

March 05, 2024

MINUTES

MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

March 05, 2024

3:30 P.M. SCHEDULED SESSION

3:50 P.M. MEETING COMMENCED

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

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

INVOCATION

The meeting was opened with a prayer by Mr. Robert Seay, from Teamsters Local 667.

Chairman Smiley led the Pledge of Allegiance.

Councilwoman Walker thanked Mr. Robert Seay, from Teamsters Local 667.

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.

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Approval of the Minutes of the regular meeting on February 20, 2024, with the following motion:

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

APPROVED

Chairman Smiley recognized the Women from the City Council and Staff for International Women's History Month.

Chairman Smiley recognized Memphis Shelby County Schools incoming superintendent Dr. Marie Feagins.

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 3545 SOUTH THIRD STREET. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT. (HELD FROM 2/20)**

CASE NO. SUP 23-26

Held until March 19, 2024

6. **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)**

CASE NO. SUP 23-36

Held until March 19, 2024

8. **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 OF LAND MUNICIPALLY ADDRESSED AS 3549, 3555, AND 3561 FULLER ROAD FROM THE RESIDENTIAL SINGLE FAMILY – 6 (R-6) 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. (HELD FROM 12/19; 1/9; 1/23; 2/20)**

**CASE NO. Z 23-13
 ORDINANCE NO. 5890**

Held until March 19, 2024

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11. **RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR LUCKY SELF-STORAGE – 325 G. E. PATTERSON AVENUE [CR-5412] AND RELEASING BOND AS SECURITY. (REQUEST FOR SAME NIGHT MINUTES) (HELD FROM 2/20)**

(CONTRACT NO. CR-5412)

Held until April 09, 2024

17. **ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 33, ARTICLE II, DIVISION IV, TO CODIFY THE EXISTING 2017 SEWER POLICY THAT PRECLUDES THE EXTENSION OF SANITARY SEWER INFRASTRUCTURE AND ACCEPTANCE OF ADDITIONAL FLOW TO THE MEMPHIS SEWER SYSTEM FROM RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL DEVELOPMENTS IN UNINCORPORATED SHELBY COUNTY, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5882 IS SPONSORED BY THE ADMINISTRATION. (HELD FROM 10/24; 2/6)**

Held until April 09, 2024

1. **RESOLUTION HONORING LISA WADDELL FOR EDUCATIONAL ACHIEVEMENTS AND RECOGNITIONS. DISTRICT 4, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN SWEARENGEN WASHINGTON.**

MOTION: Swearngen-Washington

SECOND: Logan

AYES: Canale, Carlisle, Cooper-Sutton, Ford, Green, Logan, Spinosa, Swearngen-Washington, Walker, Warren, White, and Chairman Smiley.
Easter-Thomas was absent.

APPROVED

2. **RESOLUTION HONORING SAVOYD BEARD FOR HIS MUSICAL ACCOMPLISHMENTS. DISTRICT 4, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN SWEARENGEN-WASHINGTON.**

MOTION: Swearngen-Washington

SECOND: Logan

AYES: Canale, Carlisle, Cooper-Sutton, Ford, Green, Logan, Spinosa, Swearngen-Washington, Walker, Warren, White, and Chairman Smiley.
Easter-Thomas was absent.

APPROVED

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3. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE ON DALLAS STREET FROM CARNES AVENUE TO PARK AVENUE FOR JUDGE EARNESTINE HUNT DORSE. DISTRICT 4, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY MEMPHIS CITY COUNCIL.**

MOTION: Swearingen-Washington

SECOND: Logan

AYES: Canale, Carlisle, Cooper-Sutton, Ford, Green, Logan, Spinosa, Swearingen-Washington, Walker, Warren, White, and Chairman Smiley.
Easter-Thomas was absent.

APPROVED, as amended

5. **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 3925 CHELSEA AVENUE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT. (REQUEST FOR SAME NIGHT MINUTES)**

CASE NO. SUP 23-42

MOTION: Carlisle

SECOND: Spinosa

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

APPROVED

7. **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 2426 LAMAR AVENUE. THIS RESOLUTION IS SPONSORED BY THE DIVISION OF PLANNING AND DEVELOPMENT. (HELD FROM 2/20)**

CASE NO. SUP 24-01

MOTION: Carlisle

SECOND: Green

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

APPROVED

CONSENT AGENDA – Items #9- #10, and #26 were acted upon by one motion; See page 7329 Roll Call Consent Items.

