



**CITY COUNCIL
MEETING AGENDA**

March 7, 2023

3:30 p.m.

**Council Chambers, Lobby Floor
City Hall - 125 North Main Street
Memphis, Tennessee 38103-2017**

*If You Are In Need Of A Special Accommodation While
Attending The Meeting, Please Alert The Council Staff.*

Super District 8-3. Chairman Martavius Jones

Super District 8-1. Vice Chairman JB Smiley, Jr.

District 1. Rhonda Logan

District 2. Frank Colvett, Jr.

District 3. Patrice J. Robinson

District 4. Jana Swearengen-Washington

District 5. Worth Morgan

District 6. Edmund Ford, Sr.

District 7. Michalyn Easter-Thomas

Super District 8-2. Cheyenne Johnson

Super District 9-1. Chase Carlisle

Super District 9-2. J. Ford Canale

Super District 9-3. Dr. Jeff Warren

ORDER OF BUSINESS

I. CALL TO ORDER by the Sergeant-at-Arms

II. 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 Chief of Staff of the Memphis City Council.

III. PLEDGE OF ALLEGIANCE

IV. CALL OF ROLL by the Comptroller

V. APPROVAL OF PREVIOUS MEETING MINUTES (February 21, 2023)

VI. ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

VII. ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION to Commemorate Orange Mound Grill and its long-standing success and resilience in the City of Memphis. This Resolution is sponsored by Councilwoman Swarengen-Washington.
(Held from 2/21)

PUBLIC HEARINGS (None)

DIVISION OF PLANNING AND DEVELOPMENT

2. RESOLUTION approving the Pure Academy Planned Development at the subject property located at 4815, 4825, and 4847 Amey Road and 748 Wilson Road. This resolution is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning &
Zoning
Committee

Case No. PD 22-06

Applicant: John and Tammy Golwen
Joel Johnson, B. Taylor Gray, and John Golwen– Representative

Request: Planned development to allow PURE Academy (education facility with classrooms, athletic field, dorm, etc.)

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE- THIRD AND FINAL READING

3. ORDINANCE amending Ordinance No. 5367 of Code of Ordinances, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at 4225 Getwell Road. By taking the land out of the Residential Single-Family – 8 (R-8) Use District and including it in the Employment (EMP) Use District, up for T H I R D and F I N A L reading. This Ordinance is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. Z 22-12
Ordinance No. 5847

Applicant: Hometown Disposal LLC
Brenda Solomito-Basar

Request: Rezoning of +/- .25 acres from Residential Single-Family – 8 (R-8) to Employment (EMP) District.

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

4. **JOINT ORDINANCE** amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis August 10, 2010, and by Shelby County August 9, 2010, as amended, to revise and enhance the joint zoning and subdivision regulations as recommended by the Memphis and Shelby County Division of Planning & Development and the Land Use Control Board, up for T H I R D and F I N A L reading. This Ordinance is sponsored by the Division of Planning and Development. **(Held from 2/7)**

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. ZTA 22-01 CC
Ordinance No. 5844

Applicant: Division of Planning and Development
Brett Ragsdale, Zoning Administrator

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

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

CONSENT AGENDA

GENERAL ORDINANCE- FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

5. **ORDINANCE** amending Article VII, Chapter 36, Section 36-130 of the City of Memphis, Code of Ordinance to Establish Rules and Regulations relating to the Operation and Regulation of Short-Term Rentals in Memphis, up for S E C O N D reading. Ordinance No. 5856 is sponsored by the Memphis City Council.
- Johnson
Chairman,
Planning
& Zoning
Committee
- ACTION REQUESTED:** Adopt the Ordinance on Second reading
6. **ORDINANCE** to Amend City Code of Ordinances, Legal Holidays, to add Juneteenth Independence Day as a Legal Holiday, up for S E C O N D reading. Ordinance No. 5857 is sponsored by Councilwoman Easter-Thomas and Chairman Jones.
- Jones
Chairman,
Executive
Session
- ACTION REQUESTED:** Adopt the Ordinance on Second reading

ZONING ORDINANCES – FIRST READING

ZONING ORDINANCE - SECOND READING

7. **ORDINANCE** amending Ordinance No. 5367 of Code of Ordinances, City of Memphis, Tennessee adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development Code, to authorize a zoning use district reclassification for land located at the northwest corner of Kilarney Avenue and Airways Boulevard – +/-1,363 feet north of Tennessee state border line by taking the land out of the Residential Single-Family – 8 (R-8) use district and including it in the Employment (EMP) and Conservation Agriculture (CA) use district, up for S E C O N D reading. This Ordinance is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. Z 22-10
Ordinance No. 5854

Applicant: Memphis and Shelby County Airport Authority / Memphis Airways Investors, LLC
Dedrick Brittenum, Jr. of Brittenum Law PLLC and
Josh Whitehead, AICP of Burch, Porter, Johnson, PLLC
(Representatives)

Request: Rezoning from Residential Single-Family – 8 (R-8) to +/-48.13 acres Employment (EMP) District and +/-9.87 acres Conservation Agriculture (CA) Districts.

