



# CITY OF MEMPHIS

## COUNCIL AGENDA

February 17, 2009

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**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (February 3, 2009)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

**PUBLIC HEARINGS**

1. RESOLUTION approving a planned development located on the north side of Walnut Grove Road; +/-2,540 feet west of Houston Levee Road, containing 196.89 acres and is currently governed by Woodland Hills II Planned Development (P.D. 04-343cc).

Morrison

Case No. PD 08-324cc

Applicant: Coastal Fuels, Inc.  
Harkavy, Shainberg, Kaplan & Dunstan, PLC-Ronald Harkavy-  
Representative

Request: Planned development amendment to allow single family homes with minimum lots sizes of 6,000 sq. ft., including independent and assisted living for seniors, licensed health care, nursing home and associated medical facilities

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**175 NOTICES MAILED ON FEBRUARY 6, 2009**

2. RESOLUTION approving a planned development located on the northeast corner of Ellis Road and New Brunswick Road, containing 47.21 acres in the Single Family Residential(R-S10) District.

Morrison

Case No. PD 08-328cc

Applicants: Windsor Park Partners  
ETI Corporation-Ralph Smith - Representative

Request: Planned development to allow senior-living attached homes, including senior care facilities for a nursing home, assisted living, hospice and rehabilitation centers

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**33 NOTICES MAILED ON FEBRUARY 6, 2009**

3. RESOLUTION approving a planned development located on the west side of German Creek Drive; south of Walnut Bend Road, containing 8.783 acres in the Planned Commercial (C-P) District.

Morrison

Case No. PD 08-334

Applicant: Jack Johnson  
Jack Johnson – Representative

Request: The request is for a self-storage facility with outdoor vehicle storage

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**119 NOTICES MAILED ON FEBRUARY 6, 2009**

4. RESOLUTION amending the Community Redevelopment Plan for the Uptown Area.

Morrison

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PLANNING & DEVELOPMENT**

5. RESOLUTION approving a hotel/motel waiver for Econo Lodge Inn & Suites located at 2745 Airways.

Morrison

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCES – THIRD AND FINAL READING**

6. **ORDINANCE** rezoning the north end of Bledsoe Road cul-de-sac; north of Holmes Road, containing 16.91 acres in Single Family Residential (R-S6) District, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5295  
Case No. Z 08-117

Applicant: Mark H. George  
ETI Corporation – Representative

Request: Heavy Industrial (I-H) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**29 NOTICES WERE MAILED ON FEBRUARY 6, 2009**

7. **ORDINANCE** rezoning Moore Road, beginning at Germantown Parkway and ending at Walnut Grove Road, extending approximately one mile in length in the Agricultural (AG) District, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5296  
Case No. SNC 08-802

Applicant: Agricenter International  
John Charles Wilson – Representative

Request: Street name change from Moore Road to Smythe Farm Road

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**5 NOTICES WERE MAILED ON FEBRUARY 6, 2009**



# CITY OF MEMPHIS

## COUNCIL AGENDA

February 17, 2009

Public Session, Tuesday, 3:30p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

---

## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING (None)

### GENERAL ORDINANCE - SECOND READING

8. **ORDINANCE** amending Chapter 12-52 of the Code of Ordinances to Ban the Use of Plastic Carrier Bags during Parades and Public Assemblies; Require Recycle Bins or Bags; and Encourage Use of Recycled or Recyclable Products, up for S E C O N D reading.

Strickland

Ordinance No. 5298

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCES - SECOND READING

9. **ORDINANCE** amending the Memphis and Shelby County Zoning Ordinance-Regulations, adopted by the Shelby County Board of Commissioners on October 6, 1981 and by the Council of the City of Memphis on October 7, 1981, so as to make certain changes therein, up for S E C O N D reading.

Morrison

Ordinance No. 5297

Case No. ZTA 07-004cc

Request: Various amendments to the Memphis and Shelby County Zoning Ordinance Sign Regulations as follows:

Revisions to the regulations governing temporary signs to remove references to types of signs by content.

