October 8th Session One: Establishing the Foundation

Council and attendee discussion recap

Councilman Philip Spinosa opened the series with a public review of proposed data center legislation, with the Division of Planning and Development (DPD) and Attorney Allan Wade participating. The discussion compared approaches to zoning, project review, temporary pauses, and community protections. The agenda specified fact-finding and discussion, with no formal action scheduled.

Key discussion points

- **A consolidated zoning proposal emerged as a focus.** Attorney Wade discussed Ordinance 5987 as a vehicle for combining land-use protections and requiring closer project review. Members discussed advancing the legislative process while continuing expert and public sessions.
- **Existing projects and future applications require different treatment.** DPD described permits associated with known facilities and expansions. Attorney Wade cautioned that vested rights and substantial prior investment limit the reach of new rules over existing or already progressing projects. Members sought clarity on pending expansion permits.
- **Members examined practical review conditions.** Topics included public hearings, site-plan and special-use review, setbacks and buffers, utility-service documentation, sound studies, infrastructure costs and equipment-removal or reclamation plans. These were discussed as proposed controls, not adopted requirements.
- **Noise standards need further work.** Members discussed sound-remediation plans and objective criteria for evaluating noise from facility operations. Attorney Wade distinguished Council's land-use role from responsibilities exercised by utility, health and environmental agencies.
- **Moratorium terms remained under discussion.** Members considered a limited pause tied to completing the zoning legislation. Councilman Spinosa proposed changing the end date in his own proposal to **December 31, 2026**. Attorney Wade said 5987 does not contain a moratorium at this time but discussed the possibility of an amendment or resolution to incorporate a pause/moratorium if the Council would like this included.
- **Community benefits warrant a separate discussion.** Members raised fiscal and community-benefit approaches, as well as possible requests for state authority. Councilman Spinosa directed that community benefit discussions will continue in the fourth session.

Follow-ups raised during the discussion

Issue	Follow-up identified
Earlier project notification	Clarify how Council can receive earlier notice of projects approaching MLGW and entering the City's application process
Siting and neighborhood protection	Continue examining industrial-area maps, appropriate locations, setbacks, and buffers with DPD and legal counsel.
Sound and agency responsibilities	Develop clearer noise-review criteria and obtain expert input on existing safeguards and each agency's role.

Temporary pause and implementation	Resolve proposed duration, exit language and the relationship between any pause and the zoning ordinance.
Community benefits	Continue developing benefit concepts and identify where state authorization may be needed for the fourth-session discussion.

Remaining sessions

All sessions: 1:00–3:00 p.m. in the Council Committee Room, 5th Floor, City Hall.

Date	Focus
Monday, October 19	Environmental Protections & Neighborhood Infrastructure
Monday, October 26	Community Benefits, Economic Growth & Outstanding Questions
Thursday, October 29	Final Review & Next Steps

Invited for October 19: MLGW, TDEC, TVA, Shelby County Health Department and UofM CAESAR. Invited for October 26: SpaceXAI leadership, EDGE, State leadership and the Greater Memphis Chamber. Invitations are not confirmations of attendance.

All sessions are open to the public.

Questions may be sent to jia.robinson@memphistn.gov.