CITY OF MEMPHIS

COUNCIL AGENDA
January 8, 2013
Public Session Tuesday, 3:30 p.m.
Council Chambers, First Floor, City Hall
125 North Main Street
Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (December 18, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS

1. RESOLUTION approving a street/alley closure located on the western terminus of Northpointe Drive; +/-985 feet west of New Allen Road, containing 0.88 acre (38,319 sq. ft.) in the Employment (EMP) District.

Collins — Case No. SAC 12-606

Applicants: Nike TN, Inc. & Belz Investco, GP
The Reaves Firm, Inc. – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation: APPROVAL, with two (2) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

17 NOTICES MAILED ON DECEMBER 28, 2012

2. RESOLUTION approving a street/alley closure located on the west side of New Allen Road; +/-1,950 feet north of New Frayser Boulevard, containing 1.65 acres (71,976 sq. ft.) in the Employment (EMP) District.

Collins Case No. SAC 12-607

Applicants: Belz Investco, GP
The Reaves Firm, Inc. – Representative

Request: Close and vacate public right-of-way

LUCB and OPD recommendation; APPROVAL, with (3) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

17 NOTICES MAILED ON DECEMBER 28, 2012

DIVISION OF PLANNING & DEVELOPMENT

3. RESOLUTION approving a planned development located on the north side of Stage Road, 563 feet east of Covington Pike, containing .56 acre in the RU-2 District.

Collins Case No. PD 12-318

Applicant: Sala Farsi and Clare McTernan
Cindy Reaves, SR Consulting, LLC – Representative

Request: Additional use of property for Day Care uses on Parcel 8

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

4. RESOLUTION approving a planned development located at 3951 Old Covington Pike, containing 1.88 acres in the RS-10 District.

Collins Case No. PD 12-321

Applicant: Commerce Union Bank – Mark McDowell
Brenda Solomito – Representative

Request: Planned Development for a Group Home operating up to 20 residents

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

5. RESOLUTION approving a special use permit located on the west side of Mountain Terrace; +/-48 feet south of Saint Elmo Road, containing 34.6 acres in the Residential Single Family-8 (R-8) District.

Collins Case No. SUP 12-222

Applicant: Cellular South Real Estate, Inc.
Belinda Bodie – Representative

Request: Proposal to construct a one hundred forty foot (140') monopole Communications tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

6. RESOLUTION approving a special use permit located at 2830 Woodlawn Terrace, 180 feet south of Portland Avenue, containing 0.25 acre in the Residential Single Family-6 (R-6) District.

Collins Case No. SUP 12-223

Applicant: Clutch Investments
LaToya Weaver – Representative

Request: Group Day Care (up to 12 children)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

7. RESOLUTION approving a special use permit located on the west side of Elvis Presley Boulevard, 175 feet +/- to the southern right-of-way line of Hernando, containing 3.49 acres in the CMU-3 District.

Collins Case No. SUP 12-224

Applicant: EP3 Developers, LLC
Brenda Solomito – Representative

Request: Hotel within a CMU-3 Zoning District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING (None)

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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

8. **ORDINANCE** to Amend Title 7 – Alcoholic Beverages, Chapter 7-8 – Beer and Light Alcoholic Beverages, Article 2 – License to Store, Sell, Distribute or Manufacture, of the Code of Ordinances, City of Memphis, so as to create a Caterer's Permit, up for S E C O N D reading.

Conrad

Ordinance No. 5490

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCES - SECOND READING

9. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code, as adopted by the City of Memphis August 10, 2012 and by Shelby County August 9, 2012, as amended to revise and enhance the Joint Zoning and Subdivision Regulations as recommended by the Memphis and Shelby County Office of Planning and Development and the Land Use Control Board, up for S E C O N D reading.

Collins

Case No. ZTA 12-002
Ordinance No. 5491

Applicant: Memphis/Shelby County Office of Planning and Development
Josh Whitehead, AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified Development Code

OPD and LUCB recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **JOINT ORDINANCE** and resolution amending the Memphis and Shelby County Unified Development Code to make certain changes in the map and to comply with regulations of the Federal Emergency Management Agency, up for S E C O N D reading.

Collins

Case No. Z 12-107
Ordinance No. 5492

Applicant: Memphis/Shelby County Office of Planning and Development
Josh Whitehead, AICP, Planning Director – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified Development Code

OPD and LUCB recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

11. RESOLUTION approving final plat of PARK GETWELL SUBDIVISION.
Case No. S 12-008

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

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION approving final plat of POLO GROUNDS NORTH, P.D., PHASE 5.
Case No. PD 99-344

Resolution approves the final plat located at Winchester and Polo Grounds Boulevard. Cost of the required improvements to be borne by the developer.

ACTION REQUESTED: Adopt the resolution

NOTATION FROM OPD

13. **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 12-319

Located on the northeast corner of Airways Boulevard and Pecan Circle, containing 5.3 acres in the Residential Urban-3 (RU-3) District.

Applicant: Samuel Tadesse

Request: Commercial Planned Development

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: January 22, 2013

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MLGW FISCAL CONSENT

14. RESOLUTION approving Change No. 1 to Contract No. 11491, System Furniture, with Staples, in the funded amount of $248,890.00. (This change renews the current contract for the first of four renewal terms covering the period January 23, 2013 to January 22, 2014 with no increase in rates.)

15. RESOLUTION approving the renewal of Cooperative Agreement No. 5447, investigation of Water Resources, for the period of January 1, 2013 to December 31, 2013, in the amount of $57,000.00. (MLGW to provide $57,000.00 and a like sum will be provided by the United States Department of the Interior Geological Survey for continuation of the ground water data collection program in the Memphis area).

16. RESOLUTION approving Water System Service Contract No. 11610, between MLGW and the Town of Collierville. (MLGW will continue to provide customers in the 2012 annexed area with potable water until such time as Collierville and MLGW have consummated a transaction for the acquisition by Collierville of existing facilities in accordance with the provisions of Tennessee law and Collierville has assumed responsibility for providing the customers in the 2012 Annexed Area with potable water.)

17. RESOLUTION approving Change No. 2 to Contract No. 11413, Surveying Services, with Benchmark-Ollar Surveying, in the funded amount of $136,095.00. (This change is to renew the contract for the second of four renewal terms for the period covering January 19, 2013 to January 18, 2014.)

18. RESOLUTION approving the selection of Memphis Biomed Ventures III, LP to manage approximately $2,000,000.00 for the benefit of the MLGW OPEB Trust Fund, as part of a reallocation.

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REGULAR AGENDA

19. Flinn

APPOINTMENTS

ANIMAL SHELTER ADVISORY BOARD

Appointment

Angela Wicks

Reappointment

Jeanne Chancellor

MEMPHIS AND SHELBY COUNTY AIR POLLUTION CONTROL BOARD

Reappointment

Robert D. Cash

MEMPHIS AND SHELBY COUNTY JOINT BOARD OF APPEALS

Reappointments

Fred L. Collier
Brian F. Mann

MEMPHIS AND SHELBY COUNTY NEW ARENA PUBLIC BUILDING AUTHORITY

Appointment

Willie F. Brooks, Jr.

MEMPHIS AND SHELBY COUNTY PLUMBING CODE BOARD

Appointment

Andrew T. Mahoney

Reappointments

Thomas Boyd, Jr.
Harold McDonald

GENERAL ORDINANCES – THIRD AND FINAL READING

20. **ORDINANCE** amending Chapter 21, Code of Ordinances, City of Memphis, so as to establish an Environmental Fee, up for T H I R D and F I N A L reading. (Held from 9/4)

Hedgepeth Ordinance No. 5456

ACTION REQUESTED: Take whatever action Council deems advisable

21. **ORDINANCE** amending Chapter 21, Code of Ordinances, City of Memphis, so as to establish a Motor Vehicle Inspection Fee, up for T H I RD and F I N A L reading. (Held from 9/4)

