

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**

**May 3, 2005**

**3:30 P.M. SESSION**

**ROLL CALL:** Joe Brown, Carol Chumney, Barbara Swearengen Holt, Janet Hooks, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick, TaJuan Stout Mitchell, Rickey Peete, Jack Sammons, Brent Taylor and Chairman Edmund Ford

**THE MEETING WAS CALLED TO ORDER  
BY THE SERGEANT-AT-ARMS**

**INVOCATION**

The meeting was opened with prayer by Bishop Paul King, from Grayson Temple New Day Church International. Councilman Jones presented Bishop King 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.**

45. **ORDINANCE REZONING THE WEST SIDE OF U.S. HIGHWAY 61; +126 FEET SOUTH OF FAIRWAY AVENUE, CONTAINING 0.376 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5096  
Case No. Z 04-137

Held until May 17, 2005

47. **ORDINANCE REZONING THE NORTHEAST CORNER OF WATKINS STREET AND MONROE AVENUE, CONTAINING 1.038 ACRES IN THE MULTIPLE-FAMILY RESIDENTIAL (R-MH) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5098  
Case No. Z 05-101

Held until May 17, 2005

52. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF FORD ROAD AND MCFARLAND ROAD, CONTAINING 15.057 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8 & R-S6) DISTRICT.**

Case No. PD 05-302

Held until May 17, 2005

56. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE NORTHWEST CORNER OF PERKINS ROAD AND GREENBRIER ROAD, CONTAINING 2.0 ACRES IN THE SINGLE FAMILY DWELLING – SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. S 04-078

Held until May 17, 2005

- 58. **RESOLUTION APPROVING STREET/ALLEY CLOSURE LOCATED ±153 FEET WEST OF MISSISSIPPI BOULEVARD; BETWEEN JENNETTE STREET AND SAXON AVENUE, CONTAINING ± 5,422 SQUARE FEET IN SINGLE FAMILY RESIDENTIAL (R-S6) AND COLLEGE-UNIVERSITY (C-U) DISTRICTS.**

Case No. SAC 04-613

Held until May 17, 2005

- 48. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE NORTH SIDE OF WINCHESTER ROAD, 510 FEET WEST OF HACKS CROSS ROAD. (HELD FROM 3/15; 4/5).**

Case No. PD 01-306

Held until June 7, 2005

- 57. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN THE WEST LINE OF MANASSAS AND THE EAST LINE OF TULLY STREET, CONTAINING 1.459 ACRES IN THE MULTIPLE DWELLING RESIDENTIAL (R-MM) DISTRICT. (HELD FROM 4/5)**

Case No. SAC 04-612

Held until June 21, 2005

- 59. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTH SIDE OF LUCY ROAD; ±61 FEET WEST OF A SOUTHWARDLY PROJECTION OF CHASE ROAD, CONTAINING 11.48 ACRES IN THE AGRICULTURAL (AG) DISTRICT.**

Case No. SUP 04-225cc

**DROPPED**

- 32. **RESOLUTION APPROPRIATING FUNDS, IN THE AMOUNT OF \$242,650.00, FOR THE PURCHASE OF FOUR ADJOINING PROPERTIES ADJACENT TO LEWIS SENIOR CENTER. THE PROPERTIES LOCATED IN THE 1200 BLOCK OF FAXON AVENUE ARE TO BE USED WITH OTHER PROPERTIES TO BUILD A NEW FACILITY ADJACENT TO THE EXISTING LEWIS SENIOR CENTER WHICH IS IN DISREPAIR AND CANNOT BE UPGRADED TO MEET CURRENT ADA REQUIREMENTS AND CONSTRUCTION CODES.(HELD FROM 4/19)**

**DROPPED**

**CONSENT AGENDA – Items 1 – 20 & #61 - #66 may be acted upon by one motion. SEE PAGE 1568 FOR ROLL CALL**

- 1. **ORDINANCE TO AMEND CHAPTER 33, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO CLARIFY PERMIT REQUIREMENTS FOR THE DISCHARGE OF HAULED WASTE AND TO REGULATE THE DISCHARGE OF WASTEWATER BY FOOD ESTABLISHMENTS, UP FOR S E C O N D READING**

