

MINUTES**REGULAR MEETING OF THE CITY COUNCIL****CITY OF MEMPHIS****October 3, 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 T. O. Crivens, Sr. from Testament of Hope Community Baptist Church. Councilman Ford presented Pastor Crivens 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 1-12 & 59-61 may be acted upon by one motion. SEE PAGE 2013 FOR ROLL CALL

1. **ORDINANCE ESTABLISHING MEETING DATES FOR CITY COUNCIL MEETINGS IN 2007, UP FOR F I R S T READING.**

Ordinance No. 5184

APPROVED, on First reading

2. **ORDINANCE AMENDING CHAPTER 2, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ESTABLISH A LIVING WAGE, UP FOR F I R S T READING.**

Ordinance No. 5185

APPROVED, on First reading

3. **ORDINANCE AMENDING ORDINANCE NO. 5014 TO DELETE THE SUNSET CLAUSE, UP FOR S E C O N D READING.**

Ordinance No. 5183

APPROVED, on First reading

4. **ORDINANCE REZONING THE WEST SIDE OF WEAVER ROAD; +103 FEET SOUTH OF CANARY LANE, CONTAINING 17 ACRES IN THE HEAVY INDUSTRIAL (I-H) AND AGRICULTURAL (AG) DISTRICTS, UP FOR F I R S T READING.**

Ordinance No. 5186

Case No. Z 06-120

APPROVED, on First reading

5. **ORDINANCE AMENDING THE ZONING TEXT AND THE OFFICIAL ZONING MAP, UP FOR F I R S T READING.**

Ordinance No. 5187
Case No. Z 06-117
(Companion Case: ZTA 06-002)

APPROVED, on First reading

6. **ORDINANCE AMENDING THE ZONING TEXT AND THE OFFICIAL ZONING MAP, UP FOR F I R S T READING.**

Ordinance No. 5188
Case No. ZTA 06-002
(Companion Case: Z 06-117)

APPROVED, on First reading

7. **RESOLUTION ACCEPTING PIGOTT’S GREENBRIAR SUBDIVISION, AND AUTHORIZING RELEASE OF BOND.**

Case No. S 04-078
(Contract No. CR-4976)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Perkins Road and Greenbriar Drive, The standard improvement contract was approved on September 20, 2005. Resolution also authorizes the release of the Letter of Credit (No. 5100000262-3) in the amount of \$67,400.00.

City Engineer recommends approval

APPROVED

8. **RESOLUTION APPROVING FINAL PLAT OF ANDOVER DRIVE SUBDIVISION.**

Case No. S 05-027

Resolution approves the final plat located on the westside of Andover Drive, south of Gull Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

9. **RESOLUTION APPROVING FINAL PLAT OF KENDALL’S PLACE SUBDIVISION.**

Case No. S 06-009

Resolution approves the final plat located to the north of Sandpiper Ave., between Trezevant and Rangeline. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

10. **RESOLUTION APPROVING FINAL PLAT OF TEMPLE ISRAEL S.U.P. – CEMETERY.**

Case No. SUP 91-231

Resolution approves the final plat located north of Person Ave, east of Hernando. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

11. **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 06-321cc – Walnut Grove Southeast P.D., 2nd Amendment
- B. Case No. PD 06-327 – Central Court P.D., Amended
- C. Case No. PD 06-333 – South Perkins P.D., 4th Amendment
- D. Case No. PD 06-341 – Trezevant manor P.D., 2nd Amendment
- E. Case No. PD 06-344
- F. Case No. SAC 06-610 – Mulberry Street Closure
- G. Case No. SAC 06-612 – Keel Avenue Alley Closure
- H. Case No. SCBID 06-06 – One Beale
- I. Case No. SCBID 06-003 – J.O. Patterson Place – Hilton Garden Inn
(Companion Case: SAC 06-610)

Public Hearing Set for October 17, 2006

12. **RESOLUTION PROCLAIMING OCTOBER 8, 2006, “NATIONAL CHILDREN’S DAY”.**

APPROVED

59. **RESOLUTION ACCEPTING BARRY FARMS P.D., PHASE 5, PART OF PARCEL C, AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 90-314cc
(Contract No. CR-4412)

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, 1,067.67 feet north of Meadow Vale Drive. The standard improvement contract was approved on March 16, 1999. Resolution also authorizes the release of the performance bonds in the amount of \$200,300.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

60. **RESOLUTION ACCEPTING THE STANDARD IMPROVEMENT CONTRACT FOR THE ENCLAVE AT SPARKLE CREEK, PD., PHASE 1, AND AUTHORIZING THE RELEASE OF BOND.**

Case No. PD 02-302cc
(Contract No. CR-4990)

Resolution cancels the standard improvement contract located on the west side of Pisgah Road, south of Humphrey Road. The standard improvement contract was approved on November 15, 2005. Resolution also authorizes the release of the Letter of Credit (No.S053454) in the amount of \$9,000.00.

