



# CITY OF MEMPHIS

## COUNCIL AGENDA

August 2, 2011

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 (July 19, 2011)**

**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 beginning at North Main Street extending west to North Front Street, containing .37 acre. (Held from 7/19).  
Ford Case No. SAC 11-605

Applicant: MLB-Uptown, LLC

Request: Close and vacate street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**21 NOTICES WERE MAILED ON JULY 8, 2011**

2. RESOLUTION approving a use variance located on the north side corner of Tant Road and Interstate 240, containing 3.2 acres in the Single Family Residential (R-S6) District. (Held from 7/5; 7/19)

Ford Case No. UV 10-12

Applicant: Brianne K. Mawry

Request: Contractor Storage and Recycling

LUCB recommendation: APPROVAL

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**22 NOTICES WERE MAILED ON JUNE 24, 2011**

- 3. RESOLUTION approving a street/alley closure located on the west side of Myrtle Street, 150.76 feet south of Union Avenue, containing 2,641 square feet.

Ford

Case No. SAC 11-601

Applicant: Southwest Tennessee Community College

Request: Close existing alley

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**7 NOTICES WERE MAILED ON JULY 22, 2011**

- 4. RESOLUTION approving a street/alley closure located on Stonebrook Circle beginning on the west side of Sandbrook Street and extending 491 feet south, containing 40,118 square feet.

Ford

Case No. SAC 11-603

Applicant: Superior Investments, Inc.

Request: Close and vacate street right-of-way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**19 NOTICES WERE MAILED ON JULY 22, 2011**

**DIVISION OF PLANNING & DEVELOPMENT**

- 5. RESOLUTION adopting an amendment to the Community Redevelopment Plan for the Uptown Area to include restoration of funding for the Second Street Parkway Improvements, existing structure rehabilitation Part II, Uptown West/Wolf River/Gayoso Bayou Redevelopment Part II, Area-Wide acquisition activities, area-wide infrastructure activities, Greenlaw Community Center Improvements, affordable Housing Development Incentive Program, north of Chelsea Redevelopment, property maintenance, property management fee, use of TIF for improvements to MLB Uptown LLC-owned properties, use of TIF for improvements to City/Publicly-owned Properties, raising maximum grant and/or loan amount for Uptown Commercial Rehabilitation Program from \$50,000.00 to up to \$500,000.00 for exception in case of essential neighborhood service, development and disposition success fees; and updated maps and financial spreadsheet; and clarification of other provisions within the Community Redevelopment Plan for the Uptown Area.

Ford

ACTION REQUESTED: Adopt the resolution

- 6. RESOLUTION authorizing the Memphis and Shelby County Community Redevelopment Agency to issue not exceeding in aggregate principal amount of \$32,000,000.00 of Tax Increment Bonds or Notes of the agency pursuant to the provisions of the Community Redevelopment Act of 1998 to fund certain existing debt and/or expenditures to be made with respect to land acquisition, construction and redevelopment activities in connection with that certain Community Redevelopment Plan for the Uptown Area as amended; redevelopment project activities to be located within the Community Redevelopment Area and from the proceeds of it not to exceed \$32,000,000.00 Tax Increment Bonds or Notes; and providing an effective date.

Ford

ACTION REQUESTED: Adopt the resolution

- 7. RESOLUTION approving a special use permit located on the southeast side of U.S. Hwy 51; +/-2,900 feet southwest of Wortham Road, containing 10,000 sq. ft. of 49.70 acres in the Conservation Agricultural (CA) District.

Ford

Case No. SUP 11-208cc

Applicant: AT&T Mobility  
Telecom Site Management, Inc. (Tony Stewart) – Representative

Request: Special permit to allow a communications tower one-hundred ninety nine (199) feet in height with capacity to accommodate a minimum of four (4) antennae

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**

- 8. ORDINANCE rezoning the south side of Alcy Road; +/-188 feet west of Elvis Presley Boulevard, containing 0.25 acre in the Residential Urban-3 (RU-3) District, up for T H I R D and F I N A L reading.

Ford

Case No. Z 11-103  
Ordinance No. 5409

Applicant: Ware Properties, LLC  
W.H. Porter Consultant, PLLC – Representative

Request: Rezone property from Residential Urban 3 (RU-3) to the Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**54 NOTICES WERE MAILED ON JULY 22, 2011**



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## CONSENT AGENDA

### GENERAL ORDINANCE - FIRST READING

9. **ORDINANCE** to amend Chapter 16, Article V, of the City of Memphis, Code of Ordinances, so as to amend the Section pertaining to Pedestrian Vendors, up for F I R S T reading.

Ford

Ordinance No. 5411

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE – SECOND READING

10. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), so as to require a Two-Thirds Majority approval of the City Council in order to increase the Ad Valorem Tax Rate if the increase is a higher percentage than the rate of inflation and to submit the proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 8, 2012, up for S E C O N D reading.

Flinn

Ordinance No. 5408

ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE - FIRST READING (None)

### ZONING ORDINANCE - SECOND READING

11. **ORDINANCE** rezoning the northeast corner of Pendleton Street and Brandon Circle, containing 0.64 acre in the Residential Single Family (R-6) District, up for S E C O N D reading.

Ford

Case No. Z 11-104

Ordinance No. 5410

Applicant: Pendlove, Inc., D/B/A 'Pendleton House of Love'

Request: Civic (CIV) District to allow Group Living for an Assisted-Living Facility

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

12. RESOLUTION approving final plat of PARK CENTER SUBDIVISION.

Case No. S 10-017

Resolution approves the final plat located on the southside of Park Ave., east of Kelley Rd. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving the final plat of PATEL S/D.

Case No. PD 08-006

Resolution approves the final plat located north of I-240 on Hollywood. Cost of the required improvements to be borne by the Developer. This action is subject to County approval.

City Engineer recommends approval.

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION approving final plat of WINDSOR VIEW SUBDIVISION.

Case No. S 10-012  
Contract No. CR-5172

Resolution approves the final plat located on the northside of Windsor Rd. and southside of Holmes Rd., west of Tulane Rd. 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

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

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

- A. Case No. PD 11-304cc – SHELBY DRIVE/GERMANTOWN ROAD  
PLANNED DEVELOPMENT, 4<sup>TH</sup> AMENDMENT

Located on the north side of E. Shelby Drive +/-516.33 feet west of Germantown Road, containing 6.42 acres and is currently governed by Shelby Drive/Germantown Road, 3<sup>rd</sup> Amendment P.D. 08-312 cc

Applicant: Eulyse M. Smith Estate  
ETI Corporation – Representative

Request: Planned development to allow one(1) retail building in Parcel 'C'  
and to change the Concept Plan for remaining Parcels 'A', 'B' &  
'C' of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. S 11-007 – BELLE MEADE SUBDIVISION, RESUBDIVISION OF  
LOT 94

Located on the northwest corner of Poplar Avenue and Belle Meade Lane,  
containing .71 acre.

Appellant: John R. Wills, Jr.

Request: Overturn the decision of the Land Use Control Board on 06/09/11  
which rejected a proposed two-lot resubdivision

LUCB recommendation: Rejection

OPD recommendation: Approval of the resubdivision with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: August 16, 2011**



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## REGULAR AGENDA

### BUDGET ITEMS

27. RESOLUTION establishing the MEMPHIS LIGHT GAS AND WATER DIVISION in lieu of tax payment to the City of Memphis for Fiscal Year 2012. (GAS & ELECTRIC) (Held from 6/7; 6/21; 7/5; 7/19)

Flinn

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION approving \$884,738,673.00 to Memphis City Schools, for the 2011 - 2012 year.

Halbert

ACTION REQUESTED: Adopt the resolution

29. APPOINTMENTS

Collins

### Memphis and Shelby County Air Pollution Board

#### Appointments

Roy N. Davis  
Dr. Robert D. Kirkpatrick

#### Reappointment

James G.M. Lenschau

### Fire Department Board of Appeals

#### Appointments

Majid E. Hatamzadeh  
Robert C. Jacobson

#### Re-appointments

Ronald A. Fuller

Howard B. Glatstein  
Janet Smith-Haltom

**GENERAL ORDINANCES -THIRD AND FINAL READING** (None)

**ENGINEERING DIVISION**

- 30. RESOLUTION accepting additional Federal grant funds in the amount of \$4,775,497.00 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 FY2012 Operating Budget by adding these funds to the project (EN90006) and appropriates grant funds.

Hedgepeth

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION** (None)

**DIVISION OF FIRE SERVICES**

- 31. RESOLUTION accepting and appropriating \$20,771.00 in additional Federal Grant funds from the Department of Homeland Security-FEMA for the Division of Fire Services for a total appropriation of \$20,771.00.

