CITY OF MEMPHIS

COUNCIL AGENDA
June 19, 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

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (June 5, 2012)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATION AND RECOGNITION OF VISITORS

1. RESOLUTION congratulating the Division of Parks & Neighborhoods – Office of Community Affairs on winning the 2012 Best Neighborhood Program Award.

Ford & Lowery

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a planned development located on the east side of Fletcher Trace Parkway; +/-788.84 feet south of U.S. Highway 64, containing 4,225 sq. ft. of 7.10 acres and is currently governed by Berryhill Planned Development (P.D. 90-335).

Ford

Case No. PD 12-305

Applicants: TV6-W, LLC
Solomito Land Planning – Representative

Request: Plan amendment to allow a cellular communications tower one-hundred sixty (160) feet in height of concealed canister monopole design with a capacity to accommodate a minimum of four (4) antennae

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

45 NOTICES WERE MAILED ON JUNE 8, 2012

3. RESOLUTION approving a special use permit located on the southwest corner of S. Perkins Road and Knight Arnold Road, containing 5,000 sq. ft. tenant space in the Commercial Mixed Use (CMU-1) District.

Ford

Case No. SUP 12-203
(Companion Case Z 12-101)

Applicant: Premier Pawn & Jewelry Shop
W. H. Porter Consultants, PLLC – Representative

Request: Special use permit to allow a pawn shop

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

120 NOTICES WERE MAILED ON JUNE 8, 2012

DIVISION OF PLANNING & DEVELOPMENT

4. RESOLUTION approving a planned development located generally the northeast corner of Horn Lake Road and Shelby Drive, containing 8.89 acres in the Residential Single Family-10 (R-10) and Commercial Mixed Use-1 (CMU-1) Districts.

Ford

Case No. PD 12-301

Applicant: Swan-Webster Properties (Walter Webster)

Request: Area A: Home for the Mentally Handicapped, Area B: Limited Retail Commercial and/or Office Uses, Area C: Limited Institutional or Office Uses

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 planned development located on the east side of S. Perkins Road; +/-145.95 feet south of Cottonwood Road, containing 0.72 acre (31,500 sq. ft.) in the Residential Single Family (R-6) District.

Ford

Case No. PD 12-306

Applicants: El Hadji & Ndeye Badji, Phyllis Kaplan & Ultimate Investments, LLC
Bray-Davis Firm, LLC – Representative

Request: Planned development to allow single offices and a beauty shop in residential structures

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 on the west side of Houston Levee road; +/-3,900 feet south of Walnut Grove Road, containing 4.63 acres in the Conservation Agricultural (CA) & Conservation Agriculture (CA[FP]) Districts.

Ford Case No. SUP 12-206cc

Applicants: Briarcrest Christian School System, Inc.
ETI Corporation – Representative

Request: Special permit to allow a Recreational Field with lights

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 Thomas Street at the western terminus of Stage Road, containing 6.77 acres in the Commercial Mixed Use-3 (CMU-3) Conservation Agricultural (CA) & Floodplain [FP] Districts.

Ford Case No. SUP 12-208

Applicant: TV6 Tower Ventures
Lou Katzerman – Representative

Request: Proposal to construct a one hundred seventy five foot (175') CMCS Tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

8. RESOLUTION approving a special use permit located on the northeast corner of Delp Street and Pilot Drive, containing 6.85 acres in the Employment (EMP) District.

Ford Case No. SUP 12-209

Applicants: Cox's Paradise, LLC
The Reaves firm, Inc. – Representative

Request: Special permit to allow a recycling drop-off facility

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

9. RESOLUTION approving a special use permit located on the north side of Shelby Drive East; +/-900 feet east of Tulane Road, containing 8.519 acres in the Commercial Mixed Use (CMU-1) District.

Ford Case No. SUP 12-210

Applicant: Crown Castle
John Behnke and Eugene Bryan – Representatives

Request: Cellular Tower

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

10. RESOLUTION approving a special use permit located at 1271 Lamar Avenue, south side of Lamar Avenue; +/-337 feet west of Snowden Circle, containing .40 acre in the Residential Urban (RU-4) District.

