

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****January 16, 2007****3:30 P.M. SCHEDULED SESSION****4:10 P.M. MEETING COMMENCED**

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Edmund Ford, Barbara Swearengen Holt, E. C. Jones, Myron Lowery, Scott McCormick, Rickey Peete, Jack Sammons, 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 Pastor Matthew Greer from Frayser Bible Church. Councilman Jones presented Pastor Greer 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.

12. RESOLUTION CELEBRATING THE BIRTH OF BRODIE MATTHEW WEAVER ON NEW YEAR'S DAY.

MOTION: Taylor
SECOND: Sammons

APPROVED, unanimous voice vote

MINUTES

Approval of the Minutes of the regular meeting of January 2, 2007

MOTION: Sammons
SECOND: Holt
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons, Taylor and Chairman Marshall
NAY: Brown

APPROVED, with the exception of item #41 – Jimmie D. Kelly's appointment to the Alcohol Commission. The Minutes for this item were approved on January 2, 2007. Item #36 – S06-056 is being sent back to Committee on February 6, 2007.

CONSENT AGENDA – Items 1-4 & #14, #15 & #17 may be acted upon by one motion. SEE PAGE 2114 FOR ROLL CALL

1. ORDINANCE PROVIDING FOR THE TRANSFER OF THE PERMITS DEPARTMENT FROM THE FINANCE DIVISION TO THE LAW DIVISION PURSUANT TO SECTION 8 OF THE HOME RULE AMENDMENT TO THE CHARTER OF THE CITY OF MEMPHIS, UP FOR S E C O N D READING.

Ordinance No. 5203

APPROVED, on Second reading

2. **ORDINANCE AMENDING THE TEXT OF THE SUBDIVISION REGULATIONS, UP FOR S E C O N D READING.**

Ordinance No. 5202
Case No. STA 06-001cc

APPROVED, on Second reading

3. **RESOLUTION APPROVING FINAL PLAT OF HOLCOMB SUBDIVISION.**

Case No. S 05-090

Resolution approves the final plat located on the west side of Winton Road, north of Sanderlin. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

4. **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 06-342
- B. Case No. PD 06-355 – Peabody P.D.
- C. Case No. PD 06-358 – Brown Planned Development
- D. Case No. PD 06-360

Public Hearing Set for February 6, 2007

14. **RESOLUTION ACCEPTING LOST CREEK PD AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 04-381cc
(Contract No. CR-4964)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Dexter Grove Cove, 442 feet southwest of Appling Road. The standard improvement contract was approved on August 2, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$126,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

15. **RESOLUTION ACCEPTING OF ST. JAMES PLACE SEWER EXTENSION AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5039)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located 443 feet north of Winchester Road, 1,167 feet west of Forest Hill Irene. The standard improvement contract was approved on September 19, 2006. Resolution also authorizes the release of the Letter of Credit (No. 785) in the amount of \$41,400.00.

City Engineer recommends approval

APPROVED

17. **RESOLUTION APPROVING FINAL PLAT OF OLD ALLEN-RALEIGH SUBDIVISION.**

Case No. S 06-010

Resolution approves the final plat located on the south side of Frayser Raleigh Road, 641.95 feet west of Windemere Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

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

APPROVED

16. **ELECTION OF THE INTERIM COUNCIL MEMBER FOR DISTRICT 3.**

(Chairman Marshall opened the floor for District 3 Candidates. The following names were presented: Jennings Bernard, Coleman Thompson, Ike Griffith, II, Davida Cruthird, Madeleine Cooper Taylor, Charles Settle, Robert Gill, Standford Peppenhorst and Rubin Campbell Sr. A motion for these name to be considered was made by Councilwoman Holt and seconded by Councilman Ford).Once all of the names were presented, Councilman Sammons made a motion for the floor to be closed for District 3 Candidates. This was seconded by Councilman Taylor).

(Special items were set up for each Candidate's name, in the order that they were nominated).

