

Same Night Minutes of Items
12, 13, 14, 24
of the Regular Meeting of the City Council
City of Memphis

January 4, 2022

After the meeting was opened for the transaction of business and a quorum was declared present, the Council considered the items on the agenda, including items

12, 13, 14, 24

to wit:

12. RESOLUTION approving the engineering plans entitled SANITARY SEWER EXTENSION (ELVIS PRESLEY BLVD AND EAST SHELBY DRIVE) **(Request for Same Night Minutes)**

Contract No. CR-5392

Resolution approves the engineering plans as reflected on the engineering plans and located at Elvis Presley Blvd and East Shelby Drive in the City of Memphis, Tennessee. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the standard improvement contract and accept the Arch Insurance Company Performance Bond No. SU1178778 in the amount of \$74,000.00 on behalf of the City.

ACTION REQUESTED: Adopt the resolution

MOTION: Smiley

SECOND: Carlisle

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Swearengen

ABSTAIN:

NAYS:

RECUSED:

Did not vote: Ford

Was absent:

APPROVED

13. RESOLUTION accepting grant funds of \$5,000.00 from BlueCross BlueShield of Tennessee Community Trust for water safety instruction. All Council Districts. This resolution is sponsored by Memphis Parks. **(Request for same night minutes)**

MOTION: Carlisle

SECOND: Easter-Thomas

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Swearengen

ABSTAIN:
 NAYS:
 RECUSED:
 Did not vote: Ford
 Was absent:

APPROVED

14. RESOLUTION to accept in-kind donation in the equivalent of \$5,300.00 of aquatics water safety supplies from LeBonheur Children's Hospital. All Council Districts. This resolution is sponsored by Memphis Parks. **(Request for same night minutes)**

MOTION: Carlisle
 SECOND: Easter-Thomas
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Swearengen
 ABSTAIN:
 NAYS:
 RECUSED:
 Did not vote: Ford
 Was absent:

APPROVED

24. RESOLUTION to amend the Council FY22 grant allocations. All Council Districts. This resolution is sponsored by Councilman Ford. **(Request for Same Night Minutes)**

Jones
 Chairman,
 Budget
 Committee
SNM

ACTION REQUESTED: Adopt the resolution

MOTION: Smiley
 SECOND: Easter-Thomas
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Swearengen
 ABSTAIN:
 NAYS:
 RECUSED:
 Did not vote: Ford
 Was absent:

APPROVED

Whereupon **Jones** moved that the minutes for the foregoing item be approved on the date the matter was approved and **Robinson** seconded the motion. The motion was called for a vote as follows:

ACTION REQUESTED: Adopt the resolution

MOTION: Jones
 SECOND: Robinson

AYES: Canale, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson,
Smiley, Warren, and Swearengen

ABSTAIN:

NAYS:

RECUSED:

Did not vote: Ford, Carlisle, Colvett

Was absent:

APPROVED

Chairman: *Jamita E. Swearengen*

Date: 1/04/2022

Attest: *Valerie C. Squires*
Deputy Comptroller/Council

MINUTES
MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
January 04, 2022

3:30 P.M. SCHEDULED SESSION

3:35 P.M. MEETING COMMENCED

ROLL CALL: J. Ford Canale, Chase Carlisle, Frank Colvett, Jr. Michalyn Easter-Thomas, Cheyenne Johnson, Martavius Jones, Rhonda Logan, Worth Morgan, Patrice Robinson, JB Smiley, Jr., Jeff Warren, and Chairwoman Jamita Swearengen
Edmund Ford, Sr. was absent.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with a prayer by Rev. Arnold W. Joyner, Retired Pastor of Christian Methodist Episcopal Church.

Chairwoman Swearengen led the Pledge of Allegiance.

Councilwoman Swearengen thanked Rev. Arnold W. Joyner for being the Chaplain of the Day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

Approval of the Minutes of the regular meeting of December 21, 2021 with the following motion:

MOTION: Vice Chairman Jones
SECOND: Carlisle
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Chairwoman Swearengen.
Ford was absent.

APPROVED

1. **PRESENTATION OF THE 2021 MEMPHIS CITY COUNCIL HUMANITARIAN AWARD.**

Held until February 01, 2022, without objection

2. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF WESTMONT ROAD BETWEEN CASTLEWOOD AVENUE AND WESTERN PARK DRIVE FOR COACH SHIRLEY MCCRAY. DISTRICT 6, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY CHAIRWOMAN SWEARENGEN.**

Held until February 01, 2022, without objection

3. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE OF HIGHLAND STREET BETWEEN CENTRAL AVENUE AND SOUTHERN AVENUE OR JIMI JAMISON. DISTRICT 5, SUPER DISTRICT 9. THIS RESOLUTION IS SPONSORED BY COUNCILMAN MORGAN.**

Held until February 01, 2022, without objection

8. **REFERENDUM ORDINANCE AMENDING ARTICLE 27, SECTION 190 OF THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, AND RELATIVE AMENDMENTS THERETO PURSUANT TO THE PROVISIONS OF ARTICLE 11 SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO ALLOW SPECIFIED PERSONNEL EMPLOYED WITH THE DIVISIONS OF POLICE AND FIRE SERVICES TO RESIDE WITHIN 50 MILES FROM THE CITY OF MEMPHIS, UP FOR F I R S T READING. ORDINANCE NO. 5814 IS SPONSORED BY COUNCILMAN MORGAN AND COUNCILMAN CANALE. (HELD FROM 12/21)**

Held until April 05, 2022, without objection

10. **ORDINANCE FOR DESIGNATION OF QUALIFIED PUBLIC USE FACILITY, CREATION OF THE PEABODY HOTEL TOURISM DEVELOPMENT ZONE, TOURISM SURCHARGE, AND OTHERWISE PROVIDING WITH TO THE FOREGOING, UP FOR S E C O N D READING. ORDINANCE NO. 5815 IS SPONSORED BY THE DOWNTOWN MEMPHIS COMMISSION AND CENTER CITY REVENUE FINANCE CORPORATION.**

Held until January 18, 2022, without objection

CONSENT AGENDA – Items #9, #11 and #12 may be acted upon by one motion: See Page 6376 Roll Call Consent Items.

- 9. **ORDINANCE TO AMEND CHAPTER 9-12- AIR POLLUTION CONTROL OF THE CITY OF MEMPHIS, CODES OF ORDINANCES TO ADD THE SHELBY COUNTY AIR CODE, UP FOR F I R S T READING. ORDINANCE NO. 5817 IS SPONSORED BY THE DIVISION OF PUBLIC WORKS.**

ORDINANCE NO. 5817

APPROVED, on first reading

- 11. **ORDINANCE RENAMING FOURTH STREET BETWEEN UNION AVENUE AND E.H. CRUMP BOULEVARD AS IDA B. WELLS-BARNETT STREET, UP FOR S E C O N D READING. ORDINANCE NO. 5816 IS SPONSORED BY COUNCILMEMBERS EASTER-THOMAS, CANALE, CARLISLE, COLVETT, FORD, JOHNSON, JONES, LOGAN, MORGAN, ROBINSON, SWEARENGEN, SMILEY, AND WARREN.**

ORDINANCE NO. 5816

APPROVED, on second reading

- 12. **RESOLUTION APPROVING THE ENGINEERING PLANS ENTITLED SANITARY SEWER EXTENSION (ELVIS PRESLEY BLVD AND EAST SHELBY DRIVE) (REQUEST FOR SAME NIGHT MINUTES)**

(CONTRACT NO. 5392)

APPROVED

ROLL CALL CONSENT AGENDA ITEMS

MOTION: Smiley
 SECOND: Carlisle
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Chairwoman Swearengen.
 Ford was absent.

APPROVED

FISCAL CONSENT AGENDA -ITEMS #13-#14, may be acted upon by one motion:

- 13. **RESOLUTION ACCEPTING GRANT FUNDS OF \$5,000.00 FROM BLUECROSS BLUESHIELD OF TENNESSEE COMMUNITY TRUST FOR WATER SAFETY INSTRUCTION. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY MEMPHIS PARKS. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

- 14. **RESOLUTION TO ACCEPT IN-KIND DONATION IN THE EQUIVALENT OF \$5,300.00 OF AQUATICS WATER SAFETY SUPPLIES FROM LEBONHEUR CHILDREN’S HOSPITAL. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY MEMPHIS PARKS. (REQUEST FOR SAME NIGHT MINUTES)**

APPROVED

ROLL CALL FISCAL CONSENT AGENDA ITEMS

MOTION: Carlisle
SECOND: Easter-Thomas
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Chairwoman Swearengen.
Ford was absent.