Add new regulations for flashing, moving and changeable signs to address new, digital displays on both on premise and off premise signs.

Add severability provisions to insure that if one provision of the ordinance is declared unconstitutional by a court, the remainder shall remain in effect.

Various improvements throughout the ordinance to solve known ambiguities for improved enforcement.

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** rezoning the south side of Macon Road, opposite Dexter Lane intersection containing 5.44 acres in the Single Family Residential (R-S6) and General Office (O-G) Districts, up for S E C O N D reading.

Morrison

Ordinance No. 5299  
Case No. Z 08-118

Applicant: Bazemore Family Trust and Cordova Properties, Inc.  
Eugene Bryan – Representative

Request: Local Commercial (C-L) District

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

11. RESOLUTION accepting THE DOMAIN ON HIGHLAND PD, and authorizing release of bond.

Case No. PD 06-308  
(Contract No. CR-5051)

Resolution accepts completion of the improvements and dedication of public streets and easements as shown on the final plat located on the southwest corner of Highland Street and Mynders Avenue. The standard improvement contract was approved on February 6, 2007. Resolution also authorizes the release of the performance bond in the amount of \$64,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION approving final plat of MEMPHIS INTERMODAL FACILITY NORTH LEAD.

Contract No. CR-5134

Resolution approves the final plat located along the BNSF railroad track between Highway 78 and Old Getwell 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

13. RESOLUTION approving final plat of RIVERDALE/RAINES C-P, PH. 3.  
Case No. Z 02-360  
Contract No. CR-5135

Resolution approves the final plat located at the northwest corner of Riverdale and Raines. 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

**NOTATIONS FROM OPD**

14. 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 08-331cc – FOREST CREEK PLANNED DEVELOPMENT,  
3<sup>RD</sup> AMENDMENT

Located on the east side of Forest Hill-Irene Road; +/-597 feet north of East Shelby Drive, containing 54.10 acres and is currently governed by Forest Creek Planned Development, 2<sup>nd</sup> Amendment (P.D. 02-365cc)

Applicant: Edward Rose Properties, Inc.  
Tetra Tech, Inc.-Frank Gianotti – Representative

Request: Planned development amendment to allow 432 multi-family residential apartments and 140 independent senior living apartment units

LUCB and OPD recommendation: APPROVAL, with conditions

- B. Case No. PD 08-332cc – STANSELL CROSSING PLANNED  
DEVELOPMENT, PART OF PACEL 11

Located on the northwest corner of Lowrance Road and Stansell Court, containing 4.39 acres and is regulated by the approved conditions for Parcel 11 of Stansell Crossing Planned Development (P.D. 05-360cc)

Applicant: PEMEX, INC (Haitham Aloysef)  
Prime Development Group (Michael Fahy) – Representative

Request: Amend Parcel 11 to permit a religious institution with accessory uses to include Day Care, Lighted Ballfields, and fellowship/meeting space

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 08-333cc – APPLINGWOOD PLANNED DEVELOPMENT,  
3<sup>RD</sup> AMENDMENT

Located on the southwest corner of Dexter Road and Appling Road, containing 6.53 acres and is currently governed by Applingwood Planned Development, 2<sup>nd</sup> Amendment (P.D. 97-376cc)

Applicants: Dancy Investments, Inc.  
Prime Development Group, Inc. – Michael Fahy – Representative

Request: Planned development amendment to allow a commercial-indoor amusement facility for ice hockey in Area ‘C’ of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 08-335 – LAKEVIEW ESTATES PLANNED DEVELOPMENT

Located on the east of Tillman Street, continuing to the north side of Johnson Avenue, containing 8.67 acres in the Single Family Residential (R-S6) District

Applicant: Lakeview Estates Development, LLC (Darrell Cobbins)  
Powers Hill Design, LLC (Nisha Powers) – Representative