Jennings Bernard – Special Item #1

AYES: Brown & Peete
 Chumney, Holt, Lowery, Taylor and Chairman Marshall abstained
 Brittenum, Ford, Jones, McCormick and Sammons did not cast a vote

(2 Ayes)

Coleman Thompson – Special Item #2

AYES: Chumney and Jones
 Holt, Lowery, Sammons, Taylor and Chairman Marshall abstained
 Brittenum, Brown, Ford, McCormick and Peete did not cast a vote

(2 Ayes)

Ike Griffith, II – Special Item #3

AYE: Holt
 Chumney, Lowery, Sammons, Taylor and Chairman Marshall abstained
 Brittenum, Brown, Ford, Jones, McCormick and Peete did not cast a vote

(1 Aye)

Davida Cruthird – Special Item #4

AYES: Lowery, McCormick, Sammons, Taylor and Chairman Marshall
 Chumney and Holt abstained
 Brittenum, Brown, Ford, Jones and Peete did not cast a vote

(5 Ayes)

Madeleine Cooper Taylor – Special Item #5

AYES: Brittenum, Brown, Holt, Jones, Lowery, McCormick, Peete and Chairman Marshall
Chumney, Sammons and Taylor abstained
Ford did not cast a vote

(8 Ayes. Due to Mrs. M. Taylor getting the majority of the votes, she won the seat for District 3)

(Item#16 – ELECTION OF THE INTERIM COUNCIL MEMBER FOR DISTRICT 3, was APPROVED, unanimous voice vote).

(Judge Tarik Sugarmon swore Madeleine Cooper Taylor in, as the Councilwoman for District 3).

MLGW FISCAL CONSENT – Item #5 may be acted upon by one motion

5. **RESOLUTION AWARDING 24-MONTH CONTRACT FOR ELECTRIC METER PEDESTALS AND SOCKETS AS FOLLOWS:**

H. D. Supply.....	\$ 737,035.25
The Durham Company.....	\$ 140,627.00
Total.....	\$ 877,662.25

ROLL CALL MLGW FISCAL CONSENT ITEM

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

APPROVED

6. **APPOINTMENTS**

FIRE DEPARTMENT BOARD OF APPEALS

REAPPOINTMENTS

HOWARD B. GLATSTEIN
WILLIE NELSON

HEALTHCARE INSURANCE ADVISORY COMMITTEE

APPOINTMENT

ADDIELENE F. GREGORY

MEMPHIS & SHELBY COUNTY MUSIC COMMISSION

APPOINTMENT

LARRY SPRINGFIELD

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

APPROVED

- 7. **ORDINANCE REZONING THE NORTH SIDE OF CLEMENTINE ROAD; +200 FEET WEST OF DARLENE STREET, CONTAINING 2.39 ACRES IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT, UP FOR T H I R D AND F I N A L READING. (HELD FROM 1/2/07)**

Ordinance No. 5199
Case No. Z 06-125

Held until February 6, 2007

- 8. **ORDINANCE REZONING THE WEST SIDE OF N. SECOND STREET @ MAHANNAH AVENUE, CONTAINING 9.88 ACRES IN THE HEAVY INDUSTRIAL (I-H) & HEAVY INDUSTRIAL FLOOD PLAIN (I-H[FP]) DISTRICTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5201
Case No. Z 06-126

Applicant: THM, Inc. & Harbor View Properties, LLC
SR Consulting, LLC – Representative

Request: Mixed Use (MU) & Mixed Use Flood Plain (MU[FP]) Districts

LUCB and OPD recommendation: APPROVAL

MOTION: Lowery

SECOND: Jones

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Sammons,
B. Taylor, M. Taylor and Chairman Marshall
Peete recused

APPROVED

- 9. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON SOUTH SIDE OF SHELBY DRIVE; ±480 FEET EAST OF TULANE STREET, CONTAINING 1.05 ACRES IN THE LOCAL COMMERCIAL (C-L) DISTRICT.**

Case No. SUP 06-221

Applicant: Ernest P. Hatton, Jr.

