



CITY OF MEMPHIS

COUNCIL AGENDA

May 21, 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 (May 7, 2013)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. PRESENTATION of the Pro Patria Award to the City of Memphis.
Ford
2. RESOLUTION recognizing Memphian and Motown Funk Brother Jack Ashford for his contribution to the music industry and his recent Hollywood Walk of Fame honor.
Collins

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

3. RESOLUTION approving a planned development located at the south terminus of Hudgins Road; generally east of I-55 and extending east to a distance of approximately 1,000 feet west of Airways Boulevard, containing 59.12 acres in the Residential Single Family-8 (R-8) District.

Collins

Case No. PD 13-305

Applicant: Ferrell Properties (Keith Ferrell)
SR Consulting, LLC (Cindy Reaves) – Representative

Request: A Planned Development to permit a Truck Freight Terminal

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

110 NOTICES WERE MAILED ON MAY 8, 2013

4. RESOLUTION approving a planned development located at 2368 Circle Avenue, containing 0.698 acre in the R-6 District.

Collins

Case No. PD 13-309

Applicant: Dalia Early
David W. Milem Consulting Engineers – Representative

Request: To allow a Planned Development for a school enrolling up to 50 students within the R-6 Zoning District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

35 NOTICES WERE MAILED ON MAY 8, 2013

5. RESOLUTION approving a planned development located at 2288 Germantown Parkway, 100 feet south of Varnavas Drive, containing 1.65 acres in the Planned Development District.

Collins

Case No. PD 13-310

Applicant: Lynch and Weddle Holdings
W. H. Porter Consultants, PLLC (David Porter) – Representative

Request: Commercial Planned Development for a collision repair center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

25 NOTICES WERE MAILED ON MAY 8, 2013

DIVISION OF PLANNING & DEVELOPMENT

6. RESOLUTION approving a special use permit located at 5963 Knight Arnold Road; 408 feet west to Hickory Hill Road, containing 1.43 acres in the CMU-1 (Commercial Mixed Use) District. (Held from 5/7)

Collins

Case No. SUP 13-210

Applicant: TV6 Signal Source, LLC
Lou Katzerman – Representative

Request: Cell tower

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 (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

7. **JOINT ORDINANCE** by the Memphis City Council and the Shelby County Board of Commissioners establishing a new effective date for the structural (seismic) provisions of the Memphis and Shelby County Building, Residential and Existing Building Codes. The current effective dates were originally established in Shelby County Ordinances 425, 424 and 423, which were adopted on October 8, 2012. The new effective date for enforcement of those provisions would be extended until December 31, 2013. The purpose of the extension would be to allow time for evaluation of modifications to these codes, in coordination with the State Fire Marshal's Office, to more appropriately address the structural design elements of these buildings needed to provide for the protection of life safety in the community, up for F I R S T reading.

Collins

Ordinance No. 5520

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

8. **ORDINANCE** to amend Title 11 – Vehicles and Traffic, Chapter 11-8 Administration and Enforcement of the Code of Ordinances, City of Memphis, up for S E C O N D reading.

Conrad

Ordinance No. 5507

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **ORDINANCE** to amend Section 25-185 of the Code of Ordinances, City of Memphis, to Ban Pension Double Dipping, up for S E C O N D reading.

Flinn

Ordinance No. 5508

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** establishing the Fiscal Year 2014 Operating Budget for the City of Memphis, up for S E C O N D reading.

Strickland

Ordinance No. 5509

ORDINANCE to appropriate the proceeds of the tax levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2013 through June 30, 2014.

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2014, up for S E C O N D reading.

Strickland

Ordinance No. 5510

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **ORDINANCE** to amend Title 3 – Personnel, Chapters 3-8 Civil Service and 3-12 Civil Service Commission of the Code of Ordinances, City of Memphis, up for S E C O N D reading.

Flinn

Ordinance No. 5511

ACTION REQUESTED: Adopt the ordinance on Second reading

13. **ORDINANCE** to amend 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 improve the effectiveness of Civil Service Hearings and to submit the proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 5, 2013, up for S E C O N D reading.

Flinn

Ordinance No. 5512

ACTION REQUESTED: Adopt the ordinance on Second reading

14. **ORDINANCE** to amend Chapter 9-12 of the Memphis Code of Ordinances to adjust the Annual Stationary Sources Emissions Fee amount, to establish a minimum emissions fee for any source subject to Title V Major Source Regulations under the Clean Air Act of 1990 and to adjust other scheduled fees for inflation and program cost increases, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5513

ACTION REQUESTED: Adopt the ordinance on Second reading

15. **ORDINANCE** to amend the Sanitary Sewer Fee to reduce the residential maximum sewer charge from \$50.00 per month to \$35.00 per month during the months of June, July, August and September for a seasonal adjustment to the sewer fee due to the increased sewer volumetric charges and water consumption levels resulting for those residential customers that irrigate their lawns and plants with metered water that does not enter the sanitary sewer system, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5514

ACTION REQUESTED: Adopt the ordinance on Second reading

- 16. **ORDINANCE** to transfer ownership of the City’s street lights within the City limits to the Memphis Light, Gas and Water Division and to assign the function of operating and maintaining street lights within the corporate limits of the City and authorizing the Board of Commissioners of the Memphis Light, Gas and Water Division to make a schedule of rates for street lighting for approval by Council in accordance with Section 680 of the Charter, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5515

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

- 17. **ORDINANCE** rezoning 89 N. Cooper Street; west side of Cooper Street, 104 feet north of Jefferson Avenue, containing .2025 acre in the RU-3 District, up for F I R S T reading.

Collins

Case No. Z 13-102

Ordinance No. 5516

Applicant: Justin Herter
Richard L. Winchester, Jr. – Representative

Request: Rezone property for RU-3 (Residential Urban) to RW (Residential Work)

LUCB and OPD recommendation: Rezone property from RU-3 to RW

ACTION REQUESTED: Adopt the ordinance on First reading

- 18. **ORDINANCE** adopting amendments to 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 F I R S T reading.

Collins

Case No. ZTA 13-002

Ordinance No. 5517

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: Adopt the ordinance on First reading

- 19. **ORDINANCE** rezoning the west side of Ramill Road at Twin Lakes Drive, containing 1.51 acres in the Residential Single Family (R-8) District, up for F I R S T reading.

Collins

Case No. Z 13-103

Ordinance No. 5518

Applicant: H & M Carter, Inc.

Request: Residential Urban (RU-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

- 20. **ORDINANCE** rezoning the east side of Ramill Road at the western terminus of Lansford Drive, containing 0.57 acre in the Residential Single Family (R-8) District, up for F I R S T reading.

Collins

Case No. Z 13-104
Ordinance No. 5519

Applicant: H & M Carter, Inc.

Request: Residential Urban (RU-1) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

- 21. RESOLUTION accepting KIRBY GATE WEST P.D., PHASE 1 and authorizing release of bond.

Case No. PD 11-316
(Contract No. CR-5182)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Quince Road, 951.32 feet west of Kirby Parkway. The standard improvement contract was approved on May 1, 2012. Resolution also authorizes the release of the cashier's check in the amount of \$59,600.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)



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REGULAR AGENDA

GENERAL ORDINANCES – THIRD AND FINAL READING

28. **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 T H I R D and F I N A L reading.

Strickland

Ordinance No. 5505

ACTION REQUESTED: Take whatever action Council deems advisable

29. **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 T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5506

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES

30. **RESOLUTION** transferring the City of Memphis' half interest ownership in the jointly owned tax parcels known as 1000 Haynes Road, Parcel ID# 059005 00068, portion of Cawthon Health Loop Clinic and 1064 Breedlove Street, Parcel ID# 021047 00055, portion of Guthrie Health Loop Clinic, to Shelby County Government.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

- 31. RESOLUTION amending the Fiscal Year 2013 Operating Budget by accepting and appropriating \$2,000.00 in grant funds for Memphis Public Library for digital resources for teen patrons.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

- 32. RESOLUTION transferring \$8,000.00 from the Construction line item to the A/E line item in U of M Crosswalk, PW04029. This money is needed to cover some design changes that were the result of a change in the project funding and scope of work.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 33. RESOLUTION appropriating \$6,599,610.00 to replace the poor rated bridge (scour related problems). Project Number ST03111.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 34. RESOLUTION appropriating \$94,910.00 in construction funds to replace sidewalks that have been identified as defective and a notice to replace/repair has been issued. Project Number PW04024.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION appropriating \$807,820.00 to install handicap ramps at various locations throughout the city. Project Number PW04092.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

36. RESOLUTION accepting \$562,960.00 from the Center City Revenue Finance Corporation for architectural and engineering fees associated with the Main Street to Main Street Multimodal Connector.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

37. **JOINT ORDINANCE** to establish a revised effective date for the structural provisions of the Memphis and Shelby County Residential Code, up for F I R S T reading.

Consent

Ordinance No. 5521

ACTION REQUESTED: Adopt the ordinance on First reading

38. **JOINT ORDINANCE** to establish a revised effective date for the structural provisions of the Memphis and Shelby County Building Code, up for F I R S T reading.

Consent

Ordinance No. 5522

ACTION REQUESTED: Adopt the ordinance on First reading

39. **JOINT ORDINANCE** to establish a revised effective date for the structural provisions of the Memphis and Shelby County Existing Building Code, up for F I R S T reading.

Consent

Ordinance No. 5523

ACTION REQUESTED: Adopt the ordinance on First reading

40. RESOLUTION approving the Tennessee Comptroller's recommendations with the Council's conditions for the administration.

Flinn

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION adopting a revised Debt Management Policy.

Flinn

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION authorizing a grant anticipation interfund loan to the Workforce Investment Act Fund in a not to exceed amount of \$7,000,000.00

Flinn

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION authorizing a grant anticipation interfund loan to the Capital Projects Fund in a not to exceed amount of \$25,000,000.00.

Flinn

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION authorizing a grant anticipation interfund loan to the Community Development Fund in a not to exceed amount of \$11,200,000.00.

Flinn

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION authorizing transfers from the General Fund and the Capital Projects fund to other funds that have interfund balances resulting from operating cash shortage as directed by the State Comptroller's office, in the amounts of \$10,853,000.00 and \$21,660,000.00.

Flinn

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Held until June 18, 2013
3. Approved, as amended
4. & 5 – Failed
6. Held until June 18, 2013
7. Dropped
8. Through 29 – Approved
30. Held until June 18, 2013
31. Through 45 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF MAY 7, 2013 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEMS #36, #40, #41, #42, #43, #44, & #45 FROM TONIGHT'S MEETING

Approved