Request: A planned development to permit affordable housing for the elderly (100 units in 1, three-story building)

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: March 3, 2009**



# CITY OF MEMPHIS

## COUNCIL AGENDA

February 17, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

---

## MLGW FISCAL CONSENT

15. RESOLUTION awarding Contract No. 11332, Short & Long Term Disability, to Unum Group in the funded amount of \$2,458,724.00.
16. RESOLUTION awarding Contract No. 11333, Group Term, Voluntary Life and Accidental Death and Dismemberment, to Unum Group in the funded amount of \$3,419,040.00.
17. RESOLUTION approving Change No. 5 to Contract No. 10580, Service Agreement, with Motorola, Inc. in the funded amount of \$104,175.84. (This change covers quarterly payments in the amount of \$13,021.98, to be paid over a two-year period, March 1, 2009 to February 28, 2011, for hardware/software support to MLGW's 800mz voice communications system.)
18. RESOLUTION approving Change No. 5 to Contract No. 10765, Private Label Service Agreement, with Aclara Software in the funded amount of \$194,500.00. (This change expands the scope of work to include additional customer service applications for MLGW's general power customers and also to add "water" as a service type for existing residential applications. In addition, this change customizes and implements the Business Bill Prism Contact Center application, including billing history integration and adds "water" as a commodity/service type to existing residential Bill Prism applications (web and call center).
19. RESOLUTION approving Change No. 3 to Contract No. 10985, Master Lease Agreement, with SkillSoft Corporation in the funded amount of \$26,600.00. (This change provides a Library License for up to 100 management, supervisory, desktop and safety courses with an audience size of 250 employees for the period January 1, 2009 to December 31, 2009.)
20. RESOLUTION approving Change No. 6 to Contract No. 11016, Drug and Alcohol Collection Provider, with True Test Collection in the funded amount of \$29,800.00. (This change covers the increase in the number of employees being tested due to the change to MLGW HR Policy No. 23-09, Post Accident Alcohol and Drug Testing.)
21. RESOLUTION approving Change No. 3 to Contract No. 11096, Mobile Sweeping Cleaning, with Horizon of Memphis, Inc. in the funded amount of \$73,205.00. (This change renews the contract for the third of four renewal terms, March 1, 2009 to February 28, 2010.)
22. RESOLUTION approving Change No. 1 to Contract No. 11261, Commercial Auto Insurance, with Pete Mitchell & Associates, Inc. in the funded amount of \$89,750.00. (This change renews the contract for the first of four annual renewal terms, March 14, 2009 to March 13, 2010, with a 2.44% increase in rates.)

23. RESOLUTION approving and ratifying the employment of Cheryl W. Patterson as Vice President and General Counsel of MLGW.
24. RESOLUTION approving and ratifying the employment of Charmiane Claxton as Vice President, Human Resources Division of MLGW.



# CITY OF MEMPHIS

## COUNCIL AGENDA

February 17, 2009

Public Session, Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

---

## REGULAR AGENDA

25. **APPOINTMENTS**

Flinn

**Memphis and Shelby County Music Commission**

**Appointment**

Charley Burch

**Memphis Youth Guidance Commission**

**Appointments**

Gerald L. Darling

Mamie G. Jones

Calvin Taylor

**GENERAL ORDINANCE – THIRD AND FINAL READING**

26. **ORDINANCE** to require Council approval on all lawsuits initiated by the City, up for T H I R D and F I N A L reading.