Ordinance No. 5099

**APPROVED,** on First reading

- 2. **ORDINANCE REZONING THE NORTH SIDE OF WASHINGTON AVENUE; +/-141.5 FEET WEST OF CLEVELAND STREET, CONTAINING 0.23 ACRE IN THE PARKING (P) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5102

Case No. Z 05-105

**APPROVED,** on First reading

- 3. **ORDINANCE REZONING THE SOUTHEAST CORNER OF THOMAS (U.S. HIGHWAY 51) AND CARROLTON AVENUE, CONTAINING 0.81 ACRE IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5103  
Case No. Z 05-103

**APPROVED**, on First reading

- 4. **ORDINANCE REZONING THE NORTHWEST CORNER OF S. FOURTH STREET AND WALKER AVENUE, CONTAINING 0.189 ACRE IN THE MULTIPLE FAMILY RESIDENTIAL (R-MM) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5100  
Case No. Z 04-136

**APPROVED**, on Second reading

- 5. **ORDINANCE APPROVING A STREET NAME CHANGE, EXTENDING EAST/WEST LINE OF N. PARKWAY; BETWEEN N. FRONT STREET AND 3<sup>RD</sup> STREET, UP FOR S E C O N D READING.**

Ordinance No. 5101  
Case No. SNC 05-802

**APPROVED**, on Second reading

- 6. **RESOLUTION ACCEPTING STANSELL CROSSING P.D., FOURTH AMENDMENT, PHASE 16 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 01-307cc  
(Contract No. CR-4704)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Hacks Cross Road, south of Nonconnah Parkway. The standard improvement contract was approved on February 9, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$237,000.00.

City Engineer recommends approval

**APPROVED**

- 7. **RESOLUTION ACCEPTING OFFICES OF SOUTHWIND P.D. AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 02-354cc  
(Contract No. CR-4800)

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 Winchester Road, west of Forest Hill Irene Road. The standard improvement contract was approved on July 1, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$94,000.00.

City Engineer recommends approval

**APPROVED**

- 8. **RESOLUTION APPROVING FINAL PLAT OF LEVI LANDING SUBDIVISION, PHASE 1.**

Case No. S 03-040

Resolution approves the final plat located on the east side of Weaver Road, 331.50 feet south of Levi Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

9. **RESOLUTION APPROVING FINAL PLAT OF LEVI LANDING SUBDIVISION, PHASE 2.**

Case No. S 03-040

Resolution approves the final plat located on the east side of Weaver Road, 331.50 feet south of Levi Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

10. **RESOLUTION APPROVING FINAL PLAT OF SHADY HALL SUBDIVISION.**

Case No. S 04-055

Resolution approves the final plat located on the west side of South Mendenhall Road, 211 feet south of Shady Grove Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

11. **RESOLUTION APPROVING FINAL PLAT OF TREZEVANT MANOR PD, PHASE 1, PARTS OF AREAS A, B & C.**

Case No. PD 03-359

Resolution approves the final plat located on the south side of Waynoka Avenue, west of Highland Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

12. **RESOLUTION APPROVING FINAL PLAT OF SUGGLANDS SUBDIVISION, RE SUBDIVISION OF LOT 9.**

Case No. S 04-050

Resolution approves the final plat located on the northwest corner of Alladin Avenue and Valleybrook Drive. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

13. **RESOLUTION RESCINDING THE CONTRACT FOR HOLMES/MINERAL WELLS P.D., AMENDED, PHASE 14, PART OF PARCEL A AND PARTS OF PARCEL C AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 98-351cc  
(Contract No. CR-4654)

Resolution rescinds the standard improvement contract located south of Holmes Road, west of Crumpler Road. The standard improvement contract was approved on August 21, 2001. Resolution also authorizes the release of the performance bond in the amount of \$6,000.00.

City Engineer recommends approval

**APPROVED**

14. **RESOLUTION ACCEPTING THE GARDENS OF WALNUT GROVE P.D., AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 00-379  
(Contract No. CR-4718)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located southwest of Bendigo Drive and Walnut Creek Road. The standard improvement contract was approved on May 21, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$40,000.00

City Engineer recommends approval

**APPROVED**

15. **RESOLUTION RELEASING PRO-RATA DRAINAGE BOND HELD FOR FUTURE IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF CHAMPION HILLS DRIVE.**

Case No. PD 94-300cc  
(Contract No. CR-3905)

Resolution authorizes the release of the pro-rata drainage bond in the amount of \$69,011.60, held by Shelby County for future improvements located on the south side of Winchester Road, east of Tournament Drive. The public improvements required by the standard improvement contract were accepted by the City of Memphis on March 7, 1997. The action is subject to County approval.