Ford Case No. SUP 12-211

Applicants: King Caldwell, Jr. & Pearlie S. Caldwell
King Caldwell, Jr. – Representative

Request: To allow a realtor's office within the RU-4 (Residential Urban) 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 ORDINANCES – THIRD AND FINAL READING

11. **ORDINANCE** rezoning the northwest corner of N. Bellevue and Smith Avenue, containing 0.315 acre in the Commercial Mixed Use (CMU-1) District, up for T H I R D and F I N A L reading.

Ford Case No. Z 11-114
Ordinance No. 5447

Applicant: Christopher B. Walton
Brittenum-Bruce, LLC – Representative

Request: Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

118 NOTICES WERE MAILED ON JUNE 8, 2012

12. **ORDINANCE** rezoning the southwest corner of E. Holmes Road and Riverdale Road, containing 1.47 acres in the Conservation Agriculture (CA) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 12-102cc
Ordinance No. 5452

Applicant: Marketplace Development, LLC
J. Wise Smith-Architect – Representative

Request: Commercial Mixed Use (CMU-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

39 NOTICES WERE MAILED ON JUNE 8, 2012

13. **ORDINANCE** rezoning the southwest corner of S. Perkins Road and Knight Arnold Road, containing 10.92 acres in the Commercial Mixed Use (CMU-1) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 12-101
Ordinance No. 5453

Applicant: Village Plaza, Inc.
W. H. Porter Consultants, PLLC – Representative

Request: Commercial Mixed Use (CMU-2) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

120 NOTICES WERE MAILED ON JUNE 8, 2012

14. **ORDINANCE** rezoning the south side of I-240; +/-835 feet east of Thousand Oaks Cove, containing 2.25 acres in the Conservation Agricultural Floodplain (CA [FP]) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 12-103
Ordinance No. 5454

Applicant: Stanley Trezevant
Ronald Harkavy, Attorney – Representative

Request: Commercial Mixed Use-3 Floodplain (CMU-3[FP]) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

23 NOTICES WERE MAILED ON JUNE 8, 2012

CITY OF MEMPHIS

COUNCIL AGENDA
June 19, 2012
Public Session, Tuesday, 3:30p.m.
Council Chambers, First Floor, City Hall
125 N. Main Street
Memphis, TN 38103-2017

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

15. **ORDINANCE** to allow the Maximum Local Option Sales Tax be levied in the City of Memphis 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 November 6, 2012, up for F I R S T reading.

Flinn — Ordinance No. 5460

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

16. **ORDINANCE** amending Chapter 48, Code of Ordinances, City of Memphis, so as to establish a Rental Property Registration Program, up for S E C O N D reading.

Hedgepeth — Ordinance No. 5455

ACTION REQUESTED: Adopt the ordinance on Second reading

17. **ORDINANCE** amending Chapter 21, Motor Vehicle and Traffic, Motor Vehicle Inspection Bureau, Section 21, 309, Waiver Provisions, to provide for a Financial Hardship Waiver, up for S E C O N D reading.

Hedgepeth — Ordinance No. 5457

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCES - SECOND READING

18. **ORDINANCE** amending the Memphis and Shelby County Unified Development Code. This text amendment affects all property within the City of Memphis and unincorporated Shelby County, up for S E C O N D reading.

Ford — Case No. ZTA 12-001
Ordinance No. 5458

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

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

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

19. **ORDINANCE** amending the Memphis Code of Ordinances as a companion item to case ZTA 12-001. This amendment affects all property within the City of Memphis and unincorporated Shelby County, up for S E C O N D reading.

Ford

Companion Case to ZTA 12-001
Ordinance No. 5459

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

Request: Adopt amendments to the Memphis Code of Ordinances

OPD recommendation: APPROVAL

LUCB recommendation: NA

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING (None)

NOTATIONS FROM OPD (None)

NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

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125 N. Main Street
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REGULAR AGENDA

20. Collins

APPOINTMENTS

CIVIL SERVICE COMMISSION

Appointments

Tammy R. Hawkins
Melanie Stovall Murry
Daniel M. Schaffzin

Reappointments

John D. Horne
Carnita McKeithen
Gloria J. Thomas

MEMPHIS ANIMAL SHELTER ADVISORY BOARD

Appointment

Jill Madajczyk

MEMPHIS AND SHELBY COUNTY BUILDING CODE ADVISORY BOARD

Appointment

Scott Pearce

MEMPHIS AND SHELBY COUNTY PLUMBING CODE BOARD

Appointments

Carl A. Dunn
Ronald L. Thompson

Reappointments

Thomas Boyd, Jr.
Harold McDonald

MEMPHIS AND SHELBY COUNTY MUSIC COMMISSION

Appointment

Charlie C. Hubbard, Jr.

MINORITY BUSINESS DEVELOPMENT OVERSIGHT COMMISSION

Appointments

Anita Black
Vincent B. Lee
Ron D. Willis

GENERAL ORDINANCE – THIRD AND FINAL READING

21. **ORDINANCE** to amend the City Charter so as to require the Mayor and Council to adopt a Five Year Strategic Business Plan and a Six Year Consolidated Budget that includes both the Operating and Capital Budgets for the City and to submit the proposed Ordinance to the qualified voters of the City of Memphis at the First General State Election to be held November 8, 2012, up for T H I R D and F I N A L reading. (Held from 2/7; 6/5).

Flinn Ordinance No. 5437

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

22. RESOLUTION accepting grant funds in the amount of Twenty Two Thousand Nine Hundred Ninety Four Dollars ($22,994.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Grant for Dislocated Worker. Resolution also amends FY2012 Operating Budget to establish and appropriate grant funds.

Halbert

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION accepting grant funds in the amount of Twenty Eight Thousand Seven Hundred Fourteen Dollars ($28,714.00) from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Grant for Adults. Resolution also amends FY2012 Operating Budget to establish and appropriate grant funds.

Halbert

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION accepting grant funds in the amount of Seven Thousand Five Hundred Dollars ($7,500.00) from the State of Tennessee Department of Labor and Workforce Development Division for Title I Incentive Grant. Resolution also amends FY2012 Operating Budget to establish and appropriate grant funds.

Halbert

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

25. RESOLUTION authorizing and providing for the Issuance and Sale of Commercial Paper of the City of Memphis, Tennessee; Authorizing and providing for a Liquidity Agreement, offering Memorandum, Dealer Agreement and Issuing and paying Agency Agreement; and providing for certain other matters related thereto.

Strickland

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES

26. RESOLUTION accepting and appropriating $909,600.00 in State In-Service Training Grant Funds from the State of Tennessee for the Division of Fire Services for a total appropriation of $909,600.00.

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)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES

27. RESOLUTION accepting grant funds in the amount of $500.00 from City of Memphis Credit Union for the 2012 G.R.E.A.T. Summer Camp Program. Resolution amends FY 2012 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION accepting grant funds in the amount of $551,436.00 from Shelby County Government granted through the U.S. Department of Justice for the Justice Assistance Grant specifically for public safety projects. Resolution also amends FY 2012 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

29. RESOLUTION appropriating $2,000,000.00 in Other Cost funded by G.O. Bonds from Project #CE01068 for the Anti Blight Initiative to fund demolition and cleanup in targeted neighborhoods for the Division of Community Enhancement.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation and appropriating $218,829.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers project number SW02001 to Transfer Station Sewer Repair, project number SW02094 to repair a sewer line that serves the solid waste facility on North Bellevue and for a construction contract with Argo Construction.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation of $214,819.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers project number SW02001 to Citywide Manhole Rehab Project, project number SW02095 to repair and coat existing damaged sewer manholes and for a construction contract with Proshot Concrete, Inc.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT