE BLVD. IN HONOR OF SHIRLEY AND O.T. MARSHALL.**

MOTION: Sammons

SECOND: Ware

**APPROVED**, by unanimous voice vote

**CONSENT AGENDA – Items 1 – 4 & 6-9 may be acted upon by one motion: SEE PAGE 2360 FOR ROLL CALL**

1. **ORDINANCE AMENDING CHAPTER 36, ARTICLE I, SECTION 36-11 OF THE CODE OF ORDINANCES SO AS TO ESTABLISH A SENIOR PROPERTY TAX FREEZE, UP FOR F I R S T READING.**

Ordinance No. 5251

**APPROVED**, on First reading

2. **ORDINANCE AMENDING CHAPTER 21, ARTICLE VI, SECTION 237 OF THE CODE OF ORDINANCES TO PROHIBIT MINORS SOLICITING FROM RIGHT OF WAYS, UP FOR F I R S T READING.** (Held from 1/20).

Ordinance No. 5248

**APPROVED**, on First reading

3. **ORDINANCE TO AMEND CHAPTER 2, ARTICLE VI OF THE CODE OF ORDINANCES, SO AS TO ESTABLISH THE CITY OF MEMPHIS INTERNATIONAL COUNCIL, UP FOR S E C O N D READING.**

Ordinance No. 5245

**APPROVED**, on Second reading

4. **ORDINANCE AMENDING CHAPTER 2, ARTICLE IV OF THE CODE OF ORDINANCES SO AS TO ESTABLISH THE CITY OF MEMPHIS YOUTH CITY COUNCIL, UP FOR S E C O N D READING.**

Ordinance No. 5249

**APPROVED**, on Second reading

6. **ORDINANCE APPROVING A STREET NAME CHANGE BEGINNING AT THE SOUTH SIDE OF GOODLETT FARMS PARKWAY, EXTENDING EASTWARDLY TO THE TERMINUS OF THE REQUEST STREET NAME LOCATION, CONTAINING 1,431 FEET IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5246  
Case No. SNC 07-802cc

**APPROVED**, on Second reading

7. **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 07-328 – Billy May P.D.
- B. Case No. PD 07-333 – Peninsula Point Two P.D.
- C. Case No. PD 07-335 – Avanti P.D., 2<sup>nd</sup> Amendment
- D. Case No. PD 07-338 – Legends Park P.D.
- E. Case No. PD 07-339 – Avanti North P.D., 8<sup>th</sup> Amendment
- F. Case No. SUP 07-214
- G. Case No. S 07-018cc – Edgewood Subdivision
- H. Case No. UV 07-10
- I. Case No. SAC 07-614 – Goodwyn Street Closure
- J. Case No. SNC 07-803 – Charlie Vergos' Rendezvous Alley

Public Hearing Set for December 18, 2007

8. **RESOLUTION HONORING THE LIFE OF WANDA MARTIN, DEPUTY DIRECTOR OF THE OFFICE OF PLANNING AND DEVELOPMENT.**

**APPROVED**

9. **RESOLUTION HONORING THE LIFE OF HARRY "BUDDY" MCEWEN.**

**APPROVED**

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**Before the vote was announced, Councilman McCormick wanted the question for Item #5 separated. Chairman Marshall stated that without objection, this item will be pulled from the Consent Agenda and voted on separately.**

5. **ORDINANCE REPEALING ORDINANCE 4013 REGULATING SEXUALLY ORIENTED BUSINESSES AND ADOPTING ADULT-ORIENTED ESTABLISHMENT REGISTRATION ORDINANCE, UP FOR S E C O N D READING.**

Ordinance No. 5250

MOTION: Sammons – Delay until the first meeting in March, 2008  
SECOND: Jones  
AYES: Chumney, Cooper Taylor, Jones, McCormick, Sammons, Taylor and Chairman Marshall  
NAYS: Brown, Ford, Hooper, Lowery and Ware  
Brittenum passed

**APPROVED**, Item Delayed, until the first meeting in March, 2008. Set up as Special Item #1

**MLGW CONSENT AGENDA – Items 10 – 25 may be acted upon by one motion**

10. **RESOLUTION AWARDDING CONTRACT NO. 11181, IDENTITY MANAGEMENT INFRASTRUCTURE SOLUTION, TO GCA TECHNOLOGY SERVICES IN THE FUNDED AMOUNT OF \$135,500.00.**