City Engineer recommends approval

**APPROVED**

16. **RESOLUTION ACCEPTING WINDYKE PARK PD, PHASE 4, AREA B & WINDYKE PARK SOUTH PD AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 96-322cc  
(Contract No. CR-4781)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the terminus of Champion Hills Drive. The standard improvement contract was approved on February 4, 2003. Resolution also authorizes the release of the performance bond in the amount of \$74,000.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

17. **RESOLUTION ACCEPTING GEMSTONE PD, PHASE 2, AREA B & C AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 99-380  
(Contract No. CR-4856)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of White Diamond Street, west of Weaver Road. The standard improvement contract was approved on March 2, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$46,100.00.

City Engineer recommends approval

**APPROVED**

18. **RESOLUTION APPROVING FINAL PLAT OF TULIP CREEK SUBDIVISION, SECTION C.**

Case No. S 99-012cc  
Contract No. CR-4939

Resolution approves the final plat located south of Bolen Huse Road and East of Covington Pike. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

19. **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 05-304 – South Perkins P.D., 3<sup>rd</sup> Amendment
- B. Case No. PD 05-315 – English Town Offices P.D., 2<sup>nd</sup> Amendment
- C. Case No. PD 05-312 – Ann Guthrie P.D., (Amended)

Public Hearing Set for May 17, 2005

20. **RESOLUTION PROCLAIMING FRIDAY, JANUARY 28, 2005 AS “BENJAMIN L. HOOKS DAY.”(HELD FROM 2/1;3/1;3/15;4/5;4/19)**

**APPROVED**

61. **RESOLUTION APPROVING FINAL PLAT OF KATE BOND PLANNED DEVELOPMENT, PHASE 1, AREA B.**

Case No. PD 04-380

Resolution approves the final plat located on the northeast corner of Kate Bond Road and Interstate 40. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

62. **RESOLUTION APPROVING FINAL PLAT OF SHADY GOVE AND MENDENHALL SUBDIVISION.**

Case No. S 04-070

Resolution approves the final plat located at the southeast corner of Shady Grove Road and South Mendenhall Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

63. **RESOLUTION APPROVING FINAL PLAT OF HACKS CROSSING P.D., 2<sup>ND</sup> AMENDMENT, PHASE 7.**

Case No. PD 04-340cc  
Contract No. CR-4940

Resolution approves the final plat located on the southwest corner of Shelby Drive and Hacks Cross 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. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

64. **RESOLUTION ACCEPTING ROMAN CATHOLIC DIOCESE P.D. AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 02-329  
(Contract No. CR-4837)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat of Roman Catholic Diocese located east of Germantown

Parkway at Bellevue Parkway. The standard improvement contract was approved on November 18, 2003. Resolution order the retention of a \$10,000.00 bond as a guarantee of non-standard pipe installed prior to the execution of the contract. Resolution also authorizes the release of the certificate of deposit in the amount of \$379,000.00.

City Engineer recommends approval

**APPROVED**

65. **ORDINANCE APPROPRIATING 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, 2005 THROUGH JUNE 30, 2006, INCLUSIVE, TOGETHER WITH ALL COLLECTIONS FROM PRIVILEGES, LICENSES, FEES, FINES, PERMITS, CHARGES, REQUESTS, TRANSFERS FROM NON-BUDGET ACCOUNTS, EARNINGS, REFUNDS, AND ALL OTHER ITEMS CONSTITUTING THE REVENUE RECEIPTS OF THE CITY OF MEMPHIS FOR THE FISCAL YEAR JULY 1, 2005 THROUGH JUNE 30, 2006, INCLUSIVE, TO PROVIDE THE MANNER IN WHICH MONIES MAY BE TRANSFERRED FROM ONE FUND TO ANOTHER AND TO PROVIDE THE STANDARD CODE OR DESIGNATIONS UNDER WHICH THE APPROPRIATIONS ARE TO BE ADMINISTERED AND ACCOUNTING CONTROL MAINTAINED, UP FOR F I R S T READING.**

Ordinance No. 5104

**APPROVED**, on First reading

66. **ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2006, UP FOR F I R S T READING.**

Ordinance No. 5105

**APPROVED**, on First reading

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT- Items 21 - 27 may be acted upon by one motion**

21. **RESOLUTION APPROVING CHANGE NO. 10 TO CONTRACT NO. 10784, CONSTRUCTION OF UNDERGROUND DISTRIBUTION SYSTEM, WITH A & L UNDERGROUND, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$2,150,000.00. (THIS EXTENDS THE CONTRACT BEGINNING MAY 1, 2005 THROUGH JUNE 30, 2005. THE CURRENT CONTRACT EXPIRES APRIL 30, 2005 FOR THE SECOND TERM). (HELD FROM 4/19)**

Held until May 17, 2005

22. **RESOLUTION AWARDED CONTRACT FOR RADIO-BASED SUPERVISORY CONTROL AND DATA ACQUISITION SYSTEM (SCADA) TO BRISTOL BABCOCK IN THE AMOUNT OF \$113,374.99. (HELD FROM 4/19).**

**APPROVED**

23. **RESOLUTION AWARDED CONTRACT NO. 11036, DRILLING OPERATIONS FOR TEMPORARY SUBSTATION 9, TO MCKINNEY DRILLING COMPANY, IN THE AMOUNT OF \$30,966.00.**

**APPROVED**

24. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10602, AUTOMATED UTILITY BILL PAYMENT SYSTEM, WITH TRAVELERS EXPRESS COMPANY, INC. IN THE FUNDED AMOUNT OF \$200,000.00. (THIS CHANGE IS TO BRIDGE THE GAP BETWEEN THE EXPIRATION OF CONTRACT NO. 10602 ON OCTOBER 5, 2004 TO APPROXIMATELY SEPTEMBER 1, 2005 WHEN AMERICAN PAYMENT SYSTEM IS EXPECTED TO PROVIDE THE SERVICE.)**

**APPROVED**

25. **RESOLUTION APPROVING CHANGE NO. 12 TO CONTRACT NO. 10780, ELECTRIC CONSTRUCTION AND MAINTENANCE, WITH ALLIED ELECTRICAL CONTRACTORS, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$600,000.00. (THIS EXTENDS THE CONTRACT NOT TO EXCEED 60 DAYS BEGINNING JUNE 4, 2005 TO ALLOW MLGW TIME TO FINALIZE FORECASTED WORK SO CONTRACTOR CAN SUBMIT RENEWAL PROPOSAL.)**

**APPROVED**

26. **RESOLUTION AWARDDING CONTRACT FOR DISTRIBUTION TRANSFORMERS AS FOLLOWS:**

Howard Industries, Inc.-----	\$ 12,056,380.00
Central Moloney, Inc.-----	\$ 3,158,713.00
Pauwels Transformers-----	\$ <u>2,244,924.00</u>
TOTAL-----	\$ 17,460,017.00

**APPROVED**

27. **RESOLUTION AWARDDING CONTRACT FOR EPA-REQUIRED CONSUMER CONFIDENCE REPORT (WATER QUALITY) TO DIRECTFX SOLUTIONS IN THE AMOUNT OF \$39,385.00, APPROXIMATELY.**

**APPROVED**

**MLGW ROLL CALL FISCAL CONSENT ITEMS**

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

**APPROVED**

28. **RESOLUTION HONORING THE NATIONAL UNION OF AMERICAN FAMILIES.**

**APPROVED**, unanimous voice vote

29. **APPOINTMENTS**

**Solid Waste Planning Region Board**

Roosevelt T. Allen – Reappointment

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

**APPROVED**

30. **RESOLUTION APPROPRIATING \$2,200,000.00 FUNDED BY LOCAL SHARED, WHICH IS A PARTIAL RECEIPT OF SHELBY COUNTY COMMITMENT TO CIP PROJECT NUMBER PD04011, COMMUNICATIONS UPGRADE.**

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

**APPROVED**

31. **RESOLUTION APPROPRIATING \$954,000.00 IN G.O. BONDS GENERAL IN CIP PROJECT NUMBER IS01008, DESKTOP STANDARDIZATION FOR THE PURPOSE OF STANDARDIZING THE CITY'S OPERATING SYSTEMS AND OFFICE SUITE ON ALL OF THE CITY'S DESKTOPS.**

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

**APPROVED**

33. **RESOLUTION APPROVING PURCHASE OF EASEMENT RIGHTS FROM MARGARET GOSHORN BOYD-WOODS, LAURIE GOSHORN MITCHELL AND NEUMON TAYLOR GOSHORN, 6.085 ACRES LOCATED ON THE SOUTHWEST CORNER OF AUSTIN PEAY HIGHWAY AND MILLINGTON-ARLINGTON ROAD, FOR THE SUM OF \$73,020.00.**

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

**APPROVED**

34. **RESOLUTION ADOPTING FOWLER HOMES REDEVELOPMENT PLAN.**

Chairman Ford recognized the following person from the audience:  
 Rev. Lee Parker, 301 Walker, Memphis, TN. 38126

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

**APPROVED**

35. **RESOLUTION APPROPRIATING \$29,403.00 IN CONSTRUCTION FOR CIP PROJECT NUMBER PK12005, PAVING IMPROVEMENTS – MAJOR MAINTENANCE FUNDED BY G.O. BONDS GENERAL CHARGEABLE TO THE FISCAL YEAR 2005 CAPITAL IMPROVEMENT BUDGET TO PATCH, OVERLAY AND STRIPE THE EXISTING PARKING LOT AND INSTALL SIGNS AND WHEEL STOPS IN HANDICAP SPACES AT THE LEWIS SENIOR CENTER.**

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

**APPROVED**

43. **RESOLUTION TRANSFERRING AN ALLOCATION OF \$1,128,991.00 IN G.O. BONDS FROM WINCHESTER/PERKINS INTERCHANGE, PROJECT NUMBER PW01025 TO WALNUT GROVE/I-240 TO WOLF RIVER, PROJECT NUMBER PW01069.**

Resolution appropriating \$7,028,943.00 in G.O. Bonds to be deposited in the Local Government Investment Pool Account for Walnut Grove/I-240 to Wolf River, Project Number PW01069, State Project STP-M-2818 (6).

Director of Public Works and City Engineer recommends approval

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

**APPROVED**

36. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$27,100.00 FROM THE SHELBY COUNTY GOVERNMENT FOR CITIZEN CORP. GRANT. RESOLUTION ALSO AMENDS THE FY 2005 OPERATING BUDGET TO APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

37. **RESOLUTION AMENDING THE FY 2005 CAPITAL IMPROVEMENT PROGRAM BY TRANSFERRING AN ALLOCATION OF \$140,000.00, FUNDED BY A COMBINATION OF STATE GRANTS IN THE AMOUNT OF \$112,000.00 AND G.O. BONDS IN THE AMOUNT OF \$28,000.00, FROM LAND ACQUISITION TO ARCHITECTURE AND ENGINEERING AND TO APPROPRIATE THE \$140,000.00 IN ORDER TO FUND THE DESIGN SERVICES OF A VEHICLE TESTING EQUIPMENT CONSULTANT.**

Council did include Motor Vehicle Inspection, CIP Number PS01009 as part of the FY 2005 Capital Improvement Program

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

**APPROVED**

38. **RESOLUTION APPROPRIATING \$42,200.00 IN G.O. BONDS FOR THE CITY'S SHARE TO COMPLETE JACKSON PIT DUMP, PROJECT NUMBER PW 04006.**

Director of Public Works recommends approval

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

**APPROVED**

39. **RESOLUTION APPROPRIATING \$1,678,278.00 IN G.O. BONDS FOR TIMBER CREEK DRAINAGE, PROJECT NUMBER PW03020 FOR A CONSTRUCTION CONTRACT WITH ENSCOR, LLC.**

Director of Public Works and City Engineer recommends approval

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

**APPROVED**

40. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$417,420.00 IN G.O. BOND FUNDS FROM SCHOOL SAFETY IMPROVEMENTS, PROJECT NUMBER PW04043 TO SCHOOL SAFETY IMPROVEMENTS PHASE 2, PROJECT NUMBER PW04049 FOR A CONSTRUCTION CONTRACT WITH FERRELL PAVING.**

