



CITY OF MEMPHIS

COUNCIL AGENDA

April 16, 2013

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

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (April 2, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. PRESENTATION of the FY 2014 Budget, by Mayor A. C. Wharton.
2. RESOLUTION recognizing the DeNeuville Learning Center and celebrating its 15th Anniversary.

Strickland

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving a special use permit located on the west side of intersection of Rosewood Avenue and south of Lauderdale Street, containing .28 acre in the C-L

District.

Collins

Case No. SUP 13-201

Applicant: Tower Ventures
Lou Katzerman – Representative

Request: Construct a one hundred sixty foot (160’) CMCS tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

47 NOTICES WERE MAILED ON APRIL 5, 2013

- 4. RESOLUTION approving a special use permit located at 6415 US Highway 70; Northeast corner of Highway 70 and Elmore Road, containing 1.92 acres in the CMU-3 (Commercial Mixed Use) District.

Collins

Case No. SUP 13-202

Applicant: Tower Ventures
Lou Katzerman – Representative

Request: Construct a one hundred eighty foot (180’) CMCS tower

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

28 NOTICES WERE MAILED ON APRIL 5, 2013

- 5. RESOLUTION approving a street/alley closure located on the northwest corner of Greenlaw Avenue and N. Fifth Street, containing 0.14 acre in the Moderate Density Residential (MDR) District.

Collins

Case No. SAC 13-601
(Companion Case PD 13-302)

Applicant: Memphis College Preparatory Elementary School
SR Consulting LLC (Cindy Reaves) – Representative

Request: Close and vacate Muster Alley and Saffarans Alley rights-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

7 NOTICES WERE MAILED ON APRIL 5, 2013

DIVISION OF PLANNING & DEVELOPMENT

- 6. RESOLUTION approving a planned development located on the northwest corner of Greenlaw Avenue and N. Fifth Street, containing 1.5 acres in the Moderate Density Residential (MDR) District.

Collins

Case No. PD 13-302
(Companion Case SAC 13-601)

Applicant: Memphis College Preparatory Elementary School and MLB-Uptown LLC
SR Consulting LLC (Cindy Reaves) – Representative

Request: School and parking lot

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the resolution

No Opposition at LUCB; No Public Hearing Required

- 7. RESOLUTION approving a planned development located on the west side of Shelby Oaks Drive-North; +/-2,344.14 feet south of Raleigh-LaGrange Road, containing 5.40 acres and is currently governed by Shelby Oaks-North Business Center P.D. I-134.

Collins

Case No. PD 13-307

Applicant: Nello Corporation/Precision Communications, Inc.
SR Consulting, LLC – Representative

Request: Plan amendment to allow a television transmission tower 185.9 feet in height, including ground-mounted satellite dishes

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING

- 8. ORDINANCE amending the Memphis and Shelby County Unified Development Code. This text amendment affects all property within the City of Memphis and unincorporated Shelby County, up for T H I R D and F I N A L reading.

Collins

Case No. ZTA 13-001
Ordinance No. 5504

Applicant: Memphis and Shelby County Office of Planning & Development
Josh Whitehead, AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified
Development Code

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

No Notices Were Required



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

9. **ORDINANCE** to amend Chapter 21, Article II, Section 21-50(D), of the Code of Ordinances, City of Memphis to discontinue funding from Traffic Violations Citations to the Memphis City Schools Driver Education Program, up for F I R S T reading.

Strickland

Ordinance No. 5505

ACTION REQUESTED: Adopt the ordinance on First reading

10. **ORDINANCE** to amend Chapter 2, Code of Ordinances, City of Memphis, by amending Section 2-228 (Asphaltic Binder Paving of Streets Constructed as part of Standard Improvement Contracts; Costs.), up for F I R S T reading.

Hedgepeth

Ordinance No. 5506

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCE - SECOND READING (None)

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING (None)

NOTATIONS FROM OPD (None)

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



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REGULAR AGENDA

11.
Flinn

APPOINTMENT

MEMPHIS AND SHELBY AIRPORT AUTHORITY

Appointment

Pace Cooper

GENERAL ORDINANCES – THIRD AND FINAL READING (None)

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

12.
Strickland

RESOLUTION approving dividend payment on equity investment and/or Payment in Lieu of Taxes from the Water System of MLGW.

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

13.
Brown

RESOLUTION accepting and appropriating the Revenues and Expenditures from the Great American Steamboat Company (GASC) loan repayment proceeds in the amount of \$1,034,206.00.

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

14. RESOLUTION approving recommendation of seven (7) individuals to serve as members of the Memphis Tree Board.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

15. RESOLUTION appropriating \$99,312.00 for sewer repair at Cedar Creek Sewer Extension.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION requesting the approval of the sale of surplus property acquired by tax sale #3 in 1986. The property is located at 0 Benjestown Road, located in the County of Shelby further described as Parcel 069004 00152.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

17. RESOLUTION to provide a Severance and Transition Program for Motor Vehicle Inspection Bureau Employees, who are subject to layoff and approving a transfer from the reserve fund as needed to cover costs associated with program.

Harris

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. No vote was necessary
2. Through 6 – Approved
7. and 8 – Approved, as amended
9. Through 11 – Approved
12. Approved, as amended
13. and 14 – Approved
15. Failed
16. Approved
17. Approved, as amended

ACTION TAKEN ON THE MINUTES OF APRIL 2, 2013

Approved, as amended

ACTION TAKEN ON THE MINUTES OF APRIL 16, 2013 FOR ITEM #11 and SPECIAL ITEM #1 ONLY

Approved