

**MINUTES****REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****September 19, 2006****3:30 P.M. SCHEDULED SESSION****3:40 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with prayer by Pastor Freddie Moore from Holy Community United Methodist Church. Councilman Brown presented Pastor Moore 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.**

**CONSENT AGENDA – Items 1-11 & #57 - #59 & #61 may be acted upon by one motion. SEE PAGE 1999 FOR ROLL CALL**

1. **ORDINANCE REZONING THE SOUTHEAST CORNER OF SUMMER AVENUE (U.S. HWY. 70) AND NORTH OF WOLF RIVER, CONTAINING 19.12 ACRES IN THE AGRICULTURAL FLOOD PLAIN (AG[FP]) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5182  
Case No. Z 06-114

**APPROVED**, on Second reading

2. **RESOLUTION ACCEPTING FRANKLIN FARMS P.D., PHASE 5, PART OF AREA D AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 98-332cc  
(Contract No. CR-4385)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of Oak Barn Lane and Old Well Terrace. The standard improvement contract was approved on November 4, 2003. Resolution also authorizes the release of the letter of credit (S033331) in the amount of \$78,300.00.

City Engineer recommends approval

**APPROVED**

3. **RESOLUTION APPROVING FINAL PLAT OF MEMPHIS INTERMODAL FACILITY JOHN'S CREEK SEWER RELOCATION.**

Contract No. CR-5035

Resolution approves the final plat located on the east side of US Highway 78, north of John's Creek. 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

**APPROVED**

4. **RESOLUTION APPROVING FINAL PLAT OF GALLERIA OF MEMPHIS PD DRAINAGE IMPROVEMENTS (BOX CULVERT EXTENSION).**

Contract No. CR-5036

Resolution approves the final plat of Galleria of Memphis PD Drainage Improvement (Box Culvert Extension) located on the west side of Germantown Parkway, south of Belleview Parkway. 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

**APPROVED**

5. **RESOLUTION APPROVING FINAL PLAT OF CEDAR CREEK P.D.**

Case No. PD 04-363cc

Contract No. CR-5037

Resolution approves the final plat located on the south side of Latting Road, 2,476 feet east of Pisgah 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**

6. **RESOLUTION ACCEPTING GERLAND CREEK P.D., PHASE 6, PART OF PARCELS 3 & 4 AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 92-349cc

(Contract No. CR-4882)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located 1,226.10 feet north of Shelby Drive, along Oakden Lane, west of Hacks Cross Road. The standard improvement contract was approved on July 6, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$62,000.00. This action is subject to County approval.

City Engineer recommends approval

**APPROVED**

7. **RESOLUTION APPROVING FINAL PLAT OF POPLAR/REDDOCH P.D.**

Case No. PD 05-362

Resolution approves the final plat located at the corner of Poplar and Reddoch. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

8. **NOTATIONS FROM THE LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 06-310
- B. Case No. PD 06-326 – Raintree Village P.D., 2<sup>nd</sup> Amendment
- C. Case No. PD 06-329
- D. Case No. PD 06-332 – (Formerly PD 05-367) – Steve Road P.D. Amended
- E. Case No. PD 06-335 – Cordova Center P.D., 3<sup>rd</sup> Amendment
- F. Case No. SUP 06-209
- G. Case No. SAC 06-618 – Kansas Street
- H. Case No. PD 06-331 - Partee P.D.

Public Hearing Set for October 3, 2006

9. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREET ON SEPTEMBER 16, 2006 – (RAINDATE: SEPTEMBER 17, 2006) FROM 6:00 A.M. UNTIL 10:00 P.M. FOR COOPER YOUNG BUSINESS ASSOCIATION – “COOPER-YOUNG FESTIVAL.”**

**APPROVED**

10. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREET ON SEPTEMBER 7, 2006 FROM 5:30 P.M. UNTIL 10:00 P.M. FOR DESTINATION KING – MORGAN KEEGAN 2006 EQUITY CONFERENCE.**

**APPROVED**

11. **RESOLUTION DECLARING OCTOBER 2-6, 2006 AS “MINORITY ENTERPRISE DEVELOPMENT WEEK.”**

**APPROVED**

57. **RESOLUTION APPROVING FINAL PLAT OF MALONE PARK SUBDIVISION, SECTION B.**

Case No. S 03-023  
Contract No. CR-5038

Resolution approves the final plat locate on the northwest corner of Greenlaw Avenue and North Second Street. Cost of the required improvements to be borne by the agency and the contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

**APPROVED**

58. **RESOLUTION APPROVING ENGINEERING PLANS OF ST. JAMES SEWER EXTENSION.**

Contract No. CR-5039

Resolution approves the engineering plans located 443 feet north of Winchester Road, 1,167 feet west of Forest Hill Irene. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard sewer extension contract.

City Engineer recommends approval

**APPROVED**

59. **RESOLUTION APPROVING FINAL PLAT OF FRANKIES SUBDIVISION.**

Case No. S 05-016

Resolution approves the final plat located on the south side of Raleigh LaGrange, west of Covington Pike. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

**APPROVED**

61. **ORDINANCE AMENDING ORDINANCE NO. 5014 TO DELETE THE SUNSET CLAUSE, UP FOR F I R S T READING.**

Ordinance No. 5183

**APPROVED**, on First reading

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT – Items 12 – 19 may be acted upon by one motion**

12. **RESOLUTION AWARDDING CONTRACT NO. 11114, DIAL TONE SERVICES, TO USLEC OF TENNESSEE, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$28,800.00 ANNUALLY.**

**APPROVED**

13. **RESOLUTION AWARDDING CONTRACT NO. 11162, INFLUENZA VACCINES, TO WELLNESS FIRST, INC., IN THE FUNDED AMOUNT NOT TO EXCEED \$54,000.00.**

**APPROVED**

14. **RESOLUTION APPROVING CHANGE NO. 11 TO CONTRACT NO. 9925, HEALTH CLAIMS PROCESSING SYSTEM, WITH TRIZETTO GROUP, INC. IN AN ESTIMATED FUNDED AMOUNT OF \$28,900.00. (THIS WILL ALLOW CREATION OF A PROGRAM FOR INQUIRY ONLY INTO HISTORICAL QICLINK DATA (EXISTING CLAIMS) USING DATAPICTION AND MICROSOFT ACCESS).**

**APPROVED**

15. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 10765, PRIVATE LABEL SERVICE AGREEMENT, WITH NEXUS ENERGY SOFTWARE, INC., IN THE FUNDED AMOUNT OF \$184,180.00. (THIS WILL ALLOW ADDITIONAL CUSTOMER SERVICE APPLICATIONS THAT WILL ENABLE MLGW TO PROVIDE COMPREHENSIVE, CONSISTENT AND AUTHORITATIVE RESPONSES TO CUSTOMER INQUIRIES).**

**APPROVED**

16. **RESOLUTION AWARDDING CONTRACT FOR DISK ARRAY HARDWARE TO CAROTEK, INC. IN THE AMOUNT OF \$70,730.00.**

**APPROVED**

17. **RESOLUTION APPROVING PAYMENT OF \$50,000.00 TO THE MID-SOUTH MINORITY BUSINESS COUNCIL AS RESTRICTED FUNDS FOR THE MEMPHIS TOMORROW SUPPLIER DIVERSITY PROJECT.**

**APPROVED**

18. **RESOLUTION AWARDDING CONTRACT FOR THE PURCHASE OF FIBER OPTIC SPLICING TRUCK TO TECHLINE ENGINEERING IN THE AMOUNT OF \$115,000.00.**

**APPROVED**

19. **RESOLUTION APPROVING RATIFICATION OF EMERGENCY PURCHASE ORDER NO. 128710 FOR 1200 FEET OF 16" EPOXY-COATED STEEL PIPE TO SUPPLY LINE OF MEMPHIS IN THE APPROXIMATE AMOUNT OF \$38,760.00.**

**APPROVED****ROLL CALL MLGW FISCAL CONSENT ITEMS**

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

**APPROVED**

55. **RESOLUTION HONORING JAMES "BIG MAN" STEPHENS, BUSINESS MANAGER ASBESTOS WORKERS LOCAL 90.**

MOTION: Brown  
 SECOND: Ford

**APPROVED**, unanimous voice vote

63. **JOINT RESOLUTION BY THE CITY COUNCIL & THE BOARD OF COMMISSION TO SERVE CHILDREN AND YOUTH.**

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

**APPROVED**

20. **REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS IT RELATES TO ESTABLISHING AN AUDIT COMMITTEE TO REQUEST, RECEIVE, REVIEW, ANALYZE AND EVALUATE INVESTIGATIONS, EXAMINATIONS, REPORTS AND/OR AUDITS, AND AS AMENDED PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) AND THE ACTS OF 1915, CHAPTER 408 AND TO SUBMIT THIS PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD ON NOVEMBER 7, 2006, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/15; 9/5)**

Ordinance No. 5180

**( Councilman Brittenum made a motion for this Ordinance to be Dropped and changed to a resolution. This seconded by Councilman Brown)**

**DROPPED**

60. **RESOLUTION AMENDING THE PERMANENT RULES OF PROCEDURE OF THE MEMPHIS CITY COUNCIL BY ADDING THE AUDIT COMMITTEE AS A STANDING COMMITTEE.**

Held until October 3, 2006

- 21. **RESOLUTION ACCEPTING FEDERAL GRANT FUNDS IN THE AMOUNT OF \$4,185,000.00 FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE DEPLOY TRAFFIC SIGNAL SYSTEM YEAR 3 PROJECT TO HELP RELIEVE TRAFFIC CONGESTION AND RELATED AIR POLLUTION ON VARIOUS MAJOR ROADWAYS IN THE CITY OF MEMPHIS. RESOLUTION ALSO AMENDS THE FY2007 CIP BUDGET BY ADDING THESE FUNDS TO THE EXISTING PROJECT (EN90006) AND APPROPRIATES GRANT FUNDS.**

City Engineer recommends approval

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

**APPROVED**

- 22. **RESOLUTION APPROPRIATING \$125,000.00 FUNDED BY G.O. BONDS GENERAL TO CONTINUE THE IMPLEMENTATION OF THE URBAN ART PLAN, PROJECT NUMBER EN004, CHARGEABLE TO THE FY 2007 CAPITAL IMPROVEMENT BUDGET.**

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

**APPROVED**

- 50. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED NORTH OF FAY ROAD; SOUTHEAST OF CSX RAIL ROAD; EAST OF "A" ROAD, CONTAINING 0.19 ACRE IN THE LOCAL COMMERCIAL (C-L) DISTRICT.**

Case No. SUP 06-217

Chairman Mitchell recognized the following people from the audience:

Fitz Dearmore, 640 Rocky Point, 38018  
 Kathy Sawyer, 1101 B. Road, 38018

Applicant: Tower Ventures V, LLC  
 Cindy Reaves, SR Consulting, LLC – Representative

Request: 150-foot tower for commercial mobile communication systems  
 (cell tower)

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

- 23. **RESOLUTION APPROPRIATING \$650,000.00 IN G.O. BONDS GENERAL IN PROJECT NUMBER IS01013, TREASURY SYSTEMS REPLACEMENT, TO REPLACE THE OUTDATED TREASURY SYSTEMS, PROPERTY TAX AND ALARMS SOFTWARE THAT THE VENDOR HAS SUSPENDED SUPPORT ON.**

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

**APPROVED**

24. **RESOLUTION APPROPRIATING \$1,200,000.00 IN G.O. BONDS GENERAL IN PROJECT NUMBER IS01004, COMMUNICATIONS NETWORK EXPANSION FOR THE PURPOSE OF CONNECTING REMOTE CITY FACILITIES AND REPLACING PROBLEMATIC COMMUNICATIONS EQUIPMENT.**

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

**APPROVED**

25. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF ONE HUNDRED FOURTEEN THOUSAND DOLLARS (\$114,400.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE ADMINISTRATION SERVICES GRANT. RESOLUTION ALSO AMENDS FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

26. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF FOUR HUNDRED SEVEN THOUSAND, NINE HUNDRED TWENTY-ONE DOLLARS (\$407,921.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE ADULT SERVICES GRANT. RESOLUTION ALSO AMENDS FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

27. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF SIX HUNDRED TWENTY-ONE THOUSAND, SIX HUNDRED EIGHTY-SEVEN DOLLARS (\$621,687.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE DISLOCATED WORKER SERVICES GRANT. RESOLUTION ALSO AMENDS FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

28. **RESOLUTION ACCEPTING THE TRANSFER OF TAX DELINQUENT PARCEL 03203500000060 FROM SHELBY COUNTY, TENNESSEE FOR FURTHER TRANSFER TO THE MEMPHIS HOUSING AUTHORITY FOR THE UNIVERSITY PLACE REDEVELOPMENT PROJECT.**

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

**APPROVED**

29. **RESOLUTION AMENDING THE FY 2007 CAPITAL IMPROVEMENT BUDGET BY APPROPRIATING \$3,000,000.00 FUNDED BY G.O. BONDS GENERAL IN CONTRACT CONSTRUCTION WITHIN MHA-UPTOWN HURT VILLAGE, PROJECT NUMBER CD01014.**

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

**APPROVED**

30. **RESOLUTION AMENDING POLICE DIVISION CAPITAL ACQUISITION, PROJECT NUMBER PD03004, FY 2007 TO REDUCE THE NUMBER OF POLICE MARKED CARS FROM 175 TO 174 AND ADD (1) FORK LIFT.**

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

**APPROVED**

56. **RESOLUTION HONORING DR. BETTY JOHNSON ON HER RETIREMENT.**

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

**APPROVED**

54. **RESOLUTION DECLARING SEPTEMBER 19, 2006 "JACKIE WELCH DAY" IN THE CITY OF MEMPHIS.**

MOTION: Jones  
 SECOND: Holt

**APPROVED**, unanimous voice vote

**(Chairman Peete made a motion for Item#34(SUP 06-213cc), from September 5, 2006 Meeting, be pulled from the Minutes and held until November 7, 2006 Minutes. This was seconded by Chairman Ford).Kimberly Houck, 7868 State Line, 38125 spoke on this item.**

31. **RESOLUTION AMENDING THE FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE STATE FUNDS OF \$35,000.00.**

MOTION: Chumney  
 SECOND: Sammons  
 AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick,

Peete, Sammons, Taylor and Chairman Mitchell

**APPROVED**

32. **RESOLUTION APPROPRIATING \$19,968.06 FUNDED BY G.O. BONDS FROM ARCHITECTURE AND ENGINEERING TO CONTRACT CONSTRUCTION IN CIP PROJECT NUMBER PD02003, TRAFFIC PRECINCT FOR A FIRE HYDRANT FOR THE DOG SQUAD FACILITY.**

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

**APPROVED**

33. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$29,200.00 FROM THE STATE OF TENNESSEE FOR THE LIBRARY SERVICES FOR THE DISADVANTAGED GRANT TO PURCHASE MATERIALS AND SUPPLIES THAT WILL ASSIST IN THE USE OF LIBRARY SERVICES BY DISADVANTAGED PATRONS. RESOLUTION ALSO AMENDS THE FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

46. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHWEST SIDE OF LAMAR AVENUE (U.S. 78) AT DUNN AVENUE, CONTAINING 13.5 ACRES IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT.**

Case No. PD 06-313

Held until October 3, 2006

34. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$5,029.00 FROM THE STATE OF TENNESSEE FOR THE TELINET INTERLIBRARY LOAN PROGRAM TO BE USED FOR POSTAGE, MAILING SUPPLIES, LIBRARY MATERIALS OR OTHER SUPPLIES RELATED TO THE PROGRAM. RESOLUTION ALSO AMENDS THE FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

35. **RESOLUTION APPROPRIATING \$200,000.00 FUNDED BY G.O. BONDS GENERAL, CHARGEABLE TO THE FY 2007 CAPITAL IMPROVEMENT BUDGET TO GIRLS INC., PROJECT NUMBER PS01011.**

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

**APPROVED**

36. **RESOLUTION APPROVING \$150,461.00 FUNDED BY G.O. BONDS GENERAL IN RIDGEWAY/LICHTERMAN DRAINAGE, PROJECT NUMBER ST03004 FOR A CONSTRUCTION CONTRACT WITH ENSCOR, LLC FOR DRAINAGE REPAIR.**

Director of Public Works and City Engineer recommends approval

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

**APPROVED**

**(The Meeting recessed from 5:40 p.m. to 5:50 p.m.)**

49. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON COUNTRY CLUB LANE AT SOUTHERN AVENUE, CONTAINING 0.63 ACRE IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.**

Case No. SAC 05-621

Chairman Mitchell recognized the following people from the audience:

David Caywood, 575 Country Club Lane, Memphis, TN. 38111  
 Valerie Thompson, 566 Country Club Lane, Memphis, TN. 38111  
 Kenneth Whalum, Jr., 3084 Southern Ave., Memphis, TN. 38111

**(Councilman Brown made a motion for this case to be held for 4 weeks. This was seconded by Councilwoman Chumney. This was approved by unanimous voice vote).**

Held until October 17, 2006

37. **RESOLUTION APPROPRIATING \$500,000.00 FUNDED BY G.O. BONDS GENERAL FOR X-WAY LIGHTING REPLACEMENT 07, PROJECT NUMBER PW01177 FOR COST INCURRED IN CONNECTION WITH SERVICING, REPLACING AND REMOVING EXPRESSWAY STREET LIGHT POLES.**

Director of Public Works recommends approval

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

**APPROVED**

38. **RESOLUTION APPROPRIATING \$1,000,000.00 FUNDED BY G.O. BONDS GENERAL TO BE DEPOSITED IN THE LOCAL GOVERNMENT INVESTMENT POOL ACCOUNT FOR NORTH PARKWAY REALIGNMENT, PROJECT NUMBER PW01098.**

Director of Public Works and City Engineer recommends approval

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

**APPROVED**

**39. RESOLUTION APPROPRIATING \$405,064.00 FUNDED BY G.O. BONDS GENERAL FOR ADA RAMPS 26, PROJECT NUMBER PW04051 FOR A CONTRACT WITH DIXIELAND CONTRACTORS FOR THE INSTALLATION OF ADA RAMPS AT VARIOUS LOCATIONS IN THE CITY.**

Director of Public Works and City Engineer recommends approval

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

**APPROVED**

**40. RESOLUTION APPROPRIATING \$3,461,748.00 FUNDED BY G.O. BONDS GENERAL FOR ASPHALT PAVING FY 07, PROJECT NUMBER PW01176 FOR PAVING DONE BY CITY EMPLOYEES.**

Director of Public Works recommends approval

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

**APPROVED**

**41. RESOLUTION APPROPRIATING \$200,000.00 FUNDED BY SEWER REVENUE BONDS FOR SIDEWALK REPLACEMENT, PROJECT NUMBER SW02004 FOR AN EXISTING CONTRACT WITH BARNES & BROWER, INC.**

Director of Public Works recommends approval

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

**APPROVED**

**42. RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$500,000.00 FROM THE STATE OF TENNESSEE FOR THE HOUSEHOLD HAZARDOUS WASTE GRANT TO BUILD A PERMANENT SITE FOR COLLECTION OF HOUSEHOLD HAZARDOUS WASTE IN COOPERATION WITH SHELBY COUNTY GOVERNMENT AND SURROUNDING MUNICIPALITIES. RESOLUTION ALSO AMENDS FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

**APPROVED**

43. **RESOLUTION TO SUBMIT A GRANT APPLICATION TO THE STATE OF TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT FAST TRACK INFRASTRUCTURE DEVELOPMENT PROGRAM FOR AN AMOUNT NOT TO EXCEED \$750,000.00 FOR INFRASTRUCTURE IMPROVEMENTS AT THE TENNESSEE YARD INTERMODAL FACILITY LOCATED AT SHELBY DRIVE AND LAMAR AVENUE, IN PREPARATION FOR THE EXPANSION OF THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY.**

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

**APPROVED**

44. **RESOLUTION TO SUBMIT A GRANT APPLICATION TO THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION STATE INDUSTRIAL HIGHWAY PROGRAM FOR COSTS RELATED TO THE IMPROVEMENTS AT THE TENNESSEE YARD INTERMODAL FACILITY LOCATED AT SHELBY DRIVE AND LAMAR AVENUE, IN PREPARATION FOR THE EXPANSION OF THE BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY.**

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

**APPROVED**

45. **RESOLUTION APPROVING A HOTEL WAIVER FOR ARTISAN HOTEL MEMPHIS AT 1837 UNION AVENUE, MEMPHIS, TENNESSEE 38104.**

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

**APPROVED**

47. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE NORTHERN TERMINUS OF WALDRAN BOULEVARD; +45 FEET SOUTH OF UNION AVENUE, CONTAINING 2,340 SQUARE FEET IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT.**

Case No. SAC 06-601

Applicant: Mark P. & Judy H. Long

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

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

**APPROVED**

48. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE EAST SIDE OF N. FRONT STREET; SOUTH OF OVERTON AVENUE, CONTAINING 2,450 SQUARE FEET IN THE MIXED USE (MU) DISTRICT.**

Case No. SAC 06-613

Applicant: Front Street Group, LLC

Request: Close and Vacate Alley Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete

SECOND: Ford

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

**APPROVED**

51. **RESOLUTION INSTRUCTING THE INDUSTRIAL DEVELOPMENT BOARD TO IMMEDIATELY AMEND THEIR CHARTER OF INCORPORATION WITH THE STATE OF TENNESSEE TO REQUIRE APPROVAL FROM THE MEMPHIS CITY COUNCIL BEFORE GRANTING ANY PAYMENTS IN LIEU OF TAXES, EFFECTIVE SEPTEMBER 1, 2006.(HELD FROM 5/16;6/6;6/20;8/1;8/15).**

Held until October 3, 2006

52. **RESOLUTION INSTRUCTING THE MEMPHIS CENTER CITY REVENUE FINANCE CORPORATION TO IMMEDIATELY AMEND THEIR CHARTER OF INCORPORATION WITH THE STATE OF TENNESSEE TO REQUIRE APPROVAL FROM THE MEMPHIS CITY COUNCIL BEFORE GRANTING ANY PAYMENTS IN LIEU OF TAXES, EFFECTIVE SEPTEMBER 1, 2006. (HELD FROM 5/16;6/6;6/20;8/1;8/15).**

Held until October 3, 2006

53. **RESOLUTION AMENDING THE INCORPORATION RESOLUTION OF THE HEALTH, EDUCATION AND HOUSING FACILITIES BOARD. (HELD FROM 5/16;6/6;6/20;8/1;8/15).**

Held until October 3, 2006

62. **RESOLUTION APPROVING TEMPORARY STRUCTURES ON THE STREET ON SEPTEMBER 23, 2006 FROM 6:00 A.M. UNTIL 10:00 P.M. FOR LEMOYNE-OWEN COLLEGE DEVELOPMENT CORPORATION SOUL-A-BRATION.**

MOTION: Mitchell

SECOND: Chumney

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

**APPROVED**

**MINUTES**

Approval of the Minutes of the regular meeting of September 5, 2006 with the following motion:

MOTION: Ford

SECOND: Marshall

**APPROVED**, as amended by unanimous voice vote. (The Minutes on Item #34-SUP 06-213cc from September 5, 2006 Meeting were held until November 7, 2006 Minutes)

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

Chairman Mitchell recognized the following people from the audience:

Minister Yahweh

Thomas Merrill

(This office did not receive any appearance cards on these speakers)

**ADJOURNED MEETING AT 6:30 P.M.**

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

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C H A I R M A N

Attest:

\_\_\_\_\_  
Deputy Comptroller/Council Records