Director of Public Works and City Engineer recommends approval

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

**APPROVED**

41. **RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$267,650.00 IN G.O. BONDS FROM DRAINAGE, PROJECT NUMBER PW03006 TO BLACK BAYOU DETENTION BASIN, PROJECT NUMBER PW03070 FOR A CONSTRUCTION CONTRACT WITH WHITE CONTRACTING, INC.**

Director of Public Works and City Engineer recommends approval

**APPROVED**

42. **RESOLUTION TRANSFERRING ALLOCATIONS OF \$3,210,218.00 IN G.O. BONDS FROM ASPHALT PAVING, PROJECT NUMBER PW01040 AND \$271,250.00 IN G.O. BONDS FROM ADA WHEELCHAIR RAMP PROGRAM, PROJECT NUMBER PW04007 AND \$155,873.00 IN G.O. BONDS FROM PREVAILING WAGE ADJUSTMENT, PROJECT NUMBER PW04044 TO RESURFACING VARIOUS STREETS FY 05-GROUP2, PROJECT NUMBER PW01162.**

Resolution appropriating \$3,637,341.00 in G.O. Bonds for Resurfacing Various Streets FY05 Group 2, Project Number PW01162 for a construction contract with APAC-Tennessee, Inc.

Director of Public Works and City Engineer recommends approval

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

**APPROVED**

44. **JOINT ORDINANCE READOPTING #5028AM, ADOPTED BY THE SHELBY COUNTY BOARD OF COMMISSIONERS ON MAY 28, 2004 AND THE COUNCIL OF THE CITY OF MEMPHIS ON JULY 6, 2004; SO AS TO MAKER CERTAIN TECHNICAL AND FORMATTING CORRECTIONS THEREIN, UP FOR T H I R D AND F I N A L READING. (HELD FROM 1/4; 4/19)**

Ordinance No. 5087  
Case No. ZTA 03-002cc

Held until November 1, 2005

46. **ORDINANCE REZONING 500-1200 FEET NORTHEAST OF THE EASTERN TERMINUS OF HUNTINGTON OAKS DRIVE, CONTAINING 6.96 ACRES IN THE AGRICULTURAL (AG) DISTRICT (PARCEL 1) AND 0.19 ACRE IN THE AGRICULTURAL FLOODPLAIN (AG{FP} ) DISTRICT (PARCEL 2), UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5097  
Case No. Z 04-138cc

Owner of Record: Mike B. & Terri L. Allison

Equitable Owner/Applicant: David Miller  
Davis Engineering Company, Inc.  
Dan Frasier - Representative

Request: Parcel 1 – Single Family Residential (R-S10) District  
Parcel 2 – Single Family Residential Floodplain  
(R-S10 [FP]) District

LUCB and OPD recommendation: APPROVAL

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

**APPROVED**

49. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF HOUSTON LEVEE ROAD; +/-863 FEET SOUTH OF U. S. HIGHWAY 64 AND IS CURRENTLY GOVERNED BY HOUSTON LEVEE TRAILS PLANNED DEVELOPMENT, 3<sup>RD</sup> AMENDMENT (P.D. 99-376). (HELD FROM 4/19)**

Case No. PD 04-383

Applicant: Ketron Inc.  
Armstrong-Allen, PLLC(Ronald Harkavy) – Representative

Request: Planned development amendment to allow motor vehicle(automobile) service and self-storage mini warehouses within Area ‘A’ of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**, as amended

50. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WESTERN TERMINUS OF TOURNAMENT DRIVE; +1874.81 FEET NORTH OR CALLIS CUTOFF ROAD, CONTAINING 22.878 ACRES AND IS CURRENTLY GOVERNED BY P.D. 95-365.**

Case No. PD 04-384

Chairman Ford recognized the following people from the audience:

- Ricky Smith, 3161 Copiah Cove, Memphis, TN. 38119
- Julie Furr, 5892 Ewing, Memphis, TN. 38119
- Hall Jones, Box 382578, Germantown, TN. 38183
- Kerby Bowling, 7936 Players Forest, Memphis, TN. 38119

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

Request: Amend Area A to delete 4.688 acres and add it to Area C of the Callis Cutoff Planned Development to create 66 single family detached homes with minimum lot size of 5,548 square feet

LUCB and OPD recommendation: APPROVAL, with conditions

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

**FAILED**

51. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE WEST SIDE OF COLLEGE STREET; +/-165 FEET NORTH OF STAFFORD AVENUE, CONTAINING 3.74 ACRES IN THE MULTIPLE DWELLING RESIDENTIAL(R-MM) AND COLLEGE AND UNIVERSITY (CU) DISTRICTS.**

Case No. PD 05-301

Applicant: LeMoyne-Owen College CDC  
Barge, Waggoner, Inc. (Charlie Goforth) – Representative

Request: Planned development to allow fifteen (15) single family homes and retail commercial uses in accordance with the College and University (CU) Districts

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

53. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF HELENE ROAD; +217 FEET EAST OF VERZ CRUZ STREET, CONTAINING 14.18 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S8) AND SINGLE FAMILY RESIDENTIAL FLOOD PLAIN (R-S8[FP]) DISTRICTS.**

Case No. PD 05-310

Applicant: Newton Court, LLC  
E.D.S. Inc. – Representative

Request: A planned development to create 58 single family lots with a minimum lot size of 5,500 square feet

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

54. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE WEST SIDE OF LAMAR AVENUE (U.S. HIGHWAY 78); ±1,100 FEET NORTH OF HOLMES ROAD, CONTAINING 5.253 ACRES IN THE VACANT, LIGHT INDUSTRIAL (I-L) DISTRICT.(HELD FROM 1/18; 2/1;3/15; 4/19)**

Case No. S 04-054

Appellant: Summit Distribution Center, LLC  
 Reaves Firm, Inc. – Harvey Marcom – Representative

Request: Appeal to overturn action of the Land Use Control Board, which requires the dedication and improvement of necessary right-of-way to accomplish the proposed improvements to U.S. Highway 78 (Lamar Avenue) in accordance with Subdivision Regulations as illustrated on the attached “Property Map” from the State of Tennessee Department of Transportation (TDOT) dated 6/27/03

LUCB and OPD recommendation: APPROVAL, with eight (8) conditions

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

**APPROVED**, as amended

55. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE WEST SIDE OF WARING ROAD; +750 FEET SOUTH OF CHICKASAW ROAD, CONTAINING 1.95 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. S 04-076

Chairman Ford recognized the following person from the audience:

David Wade, 6410 Poplar Ave., Memphis TN. 38120

Owner of Record/Applicant: Brad Rainey Homes  
 ETI Corporation – Representative

Request: 4 Lot Preliminary Plat- 2 Buildable, 2 Non-Buildable

LUCB and OPD recommendation: APPROVAL, with fourteen (14) conditions & two design changes

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

**FAILED**

60. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTH SIDE OF ALABAMA AVENUE ±266 FEET WEST OF HIGH STREET, EXTENDING SOUTHWARD TO EXCHANGE AVENUE, CONTAINING .28 ACRE IN THE UPTOWN- MIXED USE (MU) DISTRICT.**

Case No. UV 04-09

Applicant: David L. Galloway  
Juan Self, Self Tucker Architects – Representative

Request: Day Care Center

LUCB and OPD recommendation: REJECTION

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

**APPROVED**, as amended

67. **RESOLUTION ADOPTING A MORATORIUM ON ALL BILLBOARD PERMITS FOR A SIX MONTH PERIOD.**

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

**APPROVED**

68. **RESOLUTION ADOPTING THE CONSOLIDATED PLAN/FY2006 ANNUAL ACTION PLAN. RESOLUTION ALSO APPROPRIATES FY 2006 CDBG, HOME, ESG AND HOPWA PROGRAM FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE FY 2006 BUDGET FOR THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT.**

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

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of April 19, 2005

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

**APPROVED**

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

Chairman Ford recognized the following person from the audience:

Minister Curtis Powell, 1130 S. Wellington, Memphis, TN. 38126

**ADJOURNMENT**

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

\_\_\_\_\_  
CHAIRMAN

Attest:

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Deputy Comptroller/Council Records