**APPROVED**

11. **RESOLUTION APPROVING CHANGE NO. 8 TO CONTRACT NO. 10879, INFORMATION SERVICES SUPPORT, WITH TEK SYSTEMS IN AN ESTIMATED FUNDED AMOUNT OF \$507,458.00. (THIS EXTENDS THE CURRENT CONTRACT FOR THE PERIOD JANUARY 1, 2008 THROUGH MARCH 31, 2008.)**

**APPROVED**

12. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 10881, INFORMATION SERVICES SUPPORT, WITH COOK SYSTEMS INTERNATIONAL IN AN ESTIMATED FUNDED AMOUNT OF \$110,256.00. (THIS EXTENDS THE CURRENT CONTRACT FOR THE PERIOD JANUARY 1, 2008 THROUGH MARCH 31, 2008.)**

**APPROVED**

13. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10883, INFORMATION SERVICES SUPPORT, WITH CIBER, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$1,036,277.00. (THIS EXTENDS THE CURRENT CONTRACT FOR THE PERIOD JANUARY 1, 2008 THROUGH MARCH 31, 2008.)**

**APPROVED**

14. **RESOLUTION APPROVING CHANGE NO. 6 TO CONTRACT NO. 11018, TRASH REMOVAL SERVICES, WITH WASTE CONNECTION, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$144,075.35. (THIS COVERS ADDITIONAL HAUL AND RETURN SERVICES, AND RENEWS THE CONTRACT FOR THE THIRD TERM, JANUARY 1, 2008 TO DECEMBER 31, 2008.)**

**APPROVED**

15. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11026, DIVISION AUDIT, WITH WATKINS UIBERALL, PLLC, IN AN ESTIMATED FUNDED AMOUNT OF \$250,000.00. (THIS COVERS DIVISION AUDIT FOR YEAR ENDING DECEMBER 31, 2007.)**

**APPROVED**

16. **RESOLUTION AMENDING AWARD OF CONTRACT NO. 11080 AND APPROVING CHANGE NO. 3 TO CONTRACT NO. 11080, MANAGED PRESCRIPTION DRUG PROGRAM, WITH EXPRESS SCRIPTS, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$24,220,196.00. (ON DECEMBER 15, 2005, THE BOARD AWARDED SAID CONTRACT FOR THE PERIOD APRIL 1, 2006 TO MARCH 31, 2007. THIS AMENDS THE RECORD TO COVER THE PERIOD JANUARY 1, 2006 THROUGH DECEMBER 31, 2007. CHANGE NO. 3 EXTENDS THE CONTRACT FOR THE TWO-YEAR PERIOD, JANUARY 1, 2008 THROUGH DECEMBER 31, 2009, WHICH INCLUDES NEW PRICING AND INCORPORATES THE FILING OF PRESCRIPTION INFORMATION TO THE CENTER FOR MEDICARE SERVICES FOR MEDICARE PART D SUBSIDY PAYMENTS.)**

**APPROVED**

17. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11096, MOBILE SWEEPER CLEANING, WITH HORIZON OF MEMPHIS, INC. IN THE FUNDED AMOUNT OF \$70,387.01, WITH NO INCREASE IN PRESENT MONTHLY CHARGES. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM, FEBRUARY 29, 2008 TO FEBRUARY 28, 2009.)**

**APPROVED**

18. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11141, INFORMATION SERVICES SUPPORT, WITH VIASYS TECHNOLOGY IN AN ESTIMATED FUNDED AMOUNT OF \$402,463.00. (THIS EXTENDS THE CURRENT CONTRACT FOR THE PERIOD JANUARY 1, 2008 THROUGH MARCH 31, 2008.)**

**APPROVED**

19. **RESOLUTION AWARDED CONTRACT FOR BLACK MALLEABLE IRON GAS FITTINGS TO CONSOLIDATED PIPE AND SUPPLY IN THE AMOUNT OF \$96,774.75.**

