

May 07, 2024

MINUTES
MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
May 07, 2024

3:30 P.M. SCHEDULED SESSION

3:52 P.M. MEETING COMMENCED

ROLL CALL: J. Ford Canale, Chase Carlisle, Yolanda Cooper-Sutton, Michalyn Easter-Thomas, Edmund Ford, Sr., Jerri Green, Rhonda Logan, Philip Spinosa, Jana Swearengen-Washington, Pearl Eva Walker, Jeff Warren, Janika White, and Chairman JB Smiley, Jr.

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

INVOCATION

The meeting was opened with a prayer by Brother David Poos, President of Christian Brothers High School.

Chairman Smiley led the Pledge of Allegiance.

Councilman Spinosa thanked Brother David Poos, President of Christian Brothers High School.

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.

May 07, 2024

Approval of the Minutes of the regular meeting on April 23, 2024, with the following motion:

MOTION: Canale
 SECOND: Spinosa
 AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa, Swarengen-Washington, Walker, Warren, White, and Chairman Smiley.

APPROVED

6. **ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF THE 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 SOUTHEAST CORNER OF DEXTER LANE AND CORDOVA ROAD +/- 1,027.43 FEET NORTH OF MACON ROAD BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE RESIDENTIAL SINGLE FAMILY – 6 (R-6) 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 24-01
 ORDINANCE NO. 5902**

Held until July 09, 2024

18. **ORDINANCE TO PERMANENTLY RENAME SOUTH HOLLYWOOD STREET BETWEEN UNION AVENUE AND SOUTHERN AVENUE FOR GLENN ROGERS, SR., UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5900 IS SPONSORED BY THE MEMPHIS CITY COUNCIL. (HELD FROM 4/23)**

Held until May 21, 2024

1. **RESOLUTION HONORING ALMETRIA TURNER FOR HER CONTRIBUTIONS AS A DOULA. THIS RESOLUTION IS SPONSORED COUNCILWOMAN LOGAN. (HELD FROM 4/23)**

MOTION: Logan
 SECOND: Swarengen-Washington
 AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa, Swarengen-Washington, Walker, Warren, White, and Chairman Smiley.

APPROVED

2. **RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 3545 SOUTH THIRD STREET. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT. (HELD FROM 2/20; 3/5; 3/19; 4/9)**

CASE NO. SUP 23-26

May 07, 2024

20. **ORDINANCE AMENDING CHAPTER 15, SECTION 15-12 OF THE MEMPHIS CODE OF ORDINANCES REGARDING SOLID WASTE FEES FOR COLLECTION AND DISPOSAL, UP FOR F I R S T READING. ORDINANCE NO. 5904 IS SPONSORED BY THE ADMINISTRATION. (REQUEST TO BE ADDED TO CONSENT AGENDA FOR FIRST READING)**

APPROVED, on First Reading

ROLL CALL CONSENT AGENDA ITEMS:

MOTION: Carlisle

SECOND: Spinosa

AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Spinosa, Swearingen-Washington, Walker, Warren, and White.
Logan and Chairman Smiley did not cast a vote.

APPROVED

MLGW FISCAL CONSENT AGENDA - ITEMS #10 - #16 may be acted upon by one motion:

10. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12507 (FORMERLY CONTRACT NO. C2605), MICROSOFT SUPPORT MODERN ENGINEER WITH CRAYON SOFTWARE EXPERTS, LLC TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$174,934.25. THE NEW CONTRACT VALUE IS \$337,976.04.**

APPROVED

11. **RESOLUTION APPROVING CHANGE NO. 12 TO CONTRACT NO. 10741, LASER DISK DOCUMENT STORAGE WITH JACK HENRY AND ASSOCIATES, INCORPORATED, A DIVISION OF PROFITSTARS, TO RENEW THE CONTRACT IN THE FUNDED AMOUNT OF \$119,150.83. THE NEW CONTRACT VALUE IS \$795,988.15.**

APPROVED

12. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 12245, WELL ABANDONMENT WITH LAYNE CHRISTENSEN COMPANY TO CHANGE AND RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$531,320.00.**

APPROVED

13. **RESOLUTION APPROVING CHANGE NO. 18 TO CONTRACT NO. 10793, PROFESSIONAL PORTFOLIO SOFTWARE WITH ADVENT SOFTWARE, INCORPORATED IN THE FUNDED AMOUNT OF \$36,468.85. THIS CHANGE IS TO RATIFY AND RENEW FOR AN ADDITIONAL YEAR. THE NEW CONTRACT VALUE IS \$685,320.36.**

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APPROVED

14. **RESOLUTION APPROVING 2ND AMENDMENT TO NATURAL GAS SUPPLY AGREEMENT WITH TENNERGY CORPORATION FOR SALE AND PURCHASE OF NATURAL GAS.**

APPROVED

15. **RESOLUTION AWARDDING CONTRACT NO. 12478, REPAVING SHEAHAN PUMPING STATION DRIVES AND PARKING AREAS TO BARNES & BROWER, INC. IN THE FUNDED AMOUNT OF \$372,471.45.**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12409, TRASH REMOVAL SERVICES TO BFI WASTE SERVICES, LLC DBA REPUBLIC SERVICES OF MEMPHIS TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$348,232.32.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS:

MOTION: Spinosa

SECOND: Swearengen-Washington

AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Spinosa, Swearengen-Washington, Walker, Warren, and White.
Logan and Chairman Smiley did not cast a vote.

APPROVED

17. **ORDINANCE TO RENAME THE PINE HILL CLUBHOUSE IN HONOR OF CLEOPHUS HUDSON, SR. AND CHARLES HUDSON AS THE CLEOPHUS AND CHARLES HUDSON CLUBHOUSE IN THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5901 IS SPONSORED BY COUNCILMEMBERS SWEARENGEN-WASHINGTON, FORD, SR., COOPER-SUTTON, GREEN, AND LOGAN.**

MOTION: Warren

SECOND: Spinosa

AYES: Canale, Carlisle, Cooper-Sutton, Easter-Thomas, Ford, Green, Spinosa, Swearengen-Washington, Walker, Warren, and White.
Logan and Chairman Smiley did not cast a vote.

APPROVED, on Third and Final Reading

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MOTION: Canale
 SECOND: Spinosa
 NAYS: Canale, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa,
 Swearengen-Washington, Warren, White, and Chairman Smiley.
 ABSTAIN: Walker
 Carlisle did not cast a vote.

FAILED

3. **RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 2491 JOY LANE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT. (HELD FROM 3/19; 4/9; 4/23)**

CASE NO. SUP 23-28

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

Terra Miller, 3551 Carney St., Memphis, Tennessee 38127

MOTION: Canale
 SECOND: Spinosa
 AYES: Canale, Cooper-Sutton, Easter-Thomas, Ford, Green, Logan, Spinosa,
 Swearengen-Washington, Walker, Warren, White, and Chairman Smiley.
 Carlisle did not cast a vote.

APPROVED, as amended

4. **RESOLUTION PURSUANT TO CHAPTER 9.6 OF THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE APPROVING A SPECIAL USE PERMIT AT THE SUBJECT PROPERTY LOCATED AT 391 WESTERN PARK DRIVE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT. (HELD FROM 2/20; 3/5; 3/19; 4/9)**

CASE NO. SUP 23-36

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

Kimberly Owens Pearson, 1110 Star Line Rd., Memphis, Tennessee 38109
Olor W. Hughes, 4323 Hawkeye St., Memphis, Tennessee 38109

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5. **JOINT ZONING ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE AS ADOPTED BY THE CITY OF MEMPHIS ON AUGUST 10, 2010, AND BY SHELBY COUNTY ON AUGUST 9, 2010 TO REVISE AND ENHANCE THE JOINT ZONING AND SUBDIVISION REGULATIONS BY REVISING PROVISIONS REGARDING SOLAR ENERGY SYSTEMS, 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. ZTA 24-01
ORDINANCE NO. 5898**

MOTION: Canale

SECOND: Swearengen-Washington

AYES: Canale, Carlisle, Easter-Thomas, Ford, Green, Logan, Spinosa, Swearengen-Washington, Walker, Warren, and White.
Cooper-Sutton and Chairman Smiley did not cast a vote.

APPROVED, on Third and Final Reading

CONSENT AGENDA – Items #7 - #9 and #20 were acted upon by one motion; See page 7408 Roll Call Consent Items.

7. **ORDINANCE TO APPROPRIATE THE PROCEEDS OF THE TAX LEVY ON THE ASSESSED VALUES ON ALL PROPERTIES OF EVERY SPECIES WITHIN THE CITY LIMITS OF GENERAL PURPOSES FOR THE FISCAL YEAR JULY 1, 2024, THROUGH JUNE 30, 2025, INCLUSIVE, TOGETHER WITH ALL COLLECTIONS FROM PRIVILEGE LICENSES FEES, FINES, PERMITS, CHARGES, REVENUE RECEIPTS OF THE CITY OF MEMPHIS FOR THE FISCAL YEAR JULY 1, 2024, THROUGH JUNE 30, 2025, INCLUSIVE, TO PROVIDE THE MANNER IN WHICH MONIES MAY BE TRANSFERRED FROM ONE FUND TO ANOTHER AND TO PROVIDE THE STANDARD CODE OR DESIGNATIONS UNDER WHICH THE APPROPRIATIONS ARE TO BE ADMINISTERED AND ACCOUNTING CONTROL MAINTAINED, UP FOR F I R S T READING. ORDINANCE NO. 5903 IS SPONSORED BY THE FINANCE DIVISION.**

APPROVED, on First Reading

8. **RESOLUTION APPROVING FINAL PLAT FOR AMHERST P.D. AREA 4, PHASE II (COUNTY), AND ACCEPTING BOND AS SECURITY. (REQUEST FOR SAME NIGHT MINUTES)**

CONTRACT NO. CR-5457

APPROVED

9. **RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT #1 FOR COLONIAL CC P.D. PART OF AREA 1, PHASE 1 [CR-5428]. (REQUEST FOR SAME NIGHT MINUTES)**

(CONTRACT NO. CR-5428)

APPROVED

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19. **RESOLUTION TO TRANSFER TO AMEND THE FY24 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET BY TRANSFERRING AND APPROPRIATING \$154,000.00 FROM THE RALEIGH CIVIC CENTER PROJECT (CC22101) EXPENDITURE TYPE CONTRACT CONSTRUCTION TO ARCHITECTURE & ENGINEERING AND OTHER COST. DISTRICT 1, SUPER DISTRICT 9. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

MOTION: Swearengen-Washington

SECOND: Warren

AYES: Canale, Cooper-Sutton, Easter-Thomas, Ford, Green, Swearengen-Washington, Walker, Warren, and White.

Carlisle, Logan, Spinosa and Chairman Smiley did not cast a vote.

APPROVED

21. **POLICE ADVISORY & REVIEW COMMITTEE**

APPOINTMENTS

PHEBE MCLIN, ESQ.

REV. WILLIAM M. VAUGHAN III

(REQUEST FOR SAME NIGHT MINUTES)

MOTION: Easter-Thomas

SECOND: Spinosa

AYES: Canale, Cooper-Sutton, Easter-Thomas, Ford, Green, Spinosa, Swearengen-Washington, Walker, Warren, and White.

Carlisle, Logan, and Chairman Smiley did not cast a vote.

APPROVED

22. **URBAN ART COMMISSION PUBLIC ART OVERSIGHT COMMITTEE**

APPOINTMENT

C. ROSE SMITH

(REQUEST FOR SAME NIGHT MINUTES)

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MOTION: Easter-Thomas

SECOND: Spinosa

AYES: Canale, Cooper-Sutton, Easter-Thomas, Ford, Green, Spinosa, Swearingen-Washington, Walker, Warren, and White.
Carlisle, Logan, and Chairman Smiley did not cast a vote.

APPROVED

(Special Item #1 – Approval of Same Night Minutes for Items #8, #9, #21, #22 from tonight’s meeting.)

MOTION: Swearingen-Washington

SECOND: Spinosa

AYES: Canale, Cooper-Sutton, Ford, Green, Spinosa, Swearingen- Washington, Walker, Warren, and White.
Carlisle, Easter-Thomas, Logan, and Chairman Smiley did not cast a vote.

APPROVED

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

(13 SPEAKER CARDS FOR PUBLIC COMMENTS ARE ARCHIVED IN COUNCIL RECORDS.)

MEETING ADJOURNED AT 5:51 P.M.

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

Valerie C. Smiley
Deputy Comptroller/Council Records

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CHAIRMAN