Strickland

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** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS**

32. RESOLUTION amending the FY2012 Capital Improvement Budget by transferring an allocation and appropriating \$10,034.00 funded by G.O. Bonds (Storm Water) from Drainage-ST, project number ST03006, to Fletcher – 8408/8420 Rembrook, project number ST03128, for drainage repair and for a construction contract with Madden Phillips.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION unappropriating \$80,000.00 in construction funded by GO Bonds General in Metal Museum N. Bluff Repair, project number PW 04073 and transferring a construction allocation of \$80,000.00 funded by GO Bonds – General from Metal Museum N. Bluff Repair, project number PW04073 to an architecture and engineering allocation in Traffic Calming Devices, project number EN01007.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION unappropriating \$120,000.00 in construction funded by GO Bonds General in Metal Museum N. Bluff Repair, project number PW04073 and transferring a construction allocation of \$120,000.00 funded by GO Bonds – General from Metal Museum N. Bluff Repair, project number PW04073 to A&E/land acquisition allocations in the amount of \$20,000.00 and a construction allocation in the amount of \$100,000.00 in School Safety Improvements, project number PW04043.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION modifying the FY 2012 Capital Improvement Budget to create Harahan Bridge Boardwalk, project number PW04090 and accepting and establishing and allocation of \$39,000.00 funded by Other Local Revenue provided by Aerobic Cruisers Hybrid Cycles, LLC in Harahan Bridge Boardwalk, project number PW04090, for Architecture and Engineering services. Resolution unappropriating construction funds funded by G.O. Bonds – General from Metal Museum N. Bluff Repair, project number PW04073 in the amount of \$171,000.00 and transferring a construction allocation of \$171,000.00 funded by GO Bonds – General from Metal Museum N. Bluff Repair, project number PW04073 to an architecture and engineering allocation in Harahan Bridge Boardwalk, project number PW04090.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEM**

36. Impasse - Fire Department (Held from 7/19)

Lowery

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

ADDENDUM TO AGENDA

37. **ORDINANCE** to amend the Charter of the City of Memphis, same being Chapter 11 of the Acts of 1879, as amended, pursuant to the provisions of Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment), so as to require a Two-Thirds Majority approval of the City Council in order to increase the Ad Valorem Tax Rate if the increase is a higher percentage than the rate of inflation and to submit the proposed Referendum 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.

Flinn

Ordinance No. 5408

ACTION REQUESTED: Take whatever action Council deems advisable

(Please note, this item is listed as #10, on the Consent Agenda as Second reading, in error)

ADD-ONS

- 38. RESOLUTION amending the Fiscal Year 2012 Capital Improvement Budget by transferring an allocation and appropriating \$6,500,000.00 funded by GO Bonds – General from Asphalt Paving project number PW01040 to FY12 Asphalt Paving, project number PW01235 and for paving done by City Employees.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 39. RESOLUTION supporting an emergency supplement appropriations bill to provide funding for the Mississippi River and tributaries.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

- 40. RESOLUTION approving the Division of Park Services to move forward with the low bid in the amount of \$1,557,300.00 and, with contingency, a total of \$1,636,974.00 in expenditures from Contract Construction in Greenway Improvements, CIP Project Number PK07012, funded by G.O. Bonds General, for the construction of the Wolf River Greenway – Phase 3, located between Shady Grove Rd. and Kirby Parkway, adjacent to Humphrey’s Blvd.

Boyd

ACTION REQUESTED: Adopt the resolution

- 41. **ORDINANCE** rezoning the south side of Monroe Avenue; +/-146.0 feet east of Florence Street, containing .21 acre in the Residential Urban-3 (RU-3) District, up for F I R S T reading.

Consent

Case No. Z 11-105  
Ordinance No. 5412

Applicant: Caruthers Group, LLC  
The Reaves Firm, Kay Reeves – Representative

Request: Rezone property from Residential Urban – 3 (RU-3) to the Commercial Mixed Use (CMU-1) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

- 42. RESOLUTION amending the FY12 Budget by appropriating \$200,000.00 to cover the cost of the Price Verification Program.

Flinn

ADD-ONS

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Failed
3. and 4 – Approved, as amended
5. Through 9 – Approved
10. Dropped
11. Through 14 – Approved
15. Public Hearing set for August 16, 2011
16. Through 26 – Approved
27. Held to August 16, 2011
28. Approved, as amended
29. and 30 – Held to August 16, 2011
31. Approved
32. Through 34 – Held to August 16, 2011
35. Approved
36. Held to September 6, 2011
37. Held to August 16, 2011
38. Through 42 – Approved

ACTION TAKEN ON THE MINUTES OF JULY 19, 2011 and SPECIAL CALL  
MINUTES OF JULY 22, 2011

Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 2, 2011 FOR ITEMS 16, 28, 31,  
35, 38, 39, 40 and 42 only

Approved