Request: Permit for auto sales

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

MOTION: Lowery

SECOND: McCormick

AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Sammons,
B. Taylor, M. Taylor and Chairman Marshall
Peete did not cast a vote

APPROVED

- 10. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF PISGAH ROAD AND HOUSTON LEVEE ROAD, CONTAINING 24.40 ACRES CURRENTLY GOVERNED BY THOMAS COUNTRY PLANNED DEVELOPMENT (P.D. 01-341).**

Case No. PD 06-348

Applicant: Davis Development Company
Burch-Porter-Johnson, PLLC – Representative

Request: Planned development amendment to allow Multiple Dwelling Residential (R-ML) District land use within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Lowery

SECOND: Holt

AYES: Brittenum, Brown, Chumney, Holt, Lowery, B. Taylor and Chairman Marshall

NAY: McCormick

Ford recused

Jones, Peete, Sammons and M. Taylor did not cast a vote

APPROVED

11. **RESOLUTION APPROVING A SUBDIVISION APPEAL LOCATED ON THE NORTHSIDE OF GROVE PARK CIRCLE; BEGINNING 370 FEET WEST OF GROVE PARK, CONTAINING 1.01 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT. (HELD FROM 1/17; 3/21; 4/11; 10/3)**

Case No. S 05-032

Held until June 19, 2007

13. **RESOLUTION RECOGNIZING PAMELA CRISLIP FOR HER OUTSTANDING SERVICE TO THE MEMPHIS CITY COUNCIL.**

MOTION: Marshall

SECOND: McCormick

APPROVED, unanimous voice vote

18. **RESOLUTION APPROPRIATING \$2,449,567.00 FUNDED BY G.O. BONDS-GENERAL FROM GETWELL TO MALONE, CIP PROJECT NUMBER PW01123 FOR A CONSTRUCTION CONTRACT WITH FERRELL PAVING FOR ROAD IMPROVEMENTS.**

Director of Public Works and City Engineer recommends approval

MOTION: Sammons

SECOND: Jones

AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Sammons,

B. Taylor and M. Taylor

Brittenum, Peete and Chairman Marshall did not cast a vote

APPROVED

19. **RESOLUTION APPROPRIATING \$469,243.73 FUNDED BY FY 2006 CDBG PROGRAM INCOME FUNDS WITHIN UP PHASE II INFRASTRUCTURE WITHIN DEVELOPMENT, PROJECT NUMBER CD90014.**

MOTION: Holt

SECOND: Sammons

AYES: Chumney, Ford, Holt, Lowery, McCormick, Sammons, B. Taylor and M. Taylor

Brittenum, Brown, Jones, Peete and Chairman Marshall did not cast a vote

APPROVED

20. **RESOLUTION TO ESTABLISH THE USE OF \$1,600,000.00 IN FY 2007 CDBG ENTITLEMENT/PROGRAM INCOME FUNDS THAT WILL BE USED BY THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT FOR PLANNED PROJECT ACTIVITIES.**

MOTION: Holt
 SECOND: Sammons
 AYES: Brown, Chumney, Ford, Holt, Lowery, McCormick, Sammons, B. Taylor and M. Taylor
 Brittenum, Jones, Peete and Chairman Marshall did not cast a vote

APPROVED

21. **RESOLUTION AUTHORIZING THE EXECUTION OF CERTAIN AMENDMENTS AND ESTOPPEL AGREEMENTS WITH SWH BELZ TURLEY, LLC TO FACILITATE SALE OF PROPERTY ON MUD ISLAND AS APPROVED BY THE BOARD OF COMMISSIONERS OF THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION ON DECEMBER 5, 2006.**

Contract No. CR-5047

MOTION: Sammons
 SECOND: Holt
 AYES: Chumney, Ford, Holt, Lowery, McCormick, Sammons and B. Taylor
 Brittenum, Brown, Jones, Peete, M. Taylor and Chairman Marshall did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

ADJOURNED MEETING AT 5:40 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