Lowery

Ordinance No. 5294

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION**

27. **RESOLUTION** accepting grant funds in the amount of One Thousand Two Hundred Forty Nine Dollars (\$1,249.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One State Wide Activities Fund. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION accepting grant funds in the amount of One Million One Hundred Ninety Five Thousand Eight Hundred Fifty Five Dollars (\$1,195,855.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Dislocated Worker Fund. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION accepting grant funds in the amount of Three Million Six Hundred Four Thousand Three Hundred Seventy Nine Dollars and Fifteen Cents (\$3,604,379.15) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title One Youth Funds. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Collins

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION**

30. RESOLUTION to amend the FY2009 Operating Budget to appropriate funds for the Memphis Voluntary Buyout Program.

Halbert

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

31. RESOLUTION authorizing the sale of City owned property located at 0 East Olive Street(02505600041) in the South Memphis Area to Priestly Jones in the amount of Two Hundred Dollars (\$200.00).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION authorizing the sale of City owned property located at 1117 Beechwood Street (02601300035) in the South Memphis Area to Patricia Tipton in the amount of Two Hundred Dollars (\$200.00).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION authorizing the sale of City owned property located at 1105 Beechwood Street (02601300007) in the South Memphis Area to Patricia Tipton in the amount of Two Hundred Dollars (\$200.00).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION authorizing the sale of City owned property located at 1095 Beechwood Street (02601300005) in the South Memphis Area to Patricia Tipton in the amount of Two Hundred Dollars (\$200.00).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION authorizing the sale of City owned property located at 942 Willoughby Street (01304300034) in the South Memphis Area to Luther Williams in the amount of Four Hundred Dollars (\$400.00).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION authorizing the sale of City owned property located at 1126 College Street (02601800029) in the South Memphis Area to Soulsville in the amount of One Dollar (\$1.00).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION authorizing the sale of City owned property located at 2619 Midland Street (02907500008) in the South Memphis Area to Jacobs Ladder C. D. C. in the amount of One Dollar (\$1.00).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

38. RESOULTION amending FY 2009 Federal Operating Budget by appropriating \$30,762.00 in revenues derived from the Health Education Housing Facility Board.

Ford

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION requesting the Division of Housing and Community Development to reintroduce a down payment assistance program for Memphis Police Officers.

Ford

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES**

40. RESOLUTION requesting the City of Memphis Administration to expedite the processing of Police applicants in a timely manner.

Flinn

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION requesting the City of Memphis Administration to report and plan to implement College Loan forgiveness and relocation expenses for newly hired Police Officers.

Flinn

ACTION REQUESTED: Adopt the resolution

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

42. RESOLUTION accepting grant funds in the amount of Eighty One Thousand Six Hundred Dollars (\$81,600.00) from the State of Tennessee Department of Transportation for the Downtown Memphis Gateways Enhancement Project. Resolution also amends FY 2009 Operating Budget to establish and appropriate grant funds.

Strickland

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

43. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$1,455,748.00 funded by GO Bonds – General (Storm Water) from Drainage – ST, project number ST03006 to Gayoso trash Removal Project, project number ST03113 and for a construction contract with Choctaw Transportation Company, Inc.

Boyd

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

44. RESOLUTION establishing a Civilian Law Enforcement Review Ad Hoc Committee.  
Conrad

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ON**

45. RESOLUTION that the Memphis City Council join other City Councils, in other cities, in recommending to President Obama that a broad and diverse advisory group be created to help the proposed Office of Urban Policy reach out to cities across the country to assist them in working to adopt best practices available to improve the quality of life for urban residents and for those who work and do business in our cities.

Lowery

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Approved, as amended
2. and 3 – Approved
4. and 5 – Approved, as amended
6. Through 13 – Approved
14. Public Hearing set for March 3, 2009
15. Through 25 – Approved
26. Approved, as amended
27. Through 29 – Approved
30. Approved, as amended
31. Through 38 – Approved
39. Approved, as amended
40. Through 43 – Approved
44. Held to March 17, 2009
45. Approved

**ACTION TAKEN ON THE MINUTES OF FEBURARY 3, 2009**

Approved

**ACTION TAKEN ON THE MINUTES OF FEBRUARY 17, 2009 FOR ITEMS 5, 23, 24 and 30 ONLY**

Approved