APPROVED

MLGW FISCAL CONSENT AGENDA -ITEMS #15-#19, may be acted upon by one motion:

15. **RESOLUTION APPROVING THE EXECUTION OF CONTRACT NO. 12325 BETWEEN MLGW AND THE CITY OF GERMANTOWN FOR THE SALE TO GERMANTOWN PROVIDING CERTAIN MLGW WATER INFRASTRUCTURE ASSETS WITHIN THE PREVIOUSLY ANNEXED AREA BY GERMANTOWN, FOR A PURCHASE PRICE OF \$58,588.65. (HELD FROM 12/7; 12/21)**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 12035, ENVIRONMENTAL CONSULTING AND REMEDIATION SERVICES WITH BH&M ENVIRONMENTAL CONSULTANTS, INCORPORATED IN THE FUNDED AMOUNT OF \$7,500,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING APRIL 8, 2022 THROUGH APRIL 7, 2023, WITH NO INCREASE IN RATES FROM THE PREVIOUS ITEM.)**

APPROVED

17. **RESOLUTION AWARDED CONTRACT NO. 12217, CONSULTANT RISK MANAGEMENT AUDIT TO WILLIS TOWERS WATSON SOUTHEAST, INC., IN THE FUNDED AMOUNT OF \$666,500.00.**

APPROVED

18. **RESOLUTION AWARDED CONTRACT NO. 12286, MLGW UTILITY PAYMENT CENTERS TO FIRSTECH, INC., IN THE FUNDED AMOUNT OF \$310,000.00.**

APPROVED

19. **RESOLUTION AWARDED A PURCHASE ORDER TO UNIVERSAL SCAFFOLDING AND EQUIPMENT, LLC., FOR CONTROL CABLE IN THE AMOUNT OF \$425,028.00.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT AGENDA ITEMS

MOTION: Smiley
SECOND: Carlisle
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Chairwoman Swearengen.
Ford was absent.

APPROVED

4. **RESOLUTION APPROVING A SPECIAL USE PERMIT FOR A PLANNED COMMERCIAL DEVELOPMENT AT 2977 BROAD AVE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT. (HELD FROM 8/3; 8/17; 9/7; 10/5; 11/2; 11/16)**

CASE NO. PD 21-15

Applicant: MVS Real Estate Mid Town, LLC
John Behnke – Representative

Request: Special use permit for a planned commercial development

LUCB recommendation: APPROVAL, with conditions

DPD recommendation: REJECTION

Held until January 18, 2022, without objection

(Chairwoman Swearengen made a motion to hold item #4 until January 18th 2022 meeting; without objection)

5. **RESOLUTION APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2961 WINCHESTER ROAD. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. SUP 21-31

Applicant: 2012- A Pedigo Trust
The Reaves Firm (Representative)

Request: To allow a commercial surface parking lot on a site underneath a TVA easement

LUCB and DPD recommendation: APPROVAL, with conditions

MOTION: Johnson
 SECOND: Canale
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Warren, and Chairwoman Swearengen.
 Smiley did not cast a vote.
 Ford was absent.

APPROVED

- 6. **RESOLUTION APPROVING THE LOS MEDICOS PLANNED DEVELOPMENT LOCATED AT THE EAST SIDE OF COVINGTON PIKE; +/- 628.31 FEET NORTH OF STAGE ROAD. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. PD 21-40

Applicant: Medicos General, PLLC
 The Bray Firm (Representative)

Request: Planned development to allow Office General (OG)
 District land uses, including medical offices

LUCB and DPD recommendation: APPROVAL, with conditions

MOTION: Johnson
 SECOND: Carlisle
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Warren, and Chairwoman Swearengen.
 Smiley did not cast a vote.
 Ford was absent.

APPROVED, as amended

- 7. **RESOLUTION APPROVING THE TYLER HILLS PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED ON THE EAST SIDE OF OLD COVINGTON PIKE AND AT THE TERMINUS OF MAIDEN GRASS, SUNSET LAKE, AND WATERDANCE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. PD 21-41

Applicant: Liberty Rents
 The Bray Firm (Representative)

Request: 92-lot residential single-family planned development

LUCB and DPD recommendation: APPROVAL, with conditions

(Main motion was made by Councilwoman Johnson; Seconded by Councilman Canale; without objection)

(Councilman Carlisle made a motion to amend; without objection)

(Vice Chairman Jones made a motion to amend; Seconded by Councilwoman Johnson; without objection)

(Councilman Carlisle made a motion to amend existing amendment; Seconded by Vice Chairman Jones; without objection)

(Councilman Carlisle made a motion to move item #7 to the heel of the meeting; Seconded by Councilwoman Logan; without objection)

APPOINTMENTS

20. **MEMPHIS CITY BEAUTIFUL COMMISSION**

Appointment

ERIN KATHLEEN MIDGLEY

MOTION: Easter-Thomas

SECOND: Jones

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Chairwoman Swearengen.
Ford was absent.