Hedgepeth Ordinance No. 5461

ACTION REQUESTED: Take whatever action Council deems advisable

22. **ORDINANCE** to amend Cable Franchise Ordinance No. 5331 to be consistent with Council's authority and intent, up for T H I R D and F I N A L reading. (Held from 10/2; 11/6; 12/4; 12/18)

Fullilove Ordinance No. 5473

ACTION REQUESTED: Take whatever action Council deems advisable

23. **ORDINANCE** to amend Chapter 9-60 (Litter Control) of the City of Memphis Code of Ordinances to add Vehicle Impoundment for Illegal Dumping, up for T H I R D and F I N A L reading. (Held from 11/6; 12/18)

Hedgepeth Ordinance No. 5474

ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** to amend Chapter 9-58 (Tire Business and Tire Hauler Registration) of the City of Memphis Code of Ordinances to add Vehicle Impoundment for Illegal Dumping, up for T H I R D and F I N A L reading. (Held from 11/6; 12/18)

Hedgepeth Ordinance No. 5475

ACTION REQUESTED: Take whatever action Council deems advisable

25. **ORDINANCE** amending Title 6, Business Licenses and Regulation, of the Memphis, Tennessee, Code of Ordinances to add Chapter 105, Prohibiting Wage Theft, providing Administrative Procedures for Wage Theft, and allowing Shelby County Government to impose penalties against those employers found guilty of Wage Theft, up for T H I R D and F I N A L reading. (Held from 12/18)

Flinn Ordinance No. 5478

ACTION REQUESTED: Take whatever action Council deems advisable

26. **ORDINANCE** to amend No. 4934, of the City Code of Ordinances, Chapter 2, Article III, Division 4, Public Art – Public Art Program for the City of Memphis, up for T H I R D and F I N A L reading.

Hedgepeth Ordinance No. 5488

ACTION REQUESTED: Take whatever action Council deems advisable

27. **ORDINANCE** to establish meeting dates for City Council meetings in 2013, up for T H I R D and F I N A L reading.

Morrison Ordinance No. 5489

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

28. RESOLUTION accepting and appropriating $240,000.00 in grant funds from The Assisi Foundation for lifesaving equipment.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

29. RESOLUTION amending the FY 2013 Operating Budget by transferring funds in the amount of $78,198.34 from the Coliseum (230101) to the Liberty Bowl Memorial Stadium (150901) and personnel costs in the amount of $29,000.00 from the Coliseum (230101) to the Memphis Animal Services for a total of $107,198.34.

Boyd

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION amending the FY 2013 CIP Budget by allocating and appropriating $12,000,000.00 for the Architectural, Engineering and Construction costs associated with the Liberty Bowl Stadium Improvements Project, Phase II-ADA.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

31. RESOLUTION accepting grant funds in the amount of $124,995.00 from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention for the Memphis Youth Violence Capacity Building Project.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

32. RESOLUTION transferring the allocation of State Grant Funds for $112,515.00 from A&E to Construction. The project was set up using estimated numbers for A&E and Construction. Now that the actual bid numbers have been received, the budget numbers need to be adjusted.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

33. RESOLUTION to approve six month extension of Franchise Agreement with XO Communications, Inc.

Ford

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ON

34. RESOLUTION seeking grant funds from the State of Tennessee for the construction of infrastructure improvements that will facilitate the expansion of the Nike facility located at 3100 Frayser Boulevard.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 8 – Approved
9. & 10 – Public Hearing Set for January 22, 2013
11. & 12 – Approved
13 Public Hearing Set for January 22, 2013
14. Through 17 – Approved
18. Held until January 22, 2013
19. Approved
20. Held until March 5, 2013
21. Dropped
22. Through 24 – Held until January 22, 2013
25. & 26 – Held until February 5, 2013
27. Through 34 – Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF DECEMBER 18, 2012 MEETING

Approved

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #1, #2, #29, #30 & #34, FROM TONIGHT'S MEETING

Approved