LUCB and DPD recommendation: REJECTION

ACTION REQUESTED: No recommendation

221 NOTICES WERE MAILED ON FEBRUARY 28, 2023

8. **ORDINANCE** amending Ordinance No. 5367 of Code of Ordinances, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development Code, to authorize a zoning change from Residential Single-Family – 10 to Commercial Mixed Use – 1 at 2245 Frayser Blvd., up for S E C O N D reading. This Ordinance is sponsored by the Division of Planning and Development.

Johnson
Chairman,
Planning
& Zoning
Committee

Case No. Z 23-01
Ordinance No. 5855

Applicant: Legacy of Legends Community Development Corporation
David Bray of the Bray Firm (Representative)

Request: Zoning change from Residential Single-Family – 10 to
Commercial Mixed Use – 1 District.

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the Ordinance on Second reading

78 NOTICES WERE MAILED ON FEBRUARY 28, 2023

NOTATIONS FROM DPD (None)

ENGINEERING DIVISION

9. RESOLUTION approving Supplemental Agreement #1 to CR-5395 – PILOT CARDLOCK FUELING STATION. (Request for Same Night Minutes)

(Contract No. CR-5395)

- Extends CR-5395 – Pilot Cardlock Fueling Station until on or before June 1, 2024. Extending Bond No. 107520469 will remain and revised COI has been received.

ACTION REQUESTED: Adopt the Resolution

10. RESOLUTION accepting public improvements for 3965 OLD GETWELL RD – MECHANICAL SYSTEM DRAINAGE and authorizes release of bond. (Request for Same Night Minutes)

(Contract No. CR-5410)

Resolution accepts public improvements within the present limits of the City of Memphis, and located at 3965 Old Getwell Rd in Memphis, Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also authorizes release of the Ohio Casualty Insurance Company Performance Bond No. 83B112176 in the amount of \$139,000.00 held as security.

ACTION REQUESTED: Adopt the Resolution

GENERAL ITEMS

(None)

FISCAL CONSENT AGENDA

11. RESOLUTION accepting and appropriating the sum of (\$50,000.00) funded by National Park Service American Civil Rights Grant, chargeable to the FY23 budget, for the National Park Service to support the Memphis Heritage Trail. District 6, Super District 8. This Resolution is sponsored by Housing and Community Development. (Request for Same Night Minutes)
12. RESOLUTION to accept, allocate, and appropriate grant funding in the amount of (\$279,036.02) from the Mid- South Emergency Planning Coalition/Tennessee Hospital Education and Research Foundation. All Council Districts. This Resolution is sponsored by Fire Services. (Request for Same Night Minutes)

MLGW FISCAL CONSENT

Chair: Patrice Robinson, Vice Chair: Worth Morgan

13. RESOLUTION approving Change No. 1 to Contract No. 12027, Voice (PBX) Systems Network Maintenance with Black Box Network Services, Incorporated to increase the current contract value in the funded amount of \$11,000.00.
14. RESOLUTION awarding a thirty-six (36) month purchase order to T.R. Miller Mill Company, Inc., for various sizes of southern yellow pine poles in the amount of \$9,891,100.65.
15. RESOLUTION awarding a thirty-six (36) month purchase order to Engineered Sealing Components, LLC., for concrete standards in the amount of \$1,296,742.76.

REGULAR AGENDA

APPOINTMENTS (None)

GENERAL ORDINANCES THIRD AND FINAL READING

16. **ORDINANCE** to establish a procedure for the Memphis Police Department to conduct an annual independent review of the Police Training Academy and all training techniques, up for T H I R D and F I N A L reading. Ordinance No. 5848 is sponsored by Councilmembers Carlisle, Canale, and Smiley.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

17. **ORDINANCE** amending the City of Memphis Code of Ordinances Vehicle and Traffic Code to clarify appropriate methods of enforcement of traffic violations, up for T H I R D and F I N A L reading. Ordinance No. 5849 is sponsored by Councilwomen Easter-Thomas and Logan.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