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9. **NOTATION FROM THE LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING DATE OF PUBLIC HEARING:**

SAC 23-08 – ALLEY CLOSURE BETWEEN NORTH MAIN STREET AND SECOND STREET

APPROVED

10. **RESOLUTION ACCEPTING PUBLIC IMPROVEMENTS FOR MADISON AND DIANA MIXED USE [CR-5446] AND RELEASING BOND. (REQUEST FOR SAME NIGHT MINUTES)**

(CONTRACT NO. CR-5446)

APPROVED

26. **ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS PERTAINING TO CONTRACTS AND SALARIES OF THE MEMPHIS LIGHT, GAS AND WATER DIVISION TO DECREASE THE LIMITS OF CONTRACTS AND SALARIES OR COMPENSATION FOR EMPLOYEES OR OTHERS REQUIRING CITY COUNCIL APPROVAL, UP FOR F I R S T READING. ORDINANCE NO. 5897 IS SPONSORED BY CHAIRMAN SMILEY, COUNCILWOMEN GREEN, SWEARENGEN-WASHINGTON, AND WALKER. (REQUEST TO ADD-ON FOR FIRST READING)**

APPROVED

ROLL CALL CONSENT AGENDA ITEMS:

MOTION: Carlisle

SECOND: Green

AYES: Canale, Carlisle, Cooper-Sutton, Ford, Green, Logan, Spinosa, Walker, and Warren.

Swearengen-Washington, White, and Chairman Smiley did not cast a vote.
Easter-Thomas was absent.

APPROVED

MLGW FISCAL CONSENT AGENDA - ITEMS #12 - #16 may be acted upon by one motion:

12. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 12424, WATER WELL PRODUCTION DRILLING WITH NATIONAL WATER SERVICES, LLC TO EXPAND THE SCOPE AND INCREASE THE CURRENT CONTRACT VALUE IN THE FUNDED AMOUNT OF \$4,640,640.00.**

APPROVED

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13. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 12266, WECO ELECTRIC METER TESTING APPLICATION WITH RADIAN RESEARCH, INC. TO INCREASE THE CURRENT CONTRACT VALUE IN THE FUNDED AMOUNT OF \$22,743.00.**

APPROVED

14. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11913, DISTRIBUTION ENGINEERING ANALYSIS SOFTWARE WITH CYME INTERNATIONAL T & D TO RATIFY, RENEW, EXPAND THE SCOPE, AND INCREASE THE CURRENT CONTRACT VALUE IN THE FUNDED AMOUNT OF \$215,303.98.**

APPROVED

15. **RESOLUTION CHANGE NO. 2 TO CONTRACT NO. 12339, JANITORIAL SERVICES TO MASON'S PROFESSIONAL CLEANING SERVICES, LLC TO RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$1,150,393.04.**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 12298, JANITORIAL SERVICES TO MASON'S PROFESSIONAL CLEANING SERVICES, LLC TO RATIFY AND RENEW THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$271,318.50.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS:

MOTION: Spinoso

SECOND: Warren

AYES: Canale, Ford, Green, Logan, Spinoso, Walker, and Warren.

Carlisle, Cooper-Sutton, Swearngen-Washington, White, and Chairman Smiley did not cast a vote.

Easter-Thomas was absent.

APPROVED

19. **RESOLUTION REQUESTING THE CITY OF MEMPHIS ACCEPT \$1,000.00 AND TRANSFER ITS OWNERSHIP RIGHTS AND INTEREST TO A PARCEL LOCATED AT 32 W. DAVANT STREET, PARCEL #050037 00016 TO THE BLIGHT AUTHORITY MEMPHIS/MEMPHIS METROPOLITAN LAND BANK AUTHORITY. DISTRICT 6, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

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

APPROVED

20. **RESOLUTION REQUESTING THE CITY OF MEMPHIS TRANSFER 2 PARCELS, PARCEL #059088 00047 AND PARCEL #059088 00048 TO MEMPHIS-SHELBY COUNTY BOARD OF EDUCATION IN MEMPHIS, SHELBY COUNTY, TENNESSEE. DISTRICT 4, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

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

APPROVED

21. **RESOLUTION TRANSFERRING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$250,000.00 FOR GA07002 TO GA07009 RIVERFRONT PARK IMPROVEMENT AND MAJOR MAINTENANCE. DISTRICT 7, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

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

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

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

FAILED

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22. **RESOLUTION TO TRANSFER AND APPROPRIATE ADDITIONAL CONSTRUCTION FUNDS IN THE AMOUNT OF \$800,000.00 FROM THE FY24 BRIDGE REPAIR COVERLINE, PROJECT NUMBER PW24400 TO PROJECT FY24 BRIDGE REPAIRS (PROJECT NUMBER IS CURRENTLY IN PROCESS) TO REPAIR BRIDGES AT VARIOUS LOCATIONS ON WALNUT GROVE, RAINES ROAD, GETWELL, AND S. PARKWAY. DISTRICTS 2, 3, 4, & 6, SUPER DISTRICTS 8 & 9. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

MOTION: Green

SECOND: Spinosa

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

APPROVED

23. **RESOLUTION TO TRANSFER AND APPROPRIATE CONSTRUCTION FUNDS IN THE AMOUNT OF \$500,000.00 FROM ST BRIDGE REPAIR, PROJECT NUMBER ST03216 TO FY24 BRIDGE REPAIRS PROJECT NUMBER ST-TBD FOR CONSTRUCTION FUNDS TO REPAIR BRIDGES AT VARIOUS LOCATIONS WITHIN THE CITY. ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

MOTION: Swearingen-Washington

SECOND: Spinosa

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

APPROVED

24. **RESOLUTION AMENDING THE FY24 CIP BUDGET BY ACCEPTING SAFE STREETS AND ROADS FOR ALL (SS4A) FUNDING FROM THE US DEPARTMENT OF TRANSPORTATION (USDOT) AND APPROPRIATING \$640,000.00 TO ESTABLISH FUNDING FOR THE COMPREHENSIVE SAFETY ACTION PLAN (EN90033). ALL COUNCIL DISTRICTS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION.**

MOTION: Swearingen-Washington

SECOND: Spinosa

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

APPROVED

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25. **RESOLUTION AMENDING THE FY24 CIP BUDGET BY ACCEPTING ADDITIONAL FEDERAL GRANT FUNDING FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) AND APPROPRIATING (\$551,230.00) TO INITIATE CONSTRUCTION ON THE MISSISSIPPI BLVD. PEDESTRIAN CROSSING PROJECT (EN01062). DISTRICT 4, SUPER DISTRICT 8. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Swearengen-Washington

SECOND: Warren

AYES: Canale, Cooper-Sutton, Green, Spinosa, Swearengen-Washington, Walker, Warren, White, and Chairman Smiley.

Carlisle, Ford and Logan did not cast a vote.

Easter-Thomas was absent.

APPROVED

18. **ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TENNESSEE, CHAPTER 6, TO DEFINE ENTERTAINMENT TRANSPORTATION VEHICLES, AND TO PROVIDE FOR THE LICENSING AND REGULATION OF THE SAME, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5861 IS SPONSORED BY COUNCILMAN CANALE. (HELD FROM 4/25; 5/16; 6/13; 7/25; 8/8; 8/22; 11/21; 2/6)**

Held until March 19, 2024

(Special Item #1 – Approval of Same Night Minutes for Items #5, #10, and #25, from tonight’s meeting.)

MOTION: Canale

SECOND: Warren

AYES: Canale, Ford, Green, Spinosa, Swearengen-Washington, Walker, Warren, White, and Chairman Smiley.

Carlisle, Cooper-Sutton, and Logan did not cast a vote.

Easter-Thomas was absent.

APPROVED

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

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

MEETING ADJOURNED AT 7:25 P.M.



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

March 05, 2024

CHAIRMAN

Deputy Comptroller/Council Records