



CITY OF MEMPHIS

COUNCIL AGENDA

November 6, 2012

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 (October 16, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS (None)

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT

1. RESOLUTION approving a planned development located on the northeast side of Hacks Cross Road and Tennessee Highway 385, containing 21.40 acres in the Conservation Agriculture Flood Plain (CA[FP]) and Floodway (FW) Districts.

Ford

Case No. PD 12-313cc

Applicant: Real Estate Holdings, Inc. (d/b/a) AutoNation, Inc.
Farris-Bobango-Branan, PLC – Representative

Request: Planned development to allow limited commercial land uses
in accordance with Commercial Mixed Used (CMU-1) District,
including motor vehicle sales, rental and leasing

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

2. RESOLUTION requesting the Land Use Control Board to hear the Vance Avenue
Collaborative plan.

Ford

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

3. **ORDINANCE** amending Chapter 48 of the City of Memphis Code of Ordinances, by adding Sections 48-23 thru 48-28 to include "Property Registration Requirements" that will require owners of real properties, including condominiums, to maintain on file with the County Register or other designee of the City, an accurate name and mailing address of one or more of the owners for purposes of notice and service of process and to require registration by a mortgagee or mortgagee's agent upon notice of default or vacancy by a mortgagor regarding single family residential real property including condominiums located in the municipal boundaries of the City of Memphis, up for F I R S T reading.
Hedgepeth Ordinance No. 5477

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (None)

ZONING ORDINANCE - FIRST READING

4. **ORDINANCE** rezoning the northwest corner of New Frayser Boulevard and New Allen Road, containing 37.13 acres in the Commercial Mixed Use (CMU-3) District.
Ford Ordinance No. 5476
Case No. Z 12-106

Applicant: Belz Investco, GP
Burch-Porter-Johnson, PLLC – Representative

Request: Employment (EMP) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING (None)

ENGINEERING

5. RESOLUTION approving final plat of TRINITY ROAD SUBDIVISION.
Case No. S 12-007

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

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting THOMAS COUNTRY P.D., PHASE 2 and authorizing release of bond.

Case No. PD 06-348
(Contract No. CR-5161)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of Houston Levee Road and Pisgah Road. The standard improvement contract was approved on June 22, 2010. Resolution also authorizes the release of the performance bond in the amount of \$893,400.00.

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

7. RESOLUTION approving an honorary street name change of Ball Road between Norris and Airways to Lois M. DeBerry Road.

Halbert

ACTION REQUESTED: Adopt the resolution



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REGULAR AGENDA

21.
Collins

APPOINTMENTS

Memphis and Shelby County Ground Water Quality Control Board

Appointment

Karen Blanks Ellis

Reappointment

Scott C. Morgan

Public Art Oversight Committee

Appointment

Ellen K. Daugherty

GENERAL ORDINANCES – THIRD AND FINAL READING

22. **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 allow Off-Premise License Holders to conduct beer tastings for sales, promotional and educational purposes, up for T H I R D and F I N A L reading. (Held from 10/16)

Conrad

Ordinance No. 5472

ACTION REQUESTED: Take whatever action Council deems advisable

23. **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)

Fullilove

Ordinance No. 5473

ACTION REQUESTED: Take whatever action Council deems advisable

24. **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.

Hedgepeth

Ordinance No. 5474

ACTION REQUESTED: Take whatever action Council deems advisable

25. **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.

Hedgepeth

Ordinance No. 5475

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

26. RESOLUTION appropriating revenues and expenditures for the Neighborhood Stabilization Program funds in the amount of \$745,042.00.

Brown

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION authorizing the sale of City owned property located at 3542 Kruger St. (06200900016) in the Union Villa Subdivision Area to Ralph Haynes in the amount of \$1,100.00.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARK SERVICES

28. RESOLUTION appropriating funds in the amount of \$500,000.00 in Other Costs for Children's Museum Maintenance, CIP Project Number PK08030.

Boyd

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION accepting and appropriating funds in the amount of \$51,900.00 from the State of Tennessee, Department of State, Tennessee State Library and Archives, for the purchase of books and materials.

Boyd

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION closing Whitehaven Golf Course for the winter months, increasing golf cart rental fees and establishing a non-Shelby County user fee.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

31. RESOLUTION appropriating \$1,931,285.00 in G.O. Bonds General for street improvements of Elvis Presley Boulevard from Commercial Parkway to Brooks Road, CIP Project Number PW01064.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION accepting \$150,000.00 in Shelby County funds and transfer G.O. Bonds fund from Construction to Architecture and Engineering in Jackson Pit Dump for required additional environmental work at the site directed by Tennessee Department of Environment and Conservation (TDEC).

Hedgepeth

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION transferring an allocation of \$28,129.00 funded by G.O. Bonds General from ADA Curb Ramp, Project Number PW04007 to ADA Curb Ramp Group 43, Project Number PW04081 for the installation of 823 curb ramps in various locations. Resolution also appropriates \$986,365.00 (\$958,236.00 in State Grants) and \$28,129.00 in G.O. Bonds General chargeable to the Fiscal Year 2013 Capital Improvement Budget.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION amending the FY 2013 CIP Budget by reducing Sewer Revenue Bonds in Rehab Existing Sewers, Project Number SW02001 and establish an allocation funded by Sewer-CIP in Install CIPP Annual 2012, Project Number SW02102 in the amount of \$550,000.00 to repair and rehab existing damaged sanitary sewer pipe using cured in place technology at various locations.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION transferring and appropriating \$45,000.00 funded by G.O. Bonds General from Metal Museum N. Bluff Repair, Project Number PW04073 to Architecture and Engineering in Harahan Bridge Boardwalk, Project Number PW04090.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION authorizing the Center City Revenue Finance Corporation to spend \$2,000,000.00 to fulfill its commitment to the Main Street to Main Street Multimodal Connector project over the Harahan Bridge.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

37. RESOLUTION authorizing and directing MLGW to make an immediate additional advance payment of \$5,000,000.00 to the City's general fund for its fiscal year ending June 30, 2013 to be credited against its share of the Maximum Allowable Gas Equivalency Payment.

Morrison

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION authorizing and directing MLGW to make an immediate additional advance payment of \$25,000,000.00 to the City's general fund for its fiscal year ending June 30, 2013 to be credited against its share of the Maximum Allowable Electric Equivalency Payment.

Morrison

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Held until December 4, 2012
3. 21 – Approved
22. Held until November 20, 2012
23. Held until December 4, 2012
24. & 25 – Held until December 18, 2012
26. Through 29 – Approved
30. Held until December 4, 2012
31. Dropped
32. Through 38 – Approved

ACTION TAKEN ON THE MINUTES OF OCTOBER 16, 2012 MEETING

Approved

ACTION TAKEN ON THE MINUTES OF ITEMS #37 & #38 FROM TONIGHT'S MEETING

Approved