18. **ORDINANCE** to Amend the City of Memphis Code of Ordinances, Chapter 21, Motor Traffic and Vehicles, Article 1, General Provisions and Definitions, to Require the Division of Police Services to use Only Appropriately Marked Law Enforcement Vehicles to Conduct Traffic Stops, up for T H I R D and F I N A L reading. Ordinance No. 5850 is sponsored by Councilwoman Logan.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

19. **ORDINANCE** to establish a Public Safety Reporting Protocol in regard to the disposition by the Memphis Police Department of Recommendations by the Civilian Law Enforcement Review Board (CLERB) to the Memphis Police Department regarding CLERB’s disposition of complaints involving police misconduct, the use of deadly force by police officers and deaths and injuries of persons occurring while in police custody, up for T H I R D and F I N A L reading. Ordinance No. 5851 is sponsored by Councilmembers Smiley, Canale, and Carlisle.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

20. **ORDINANCE** to establish an Independent Review Process of Memphis Police Department Incidents involving the use of Excessive, Unnecessary and, or Deadly Force by Police Officers and Deaths or Serious Injuries of Persons Occurring while in Police Custody, up for T H I R D and F I N A L reading. Ordinance No. 5852 is sponsored by Councilmembers Smiley, Carlisle, and Logan.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

21. **ORDINANCE** to Amend the City of Memphis Code of Ordinances Relating to Public Safety for the City of Memphis Law Enforcement to Collect and Regularly Report Data Regarding Traffic Stops, Arrests, Use of Force, and Complaints, up for T H I R D and F I N A L reading. Ordinance No. 5853 is sponsored by The Memphis City Council.

Logan
Chairman,
Public Safety
& Homeland
Security
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

22. **ORDINANCE** supplementing and amending the 2021 Memphis Municipal Code of Ordinances of the City of Memphis, Tennessee relative to Animals and Horse Drawn Carriages; providing for the repeal of certain ordinances not included herein; and providing when such amendments to the Code and this Ordinance shall become effective, up for T H I R D and F I N A L reading. Ordinance No. 5843 is sponsored by Councilman Carlisle. **(Held from 2/7)**

Swearingen-
Washington
Chairman,
Public Services,
Art,
Youth Initiative,
Libraries & Neighborhoods
Committee

THIS ORDINANCE WILL NOT BE HEARD MARCH 7TH, IT IS STILL IN LEGAL REVIEW"

23. **ORDINANCE** to amend the Code of Ordinances of the City of Memphis, Chapter 2-16., City Real Property Management, to require any contracts for the modification of city-owned property leased to any nonprofits unaffiliated with the City of Memphis, with a cost in excess of \$1,000,000.00 be presented to the Memphis City Council for review and approval, up for T H I R D and F I N A L reading. Ordinance No. 5845 is sponsored by Chairman Jones, Ford, Johnson, Logan, Swearingen-Washington, and Warren. **(Held from 2/21)**

Ford
Chairman,
Economic
Development,
Tourism &
Technology
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

24. **ORDINANCE** renaming South Second Street between Beale Street and G.E. Patterson Avenue as Representative Barbara Cooper Street, up for T H I R D and F I N A L reading. Ordinance No. 5846 is sponsored by the Memphis City Council. **(Held from 2/21)**

Johnson
Chairman,
Planning
& Zoning
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

208 NOTICES WERE MAILED ON FEBRUARY 28, 2023

CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS (None)

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 (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION TECHNOLOGY (None)

LAW DIVISION (None)

LIBRARY SERVICES (None)

MLGW DIVISION (None)

MEMPHIS PARKS

25. RESOLUTION to allocate and appropriate \$20,000.00 for supplies and professional services related to Memphis Parks' Teen Fest 2023. All Council Districts. This Resolution is sponsored by Memphis Parks.

Warren
Chairman,
Memphis
Parks
Committee

ACTION REQUESTED: Adopt the Resolution

26. RESOLUTION establishing a Parks Restoration Fund and reallocating and reappropriating (\$500,000.00) from FY23 CIP budget. District 6, Super District 8. This Resolution is sponsored by Councilmembers Jones and Carlisle. (Held from 2/7; 2/21)

Warren
Chairman,
Memphis
Parks
Committee

ACTION REQUESTED: No Recommendation

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

27. RESOLUTION to transfer and appropriate contract construction funds in the amount of (\$978,422.50) from FY23 ADA Curb Ramp Coverline, Project #PW23300 to Curb Ramp Group 66, Project #PW23301 to construct (450) curb ramps citywide. All Council Districts. This Resolution is sponsored by the Public Works Division.

Smiley
Chairman,
Public Works,
Solid Waste &
General Services
Committee

ACTION REQUESTED: Adopt the Resolution

DIVISION OF SOLID WASTE (None)

GENERAL ITEMS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT