MINUTES

MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

November 07, 2023

3:30 P.M. SCHEDULED SESSION

3:36 P.M. MEETING COMMENCED

ROLL CALL: J. Ford Canale, Chase Carlisle, Frank Colvett, Michalyn Easter-Thomas,

Edmund Ford, Sr., Cheyenne Johnson, Rhonda Logan, Worth Morgan, Patrice Robinson, JB Smiley, Jr., Jana Swearengen-Washington, Jeff

Warren, and Chairman Martavius Jones.

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

INVOCATION

The meeting was opened with a prayer by Rev. Dr. Ronnie C. King from Grace Missionary Baptist Church.

Chairman Jones led the Pledge of Allegiance.

Councilwoman Easter-Thomas thanked Rev. Dr. Ronnie C. King from Grace Missionary Baptist Church.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original ordinances, resolutions, and supporting documents, including an audio recording of Council's deliberations, is 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 on October 24, 2023, with the following motion:

MOTION: Smiley SECOND: Warren

AYES: Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

Canale and Morgan did not cast a vote.

APPROVED

6. RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 3337 OVERTON CROSSING ST. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT. (HELD FROM 7/11; 8/8; 8/22; 9/12; 10/24)

CASE NO. PD 23-09

Held until November 21, 2023

7. ZONING 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 ON THE SOUTH SIDE OF CORNELL ST. BETWEEN FELTS STATION RD. AND THOMAS ST. BY TAKING THE LAND OUT OF THE RESIDENTIAL URBAN – 3 (RU-3) USE DISTRICT AND INCLUDING IT IN THE HEAVY INDUSTRIAL (IH) 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.

CASE NO. Z 23-11 ORDINANCE NO. 5886

Held until November 21, 2023

22. REFERENDUM ORDINANCE TO AMEND, PURSUANT TO ARTICLE XI, § 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), PROVISIONS OF THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, RELATIVE TO PARTISAN ELECTIONS FOR THE OFFICES OF THE MAYOR AND CITY COUNCIL MEMBERS AND TO REPEAL ALL PROVISIONS OF THE CITY'S CHARTER INCONSISTENT WITH THIS AMENDMENT, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5883 IS SPONSORED BY CHAIRMAN JONES.

Held until November 21, 2023

23. REFERENDUM ORDINANCE TO AMEND, PURSUANT TO ARTICLE XI, § 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), PROVISIONS OF THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, RELATIVE TO APPLICATION OF CITY CHARTER REFERENDUM ORDINANCE NO. 1794 TO CITY MUNICIPAL ELECTIONS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5884 IS SPONSORED BY COUNCILMEMBERS SMILEY, JOHNSON, LOGAN, AND WARREN.

Held until November 21, 2023

2. RESOLUTION DECLARING NOVEMBER 13TH THROUGH 19TH AS NATIONAL APPRENTICESHIP WEEK IN THE CITY OF MEMPHIS. THIS RESOLUTION IS SPONSORED BY COUNCILMAN CANALE.

MOTION: Canale SECOND: Warren

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

APPROVED

29. RESOLUTION CELEBRATING THE CHURCH OF GOD IN CHRIST'S 115TH HOLY CONVOCATION BY DECLARING NOVEMBER 7TH COGIC DAY IN THE CITY OF MEMPHIS. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN RHONDA LOGAN, CHAIRMAN MARTAVIUS JONES, COUNCILMAN FRANK COLVETT, COUNCILWOMAN PATRICE ROBINSON, COUNCILWOMAN JANA SWEARENGEN WASHINGTON, COUNCILMAN WORTH MORGAN, COUNCILMAN EDMUND FORD, SR., COUNCILWOMAN MICHALYN EASTER-THOMAS, COUNCILMAN JB SMILEY, COUNCILWOMAN CHEYENNE JOHNSON, COUNCILMAN CHASE CARLISLE, COUNCILMAN J. FORD CANALE & COUNCILMAN JEFF WARREN. (REQUEST FOR SAME NIGHT MINUTES)

MOTION: Robinson SECOND: Logan

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

1. RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON MARECHALNEIL STREET BETWEEN PARK AVENUE AND SPOTTSWOOD AVENUE FOR BISHOP E. LYNN BROWN. DISTRICT 4, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN JOHNSON.

MOTION: Johnson

SECOND: Swearengen-Washington

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

APPROVED

3. RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 7057 SHELBY DRIVE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.

CASE NO. PD 23-20

MOTION: Johnson

SECOND: Swearengen-Washington

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

APPROVED

4. RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 5111 SANDERLIN AVENUE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.

CASE NO. PD 23-21

MOTION: Johnson SECOND: Morgan

AYES: Canale, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

Carlisle did not cast a vote. (Councilman Carlisle stated recusal for the record and

excused himself from the debate.)

APPROVED, as amended

Chairman Jones recognized the following person(s) who spoke from the audience:

Robert Dinkelspiel, 1669 Kirby Parkway, Suite #106, Memphis, Tennessee 38120 William Hangerman, 591 Lexington Club Court, Memphis, Tennessee 38117

5. RESOLUTION APPROVING AN ALLEY CLOSURE WEST OF BELLEVUE BOULEVARD BETWEEN MADISON AVENUE AND MONROE AVENUE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.

CASE NO. SAC 23-03

MOTION: Johnson

SECOND: Swearengen-Washington

AYES: Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

Canale did not cast a vote.

APPROVED

CONSENT AGENDA – Items #8 - #12, was acted upon by one motion; See page 7206 Roll Call Consent Items.

8. ORDINANCE AMENDING ORDINANCE 5551 AND ORDINANCE 5734 RELATIVE TO SMART CITY FIBER ACCESS SYSTEMS, ESTABLISHING CRITERIA FOR QUALIFICATION AS SMART CITY FIBER ACCESS SYSTEMS, DEFINING SMART CITY FIBER ACCESS SYSTEMS, AND AUTHORIZING FOR QUALIFYING SMART CITY FIBER ACCESS SYSTEMS ALTERNATIVE REQUIREMENTS, TERMS, CONDITIONS, LIMITATIONS, AND PROVISIONS FOR RECOVERY OF THE CITY'S COST INCURRED, FOR THE CONSTRUCTION, MAINTENANCE, POLICING, MANAGEMENT OR REPAIR OF THE STREETS, ALLEYS, THOROUGHFARES, AND RIGHTS-OFWAY OF THE CITY, UP FOR S E C O N D READING. ORDINANCE NO. 5887 IS SPONSORED BY THE ADMINISTRATION.

APPROVED, on Second Reading

9. ZONING 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 ON 1106 COLONIAL ROAD BY TAKING THE LAND OUT OF THE RESIDENTIAL SINGLE FAMILY – 10 (R-10) USE DISTRICT AND INCLUDING IT IN THE RESIDENTIAL SINGLE FAMILY – 8 (R-8) USE DISTRICT, UP FOR F I R S T READING. THIS ORDINANCE IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.

CASE NO. Z 23-09 ORDINANCE NO. 5889

APPROVED, on First Reading

20NING 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 DELETE A SECTION OF THE SOUTH PARKWAY EAST RESIDENTIAL CORRIDOR OVERLAY, UP FOR S E C O N D READING. THIS ORDINANCE IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT.

CASE NO. RC 23-01 ORDINANCE NO. 5888

APPROVED, on Second Reading

- 11. NOTATION FROM THE LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:
 - A. Case No. PD 23-14 ROCKY POINT ROAD PLANNED DEVELOPMENT

Located at 8851 Rocky Point Road

APPROVED

12. RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR MURRAY FARMS BUSINESS PARK PHASE I [CR#5422] AND RELEASING BOND HELD AS SECURITY. (REQUEST FOR SAME NIGHT MINUTES)

(CONTRACT NO. CR-5422)

APPROVED

ROLL CALL CONSENT AGENDA ITEMS:

MOTION: Carlisle

SECOND: Swearengen-Washington

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

Morgan did not cast a vote.

<u>APPROVED</u>

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

13. RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF (\$40,000.00) FROM TENNESSEE COMMISSION ON AGING AND DISABILITY. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY MEMPHIS PARKS. (REQUEST FOR SAME NIGHT MINUTES)

14. RESOLUTION AUTHORIZING AND PROVIDING FOR THE FINANCING OF THE CONSTRUCTION OF A WASTEWATER FACILITIES PROJECT, IN THE AMOUNT OF (\$39,636,000.00) INCLUDING AUTHORIZING THE EXECUTION OF APPLICATIONS, CONTRACTUAL AGREEMENTS, AND OTHER NECESSARY DOCUMENTS, AND MAKING CERTAIN REPRESENTATIONS, CERTIFICATIONS, AND PLEDGES OF CERTAIN REVENUE IN CONNECTION WITH SUCH FINANCING. PROJECT NUMBER SW05001. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION. (REQUEST FOR SAME NIGHT MINUTES)

APPROVED

ROLL CALL FISCAL CONSENT AGENDA ITEMS:

MOTION: Carlisle

SECOND: Swearengen-Washington

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

Morgan did not cast a vote.

APPROVED

MLGW FISCAL CONSENT AGENDA - ITEMS #15 - #21 may be acted upon by one motion:

15. RESOLUTION APPROVING THE EXECUTION, DELIVERY AND PERFORMANCE OF AN AMENDMENT TO THE NATURAL GAS SUPPLY AGREEMENT WITH THE MUNICIPAL GAS AUTHORITY OF GEORGIA, FOR THE SALE AND PURCHASE OF NATURAL GAS, AND OTHER DOCUMENTS RESPECTING THE NATURAL GAS PREPAYMENT TRANSACTION.

APPROVED

16. RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 12013, MLGW WATER ENGINEERING & OPERATIONS GENERATOR MAINTENANCE AND REPAIR WITH CUMMINS, INCORPORATED (THIS CHANGE IS TO EXTEND THE CURRENT CONTRACT FOR ONE YEAR IN THE FUNDED AMOUNT OF \$24,760.00, WHICH REFLECTS A 5% INCREASE FROM THE PREVIOUS RENEWAL DUE TO INCREASES IN MATERIAL COSTS.) IN THE FUNDED AMOUNT OF \$50,000.00.

<u>APPROVED</u>

17. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12385 (SOLICITED UNDER CONTRACT NO. 12302), SUBSTATION ENGINEERING SERVICES (TRANSMISSION) WITH ALLEN & HOSHALL, INCORPORATED (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING DECEMBER 14, 2023 THROUGH DECEMBER 13, 2024) IN THE FUNDED NOT-TO-EXCEED AMOUNT OF \$300,000.00.

APPROVED

18. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12386 (SOLICITED UNDER CONTRACT NO. 12302), SUBSTATION ENGINEERING SERVICES (SUBSTATION) WITH ALLEN & HOSHALL, INCORPORATED (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING DECEMBER 5, 2023 THROUGH DECEMBER 4, 2024) IN THE FUNDED NOT-TO-EXCEED AMOUNT OF \$300,000.00.

APPROVED

19. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12302, SUBSTATION ENGINEERING SERVICES (PROTECTION) WITH FISHER & ARNOLD, INCORPORATED (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING NOVEMBER 21, 2023 THROUGH NOVEMBER 20, 2024) IN THE FUNDED NOT-TO-EXCEED AMOUNT OF \$500,000.00.

<u>APPROVED</u>

20. RESOLUTION AWARDING A PURCHASE ORDER TO AUTOMOTIVE TOOL GROUP FOR CONNECTORS IN THE AMOUNT OF \$264,220.00.

APPROVED

21. RESOLUTION AWARDING A TWENTY-FOUR MONTH BLANKET PURCHASE ORDER TO MUELLER COMPANY LLC., FOR FIRE HYDRANTS IN THE AMOUNT OF \$2,055,725.28.