**APPROVED**

20. **RESOLUTION AWARDED CONTRACT FOR TWO TUBULAR STEEL DEAD-END STRUCTURES TO TRANSAMERICA POWER PRODUCTS, INC. C/O UTILICOR IN THE AMOUNT OF \$34,280.00.**

**APPROVED**

21. **RESOLUTION AWARDED CONTRACT FOR AERIAL BOOM LIFT TO H & E EQUIPMENT IN THE AMOUNT OF \$92,600.00.**

**APPROVED**

22. **RESOLUTION AWARDED CONTRACT FOR HOT-DIPPED GALVANIZED STEEL TO AMTEX STEEL, INC. IN THE AMOUNT OF \$121,542.00.**

**APPROVED**

23. **RESOLUTION AWARDED CONTRACT FOR UTILITY BODIES, AS FOLLOWS:**

Utility Equipment Services.....	\$4,258.00
Scruggs Equipment Services.....	48,647.00
Total.....	\$52,905.00

**APPROVED**

24. **RESOLUTION APPROVING PAYMENT OF 2008 MEMBERSHIP DUES TO THE AMERICAN PUBLIC GAS ASSOCIATION (APGA) IN THE AMOUNT OF \$25,650.00.**

**APPROVED**

25. **RESOLUTION APPROVING THE SELECTION OF ATLANTA LIFE INVESTMENT ADVISORS TO MANAGE APPROXIMATELY \$10,000,000.00; THE SELECTION OF THORNBURG INTERNATIONAL VALUE A FUND TO MANAGE APPROXIMATELY \$14,000,000.00; AND THE TERMINATION OF INVESCO INTERNATIONAL EQUITY FUND, FOR BENEFIT OF THE MLGW POST-RETIREMENT FUND.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

MOTION: Jones  
 SECOND: Lowery  
 AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick,

Sammons, Ware, Taylor and Chairman Marshall  
Brown did not cast a vote

**APPROVED**

**THE FOLLOWING ITEMS WERE CALLED TOGETHER BY THE COMPTROLLER, BUT SEPARATE VOTES WERE TAKEN**

50. **RESOLUTION HONORING JERRY COLLINS FOR HIS SERVICE TO CITY OF MEMPHIS GOVERNMENT.**

MOTION: Sammons  
SECOND: Cooper Taylor

**APPROVED**, by unanimous voice vote

51. **RESOLUTION HONORING ROBERT LIPSCOMB FOR HIS SERVICE TO THE CITY OF MEMPHIS.**

MOTION: Brittenum  
SECOND: Brown

**APPROVED**, by unanimous voice vote

49. **RESOLUTION CONGRATULATING MRS. MARGARET BLAND MCKISSICK LARRY ON HER DESIGNATION AS PRINCIPAL OF THE YEAR FOR THE STATE OF TENNESSEE.**

MOTION: Ware  
SECOND: Brown

**APPROVED**, by unanimous voice vote

54. **RESOLUTION NAMING MADISON AVENUE BETWEEN COOPER AND DIANA AFTER "L.C. PAPPY SAMMONS".**

MOTION: Sammons  
SECOND: Jones

**APPROVED**, by unanimous voice vote

26. **APPOINTMENTS**

**Alcohol Commission**

Reappointments

Martavius D. Jones  
Robert Wayne West

**Memphis and Shelby County Airport Authority**

Reappointment

Herbert H. Hilliard

**Memphis and Shelby County Center City Commission**

Reappointment

Paul Morris

**Memphis and Shelby County Film Commission**

**Reappointments**

Calvin Miller  
James Tashie  
Ruby Wilson

**Memphis Youth Guidance Commission**

**Appointment**

Ralph B. Chumbley

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

**APPROVED**

27. **ORDINANCE AMENDING CHAPTER 24, ARTICLE III, OF THE CODE OF ORDINANCES TO UPDATE AND AMEND REGULATIONS REGARDING JUNK AND SCRAP DEALERS, UP FOR T H I R D AND F I N A L READING.** (Held from 8/21; 9/18;10/2;10/16;11/20)

Ordinance No. 5217

The Chairman recognized the following persons from the audience:

Ron Belz, 1 Peabody Place, Mphs, TN 38103  
Nathan Bicks, 130 N. Court, Mphs, TN 38103  
Anthony Bradley, 606 S. Mendenhall, Mphs,TN 38117  
Marshall Gordon, 3822 Summer, Mphs, TN 38122  
Allen Iskovitz, 5676 Vantage Point, Mphs, TN 38120  
Aubrie Kobernus, 6393 Poplar, Mphs, TN 38119  
Joseph Kyles, 1465 N. Parkway, Mphs, TN 38112  
Alan Perlman, 8440 Drury Lane, Mphs, TN 38139  
Larry Walker, 1670 Chelsea Ave., Mphs, TN 38108

Friendly Amendment: Amend Section F, Subsection C, #1

MOTION: Brittenum

**Sammons accepted this as a friendly amendment**

Friendly Amendment: Section 6, H - Remove references to brass, steel wire, cable, solder and lead from ordinance

MOTION: Brown

**Sammons accepted this as a friendly amendment**

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

**APPROVED**, as amended

59. **RESOLUTION FORGIVING DEBT OWED TO THE CITY OF MEMPHIS BY THE ROCK ‘N’ ROLL SOUL MUSEUM AND MEMPHIS MUSEUMS, INC.**

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

**APPROVED**

29. **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 T H I R D AND F I N A L READING.**

Ordinance No. 5240

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

**APPROVED**

52. **RESOLUTION ESTABLISHING A PUBLIC HEARING DATE FOR AUTHORIZING THE MEMPHIS AND SHELBY COUNTY COMMUNITY REDEVELOPMENT AGENCY (CRA) TO ISSUE NOT EXCEEDING IN AGGREGATE PRINCIPAL AMOUNT \$12,500,000.00 OF TAX INCREMENT BONDS OF THE AGENCY PURSUANT TO THE PROVISIONS OF THE COMMUNITY REDEVELOPMENT ACT OF 1998 TO FINANCE AND REFINANCE A PORTION OF THE COST OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF PUBLIC IMPROVEMENTS IN CONNECTION WITH THAT CERTAIN UNIVERSITY NEIGHBORHOOD DEVELOPMENT CORPORATION (UNDC)/HIGHLAND ROW AREA PROJECT; AUTHORIZING AN AMENDMENT TO THE UNDC/HIGHLAND ROW COMMUNITY REDEVELOPMENT PLAN TO ALLOW THE LEASE AND TRANSFER OF OWNERSHIP OF A PUBLIC PARKING GARAGE AS PART OF THE PLAN; AND PROVIDING AN EFFECTIVE DATE.**

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

**APPROVED**

30. **ORDINANCE TO ESTABLISH MEETING DATES FOR CITY COUNCIL MEETINGS IN 2008, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5243

MOTION: McCormick – Hold until 12/18/07

Without Objection, item held to 12/18/07

31. **ORDINANCE PROVIDING FOR THE CREATION OF THE DIVISION OF COMMUNITY ENHANCEMENT FOR THE PURPOSE OF ADDRESSING BLIGHT WITHIN THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5244

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

**APPROVED**

32. **RESOLUTION APPROPRIATING \$2,750,000.00 IN G.O. BONDS GENERAL IN CIP PROJECT FS04004 CAD UPGRADE REQUIRED TO REPLACE THE OBSOLETE SYSTEM.**

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

**APPROVED**

33. **RESOLUTION APPROPRIATING \$1,224,477.00 IN G.O. BONDS FROM THE FISCAL YEAR 2008 CIP BUDGET TO PURCHASE THREE (3) PUMPERS FOR THE DIVISION OF FIRE SERVICES.**

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

**APPROVED**

34. **RESOLUTION APPROPRIATING \$1,299,342.00 IN G.O. BONDS FROM THE FISCAL YEAR 2008 CIP BUDGET TO PURCHASE TWO (2) AERIAL TRUCKS FOR THE DIVISION OF FIRE SERVICES.**

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

**APPROVED**

35. **RESOLUTION APPROPRIATING \$85,446.00 IN G.O. BONDS FROM THE FISCAL YEAR 2008 CIP BUDGET TO PURCHASE ONE (1) HYDRANT TRUCK FOR THE DIVISION OF FIRE SERVICES.**

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

**APPROVED**

36. **RESOLUTION INCLUDING OVERTON PARK SHELL, CIP PROJECT NUMBER PK07083, AS PART OF THE FY 2008 CAPITAL IMPROVEMENT PROGRAM. THE RESOLUTION SEEKS TO APPROPRIATE \$100,000.00 IN CONSTRUCTION FUNDS, FUNDED BY G.O. BONDS GENERAL.**

MOTION: McCormick  
 SECOND: Jones

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

**APPROVED**

37. **RESOLUTION INCLUDING ZOO MAJOR MAINTENANCES, CIP PROJECT NUMBER PK09002, AS PART OF THE FY 2008 CAPITAL IMPROVEMENT PROGRAM. THE CITY OF MEMPHIS HAS ENTERED INTO AN AGREEMENT WITH THE MEMPHIS ZOOLOGICAL SOCIETY WHICH PROVIDES FOR THE USE AND PAYMENT OF THE CURRENT AND FUTURE CAPITAL APPROPRIATION. THE RESOLUTION SEEKS TO APPROPRIATE \$250,000.00 IN CONSTRUCTION FUNDS, FUNDED BY G.O. BONDS GENERAL.**

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

**APPROVED**

38. **RESOLUTION SEEKING APPROVAL TO AMEND THE FY 2008 CAPITAL IMPROVEMENT BUDGET TO ALLOCATE AND APPROPRIATE \$245,000.00 IN FURNITURE, FIXTURES AND EQUIPMENT FOR CIP PROJECT #PK01024, COMMUNITY CENTER IMPROVEMENTS, FUNDED BY G.O. BONDS GENERAL.**

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

**APPROVED**

39. **RESOLUTION SEEKING APPROVAL TO AMEND THE FY 2008 CAPITAL IMPROVEMENT BUDGET TO ALLOCATE \$30,000.00 IN ARCHITECT/ENGINEERING AND \$114,000.00 IN CONSTRUCTION FOR A TOTAL OF \$144,000.00 IN CIP PROJECT #PK03001, TENNIS IMPROVEMENTS, FUNDED BY G.O. BONDS GENERAL.**

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

**APPROVED**

40. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$409,543.00 FUNDED BY SEWER REVENUE BONDS FROM REHAB EXISTING SEWERS, PROJECT NUMBER SW 02001 TO REHAB UPGRADE BIG ORANGE PS, PROJECT NUMBER SW02072 FOR THE INSTALLATION OF TWO NEW PUMPS AND FOR A CONSTRUCTION CONTRACT WITH ENSCOR, LLC.**

MOTION: Brittenum  
SECOND: Ware  
AYES: Brittenum, Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Ware and Taylor  
Marshall and Sammons did cast a vote

**APPROVED**

43. **RESOLUTION APPROVING A MORATORIUM ON THE ISSUANCE OF ADULT-ORIENTED BUSINESS AND COMPENSATION DANCE PERMITS BY THE MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING & DEVELOPMENT AND THE MEMPHIS ALCOHOL COMMISSION AND PERMITS OFFICE, UNTIL MARCH 5, 2008.**

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

**APPROVED**

MOTION: Lowery – The minutes for Item #43 agreement to approve the minutes for Item #43 tonight  
 SECOND: Jones

Without Objection, we will approve the minutes tonight

45. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHWEST CORNER OF WILLOW ROAD AND MT. MORIAH ROAD, ADJACENT TO I-240, CONTAINING 14.59 ACRES IN AN AREA REGULATED BY MORIAH WOODS OFFICE PARK PLANNED DEVELOPMENT (PD 85-352).**

Case No. PD 07-337

Applicant: Boyle Moriah Woods, LLC  
 Harvey Marcom, The Reaves Firm, Inc. - Representative

Request: Amend final plan to permit a communication tower and an additional sign

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**, as amended

46. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING AT ITS INTERSECTION WITH MACON ROAD AND EXTENDING SOUTHEAST 1,193 FEET, CONTAINING 1.75 ACRES.**

Case No. SAC 06-607cc

Applicant: Teransky, LLC  
 SR Consulting, LLC – Cindy Reaves – Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**, as amended

47. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE BEGINNING AT THE WESTERN TERMINUS OF FLEET STREET AND EXTENDING TO JACK CARLEY CAUSEWAY, CONTAINING 1.347 ACRES IN THE HEAVY INDUSTRIAL (I-H) FLOOD PLAIN (FP) DISTRICT.**

Case No. SAC 07-607

Applicant: South Fleet Street, LLC  
Buck Wellford & James Strain - Representative

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

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: McCormick

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

**APPROVED**

55. **RESOLUTION UPDATING MEMPHIS NETWORK AUDIT FOR FURTHER EXAMINATION.**

MOTION: Chumney

SECOND: Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Ware and Taylor

Brittenum, Marshall and Sammons did not cast a vote

**APPROVED**

56. **RESOLUTION AMENDING THE OTHER POST-RETIREMENT EMPLOYEE BENEFITS (OPEB) TRUST TO CONFORM WITH NEW STATE REQUIREMENTS, CLARIFYING THE SECURITY OF PARTICIPANTS' BENEFITS IN THE DISPOSITION OF FUNDS.**

MOTION: Chumney

SECOND: Hooper

AYES: Brown, Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Ware and Taylor

Brittenum, Marshall and Sammons did not cast a vote

**APPROVED**

57. **RESOLUTION MODIFYING THE DELEGATION OF AUTHORITY GRANTED TO THE MEMPHIS HEALTH, EDUCATIONAL AND HOUSING FACILITY BOARD TO NEGOTIATE PILOT AGREEMENTS FOR MULTI-FAMILY AFFORDABLE HOUSING DEVELOPMENTS AND TO DESIGNATE THE BOARD AS THE ENTITY TO ADMINISTER ELDERLY HOUSING PILOT AGREEMENTS.**

MOTION: Ware

SECOND: Jones

AYES: Brittenum, Chumney, Cooper Taylor, Ford, Hooper, Jones, McCormick, Ware and Taylor

Brown, Lowery, Marshall and Sammons did not cast a vote

**APPROVED**

58. **RESOLUTION AMENDING THE FY 2008 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$896,000,000.00 FUNDED BY G.O. BONDS-GENERAL FROM CD01015 FROM ARCHITECTURE AND ENGINEERING TO CONSTRUCTION FOR INFRASTRUCTURE RELATED EXPENSES ASSOCIATED WITH UNIVERSITY PLACE PROJECT. THIS RESOLUTION WILL ALSO APPROPRIATE \$6,600,000.00 FUNDED BY G.O. BONDS-GENERAL WITHIN MHA-UNIVERSITY PLACE, PROJECT CD01015, FOR ACQUISITION AND INFRASTRUCTURE CONSTRUCTION COSTS.**

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

**APPROVED**

60. **RESOLUTION SUPPORTING THE EXPANSION PLANS OF ELVIS PRESLEY ENTERPRISES, INC.**

MOTION: Ware  
 SECOND: Jones  
 Brittenum recused

**APPROVED**, by unanimous voice vote

MOTION: Lowery – Suspend the Rules for the purpose of adding Item #61  
 SECOND: Brown

**APPROVED**, rules suspended, Item #61 added

61. **RESOLUTION GIVING MLGW'S GENERAL COUNSEL CONTRACT AUTHORITY IN THE AMOUNT \$27,105.28 FOR A CLAIM SETTLEMENT CONTRACT.**

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

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of November 20, 2007

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

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of December 4, 2007 for Item #43 only

MOTION: Lowery  
 SECOND: McCormick  
 AYES: Chumney, Cooper Taylor, Ford, Hooper, Jones, Lowery, McCormick, Ware and Taylor

Brittenum, Brown, Marshall and Sammons did not cast a vote

**APPROVED**, Item #43 only

MOTION: Chumney – Suspend the Rules to approve the minutes for Item #55 for tonight  
SECOND: Hooper

**APPROVED**, rules suspended

**MINUTES**

Approval of the Minutes of the regular meeting of December 4, 2007 for Item #55 only

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

**APPROVED**, Item #55 only

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

The Chairman recognized the following person from the audience:

Johnny Hatcher, 2968 Meadows Lane, Mphs, TN 38128  
Walter Broady, 4256 Ledbetter Cove, Mphs, TN 38109

**ADJOURNED MEETING AT 7:05 P.M.**

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

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C H A I R M A N

Attest:

\_\_\_\_\_  
Deputy Comptroller/Council Records