APPROVED

21. **DEPUTY CITY COURT CLERK**

Appointment

CALVIN WILLIAMS

(Held from 12/7; 12/21)

(Chairwoman Swearengen recognized the following people to speak from the audience)

Judge Kay Robilio, 177 North Highland Street, Memphis, Tennessee 38111
Vallai Wooten, 5236 White Diamond Street, Memphis, Tennessee 38109

MOTION: Easter-Thomas

SECOND: Smiley

AYES: Johnson, Jones, Robinson, and Warren
 NAYS: Canale, Carlisle, Colvett, Easter-Thomas, Logan, Morgan, and Smiley,
 Chairwoman Swearengen did not cast a vote.
 Ford was absent.

FAILED

22. **ORDINANCE TO AMEND CHAPTER 25-200, SECTION 1 OF THE CITY OF MEMPHIS CODE OF ORDINANCES GOVERNING THE CITY’S PENSION SYSTEM TO ALLOW CERTAIN INDIVIDUALS TO EXTEND PARTICIPATION IN THE DEFERRED RETIREMENT OPTION PLAN, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5813 IS SPONSORED BY THE ADMINISTRATION.**

ORDINANCE NO. 5813

MOTION: Easter-Thomas
 SECOND: Canale
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan,
 Robinson, Warren, and Chairwoman Swearengen.
 Smiley did not cast a vote.
 Ford was absent.

APPROVED

23. **RESOLUTION APPROVING THE LEASE AMENDMENT AGREEMENT BETWEEN THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION AND MEMPHIS INDUSTRIAL SCRAP RECYCLING, LLC AS APPROVED BY THE EDGE PORT OF BOARD ON 8/18/2021. DISTRICT 6, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY THE MEMPHIS AND SHELBY COUNTY PORT COMMISSION.**

(Chairwoman Swearengen recognized the following person to speak from the audience)

Brandy Price, 6571 Stockport Cove, Memphis, Tennessee 38141

MOTION: Smiley
 SECOND: Easter-Thomas
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan,
 Robinson, Smiley, Warren, and Chairwoman Swearengen.
 Ford was absent.

APPROVED

24. **RESOLUTION TO AMEND THE COUNCIL FY22 GRANT ALLOCATIONS. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY COUNCILMAN FORD. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Smiley

SECOND: Easter-Thomas
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Chairwoman Swearengen.
Ford was absent.

APPROVED

- 7. **RESOLUTION APPROVING THE TYLER HILLS PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED ON THE EAST SIDE OF OLD COVINGTON PIKE AND AT THE TERMINUS OF MAIDEN GRASS, SUNSET LAKE, AND WATERDANCE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.**

CASE NO. PD 21-41

Applicant: Liberty Rents
The Bray Firm (Representative)

Request: 92-lot residential single-family planned development

LUCB and DPD recommendation: APPROVAL, with conditions

(Councilman Carlisle restated the motion to amend the previous friendly amendment; without objection. See page 6380)

MOTION: Carlisle
SECOND: Logan
AYES: Canale, Carlisle, Colvett, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Chairwoman Swearengen.
Ford was absent.

APPROVED, as amended

(Special Item #1 – Vice Chairman Jones made a motion to approve same night minutes for Items #12- #14 , and #24 from tonight’s meeting)

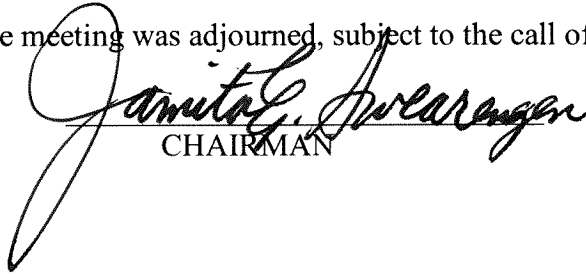
MOTION: Jones
SECOND: Robinson
AYES: Canale, Easter-Thomas, Johnson, Jones, Logan, Morgan, Robinson, Smiley, Warren, and Chairwoman Swearengen.
Carlisle and Colvett did not cast a vote.
Ford was absent.

APPROVED

MEETING ADJOURNED AT 5:13 p.m.



Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.


CHAIRMAN

Attest:


Deputy Comptroller/Council/Records