City Engineer recommends approval

APPROVED

61. **RESOLUTION APPROVING STANDARD TRAFFIC SIGNAL MODIFICATION CONTRACT FOR AMERICAN WAY AND FARRISVIEW BLVD TRAFFIC SIGNAL MODIFICATION.**

Contract No. 5040

Resolution approves the standard traffic signal modification located at American Way and Farrisview Blvd. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard traffic Signal Modification contract.

City Engineer recommends approval

APPROVED**ROLL CALL CONSENT ITEMS**

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

APPROVED**MLGW FISCAL CONSENT – Items 13-26 may be acted upon by one motion**

13. **RESOLUTION AWARDDING CONTRACT NO. 11127, LABORATORY INFORMATION MANAGEMENT SYSTEM, TO LABLITE, INC., IN THE FUNDED AMOUNT OF \$73,500.00.**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11046, EMERGENCY GENERATOR AND TANK FOR MORTON STATION, WITH TRI-STATE ARMATURE & ELECTRIC WORKS, INC., IN THE FUNDED AMOUNT OF \$34,439.00. (THIS ALLOWS INCREASE IN THE CONTRACT VALUE DUE TO INCREASED COST FOR THE 1500 KVA TRANSFORMER, CONTROL WIRE, 5KV CONDUCTORS AND NEW CABLE TRAY SYSTEM FOR CONTROL WIRING IN THE BASEMENT).**

APPROVED

15. **RESOLUTION AMENDING PURCHASE ORDER NO. 121390 WITH M & S CONCRETE FOR CONCRETE STANDARDS, IN THE AMOUNT OF \$160,000.00, FOR A TOTAL AMOUNT OF \$704,300.00.**

APPROVED

16. **RESOLUTION AMENDING PURCHASE ORDER NO. 121391 WITH CPI CONCRETE FOR CONCRETE STANDARDS, IN THE AMOUNT OF \$120,000.00, FOR A TOTAL AMOUNT OF \$491,682.50.**

APPROVED

17. **RESOLUTION AWARDDING CONTRACT FOR NON-EXCAVATABLE FLOWABLE FILL TO LONE STAR INDUSTRIES, IN THE AMOUNT OF \$575,410.00.**

APPROVED

18. **RESOLUTION AWARDDING CONTRACT FOR CAPACITOR BANKS TO STUART C. IRBY, IN THE AMOUNT OF \$42,838.95.**

APPROVED

19. **RESOLUTION AWARDDING CONTRACT FOR SONET MULTIPLEXER TO GENERAL ELECTRIC, IN THE AMOUNT OF \$193,462.00.**

APPROVED

20. **RESOLUTION AWARDDING CONTRACT FOR POLYETHYLENE JACKETED CABLE TO AFL TELECOMMUNICATIONS, LLC, IN THE AMOUNT OF \$113,760.00.**

APPROVED

- 21. **RESOLUTION AWARDDING CONTRACT FOR AIR COMPRESSORS TO SCRUGGS EQUIPMENT COMPANY, INC., IN THE AMOUNT OF \$59,992.00.**

APPROVED

- 22. **RESOLUTION AWARDDING CONTRACT FOR HIGH VOLTAGE CIRCUIT BREAKERS TO SIEMENS PT & D, INC. C/O UTILITY SALES AGENCY, INC., IN THE AMOUNT OF \$352,950.00.**

APPROVED

- 23. **RESOLUTION AWARDDING CONTRACT FOR FORKLIFT TRUCKS AS FOLLOWS:**

Barloworld Handling.....	\$ 27,350.00
Shaw Material Handling Systems.....	24,817.00
Grady W. Jones Company.....	<u>33,500.00</u>
Total.....	\$ 85,667.00

APPROVED

- 24. **RESOLUTION AMENDING PURCHASE ORDER NO. 123325 WITH AMERICAN ELECTRIC LIGHTING FOR LUMINARIES, IN THE AMOUNT OF \$1,289,554.72, FOR A TOTAL AMOUNT OF \$1,922,501.44**

APPROVED

- 25. **RESOLUTION APPROVING PAYMENT OF INVOICE FROM TRANS-CYCLE INDUSTRIES, INC. FOR THE REMOVAL AND DISPOSAL OF POLYCHLORINATED BIPHENYL (PCB) CAPACITORS IN THE AMOUNT OF \$41,895.00.**

APPROVED

- 26. **RESOLUTION APPROVING PAYMENT OF INVOICE FROM WASTE MANAGEMENT FOR THE REMOVAL AND DISPOSAL OF POLYCHLORINATED BIPHENYL (PCB) NETWORK PROTECTORS IN THE AMOUNT OF \$44,760.50.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

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

APPROVED

- 42. **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)**

Case No. S 05-032

Held to January 16, 2007

- 48. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF MITCHELL ROAD; +108.22 FEET WEST OF WEAVER ROAD, CONTAINING 11.4 ACRES IN THE HEAVY INDUSTRIAL (I-H) AND HEAVY INDUSTRIAL FLOODPLAIN (I-H[FP]) DISTRICTS.**

Case No. SUP 06-209

Held to November 7, 2006

50. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTHSIDE OF WALNUT GROVE ROAD; +193 FEET EAST OF GOODLETT ROAD, CONTAINING 3.63 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. PD 06-310

Applicant: Crawford McDonald, Sr. & Jr.
Homer Branan – Representative

Request: A planned development to create six (6) single family lots (minimum lot size 20,498 square feet)

LUCB and OPD recommendation: REJECTION

WITHDRAWN

37. **RESOLUTION REQUESTING THAT A STUDY AND COMPREHENSIVE PLAN AND REZONING OF THE RICHLAND NEIGHBORHOOD BE PREPARED BY THE OFFICE OF PLANNING AND DEVELOPMENT, WITH THE INTENT OF PROTECTING THE CHARACTER OF THE RICHLAND NEIGHBORHOOD.**

Held to October 17, 2006

58. **RESOLUTION DECLARING OCTOBER 3, 2006 AS “SUE FORTUNE APPRECIATION DAY”.**

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

APPROVED

28. **RESOLUTION APPROVING PURCHASE OF PROPERTY FROM MARLYN P. WYMAN AND MILTON WYMAN, TRUSTEES OF THE MARLYN P. WYMAN LIVING TRUST, 11.964 ACRES LOCATED ON THE EAST SIDE OF DEADFALL ROAD, APPROXIMATELY 1241.23 FEET SOUTH OF THE SOUTH LINE OF GOTLEY ROAD, FOR THE SUM OF \$144,000.00.**

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

APPROVED

29. **RESOLUTION APPROVING PURCHASE OF EASEMENT FROM GRAVES C. LEGGETT AND WIFE, FRANCES M. LEGGETT, 20.764 ACRES LOCATED ON THE SOUTHEAST CORNER OF MILLINGTON-ARLINGTON ROAD AND DONNELL ROAD, FOR THE SUM OF \$377,000.00.**

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

APPROVED

30. **RESOLUTION ACCEPTING THE TRANSFER OF TAX DELINQUENT PARCEL 007015-00022; 007013-00014; 007018-00002; 007018-00005; 007018-00006 FROM SHELBY COUNTY, TENNESSEE FOR FURTHER TRANSFER TO ST. PATRICK'S HOUSING, INC.**

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

APPROVED

31. **RESOLUTION ACCEPTING THE TRANSFER OF TAX DELINQUENT PARCEL 00107500000110 FROM SHELBY COUNTY, TENNESSEE FOR FURTHER TRANSFER TO THE MEMPHIS HOUSING AUTHORITY FOR THE UPTOWN REDEVELOPMENT PROJECT.**

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

APPROVED

32. **RESOLUTION AMENDING THE FY 2007 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$2,711,721.00 FUNDED BY G.O. BONDS-GENERAL IN CONTRACT CONSTRUCTION WITHIN MHA-DIXIE HOMES, PROJECT CD01033.**

Resolution amends the FY 2007 Capital Improvement Budget by transferring an allocation of \$988,279.00 funded by G.O. Bonds-General from Land Acquisition within MHA-Dixie Homes, project CD01033, to Architecture and Engineering.

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

APPROVED

33. **RESOLUTION AMENDING THE FY 2007 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION AND APPROPRIATING \$52,800.00 FUNDED BY G.O. BONDS-GENERAL IN ARCHITECTURE AND ENGINEERING WITHIN UPTOWN/HOPE VI, PROJECT CD01008.**

Resolution amends the FY 2007 Capital Improvement Budget by transferring an allocation and appropriating \$30,402.00 funded by G.O. Bonds-General from Land Acquisition within Uptown/Hope VI, project CD01008 and \$22,398.00 funded by G.O. Bonds-General from contract construction.

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

APPROVED

34. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$71,224.80 FROM THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE COVINGTON PIKE/WARFORD ENHANCEMENT GRANT TO INSTALL LANDSCAPING AT THE INTERCHANGE OF I-240 AND COVINGTON PIKE AND I-240 AND WARFORD. RESOLUTION ALSO AMENDS THE FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

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

APPROVED

35. **RESOLUTION AMENDING THE FY 2007 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A PREVIOUS ALLOCATION AND APPROPRIATING \$982,916.00 FUNDED BY SEWER FUNDS FROM SERVICE TO UNSEWERED AREAS, PROJECT NUMBER SW03001 TO SHAEFFER DRIVE SEWER EXTENSION, PROJECT NUMBER SW03009 TO PROVIDE SERVICE TO AN UNSEWERED SUBDIVISION.**

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

36. **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 T H I R D AND F I N A L READING.**

Ordinance No. 5182
 Case No. Z 06-114

Applicant: Scenic Outdoors, LLC

Request: Light Industrial Flood Plain (AG[FP]) District

LUCB and OPD recommendation: APPROVAL, of Light Industrial Flood Plain (I-L[FP]) District

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

APPROVED

27. **RESOLUTION TERMINATING ARAMARK SPORTS AND ENTERTAINMENT SERVICES, INC. (“ARAMARK”) CONCESSIONAIRE SERVICES AT THE PYRAMID ARENA. RESOLUTION ALSO APPROPRIATES \$400,000.00 FOR THE CITY’S SHARE FOR ARAMARK TERMINATION PAYMENT PER PYRAMID CONCESSIONS AGREEMENT.**

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

Marshall did not cast a vote

APPROVED

Chairman Mitchell took a 5 minute recess

- 38. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$50,000.00 FROM THE STATE OF TENNESSEE HISTORICAL COMMISSION FOR THE MEMPHIS LANDMARKS SURVEY GRANT TO CREATE NEW DESIGN GUIDELINES FOR A MINIMUM OF THREE EXISTING LANDMARKS DISTRICTS. RESOLUTION ALSO AMENDS FY 2007 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS AND MATCHING FUNDS IN THE AMOUNT OF \$33,333.00.**

Friendly Amendment: Accept this grant with the stipulation that this will be brought back before your committee for its disbursement

MOTION: Marshall

Councilman Peete accepted this as a friendly amendment

MOTION: Peete

SECOND: Holt

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

APPROVED, as amended

- 39. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHWEST SIDE OF AUSTIN PEAY HIGHWAY; +140.69 FEET SOUTHWEST OF LAKEHURST DR., CONTAINING 5.7 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. SUP 06-210

Applicant: Volunteers of America
SGB Architects, Bob Goza – Representative

Request: Residential Home for the Aged

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

MOTION: Peete

SECOND: Holt

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

APPROVED

- 40. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTHWEST CORNER OF HIGHLAND AVENUE AND AUTUMN AVENUE, CONTAINING 0.29 ACRE IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT.**

Case No. UV 06-09

Applicant: Dr. Timothy W. Kutas
Professional Inspectors Group, Inc. (Gerry Patrikios) – Representative

Request: Dental Office

LUCB and OPD recommendation: APPROVAL, with conditions

No Opposition at LUCB; No Public Hearing Required

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

APPROVED

41. **RESOLUTION APPROVING A HOTEL WAIVER FOR VALUE PLACE HOTEL LOCATED ON THE SOUTH SIDE OF SHELBY OAKS DRIVE, NORTH OF I-40.**

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

APPROVED

43. **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.(Held from 9/19)**

Case No. PD 06-313

The Chairman recognized the following person from the audience:

Albert L. Crawford, 2269 Democrat, Mphs, TN 38119

Applicant: Lamar Crossing Development, LLC
The Reaves Firm, Inc. - Representative

Request: Planned development to allow +/-35,000 square feet of retail space and one-hundred twenty (120) multi-family apartments within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

44. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF RALEIGH-LAGRANGE ROAD, +/-150 FEET NORTHWEST OF CHISWOOD STREET, CONTAINING 7.86 IN THE VACANT TRACT REGULATED BY PHASE III OF RAINTREE VILLAGE PLANNED DEVELOPMENT (P.D. 90-318) WHICH PERMITS PLANNED COMMERCIAL (C-P) USES.**

Case No. PD 06-326

Applicant: Eagle Sales Company, Inc.
Ollar Surveying Company – Representative

Request: Amend Phase III to permit use by a single wholesale/office establishment

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Jones

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

APPROVED

57. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR REVEREND B. L. BESS.**

MOTION: Ford
SECOND: Holt

APPROVED, by unanimous voice vote

56. **RESOLUTION INSTRUCTING THE INDUSTRIAL DEVELOPMENT BOARD TO IMMEDIATELY TAKE WHATEVER ACTION IS NECESSARY TO EFFECTUATE CHANGES AS OUTLINED IN THE ATTACHED DOCUMENT, EFFECTIVE JANUARY 1, 2007.**

The Chairman recognized the following person from the audience:

Mr. Larry Jensen, 4737 Shady Grove, Mphs, TN 38117

MOTION: McCormick – Strike Item #6, on Page 2 from the recommendations
SECOND: Sammons

MOTION: Call for the question

Chairman stated that we don't need a second; I had one light before you did that

Friendly Amendment: Leave in number 6, but monitor it for 6 months and if after 6 months it appears to be a problem, then we would revisit that

MOTION: Holt

Councilman McCormick declined Ms. Holt's friendly amendment

Special Item #1 was set up for McCormick's amendment

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

APPROVED, Set up as Special Item #1, Item #6 on Page 2 is removed

MOTION: Brittenum – Page #2, Item #8, under Location - Give company's additional points for employing a certain number of employees that are City of Memphis residents
SECOND: Taylor

Friendly Amendment: Add to the language of Item #4 on Page 2, that deals with residency – additional consideration points will be added for employees living inside the City of Memphis, in addition to the 75% requirement

MOTION: McCormick

Councilman Brittenum accepted McCormick's friendly amendment. After further discussion, Brittenum stated that he wanted to keep it where he suggested it since he had a motion and a second

MOTION: Marshall – Call for the question on the amendment. Chairman Mitchell stated that she still has lights

Special Item #2 was set up for Brittenum's motion

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

APPROVED, set up as Special Item 2

MOTION: Marshall – Call for the question on the main motion
 SECOND: Peete

Council Chairman stated that she still had one light – Mr. Brittenum

MOTION: Brittenum – 1) Instruct the IBD to inquire of the applicant whether the applicant has a supplier diversity program or plan 2) to ask what is the applicant’s supplier diversity track record and 1B) what is the applicant’s supplier diversity plan for Memphis projects

Councilman Peete stated that we already do that.

MOTION WITHDRAWN

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

APPROVED, as amended

After the vote was called, Chairman Mitchell stated that he could not leave and then vote, so that vote is not recorded

52. **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;9/19).

DROPPED

53. **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;9/19).

DROPPED

54. **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;9/19).

DROPPED

MOTION: Sammons – Drop Items #52, #53, & #54
 SECOND: Ford

APPROVED, by unanimous voice vote, Items #52, #53 & #54 dropped

45. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF CAZASSA ROAD AND SEPTEMBER AVENUE, CONTAINING 0.92 ACRE IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT.**

Case No. PD 06-329

Applicant: Trinity Christian Center of Santa Ann
Butch Porter, W.H. Porter Consultants, PLLC – Representative

Request: A planned development for a radio broadcasting studio with a 142 foot antenna

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

46. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF SHELBY DRIVE +1,380 FEET EAST OF THE INTERSECTION OF SWINNEA ROAD, CONTAINING 2.0 ACRES IN THE SINGLE-FAMILY RESIDENTIAL (R-S8) DISTRICT.**

Case No. PD 06-331

The Chairman recognized the following person from the audience:

Darrell K. Thomas, 4597 Tchulahoma Rd., Mphs, TN 38118

Applicant: Nathaniel Partee

Request: Planned development for a motor freight terminal

LUCB and OPD recommendation: APPROVAL, with conditions

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

FAILED

47. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE EAST SIDE OF GERMANTOWN PARKWAY; +700 FEET NORTH OF DEXTER ROAD, CONTAINING .10 ACRE IN PARCEL B OF THE CORDOVA CENTER PLANNED DEVELOPMENT (PD 06-335).**

Case No. PD 06-335

Applicant: Christian Mission Concerns of TN., Inc.
LDR, LLC (Bob Ginn) – Representative

Request: Amend Parcel B to permit automobile rental/leasing at a specific location

LUCB and OPD recommendation: APPROVAL, with conditions

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

APPROVED

49. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED BETWEEN GEORGIA AVENUE AND WEST CAROLINA AVENUE, CONTAINING 6,502 SQUARE FEET IN THE BLUFFVIEW RESIDENTIAL (R-B) DISTRICT.**

Case No. SAC 06-618

Applicant: Georgia Riverside, LLC

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

LUCB and OPD recommendation: APPROVAL, with conditions

Carlos McCloud from the Office of Planning and Development made a Friendly Amendment to delete Condition #1 – The closure shall be centered on the right-of-way so ten (10’) feet is closed on the west side of Kansas Street and ten (10’) feet is closed on the east side of the street

Councilman Peete accepted this as a friendly amendment

MOTION: Peete

SECOND: Brown

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

APPROVED, as amended

51. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTH SIDE OF INTERSTATE 240; +/-825 FEET SOUTH OF STEVE ROAD, CONTAINING 4.0 ACRES IN THE AGRICULTURAL (AG) AND FLOOD PLAIN (FP) DISTRICTS.**

Case No. PD 06-332

Applicant: William H. Thomas, Jr.
Fisher & Arnold, Inc. – Representative

Request: Planned development amendment for an expansion of Area ‘B’ of the original Outline Plan to allow mini-storage warehouses, including an off-premise advertising (billboard) sign within the Outline Plan

LUCB and OPD recommendation: REJECTION

MOTION: Peete

SECOND: Brown

AYES: Brittenum, Brown, Ford, Holt, Lowery, Peete, Sammons, Taylor and Chairman Mitchell

NAYS: Chumney and McCormick
Jones and Marshall did not cast a vote

APPROVED

55. **RESOLUTION AMENDING THE PERMANENT RULES OF PROCEDURE OF THE MEMPHIS CITY COUNCIL BY ADDING THE AUDIT COMMITTEE AS A STANDING COMMITTEE. (Held from 9/19)**

MOTION: Brittenum

SECOND: Chumney

AYES: Brittenum, Brown, Chumney, Lowery, Peete and Chairman Mitchell

NAYS: Holt, McCormick, Sammons and Taylor
Ford, Jones and Marshall did not cast a vote

APPROVED

62. **RESOLUTION REQUESTING THAT THE MEMPHIS AND SHELBY COUNTY CRIME COMMISSION AND DELOITTE AND BERKSHIRE SEPARATELY ANALYZE THE MAYOR’S CRIME FIGHTING PLAN CURRENT POLICE OPERATIONS, MAKE INDEPENDENT RECOMMENDATIONS, AND REVIEW THE CITY’S FINANCES TO DETERMINE THE COSTS ASSOCIATED WITH THE PLAN.**

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

APPROVED

63. **RESOLUTION REQUESTING THAT THE RIVERFRONT DEVELOPMENT CORPORATION PRESENT WITHIN 90 DAYS, A DETAILED PROPOSAL FOR THE RELOCATION OF THE GRAND CAROUSEL TO MUD ISLAND RIVER PARK.**

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

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of September 19, 2006 with the following motion:

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

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

The Chairman recognized the following persons from the audience:

Steven Simmons, 2011 Rile, Mphs, TN 38109
Ray Branch (no address information available)

ADJOURNED MEETING AT 7:40 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