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS:

MOTION: Carlisle

SECOND: Swearengen-Washington

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

Morgan did not cast a vote.

26. RESOLUTION TO APPROPRIATE FY24 CIP FUNDS IN THE AMOUNT OF (\$5,005,750.00) FOR MEMPHIS INNOVATION CORRIDOR BUS RAPID TRANSIT (BRT) PROJECT NUMBER GA03028, FOR THE MEMPHIS AREA TRANSIT AUTHORITY. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)

Chairman Jones recognized the following person(s) who spoke from the audience:

Joe B. Kent, 511 Flamingo Rd., Memphis, Tennessee 38117

MOTION: Canale SECOND: Carlisle

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

APPROVED

27. RESOLUTION TO APPROPRIATE FY24 CIP FUNDS IN THE AMOUNT OF (\$750,000.00) FOR TRANSIT VISION PROJECT NUMBER (GA03029) FOR THE MEMPHIS AREA TRANSIT AUTHORITY. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)

MOTION: Canale SECOND: Warren

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

<u>APPROVED</u>

28. RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY OF MEMPHIS AND SHELBY COUNTY GOVERNMENT, ESTABLISHING A MEMORANDUM OF UNDERSTANDING (MOU) THAT REQUIRES A FUTURE ALLOCATION AND APPROPRIATION OF (\$3,500,000.00) IN STORM WATER REVENUE BONDS IN DRAINAGE, -FUND # 11289 FOR THE SHELBY COUNTY NATIONAL DISASTER RESILIENCE GRANT, DISTRICT 6, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)

MOTION: Smiley SECOND: Warren

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Morgan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

24. ORDINANCE TO CREATE A POLICE ADVISORY AND REVIEW COMMITTEE, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5885 IS SPONSORED BY THE ADMINISTRATION.

MOTION: Logan SECOND: Warren

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Robinson,

Smiley, Swearengen-Washington, Warren, and Chairman Jones.

Morgan did not cast a vote.

APPROVED

25. ORDINANCE TO AMEND CHAPTER 41 - WRECKERS OR TOWING OPERATORS OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, SO AS TO UPDATE FEES PRESCRIBED, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5876 IS SPONSORED BY COUNCILMAN CANALE. (HELD FROM 7/11; 7/25; 8/8; 8/22; 9/12; 9/26; 10/10; 10/24)

Chairman Jones recognized the following person(s) who spoke from the audience:

Angela Inman, 4000 N Watkins, Memphis, Tennessee 38127 Evan Mealer, 1828 Thomas Rd., Memphis, Tennessee 38134

MOTION: Logan SECOND: Smiley

AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Logan, Robinson,

Smiley, Swearengen-Washington, and Warren.

NAY: Chairman Jones

Morgan did not cast a vote.

APPROVED

(Special Item #1 – Approval of same night minutes for Items #12, #13, #14, #26, #27, #28, & #29, from tonight's meeting.)

MOTION: Colvett SECOND: Warren

AYES: Colvett, Easter-Thomas, Ford, Johnson, Logan, Robinson, Swearengen-

Washington, Warren, and Chairman Jones.

Canale, Carlisle, Morgan, and Smiley did not cast a vote.

<u>Chairman Jones recognized the following person(s) who spoke from the audience:</u>

Glenda C. Hicks, 3090 Wood Thrush Dr., Memphis, Tennessee 38134

Dennis Lynch, 347 N McLean, Memphis, Tennessee 38112

Dr Ray Baner, 2000 N Parkway, Memphis, Tennessee 38112

John Shumpert Jr, 2356 Hawkhurst St., Memphis, Tennessee 38119

Joe B. Kent, 511 Flamingo Rd., Memphis, Tennessee 38117

Walter Broady, 4256 Ledbetter Cv., Memphis, Tennessee 38109

MEETING ADJOURNED AT 5:32 p.m.

Upon the statement of the Chairman, without objectall of the Chairman.	ction, the meeting was adjourned, subject to the
	CHAIRMAN
Deputy Comptroller/Council Records	