

# CITY OF MEMPHIS

## COUNCIL REGULAR MEETING

Tuesday , January 5, 2021, 3:30 p.m.

### SUPPORTING DOCUMENTS

ITEM #	DESCRIPTION	PAGE #
	<b>PLANNING AND DEVELOPMENT</b> <b>Public Hearings &amp; Ordinances</b>	
<b>1</b>	RESOLUTION approving a planned development located at 795 Tanglewood Street and one adjacent parcel, containing 1.2 acres in the Residential – 6 District. Case No. PD 20-13	<b>1</b>
<b>2</b>	RESOLUTION approving a planned development located generally along York Street South of Central Avenue, west of Cooper Street, and east of Tanglewood Street; containing +/-5.52 acres in the Employment (EMP), Commercial Mixed Use – 1 (CMU-1), and Residential Urban – 1 Historic (RU-1(H)) Districts. Case No. PD 20-15	<b>53</b>
<b>3</b>	RESOLUTION approving a street and alley closure located on part of Autumn Avenue east of Lipford Street and north of Sam Cooper Boulevard; containing 5042 square feet in the Residential – 6 District. Case No. SAC 20-21	<b>167</b>
	<b>CONSENT AGENDA</b>	
<b>4</b>	ORDINANCE No. 5771 amending the City of Memphis Code of Ordinances Chapter 21, Traffic and Vehicles, Article III, Operation of Vehicles generally to add Section 21-135 to be entitled “Non-Driver Participation in Drag Racing and Reckless Driving Exhibitions”, to set penalties for violations, and for other purposes, up for F I R S T reading.	<b>1</b>
<b>5</b>	ORDINANCE No. 5769 Adopting and Enacting a New Code of Ordinances of the City of Memphis, Tennessee; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing for the Manner of Amending such Code; and Providing when such Code and this Ordinance shall become effective, up for S E C O N D reading.	<b>4</b>
<b>6</b>	ORDINANCE No. 5570 designating qualified public use facility, creation of the One Beale Tourism Development Zone Tourism surcharge and otherwise providing with respect to the foregoing, up for S E C O N D reading.	<b>10</b>
<b>7</b>	ORDINANCE No. 5772 amending the Memphis and Shelby County Unified Development Code as adopted by the City of Memphis August 10, 2010, and by Shelby County August 9, 2010 as amended, to revise	<b>197</b>

**NOTE—THE REFERENCES TO THE PAGE NUMBERS USED IN THE ABOVE TABLE FOR SEPARATE PACKAGES FOR ZONING PUBLIC HEARINGS AND ZONING ORDINANCES ARE THE PAGE NUMBERS USED IN THE SEPARATE PACKAGES FOR THOSE ITEMS**

	and enhance the Joint Zoning and Subdivision regulations as recommended by the Memphis and Shelby County Office of Planning and Development and the Land Use Control Board. This text amendment affects all property within the City of Memphis and unincorporated Shelby County, up for F I R S T reading. Case No. ZTA 20-01	
<b>8</b>	ORDINANCE No. 5773 rezoning certain parcels adjacent to Summer between: Holmes and Sevier, and Novarese and Stratford, in the Commercial Mixed Use – 3 District, up for F I R S T reading. This Ordinance is sponsored by the Office of Planning and Development. Case No. Z 20-10	<b>332</b>
	<b>FISCAL CONSENT</b>	
<b>9</b>	RESOLUTION accepting and appropriating grant funds in the amount of \$75,000.00 from International Paper Foundation for “Lit meets Rec” Literacy programming (project # PK90091) at all Community Centers. <b>(Request for Same Night Minutes)</b>	<b>17</b>
<b>10</b>	RESOLUTION accepting and appropriating grant funds in the amount of \$5,000.00 from International Paper Foundation for “MEMFeast” program supplies (project # PK90092). All Council Districts. <b>(Request for Same Night Minutes)</b>	<b>19</b>
<b>11</b>	RESOLUTION accepting and appropriating grant funds in the amount of \$25,000.00 from ASPCA for MAS to fund COVID-19 pet parent relief programs and /or shelter lifesaving (project #GR90065). <b>(Request for Same Night Minutes)</b>	<b>21</b>
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<b>15</b>	RESOLUTION awarding Contract No.12202, Network Maintenance to ConvergeOne, in the funded amount of \$1,266,796.60	<b>32</b>
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	\$35,000.00.	
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	<b>REGULAR AGENDA</b>	
19	<p><b><u>APPOINTMENTS</u></b></p> <p><b><u>MEMPHIS CONVENTION CENTER COMMISSION</u></b></p> <p><b><u>Reappointments</u></b></p> <ul style="list-style-type: none"> <li>• Calvin Anderson</li> <li>• Douglas Browne</li> <li>• Natasha Langston</li> </ul> <p><b><u>MEMPHIS &amp; SHELBY COUNTY LAND USE CONTROL BOARD</u></b></p> <p><b><u>Reappointments</u></b></p> <ul style="list-style-type: none"> <li>• Scott Fleming</li> <li>• Mary Sharp</li> </ul> <p><b><u>MEMPHIS AREA TRANSIT AUTHORITY</u></b></p> <p><b><u>Reappointments</u></b></p> <ul style="list-style-type: none"> <li>• Justice Janice Holder (Ret.)</li> <li>• Martin Lipinski</li> <li>• Shelia Williams</li> </ul> <p><b><u>HEALTHCARE OVERSIGHT COMMITTEE</u></b></p> <p><b><u>Appointment</u></b></p> <ul style="list-style-type: none"> <li>• Cameron Stephens</li> </ul>	41
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<b>30</b>	ORDINANCE No. 5775 amending the City of Memphis Code of Ordinance Chapter 21, Traffic and Vehicles, Article X, Vehicle Equipment and Loads to add Subsection 21-335 (B) and Section 21-336 (B) regarding Muffler Violations and Penalties, up for F I R S T reading	<b>95</b>
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**AN ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCE CHAPTER 21, TRAFFIC AND VEHICLES, ARTICLE III, OPERATION OF VEHICLES GENERALLY TO ADD SECTION 21-135 TO BE ENTITLED "NON-DRIVER PARTICIPATION IN DRAG RACING AND RECKLESS DRIVING EXHIBITIONS", TO SET PENALTIES FOR VIOLATIONS, AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Memphis has an interest in maintaining the health, safety, and welfare of the citizens of the City and its visitors; and

**WHEREAS**, pursuant to T.C. A. § 55-10-502, no person shall operate a motor vehicle or motor vehicles upon the public highways of Tennessee, or while on the premises of any shopping center, trailer park, any apartment house complex, or any other premises generally frequented by the public at large, or who is a participant therein, for the purpose of drag racing; and

**WHEREAS**, drag racing and reckless driving exhibitions have been on the rise in cities across the country and are an immediate threat to public safety and a nuisance to neighborhoods and commuters using various modes of transportation; and

**WHEREAS**, multiple deaths of innocent children have occurred in other cities due to the engagement in drag racing and reckless driving exhibitions; and

**WHEREAS**, cities across the country, such as Atlanta, San Diego, Sacramento, Kansas City, Albuquerque, and Milwaukee have enacted ordinances to prohibit drag racing exhibitions, including the prohibition of non-driver or spectator participation therein; and

**WHEREAS**, the City of Memphis has experienced an increasing occurrence of such activities over the past year; and

**WHEREAS**, this issue has caused multiple occurrences of public streets being shut down and made impassable; and

**WHEREAS**, in addition to prohibiting and penalizing drag racing and reckless driving exhibitions, it is also necessary to prohibit and penalize the organization of, and participation in, such activities, which draw large numbers of spectators, causing a disturbance of the peace and a threat to public safety; and

**WHEREAS**, establishing an ordinance to prohibit the organization of and participation in drag racing exhibitions, as defined herein, would enable the Memphis Police Department to more effectively combat the occurrence of such behavior; and

**WHEREAS**, in the interests of public safety and ensuring the well-being of motorists and pedestrians, it is necessary to amend the City of Memphis's Code of Ordinances to prohibit the organization of, and participation in, drag racing and reckless driving exhibitions.

**THE CITY COUNCIL OF THE CITY OF MEMPHIS HEREBY ORDAINS** as follows:

**SECTION 1:** That Chapter 21, Traffic and Vehicles Article III, Operation of Vehicles Generally, Section 21-135 shall be added and entitled "Non-Driver Participation in Drag Racing and Reckless Driving Exhibitions", as follows:

**Sec. 21-135. - Non-Driver Participation in Drag Racing and Reckless Driving Exhibitions**

(a) *For purposes of this section, the following terms shall mean:*

*Drag racing and reckless driving exhibition* means any motor vehicle ascertaining the maximum speed obtainable by the vehicle; ascertaining the highest obtainable speed of the vehicle within a certain distance or within a certain time limit; the use of any one or more motor vehicles for the purpose of comparing the relative speeds of the vehicle or vehicles, or for comparing the relative speeds of the vehicle or vehicles within a certain distance or within a certain time limit; the use of one or more motor vehicles in an attempt to outgain, outdistance or to arrive at a given destination simultaneous with or prior to that of any other motor vehicle; or the use of any motor vehicle for the purpose of the accepting of, or the carrying out of any challenge, made orally, in writing, or otherwise, made or received with reference to the performance abilities of one or more motor vehicles;

*Organizer* means any individual who in any manner knowingly takes part in the planning, organization, coordination, facilitation, advertising or sharing of the location for any such drag race, or collect moneys in connection with an drag racing exhibition, as defined herein;

*Participant* means any individual who is knowingly present at an drag racing exhibition for the purpose of actively taking part in the event, through conduct including riding in a race vehicle as a passenger; assisting the organizers and/or drivers in carrying out or promoting the event; or exchanging money or anything of value with any driver, car owner, or other participant in connection with the event. For the purposes of this section, a person who is a mere bystander, passerby, or observer not aware of the illegal activity shall not be deemed a participant.

(b) *Violations.*

(1) No person shall knowingly act as an organizer of a drag racing or reckless driving exhibition, as defined herein.

(2) Except as provided elsewhere in this chapter, no person shall knowingly act as a participant in a drag racing or reckless driving exhibition, as defined herein.

(d) *Penalties.*

(1) Anyone found in violation of this chapter commits a Class C misdemeanor and shall be subject to a \$50.00 fine.

(e) *Exemptions.*

This section shall not apply to licensed or duly authorized racetracks, drag strips, or other designated areas set aside by proper authorities for such purposes.

**SECTION 2. BE IT FURTHER ORDAINED**, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED**, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairperson of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Sponsor  
Ford Canale

Chairwoman  
Patrice Robinson

ADOPTING ORDINANCE

ORDINANCE NO. 5769

*An Ordinance Adopting and Enacting a New Code of Ordinances of the City of Memphis, Tennessee; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing for the Manner of Amending such Code; and Providing When such Code and this Ordinance Shall Become Effective*

WHEREAS, the Council of the City of Memphis, as the City's legislative body, has the full power and authority under the Charter of the City to codify, revise and collect in the form of a code of ordinances of a general nature, and in doing so has the full power, to amend, alter, repeal or modify any ordinance of a general nature other than contract ordinances to conform such ordinances to the legislative intent of the Council before inclusion in said code;

WHEREAS, the last official code of ordinances was adopted by the City Council on September 1, 1985 pursuant to Ordinance No. 3490 (the "1985 Code");

WHEREAS, the City has contracted with different publishing companies to republish and supplement the 1985 Code, but such republications and supplements have not been reviewed and adopted by the Council as an official code from time to time as suggested by the City's Charter;

WHEREAS, the absence of an official code of ordinances and the use of unofficial republications of the former code with amendments has created confusing and lack of certainty as to the form, content and existence of new and amending ordinances adopted since September 1, 1985;

WHEREAS, due to clerical errors and omissions there have been many instances in which new and amending ordinances adopted since September 1, 1985 have been omitted or misstated in the unofficial republications



of the City's Ordinances;

WHEREAS, the use of numbering systems in the unofficial republications of the former code that are different from that used in the 1985 Code has made placement of new and amending ordinances more difficult and more susceptible to the opinion of the publisher of the republications rather than the intent of the Council.

WHEREAS, the Council has delegated to the City Attorney and the Council's Attorney the responsibility of making a thorough review of new and amending ordinances adopted by the Council since September 1, 1985 for the purpose of producing for adoption by the City Council a new Official Code of Ordinances that accurately reflects the state of law of the City as of the date(s) of adoption by the City Council.

WHEREAS, due to the volume of ordinances to be considered and codified and the need to provide clear guidance to the City and its citizens, the City Attorney and the Council's Attorney have presented this adopting ordinance consisting of the codification of 4 of the 49 Chapters of the 1985 Code and will periodically provide for adoption by the Council supplementary codification ordinances to supplement the codification herein approved.

*Be It Ordained by the Council of the City of Memphis That*

*Section 1.* A Code of Ordinances, consisting of Chapters 1 through 49, each inclusive, and the errata thereto, is hereby adopted and enacted as the "2021 Code of Ordinances, City of Memphis, Tennessee" (the "2021 Code").

*Section 2.* The Chapters of the 2021 Code will be approved in a series of Codification Adoption Ordinances. As and when chapters of the 2021 Code are approved by

ordinance, such approved chapters shall supersede and replace all then existing general and permanent ordinances of the City to the extent included in such codified chapters or to the extent such ordinances are inconsistent with the provisions of the chapters so codified.

*Section 3.* The Council does hereby further ordain that the following chapters of the 2021 Code as presented to and considered by the Council are hereby adopted and codified, namely:

Chapter 1-General Provisions

Chapter 2-Administration

Chapter 3-Personnel

Chapter 4-Pension and Retirement System

*Section 4.* All provisions of the Chapters of the 2021 Code adopted and codified by this ordinance shall be in full force and effect from and after this ordinance becomes effective, and all conflicting codes, provisions, chapters, sections, paragraphs and sentences of ordinances of a general and permanent nature in existence or enacted on final passage on or before the effective date of this ordinance, and not included in the 2021 Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this Ordinance.

*Section 5.* Any and all additions and amendments to the

2021 Code, when passed by ordinance in a form to specifically indicate the intention of the Council to make such additions and amendments a part of the 2021 Code, shall be deemed to be incorporated in the 2021 Code, so that reference to the 2021 Code shall be understood and intended to include such additions and amendments.

*Section 6.* Three (3) copies of the 2021 Code shall be kept on file in the office of the comptroller preserved in loose-leaf form, or in such other form as the comptroller may consider most expedient. The comptroller is also authorized to contract for the republication of the 2021 Code and supplements as approved by the Council in electronic format through a nationally recognized legal code publication company.

It shall be the express duty of the comptroller or someone authorized by him to insert in such copies and in their designated places all amendments or ordinances which the council has specifically approved, from time to time, to be to made a part of the 2021 Code when the same have been printed or reprinted in page form, and to extract from such copies all provisions which may be from time to time repealed by the Council. Such copies shall be available for all persons desiring to examine the same.

*Section 7.* The provisions the 2021 Code as approved by the Council or any copy thereof which purports to be published and maintained, in written or electronic

form, by authority of the City of Memphis shall be conclusively held to be evidence of the law of the City of Memphis from and after the times of their passage, with respect to any subject or provisions contained therein, and no person shall be permitted to impeach any such code provision on the ground that it was not duly and regularly passed in accordance with the laws existing at the time of its passage. Any prior uncodified republications of ordinances of the City with respect to any subject or provisions contained in the 2021 Code shall not be read and accepted in evidence from and after the adoption of any chapter of the 2021 Code.

Section 8. The provisions the 2021 Code as approved by the Council, or any copy thereof which purports to be published by authority of the City of Memphis, may be read and accepted in evidence in any court in this State without further proof of its passage.

*Section 9.* All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

*Section 10.* Severability. The provisions of this Ordinance are hereby declared to be severable. If any of the sections, amendments, provisions, sentences, clauses, phrases, or parts hereof are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 11. Effective Date. The provisions of this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

**SPONSOR:**  
**Council Chairman**

**PATRICE ROBINSON**  
**CHAIRPERSON**

ORDINANCE NO. 5570

ORDINANCE FOR DESIGNATION OF QUALIFIED PUBLIC USE FACILITY, CREATION OF THE ONE BEALE TOURISM DEVELOPMENT ZONE TOURISM SURCHARGE AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING

WHEREAS, Beale Street is one of America's premier tourist destinations, a major employer in the Downtown Memphis community and a key economic driver of the City of Memphis; and

WHEREAS, One Beale, LLC (the "Owner") owns or operates, through one or more affiliates, approximately 5.265 acres of property in the Beale Street area, on which it is developing a mixed use development including hotels, apartments, retail and parking with a total development cost of approximately Three Hundred Eighty Five Million Dollars (\$385,000,000) (the "One Beale Street Development"); and

WHEREAS, the One Beale Street Development includes an approximately 350 room luxury hotel to be located at One Beale Street, Memphis, Tennessee (the "One Beale Hotel Project"); and

WHEREAS, TCA §67-4-3002 authorizes the City of Memphis to designate certain projects as "Qualified Public Use Facilities", including without limitation full-service hotels with not less than two hundred fifty (250) rooms and related retail, commercial, and parking space that are located in a tourism development zone; and

WHEREAS, TCA §67-4-3003 authorizes the City of Memphis to charge a 5% Tourism Surcharge on goods and services used by visitors at a qualified public use facility and other related facilities (the "Tourism Surcharge"); and

WHEREAS, the One Beale Street Development is located in the portion of Downtown Memphis designated as a tourism development zone pursuant to the Convention Center and Tourism Development Financing Act of 1998, which is codified at TCA §7-88-101 et seq., (the "TDZ Act"); and

WHEREAS, the City of Memphis administration finds that it is wise, necessary, and advisable to designate the One Beale Hotel Project as a "Qualified Public Use Facility" within the meaning of the TDZ Act as codified at TCA § 67-4-3002(7); and

WHEREAS, the City of Memphis administration finds that it is wise, necessary, and advisable to seek authorization from this Council to impose the Tourism Surcharge within the One Beale Street Development; and

WHEREAS, to enact the Tourism Surcharge within the One Beale Street Development, the City of Memphis administration has proposed the ordinance set forth below (the "Tourism Surcharge Ordinance"); and

WHEREAS, the City administration desires that the Council (i) approve the Tourism Surcharge Ordinance, and (ii) otherwise provide with respect to the foregoing.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Memphis as follows:

1. Sec. \_\_\_ - \_\_\_ -1. **Designation as Qualified Public Use Facility**

The hotel to be constructed at the address municipally known as One Beale Street, Memphis, Tennessee, containing not less than two hundred fifty (250) rooms, and related retail, commercial, and parking space (the "One Beale QPUF"), is hereby designated as a qualified public use facility as described in T.C.A. title 67, chapter 4, part 30 (as amended from time to time, hereinafter in this chapter called the "Act").

Sec. \_\_\_ - \_\_\_ -2. **Creation of District**

There is created the One Beale Surcharge District (the "District") in accordance with the Act.

Sec. \_\_\_ - \_\_\_ -3. **District Boundaries**

The District created by this chapter shall be comprised of the area located in the city within the following boundaries:

Approximately 5.265 acres known as One Beale as shown on Plat of record in Plat Book 279, Page 14 in the Register's Office of Shelby County, Tennessee consisting of:

(Phase I) Final Plat – PD 18-10, Phase One, The Landing at One Beale as shown on Plat of record in Plat Book 281, Page 3 in the Register's Office of Shelby County, Tennessee (approximately 2.26 acres) consisting of:

(a) the Residential Unit created under Master Deed, Declaration of Covenants, Conditions and Restrictions of The Landing Condominium recorded as Instrument No. 201906100056198 in the Register's Office of Shelby County, Tennessee; and

Municipal Address: 1 Dr. ML King, Jr. Avenue  
Tax Parcel ID: 002098 00010

(b) the Parking Unit created under Master Deed, Declaration of Covenants, Conditions and Restrictions of The Landing Condominium recorded as Instrument No. 201906100056198 in the Register's Office of Shelby County, Tennessee.

Municipal Address: 1 Dr. ML King, Jr. Avenue  
Tax Parcel ID: 002098 00009

(Phase II) Final Plat – PD 18-10, Phase Two, Hyatt Centric at One Beale as shown on Plat of record in Plat Book 281, Page 3 in the Register's Office of Shelby County, Tennessee (approximately 2.26 acres).

Municipal Address: 33 Beale Street (0 Wagner Place)  
Tax Parcel ID: 002099 00002C

(Phase III) Final Plat – PD 18-10, Phase Three, as shown on Plat of record in Plat Book 288, Page 24 in the Register's Office of Shelby County, Tennessee (approximately 0.654 acres) consisting of:

Parcel 1, Hyatt 2 Parcel:

BEING A SURVEY OF PART OF PARCEL I, PART OF PARCEL II AND PART OF PARCEL III OF THE FRONT STREET DEVCO, LLC PROPERTY AS RECORDED IN INSTRUMENT 16117584, ALSO BEING PART OF PHASE III OF THE PROPERTY SHOWN ON THE OUTLINE PLAN FOR THE ONE BEALE P.D. AMENDED AS RECORDED IN PLAT BOOK 279, PAGE 14, BOTH OF RECORD IN THE SHELBY COUNTY REGISTER'S OFFICE, BEING LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SOUTH FRONT STREET (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF DR. M.L. KING JR. AVENUE (60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N56°56'01"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 108.00 FEET TO THE POINT OF BEGINNING (N 318717.16 – E 755672.60); THENCE N56°56'01"W AND CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 30.00 FEET TO A POINT; THENCE N33°03'59"E ALONG A LINE THAT IS 138.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 38.00 FEET TO A POINT; THENCE N56°56'01"W ALONG A LINE THAT IS 38.00 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 20.17 FEET TO A POINT; THENCE N33°03'59"E ALONG A LINE THAT IS 158.16 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 13.83 FEET TO A POINT; THENCE N56°56'01"W ALONG A LINE THAT IS 51.83 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 41.83 FEET TO A POINT, SAID POINT LIES ON THE EAST RIGHT-OF-WAY LINE OF WAGNER PLACE (50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N33°03'59"E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID WAGNER PLACE (SAID EAST RIGHT-OF-WAY LINE



BEING 200.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SOUTH FRONT STREET) A DISTANCE OF 26.67 FEET TO A POINT; THENCE S56°56'01"E ALONG A LINE THAT IS 78.50 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 54.00 FEET TO A POINT; THENCE N33°03'59"E ALONG A LINE THAT IS 146.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 31.50 FEET TO A POINT; THENCE N56°56'01"W ALONG A LINE THAT IS 110.00 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 1.00 FOOT TO A POINT; THENCE N33°03'59"E ALONG A LINE THAT IS 147.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 56.00 FEET TO A POINT; THENCE S56°56'01"E ALONG A LINE THAT IS 166.00 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 147.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET; THENCE S33°03'59"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 105.00 FEET TO A POINT; THENCE N56°56'01"W ALONG A LINE THAT IS 61.00 FEET NORTH OF AND PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 108.00 FEET TO A POINT; THENCE S33°03'59"W ALONG A LINE THAT IS 108.00 FEET WEST OF AND PARALLEL TO THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 61.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 19,008 SQUARE FEET OR 0.436 ACRES.

Out Parcel 1:

BEING A SURVEY OF PART OF PHASE III OF THE PROPERTY SHOWN ON THE OUTLINE PLAN FOR THE ONE BEALE P.D. AMENDED AS RECORDED IN PLAT BOOK 279, PAGE 14, AT THE SHELBY COUNTY REGISTER'S OFFICE, BEING LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SOUTH FRONT STREET (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF DR. M.L. KING JR. AVENUE (60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N56°56'01"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 108.00 FEET TO THE WESTERN MOST SOUTHEAST CORNER OF THE PROPERTY SHOWN ON THE FINAL PLAT FOR PHASE 3 OF THE ONE BEALE PD

AS RECORDED IN PLAT BOOK 288, PAGE 24; THENCE N33°03'59"E ALONG THE WESTERN MOST EAST LINE OF SAID PHASE 3 A DISTANCE OF 61.00 FEET TO A POINT ON A SOUTH LINE OF SAID PHASE 3; THENCE S56°56'01"E ALONG A SOUTH LINE OF SAID PHAS3 3 A DISTANCE OF 108.00 FEET TO THE NORTHERN MOST SOUTHEAST CORNER OF SAID PHASE 3, SAID POINT LIES ON THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET; THENCE S33°03'59"W ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH FRONT STREET A DISTANCE OF 61.00 FEET TO THE TO THE POINT OF BEGINNING AND CONTAINING 6,588 SQUARE FEET OR 0.151 ACRES.

Out Parcel 2:

BEING A SURVEY OF PART OF PHASE III OF THE PROPERTY SHOWN ON THE OUTLINE PLAN FOR THE ONE BEALE P.D. AMENDED AS RECORDED IN PLAT BOOK 279, PAGE 14, AT THE SHELBY COUNTY REGISTER'S OFFICE, BEING LOCATED IN MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SOUTH FRONT STREET (80.00 FOOT WIDE PUBLIC RIGHT-OF-WAY) WITH THE NORTH RIGHT-OF-WAY LINE OF DR. M.L. KING JR. AVENUE (60.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N56°56'01"W ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 138.00 FEET TO THE EASTERN MOST SOUTHWEST CORNER OF THE PROPERTY SHOWN ON THE FINAL PLAT FOR PHASE 3 OF THE ONE BEALE PD AS RECORDED IN PLAT BOOK 288, PAGE 24, SAID POINT BEING THE POINT OF BEGINNING; THENCE N56°56'01"W AND CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DR. M.L. KING JR. AVENUE A DISTANCE OF 62.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF WAGNER PLACE (50.00 FOOT WIDE PUBLIC RIGHT-OF-WAY); THENCE N33°03'59"E ALONG THE EAST RIGHT-OF-WAY LINE OF SAID WAGNER PLACE A DISTANCE OF 51.83 FEET TO THE NORTHERN MOST SOUTHWEST CORNER OF SAID PHASE 3 (PLAT BOOK 288, PAGE 24); THENCE ALONG THE SOUTHWESTERN PORTION OF SAID PHASE 3 THE FOLLOWING CALLS AND DISTANCES:

S56°56'01"E - 41.83 FEET;  
S33°03'59"W - 26.67 FEET;  
S56°56'01"E - 20.17 FEET;  
S33°03'59"W - 38.00 FEET

TO THE POINT OF BEGINNING AND CONTAINING 2,935 SQUARE FEET OR 0.067 ACRES.

Municipal Address: 245 South Front Street, Memphis, Tennessee  
Tax Parcel ID: 002099 00008

(Phase IV) PD 18-20, Phase Four, Grand Hyatt at One Beale (approximately 1.162 acres):

Description of the One Beale, LLC property recorded at Instrument No. 07085520 in Memphis, Shelby County, Tennessee:

Beginning at the intersection of the south line of Beale Street (60' R.O.W.) and the west line of Wagner Place (50' R.O.W.); thence south 33 degrees 55 minutes 04 seconds west, 355.43 feet to a point in the north line of Parcel II of the Carlisle Landing, LLC property recorded at Instrument No. 04011935; thence north 55 degrees 44 minutes 29 seconds west with the north line of Parcel II of said property recorded at Instrument No. 04011935, 150.00 feet to a point in the east line of Tennessee Street (closed); thence north 33 degrees 55 minutes 04 seconds east with the east line of said Tennessee Street, 319.39 feet to a point in the south line of the aforesaid Beale Street; thence south 69 degrees 16 minutes 11 seconds east with the south line of said Beale Street, 154.06 feet to the Point of Beginning and containing 50,612 square feet or 1.162 acres of land.

Municipal Address: 1 Beale Street (245 Wagner PL), Memphis, Tennessee  
Tax Parcel ID: 002070 00001C

Sec. \_\_ - \_\_\_\_-4      **Surcharge Assessment**

The making of Sales (as such term is defined in the Act) by engaging in any Business (as such term is defined in the Act), except for those businesses exempt under T.C.A. title 67, chapter 4, part 712, in the District is declared to be a privilege. All such Sales shall be subject to the surcharge assessment provided in this Chapter and the City hereby levies such surcharge on all Sales.

Sec. \_\_ - \_\_\_\_-5      **Surcharge Assessment Rate**

The surcharge levied by this section shall be equal to five percent (5%) of the Sales Price (as such term is defined in the Act).

Sec. \_\_ - \_\_\_\_-6      **Mandatory Registration, Filing of Returns, Payment of Surcharge and Licensing**

All persons carrying on Business (as such term is defined by the Act) in the District, and all person who may hereafter carry on Business in the District, shall register with the City Treasurer for the purpose of assessment and collection of the surcharge. All persons so registered

shall file a return detailing Sales for the prior month and surcharge collected on account of such Sales on or before the twentieth (20th) day of each calendar month and shall remit all surcharge collected during such month, together with any delinquent payments of surcharge, with such return. Each person who files a return and remits the appropriate amount of surcharge shall be granted a license which such person shall display within their place of Business. The City Treasurer is hereby authorized and directed to develop the forms for registration and filing monthly returns, as well as rules and regulations regarding the filing of the same.

Sec. \_\_ - \_\_\_\_-7            **Delinquent Payments**

Any nonpayment or delinquent payment of any surcharge shall be subject to the rights and remedies described in Chapter 5-24 of the Memphis City Code.

Sec. \_\_ - \_\_\_\_-8            **Allocation and Use of Revenues**

All revenues received by the city as a result of the surcharge, except for the reasonable expenses of the City Treasurer incurred as a result of its administrative duties under this chapter which shall not exceed one percent (1%) of the revenues, shall be designated for, and allocated to the payment of, the cost of the One Beale QPUF, including without limitation all debt issued or incurred in the acquisition, construction, leasing, renovation and equipping by the Memphis Center City Revenue Finance Corporation ("CCRFC"), or any other similar instrumentality of the City of Memphis, including principal, interest and other fees and charges.

Sec. \_\_ - \_\_\_\_-9            **Remittance of Revenues**

On or before the fifteenth (15<sup>th</sup>) day of each month, the City Treasurer shall remit all revenues received during the prior month, less the aforescribed administrative fee, to CCRFC or its assignee. CCRFC, or its assignee, are hereby directed to deposit such revenues in accordance with the Act and any agreements governing the debt issued or incurred by CCRFC on account of the qualified public facility.

Sec. \_\_ - \_\_\_\_-10          **Termination of Surcharge**

The surcharge shall continue until terminated pursuant to the terms of the Act.

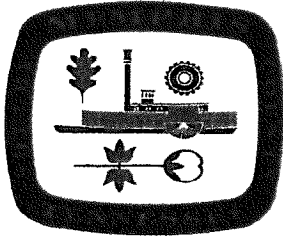
2. All actions heretofore undertaken by the Mayor or his designee and other officials, employees, attorneys and agents of the City in furtherance of the intent of this resolution, and of the documents authorized by this resolution, are hereby ratified, confirmed and approved.

3. The Mayor or his designee and other appropriate officials of the City are hereby authorized to enter into such agreements, and they and other appropriate employees of the City are hereby authorized to execute such certificates or other documents and take such other actions, as may be necessary or appropriate to carry out the intent of this resolution.

4. This Ordinance shall take effect from and after its adoption, the welfare of the City of Memphis requiring it.

Sponsor: \_\_\_\_\_

## Memphis City Council Summary Sheet Template 8-28-12



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

Resolution to approve the acceptance of grant funds in the amount of seventy-five thousand dollars (\$75,000.00) from International Paper Foundation and to appropriate the funds for "Lit Meets Rec" literacy programming at community centers. (All Districts).

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

Division of Parks & Neighborhoods

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

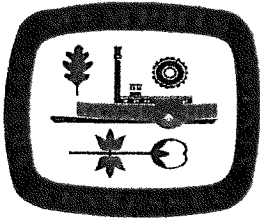
Not applicable

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

Not applicable

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

City of Memphis must approve revenue of seventy-five thousand dollars (\$75,000.00) from International Paper Foundation. This grant award does not require additional match funding.



***Resolution accepting grant funds of seventy-five thousand dollars (\$75,000.00) from International Paper Foundation for "Lit meets Rec" literacy programming at community centers [All Districts].***

**WHEREAS**, International Paper Foundation, Inc is a corporate philanthropic organization located in Memphis, TN; and

**WHEREAS**, the City of Memphis, through its Division of Parks and Neighborhoods, has conducted recreational programs to reinforce literacy skills through afterschool and summer programs for more than three years; and

**WHEREAS**, funding from the International Paper Foundation will support stronger and more robust literacy programming efforts in 2021; and

**WHEREAS**, the Parks Division is a recipient of a 2021 International Paper Foundation award in the amount of seventy-five thousand dollars (\$75,000.00); and

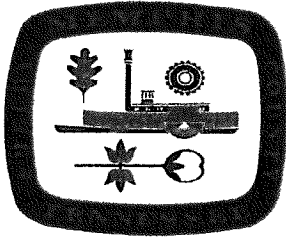
**WHEREAS**, it is necessary to accept these funds and amend the Fiscal Year 2021 operating budget grant account PK90091, and allow for expenditures of the same; and

**WHEREAS**, it is necessary to appropriate these funds in the amount of seventy-five thousand dollars (\$75,000.00) for part-time salaries, professional services, and supplies to conduct literacy programming at community centers.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2021 operating budget be hereby amended by accepting the grant of seventy-five thousand dollars (\$75,000.00) for part-time salaries, professional services, and supplies into PK90091, and

**BE IT FURTHER RESOLVED** that funding of seventy-five thousand dollars (\$75,000.00) be allocated and appropriated to PK90091.

## Memphis City Council Summary Sheet Template 8-28-12



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

Resolution seeks to approve the acceptance of grant funds in the amount of five thousand dollars (\$5,000.00) from International Paper Foundation and to appropriate the funds for "MEMFeast" program supplies. (All Districts).

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

Division of Parks & Neighborhoods

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

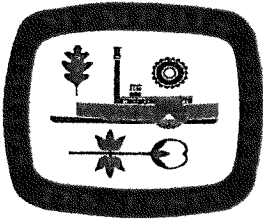
Not applicable

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

Not applicable

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

City of Memphis must approve revenue of five thousand dollars (\$5,000.00) from International Paper Foundation. This grant award does not require additional match funding.



***Resolution accepting grant funds in the amount of five thousand dollars (\$5,000.00) from International Paper Foundation and to appropriate the funds for “MEMFeast” program supplies. (All Districts).***

**WHEREAS**, International Paper Foundation, Inc is a corporate philanthropic organization located in Memphis, TN; and

**WHEREAS**, the City of Memphis has conducted the MEMFeast feeding program for more than two years; and

**WHEREAS**, funding from the International Paper Foundation will support this social service programming effort; and

**WHEREAS**, the City of Memphis is a recipient of a 2021 International Paper Foundation award in the amount of five thousand dollars (\$5,000.00); and

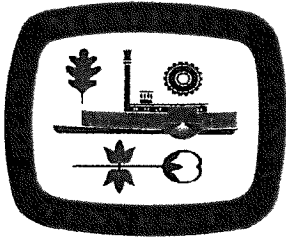
**WHEREAS**, it is necessary to accept these funds and amend the Fiscal Year 2021 operating budget grant account PK90092, and allow for expenditures of the same; and

**WHEREAS**, it is necessary to appropriate these funds in the amount of five thousand dollars (\$5,000.00) for supplies to conduct the annual MEMFeast program.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2021 operating budget be hereby amended by accepting the grant of five thousand dollars (\$5,000.00) for supplies into PK90092, and

**BE IT FURTHER RESOLVED** that funding of five thousand dollars (\$5,000.00) be allocated and appropriated to PK90092.





## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

A Resolution requesting City Council approval for the acceptance and expenditure of \$25,000 from the ASPCA for MAS to fund COVID-19 pet parent relief and/or shelter lifesaving.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

Memphis Animal Services

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

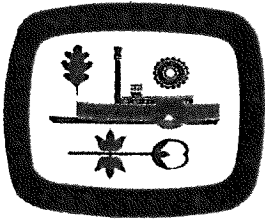
This is an amendment to a previous grant of \$25,000 awarded from ASPCA to MAS, for a total award amount of \$50,000.

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

ASPCA does require a grant amendment agreement be signed for this grant.

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

No City funds are required. Funds will be provided by the ASPCA grant.



A Resolution to accept grant funds in the amount of Twenty-Five Thousand Dollars (\$25,000) from ASPCA.

**WHEREAS**, the City of Memphis has been informed by ASPCA of its selection as a grantee organization to receive additional grant funds for COVID-19 relief; and

**WHEREAS**, Memphis Animal Services desires to fund COVID-19 pet parent relief programs and/or shelter lifesaving and accept ASPCA's grant amendment for an additional \$25,000; and

**WHEREAS**, it is necessary to accept the grant amendment and funding and amend the FY 2021 Operating Budget to establish funds for the pet parent relief and/or shelter lifesaving; and

**WHEREAS**, it is necessary to allocate and appropriate the FY 2021 grant funds in the amount of Twenty-Five Thousand Dollars (\$25,000) for MAS pet parent relief and/or shelter lifesaving expenses.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the grant funds for COVID-19 pet parent relief and/or shelter lifesaving in the amount of Twenty-Five Thousand Dollars (\$25,000) from ASPCA be accepted by the City of Memphis.

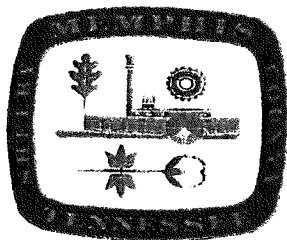
**BE IT FURTHER RESOLVED**, that the Fiscal Year 2021 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the ASPCA grant in the amount of Twenty-Five Thousand Dollars (\$25,000) as follows:

Revenue

ASPCA	\$25,000.00
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Expenditures

Payments to Subgrantees	\$25,000.00
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## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

A Resolution to accept and appropriate grant funds in the amount of Twenty Thousand (20,000) from Corporation for National and Community Service.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

The City of Memphis, Division of Human Resources is initiating this resolution.

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

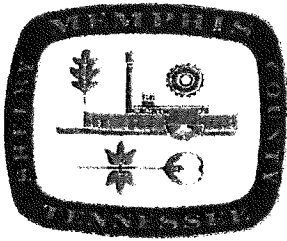
There is no change to an existing ordinance or resolution.

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

The resolution does not require a new contract, or amends an existing contract.

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

The resolution requires an expenditure of funds and a budget amendment.



**RESOLUTION**

A Resolution to accept, allocate and appropriate grant funds from the Corporation for National and Community Service CNCS.

**WHEREAS**, Volunteers in Service to America (VISTA) was founded in 1965 as a national service program to fight poverty in America; AmeriCorps VISTA members are passionate and committed to their mission to bring individuals and communities out of poverty; and

**WHEREAS**, VISTA members receive a poverty level stipend to make a year-long, full time commitment to serve on a specific project at a nonprofit organization or public agency, focusing their efforts to build the organizational, administrative and financial capacity of organizations that fight illiteracy, improve health services, foster economic development; and otherwise assist low-income communities; and

**WHEREAS**, The City of Memphis Division of Human Resources has been awarded grant funds in the amount of Twenty Thousand (\$20,000) from the Corporation for National and Community Service; and

**WHEREAS**, these funds will be used to support the Human Resource Department's participation in the AmeriCorps VISTA program to assist the project sponsor in carrying out an anti-poverty initiative; and

**WHEREAS**, it is necessary to accept the grant funding and amend the FY2021 Operating Budget to establish for the AmeriCorps VISTA program; and

**WHEREAS**, it is necessary to appropriate these grant funds in the amount of Twenty Thousand (\$20,000) for the AmeriCorps VISTA program.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the AmeriCorps VISTA program funds in the amount of Twenty Thousand (\$20,000) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the FY2021 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the AmeriCorps VISTA program as follows:

**REVENUE**

046118 Federal Grants – Others	<u>\$20,000.00</u>
Total	\$20,000.00

**EXPENDITURE**

051101 Full Time Salaries	<u>\$20,000.00</u>
Total	\$20,000.00

## RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting on December 16, 2020 approved Change No. 4 to Contract No. 11822, CardConnect (formerly Ignite Payments, LLC) to ratify and increase the current contract in the funded amount of \$840,000.00, and is now recommending to the Council of the City of Memphis that it approves said ratification and change as approved; and

WHEREAS, the project scope is to allow CardConnect (formerly Ignite Payments, LLC), as a sole source provider, to provide services for transaction processing, returns processing as well as reporting for debit cards (pin debits/no pin), and credit cards. The services shall also include ATM card processing for the following: 1) Web access; 2) Interactive Voice Response (IVR); 3) Point of Sale (POS) at Community Offices; and 4) Compressed Natural Gas (CNG) sales at the Choctaw and South Centers. This change is to ratify and add additional funding for the period covering June 1, 2020 through December 31, 2020 in the funded amount of \$840,000. Change Order No. 3 of this contract, dated May 15, 2020, which extended the contract term through December 31, 2020 was not fully funded to cover the fees and transaction volume for the remainder of 2020. The funding amount of \$840,000 should have been added as part of Change Order 3. In addition, MLGW has negotiated a new contract to start January 1, 2021 that will reduce fees by approximately \$600,000 per year.

The contract term will remain through December 31, 2020. This sole source ratification and renewal complies with all applicable laws and policies. The new contract value is \$10,640,000.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that

there be and is hereby approved Change No. 4 to Contract No. 11822, CardConnect (formerly Ignite Payments, LLC) to ratify and change the current contract in the funded amount of \$840,000.00 as approved.

**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**December 16, 2020**

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The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 4 to Contract No. 11822, CardConnect (formerly Ignite Payments, LLC) to ratify and increase the current contract in the funded amount of \$840,000.00.

The project scope is to allow CardConnect (formerly Ignite Payments, LLC), as a sole source provider, to provide services for transaction processing, returns processing as well as reporting for debit cards (pin debits/no pin), and credit cards. The services shall also include ATM card processing for the following: 1) Web access; 2) Interactive Voice Response (IVR); 3) ~~Point of Sale (POS) at Community Offices; and 4) Compressed Natural Gas (CNG) sales at the~~ Choctaw and South Centers. This change is to ratify and add additional funding for the period covering June 1, 2020 through December 31, 2020 in the funded amount of \$840,000. Change Order No. 3 of this contract, dated May 15, 2020, which extended the contract term through December 31, 2020 was not fully funded to cover the fees and transaction volume for the remainder of 2020. The funding amount of \$840,000 should have been added as part of Change Order 3. The contract term will remain through December 31, 2020. This sole source ratification and change complies with all applicable laws and policies. The new contract value is \$10,640,000.00. In addition, MLGW has negotiated a new contract to start January 1, 2021 that will reduce fees by approximately \$600,000 per year.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval.

of Change No. 4 to Contract No. 11822, CardConnect (formerly Ignite Payments, LLC) to ratify and increase the current contract in the funded amount of \$840,000.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President or his designated representative is authorized to execute the Ratification and Change.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~meeting~~ meeting held on 16<sup>th</sup> day of December 20 20, at which a quorum was present.

  
Secretary - Treasurer



## RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of December 16, 2020 approved Change No. 9 to Contract No. 10741, Laser Disk Document Storage with Jack Henry and Associates, Incorporated, a division of Profitstars, to renew the current contract in the funded amount of \$55,470.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide services or software packages which will store data in digital format which is retrievable from any workstation on the MLGW network in accordance with the requested proposal, contract, and general conditions of this document. This change is to renew annual software maintenance, license and support services for Spoolview and Synergy for a three (3) year term covering the period July 1, 2021 through June 30, 2024 in the funded amount of \$55,470.00. Also, this change is to add annual software release services, training, and upgrade services. MLGW is requesting approval of these acquired services, which can only be provided by Jack Henry and Associates, Incorporated. This single source renewal complies with all applicable laws and policies. The new contract value is \$655,680.97; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 9 to Contract No. 10741, Laser Disk Document Storage with Jack Henry and Associates, Incorporated to renew the current contract in the funded amount of \$55,470.00 as approved.

**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**December 16, 2020**

---

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 9 to Contract No. 10741, Laser Disk Document Storage with Jack Henry and Associates, Incorporated, a division of Profitstars, to renew the current contract in the funded amount of \$55,470.00.

The project scope is to provide services or software packages which will store data in digital format which is retrievable from any workstation on the MLGW network in accordance with the requested proposal, contract, and general conditions of this document. This change is to renew annual software maintenance, license and support services for Spoolview and Synergy for a three (3) year term covering the period July 1, 2021 through June 30, 2024 in the funded amount of \$55,470.00. Also, this change is to add annual software release services, training, and upgrade services. MLGW is requesting approval of these acquired services, which can only be provided by Jack Henry and Associates, Incorporated. This single source renewal complies with all applicable laws and policies. The new contract value is \$655,680.97.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 9 to Contract No. 10741, Laser Disk Document Storage, with Jack Henry and Associates, Incorporated to renew the current contract in the funded amount of \$55,470.00 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 16<sup>th</sup> day of December 2020 at which a quorum was present.

  
Secretary - Treasurer

## RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of December 16, 2020, awarded Contract No. 12202, Network Maintenance to ConvergeOne in the funded amount of \$1,266,796.60, and is now recommending to the Council of the City of Memphis that it approves said award as proposed; and

WHEREAS, the project scope is to provide maintenance and support services for MLGW's corporate computer network at various MLGW locations.

WHEREAS, the Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on August 12, 2020. MLGW solicited fourteen (14) bidders; and received one (1) bid on September 29, 2020 from ConvergeOne in the amount of \$1,266,796.60. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12202, Network Maintenance to ConvergeOne in the funded amount of \$1,266,796.60 as approved.

**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**December 16, 2020**

---

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12202, Network Maintenance to ConvergeOne in the funded amount of \$1,266,796.60.

The project scope is to provide maintenance and support services for MLGW's corporate computer network at various MLGW locations.

The Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on August 12, 2020. MLGW solicited fourteen (14) bidders; and received one (1) bid on September 29, 2020 from ConvergeOne in the amount of \$1,266,796.60. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies.

**NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:**

**THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12202 Network Maintenance to ConvergeOne in the funded amount of \$1,266,796.60, as outlined in the foregoing preamble, is approved and further,**

**THAT, the President or his designated representative is authorized to execute the Award.**

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a ~~regular~~ meeting held on 16th day of December, 2020, at which a quorum was present.

  
Secretary-Treasurer

## RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of December 16, 2020 approved Change No. 4 to Contract No. 11887, Gas Matrix Utility Landscaping with Enlightenment, Incorporated dba APS Facility Maintenance to renew the current contract in the funded amount of \$300,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal; and

WHEREAS, the project scope is to supply supplemental landscaping services to MLGW's Gas Construction and Maintenance crews to restore areas disturbed by underground gas utility construction. This includes pumping water and back-filling excavations, performing finish grading, sodding or seeding to match existing landscape, removing sod and brush from gas meter locations, as well as removal and installation of ornamental bushes and small trees. This change is to renew the current contract for the fourth and final annual renewal term for the period covering February 14, 2021 through February 13, 2022 in the funded amount of \$300,000.00, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$1,660,425.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 4 to Contract No. 11887, Gas Matrix Utility Landscaping with Enlightenment, Incorporated dba APS Facility Maintenance to renew the current contract in the funded amount of \$300,000.00.

**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**December 16, 2020**

---

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 4 to Contract No. 11887, Gas Matrix Utility Landscaping with Enlightenment, Incorporated dba APS Facility Maintenance to renew the current contract in the funded amount of \$300,000.00.

The project scope is to supply supplemental landscaping services to MLGW's Gas Construction and Maintenance crews to restore areas disturbed by underground gas utility construction. This includes pumping water and back-filling excavations, performing finish grading, sodding or seeding to match existing landscape, removing sod and brush from gas meter locations, as well as removal and installation of ornamental bushes and small trees. This change is to renew the current contract for the fourth and final annual renewal term for the period covering February 14, 2021 through February 13, 2022 in the funded amount of \$300,000.00, with no increase in rates from the previous year. This renewal complies with all applicable laws and policies. The new contract value is \$1,660,425.00.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 4 to Contract No. 11887, Gas Matrix Utility Landscaping with Enlightenment, Incorporated dba APS Facility Maintenance to renew the current contract in the funded amount of \$300,000.00, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular ~~special~~ meeting held on 16th day of December, 2020, at which a quorum was present.

  
Secretary-Treasurer

## RESOLUTION

WHEREAS, the board of Light, Gas and Water Commissioners in their meeting December 16, 2020 approved Change No. 7 to Contract No. 11582, Programmable Logic Controller (PLC) Maintenance with Logical Systems, LLC to ratify and renew the current contract, based on approved rates, in the funded amount of \$35,000.00, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to provide maintenance and support programming services on an as-needed basis for MLGW's Capleville Liquefied Natural Gas (LNG) Plant. This change is to ratify and renew the current contract for annual maintenance and support programming services for MLGW's Capleville Liquefied Natural Gas (LNG) Plant, based upon approved rates, covering the period January 4, 2021 through January 3, 2022 in the funded amount of \$35,000.00. This renewal reflects a 1% increase in pricing from the previous renewal term. MLGW is requesting approval of continuous maintenance of the acquired system, which can only be performed by Logical Systems, LLC. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$115,000.00; and



**NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 7 to Contract No. 11582, Programmable Logic Controller (PLC) Maintenance with Logical Systems, LLC to ratify and renew the current contract, based on approved rates, in the funded amount of \$35,000.00 as approved.**

**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**December 16, 2020**

---

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 7 to Contract No. 11582, Programmable Logic Controller (PLC) Maintenance with Logical Systems, LLC to ratify and renew the current contract, based on approved rates, in the funded amount of \$35,000.00.

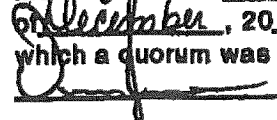
The project scope is to provide maintenance and support programming services on an as-needed basis for MLGW's Capleville Liquefied Natural Gas (LNG) Plant. This change is to ratify and renew the current contract for annual maintenance and support programming services for MLGW's Capleville Liquefied Natural Gas (LNG) Plant, based upon approved rates, covering the period January 4, 2021 through January 3, 2022 in the funded amount of \$35,000.00. This renewal reflects a 1% increase in pricing from the previous renewal term. MLGW is requesting approval of continuous maintenance of the acquired system, which can only be performed by Logical Systems, LLC. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$115,000.00.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 7 to Contract No. 11582, Programmable Logic Controller (PLC) Maintenance with Logical Systems, LLC to ratify and renew the current contract, based on approved rates, in the funded amount of \$35,000.00, as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Ratification and Renewal.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a regular-special meeting held on 16<sup>th</sup> day of December, 2020, at which a quorum was present.

 Secretary-Treasurer

## RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of December 16, 2020, awarded Contract No. 12219, CDL Roadway to Lehman Roberts Company in the funded amount of \$779,137.50, and is now recommending to the Council of the City of Memphis that it approves said award as proposed; and

WHEREAS, the project scope is to provide supervision, labor, transportation, equipment and materials to construct a new CDL Roadway, site development and paving for training MLGW employees located south of MLGW's University, 4949 Raleigh LaGrange Road, Memphis, TN 38128.

WHEREAS, the Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on September 11, 2020. MLGW solicited 34 bidders; and received three (3) bids on October 13, 2020. The lowest and best bid was from Lehman Roberts Company in the amount of \$779,137.50. The term of this contract is for one (1) year from the date of the Notice to Proceed. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12219, CDL Roadway to Lehman Roberts Company in the funded amount of \$779,137.50 as approved.

**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**December 16, 2020**

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The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12219, CDL Roadway to Lehman Roberts Company in the funded amount of \$779,137.50.

The project scope is to provide supervision, labor, transportation, equipment and materials to construct a new CDL Roadway, site development and paving for training MLGW employees located south of MLGW's University, 4949 Raleigh LaGrange Road, Memphis, TN 38128.

The Notice to Bidders was advertised using MLGW's On-Line Bid Notification System and the Memphis Daily News on September 11, 2020. MLGW solicited 34 bidders; and received three (3) bids on October 13, 2020. The lowest and best bid was from Lehman Roberts Company in the amount of \$779,137.50. The term of this contract is for one (1) year from the date of the Notice to Proceed. This award complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12219 CDL Roadway to Lehman Roberts Company in the funded amount of \$779,137.50, as outlined in the foregoing preamble, is approved and further,

THAT, the President or his designated representative is authorized to execute the Award.

I hereby certify that the foregoing is a true copy of a resolution accepted by the Board of Light, Gas and Water Commissioners at a ~~regular~~-~~special~~ meeting held on 16<sup>th</sup> day of December, 2020, at which a quorum was present.

  
Secretary-Treasurer



TENNESSEE

**JIM STRICKLAND**  
MAYOR

December 7, 2020

The Honorable Chase Carlisle, Chairman  
Personnel Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Carlisle:

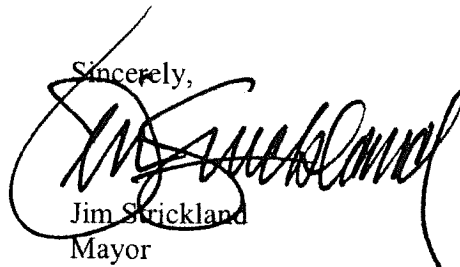
Subject to Council approval, I hereby recommend that:

**Calvin Anderson**

be reappointed to the Memphis Convention Center Commission with a term expiring July 1, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

December 7, 2020

The Honorable Chase Carlisle, Chairman  
Personnel Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Carlisle:

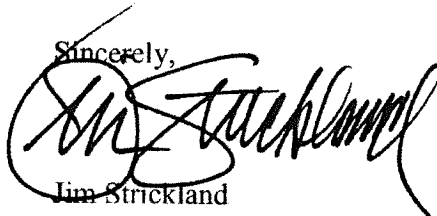
Subject to Council approval, I hereby recommend that:

**Douglas Browne**

be reappointed to the Memphis Convention Center Commission with a term expiring July 1, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

December 7, 2020

The Honorable Chase Carlisle, Chairman  
Personnel Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Carlisle:

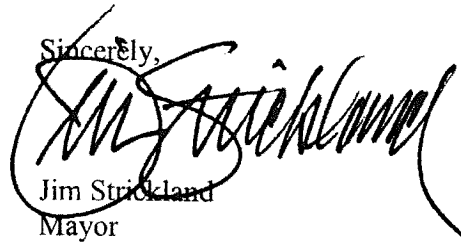
Subject to Council approval, I hereby recommend that:

**Natasha Langston**

be reappointed to the Memphis Convention Center Commission with a term expiring July 1, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

December 7, 2020

The Honorable Chase Carlisle, Chairman  
Personnel Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Carlisle:

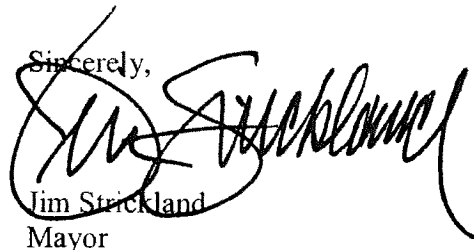
Subject to Council approval, I hereby recommend that:

**Scott Fleming**

be reappointed to the Memphis & Shelby County Land Use Control Board, with a term  
expiring October 31, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members



December 7, 2020

The Honorable Chase Carlisle, Chairman  
Personnel Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Carlisle:

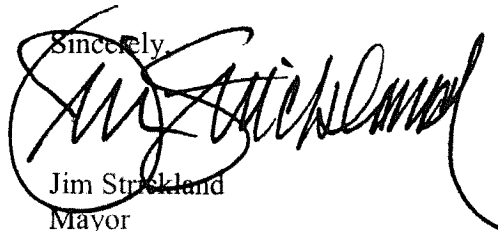
Subject to Council approval, I hereby recommend that:

**Mary Sharp**

be reappointed to the Memphis & Shelby County Land Use Control Board, with a term expiring October 31, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

# City of Memphis

TENNESSEE

December 7, 2020

The Honorable Chase Carlisle, Chairman  
Personnel Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Carlisle:

Subject to Council approval, I hereby recommend that:

**Justice Janice Holder (Ret.)**

be reappointed to the Memphis Area Transit Authority, with a term expiring August 31, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

125 North Main Street · Memphis, Tennessee 38103 · 901.636.6000

December 7, 2020

The Honorable Chase Carlisle, Chairman  
Personnel Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Carlisle:

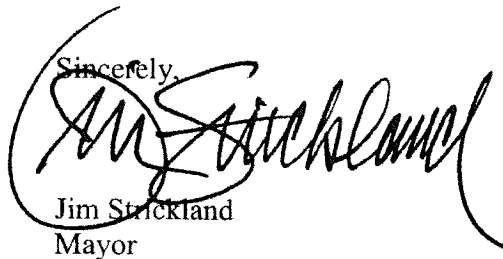
Subject to Council approval, I hereby recommend that:

**Martin E. Lipinski**

be reappointed to the Memphis Area Transit Authority, with a term expiring June 30, 2023.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

December 7, 2020

The Honorable Chase Carlisle, Chairman  
Personnel Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Carlisle:

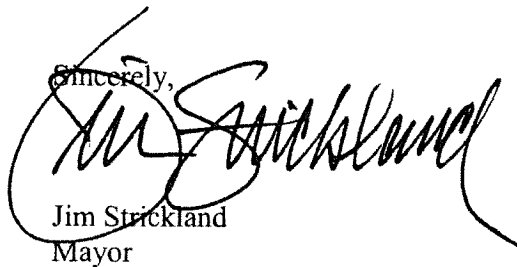
Subject to Council approval, I hereby recommend that:

**Shelia Williams**

be reappointed to the Memphis Area Transit Authority, with a term expiring January 31, 2022.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

December 7, 2020

Councilman Carlisle  
Personnel Committee  
125 N. Front Street, Suite 514  
Memphis, Tennessee 38103

Councilman Carlisle:

Subject to Council approval, it is my recommendation that

**Mr. Cameron Stephens**

Be appointed to the Healthcare Oversight Committee. I have attached Mr. Stephens resume for review.

Sincerely,



Dr. Jeff Warren

ORDINANCE NO. 5764

**ORDINANCE TO AMEND CHAPTER 12 OF THE CITY OF MEMPHIS CODE OF ORDINANCES SO AS TO UPDATE THE CODE OF ORDINANCES RELATED TO SIDEWALKS**

**WHEREAS**, the process for sidewalk construction and maintenance has been established by Chapter 12 of the City of Memphis Code of Ordinances; and

**WHEREAS**, the Memphis City Council now wishes to further address the state of sidewalks within the City of Memphis, many of which are in need of repair, replacement, or caulking; and

**WHEREAS**, the Memphis City Council is of the belief that addressing the state of sidewalks, i.e., those in disrepair, will work to gradually improve the physical condition of our neighborhoods, and thus, the City as a whole; and

**WHEREAS**, Section 12-28-2 (D) of the City of Memphis Code of Ordinances states that “the *lot owner* shall assume the responsibility of installation, maintenance and repair of the required sidewalks along the lot frontage(s) upon occupying the structure on the lot.”; and

**WHEREAS**, in an effort to prevent current lot owners, who have failed to properly maintain their section of sidewalk, from passing their repair duties to subsequent purchasers, the Memphis City Council now wishes to require the inspection, and if necessary, repair, replacement, or caulking of sidewalks, driveway aprons, or inlets prior to closing on the property; and

**WHEREAS**, local municipalities have established similar measures, the Memphis City Council wishes to do the same, ultimately for the benefit of our citizens, and the betterment of our City.

**NOW THEREFORE BE IT RESOLVED**, (Additions underlined in bold italics and deletions identified with strikethrough)

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Section 12-28 of the City of Memphis Code of Ordinances is hereby amended to include Section 12-28-17 (A)-(H), which shall be titled and read as follows:

**12-28-17. – Duty of property owners prior to closing.**

- (A) **It shall be the duty of the property owners of properties within the City of Memphis to keep the sidewalks, driveway aprons, and inlets abutting their property in good repair.**
- (B) **Property owners who receive notice from the City Engineer, or his or her lawfully authorized representative, to repair, replace, or caulk sidewalks, driveway aprons, or inlets abutting their property must do so prior to closing on the property.**

- (C) An arrangement, such as escrowing the bid amount for the required repair is acceptable.
- (D) A permit is required, at no cost, for any repair or replacement of the property owner's sidewalks, driveway aprons, and/or inlets.
- (E) No permit is required if inspection by the City Engineer, or his or her legally authorized representative, determines that only caulking is needed.
- (F) Repair or replacement of sidewalks, driveway aprons, or inlets shall not start without an approved permit.
- (G) A final inspection of the repair, replacement, and/or caulking is required prior to closing on the property.
- (H) Repair, replacement, or caulking of sidewalks, driveway aprons, or inlets should be conducted according to the provisions provided by Chapter 12-12, Chapter 12-24, and Chapter 12-28, except as specifically approved by the City Engineer.

SECTION 2. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 12-28 of the City of Memphis Code of Ordinances is hereby amended to include Section 12-28-18, which shall be titled and read as follows:

12-28-18. – Transfer of property.

The City Engineer, or his or her lawfully authorized representative, shall provide to the finance department a record of damaged sidewalks, driveway aprons, and inlets as they are inspected. Such notice shall be filed on the tax records for the property and will provide a notification of such to all parties requesting tax data during the sale or transfer of the property.

Sponsor:  
Councilwoman Michalyn Easter-Thomas

**SUBSTITUTE ORDINANCE**

**TO AMEND TITLE 3, CHAPTER 16 IN THE CITY OF MEMPHIS CODE OF ORDINANCES, CITY EMPLOYEE OCCUPATIONAL HEALTH PROGRAM, ESTABLISHING AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN**

**WHEREAS**, in compliance with Public Chapter 561 of the General Assembly of the State of Tennessee for the year 1972, the City of Memphis created and established an Occupational Safety and Health Program Plan ("OSHPP") for its employees under this Title; and

**WHEREAS**, the Public Sector Section of Tennessee Occupational Safety and Health Administration (TOSHA) is responsible for ensuring that local governments meet statutory responsibilities pursuant to the provisions of Tenn. Code Ann. § 50-3-912; and

**WHEREAS**, Title 3, Chapter 16 of the City of Memphis Code of Ordinances was last amended in 2004; and

**WHEREAS**, due to various updates and changes required by TOSHA, it has become necessary to amend the local ordinance and program plan to comply with more recent public sector requirements issued by TOSHA; and

**WHEREAS**, the form and substance of this amended ordinance is consistent with and pursuant to the forms, rules and regulations issued by TOSHA; and

**WHEREAS**, the form and substance of this amended ordinance ensures that the City of Memphis can maintain an updated occupational safety and health program plan in compliance with TOSHA.

**NOW, THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that Title 3, Chapter 16 of the Code of Ordinances is hereby amended in its entirety and substituted as follows:

**A. TITLE:**

This section shall be known as "The Occupational Safety and Health Program Plan" for the employees of City of Memphis.

**B. PURPOSE:**

The City of Memphis, in electing to update the established Occupational Safety and Health Program Plan, will maintain an effective and comprehensive Occupational Safety and Health Program Plan for its employees and shall:

1) Provide a safe and healthful place and condition of employment that includes:

- a) Top Management commitment and employee involvement;
- b) Continually analyze the worksite to identify all hazards and potential hazards;
- c) Develop and maintain methods for preventing or controlling the existing or potential hazards; and
- d) Train managers, supervisors, and employees to understand and deal with worksite hazards.

2) Acquire, maintain and require the use of safety equipment, personal protective equipment and devices reasonably necessary to protect employees.

3) Record, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.



4) Consult with the Commissioner of Labor and Workforce Development with regard to the adequacy of the form and content of records.

5) Consult with the Commissioner of Labor and Workforce Development, as appropriate, regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be achieved under a standard promulgated by the State.

6) Provide reasonable opportunity for the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices injurious to employee safety and health.

7) Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards and provide for education and notification of all employees of the existence of this Program Plan.

**C. COVERAGE:**

The provisions of the Occupational Safety and Health Program Plan for the employees of City of Memphis shall apply to all employees of each administrative department, commission, board, division, or other agency whether part-time or full-time, seasonal or permanent.

**D. STANDARDS AUTHORIZED:**

The Occupational Safety and Health standards adopted by the City of Memphis are the same as, but not limited to, the State of Tennessee Occupational Safety and Health Standards promulgated, or which may be promulgated, in accordance with Section 6 of the Tennessee Occupational Safety and Health Act of 1972 (T.C.A. Title 50, Chapter 3).

**E. VARIANCES FROM STANDARDS AUTHORIZED:**

Upon written application to the Commissioner of Labor and Workforce Development of the State of Tennessee, the City may request an order granting a temporary variance from any approved standards. Applications for variances shall be in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, VARIANCES FROM OCCUPATIONAL SAFETY AND HEALTH STANDARDS, CHAPTER 0800-01-02, as authorized by T.C.A., Title 50. Prior to requesting such temporary variance, the City will notify or serve notice to its employees, their designated representatives, or interested parties and present them with an opportunity for a hearing. The posting of notice on bulletin boards accessible to employees shall be deemed sufficient notice to employees.

**F. ADMINISTRATION:**

For the purposes of this ordinance, the Division of Human Resources shall designate a Safety Manager of Occupational Safety and Health to perform duties and to exercise powers assigned to plan, develop, and administer this Program Plan. The Safety Manager shall develop a plan of operation for the Program Plan in accordance with Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, SAFETY AND HEALTH PROVISIONS FOR THE PUBLIC SECTOR, CHAPTER 0800-01-05, as authorized by T.C.A., Title 50.

**SECTION 2. BE IT FURTHER ORDAINED** that if any section, sub-section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 3. BE IT FURTHER ORDAINED** that this ordinance shall take effect from and after the date it shall have been passed, properly signed, certified, and has met all other legal requirements, and as otherwise provided by law, the general welfare of the City of Memphis requiring it.

Patrice Robinson  
Chairperson



## Memphis City Council Summary Sheet

### **SUBSTITUTE ORDINANCE TO AMEND TITLE 3, CHAPTER 16 IN THE CITY OF MEMPHIS CODE OF ORDINANCES, CITY EMPLOYEE OCCUPATIONAL HEALTH PROGRAM, ESTABLISHING AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN**

Ordinance addresses:

- Due to various updates and changes required by Tennessee Occupational Safety and Health Administration (TOSHA), it has become necessary to amend the local ordinance and program plan to comply with more recent public sector requirements issued by TOSHA.
- The form and substance of the proposed ordinance is consistent with and pursuant to the forms, rules and regulations issued by TOSHA.
- The form and substance of the proposed ordinance ensures that the City of Memphis can maintain an updated occupational safety and health program plan in compliance with TOSHA.
- The updated program plan and appendices are attached for reference.

PLAN OF OPERATION FOR THE OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN FOR THE  
EMPLOYEES OF CITY OF MEMPHIS

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I. PURPOSE AND COVERAGE	

The purpose of this plan is to provide guidelines and procedures for implementing the Occupational Safety and Health Program Plan for the employees of City of Memphis.

This plan is applicable to all employees, part-time or full-time, seasonal or permanent.

The City of Memphis in electing to update and maintain an effective Occupational Safety and Health Program Plan for its employees,

- a. Provide a safe and healthful place and condition of employment.
- b. Require the use of safety equipment, personal protective equipment, and other devices where reasonably necessary to protect employees.
- c. Make, keep, preserve, and make available to the Commissioner of Labor and Workforce Development, his designated representatives, or persons within the Department of Labor and Workforce Development to whom such responsibilities have been delegated, including the Safety Manager of the Division of Occupational Safety and Health, adequate records of all occupational accidents and illnesses and personal injuries for proper evaluation and necessary corrective action as required.
- d. Consult with the Commissioner of Labor and Workforce Development or his designated representative with regard to the adequacy of the form and content of such records.
- e. Consult with the Commissioner of Labor and Workforce Development regarding safety and health problems which are considered to be unusual or peculiar and are such that they cannot be resolved under an occupational safety and health standard promulgated by the State.
- f. Assist the Commissioner of Labor and Workforce Development or his monitoring activities to determine Program Plan effectiveness and compliance with the occupational safety and health standards.
- g. Make a report to the Commissioner of Labor and Workforce Development annually, or as may otherwise be required, including information on occupational accidents, injuries, and illnesses and accomplishments and progress made toward achieving the goals of the Occupational Safety and Health Program Plan.
- h. Provide reasonable opportunity for and encourage the participation of employees in the effectuation of the objectives of this Program Plan, including the opportunity to make anonymous complaints concerning conditions or practices which may be injurious to employees' safety and health.
- i. Provide for education and training of personnel for the fair and efficient administration of occupational safety and health standards, and provide for education and notification of all employees of the existence of this Program Plan.

## II. DEFINITIONS

For the purposes of this Program Plan, the following definitions apply:

- a. COMMISSIONER OF LABOR and Workforce Development means the chief executive officer of the Tennessee Department of Labor and Workforce Development. This includes any person appointed, designated, or deputized to perform the duties or to exercise the powers assigned to the Commissioner of Labor and Workforce Development.
- b. EMPLOYER means the City of Memphis and includes each administrative department, board, commission, division, or other agency of the City of Memphis.
- c. SAFETY Manager OF OCCUPATIONAL SAFETY AND HEALTH or SAFETY Manager means the person designated by the establishing ordinance, or executive order to perform duties or to exercise powers assigned so as to plan, develop, and administer the Occupational Safety and Health Program Plan for the employees of the City of Memphis.
- d. INSPECTOR(S) means the individual(s) appointed or designated by the Safety Manager of Occupational Safety and Health to conduct inspections provided for herein. If no such compliance inspector(s) is appointed, inspections shall be conducted by the Safety Manager of Occupational Safety and Health.
- e. APPOINTING AUTHORITY means any official or group of officials of the employer having legally designated

powers of appointment, employment, or removal there from for a specific department, board, commission, division, or other agency of this employer.

- f. **EMPLOYEE** means any person performing services for this employer and listed on the payroll of this employer, either as part-time, full-time, seasonal, or permanent. It also includes any persons normally classified as "volunteers" provided such persons received remuneration of any kind for their services. This definition shall not include independent contractors, their agents, servants, and employees.
- g. **PERSON** means one or more individuals, partnerships, associations, corporations, business trusts, or legal representatives of any organized group of persons.
- h. **STANDARD** means an occupational safety and health standard promulgated by the Commissioner of Labor and Workforce Development in accordance with Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972 which requires conditions or the adoption or the use of one or more practices, means, methods, operations, or processes or the use of equipment or personal protective equipment necessary or appropriate to provide safe and healthful conditions and places of employment.
- i. **IMMINENT DANGER** means any conditions or practices in any place of employment which are such that a hazard exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such hazard can be eliminated through normal compliance enforcement procedures.
- j. **ESTABLISHMENT** or **WORKSITE** means a single physical location under the control of this employer where business is conducted, services are rendered, or industrial type operations are performed.
- k. **SERIOUS INJURY** or **HARM** means that type of harm that would cause permanent or prolonged impairment of the body in that:
  - 1. A part of the body would be permanently removed (e.g., amputation of an arm, leg, finger(s); loss of an eye) or rendered functionally useless or substantially reduced in efficiency on or off the job (e.g., leg shattered so severely that mobility would be permanently reduced), or
  - 2. A part of an internal body system would be inhibited in its normal performance or function to such a degree as to shorten life or cause reduction in physical or mental efficiency (e.g., lung impairment causing shortness of breath).

On the other hand, simple fractures, cuts, bruises, concussions, or similar injuries would not fit either of these categories and would not constitute serious physical harm.

- l. **ACT** or **TOSH Act** shall mean the Tennessee Occupational Safety and Health Act of 1972.
- m. **GOVERNING BODY** means the County Quarterly Court, Board of Aldermen, Board of Commissioners, City or Town Council, Board of Governors, etc., whichever may be applicable to the local government, government agency, or utility to which this plan applies.
- n. **CHIEF EXECUTIVE OFFICER** means the chief administrative official, County Judge, County Chairman, County Mayor, Mayor, City Manager, General Manager, etc., as may be applicable.

### III. EMPLOYER'S RIGHTS AND DUTIES

Rights and duties of the employer shall include, but are not limited to, the following provisions:

- a. Employer shall furnish to each employee conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.
- b. Employer shall comply with occupational safety and health standards and regulations promulgated pursuant to Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972.
- c. Employer shall refrain from and unreasonable restraint on the right of the Commissioner of Labor and Workforce Development to inspect the employers place(s) of business. Employer shall assist the Commissioner of Labor and Workforce Development in the performance of their monitoring duties by supplying or by making available information, personnel, or aids reasonably necessary to the effective

- conduct of the monitoring activity.
- d. Employer is entitled to participate in the development of standards by submission of comments on proposed standards, participation in hearing on proposed standards, or by requesting the development of standards on a given issue under Section 6 of the Tennessee Occupational Safety and Health Act of 1972.
- e. Employer is entitled to request an order granting a variance from an occupational safety and health standard.
- f. Employer is entitled to protection of its legally privileged communication.
- g. Employer shall inspect all worksites to ensure the provisions of this Program Plan are complied with and carried out.
- h. Employer shall notify and inform any employee who has been or is being exposed in a biologically significant manner to harmful agents or material in excess of the applicable standard and of corrective action being taken.
- i. Employer shall notify all employees of their rights and duties under this Program Plan.

#### IV. EMPLOYEE'S RIGHTS AND DUTIES

Rights and duties of employees shall include, but are not limited to, the following provisions:

- a. Each employee shall comply with occupational safety and health act standards and all rules, regulations, and orders issued pursuant to this Program Plan and the Tennessee Occupational Safety and Health Act of 1972 which are applicable to his or her own actions and conduct.
- b. Each employee shall be notified by the placing of a notice upon bulletin boards, or other places of common passage, of any application for a permanent or temporary order granting the employer a variance from any provision of the TOSH Act or any standard or regulation promulgated under the Act.
- c. Each employee shall be given the opportunity to participate in any hearing which concerns an application by the employer for a variance from a standard or regulation promulgated under the Act.
- d. Any employee who may be adversely affected by a standard or variance issued pursuant to the Act or this Program Plan may file a petition with the Commissioner of Labor and Workforce Development or whoever is responsible for the promulgation of the standard or the granting of the variance.
- e. Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by any applicable standard shall be provided by the employer with information on any significant hazards to which they are or have been exposed, relevant symptoms, and proper conditions for safe use or exposure. Employees shall also be informed of corrective action being taken.
- f. Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative of employees shall be given the right to request an inspection and to consult with the Safety Manager or Inspector at the time of the physical inspection of the worksite.
- g. Any employee may bring to the attention of the Safety Manager any violation or suspected violations of the standards or any other health or safety hazards.
- h. No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or relating to this Program Plan.
- i. Any employee who believes that he or she has been discriminated against or discharged in violation of subsection (h) of this section may file a complaint alleging such discrimination with the Safety Manager. Such employee may also, within thirty (30) days after such violation occurs, file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.
- j. Nothing in this or any other provisions of this Program Plan shall be deemed to authorize or require any employee to undergo medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety or others or when a medical examination may be reasonably required for performance of a specific job.
- k. Employees shall report any accident, injury, or illness resulting from their job, however minor it may seem to

be, to their supervisor or the Safety Manager within twenty-four (24) hours after the occurrence.

## V. ADMINISTRATION

- a. The Safety Manager of Occupational Safety and Health is designated to perform duties or to exercise powers assigned so as to administer this Occupational Safety and Health Program Plan.
  1. The Safety Manager may designate person or persons as he deems necessary to carry out his powers, duties, and responsibilities under this Program Plan.
  2. The Safety Manager may delegate the power to make inspections, provided procedures employed are as effective as those employed by the Safety Manager.
  3. The Safety Manager shall employ measures to coordinate, to the extent possible, activities of all departments to promote efficiency and to minimize any inconveniences under this Program Plan.
  4. The Safety Manager may request qualified technical personnel from any department or section of government to assist him in making compliance inspections, accident investigations, or as he may otherwise deem necessary and appropriate in order to carry out his duties under this Program Plan.
  5. The Safety Manager shall prepare the report to the Commissioner of Labor and Workforce Development required by subsection (g) of Section 1 of this plan.
  6. The Safety Manager shall make or cause to be made periodic and follow-up inspections of all facilities and worksites where employees of this employer are employed. He shall make recommendations to correct any hazards or exposures observed. He shall make or cause to be made any inspections required by complaints submitted by employees or inspections requested by employees.
  7. The Safety Manager shall assist any officials of the employer in the investigation of occupational accidents or illnesses.
  8. The Safety Manager shall maintain or cause to be maintained records required under Section VIII of this plan.
  9. **The Safety Manager shall, in the eventuality that there is a fatality, ensure that the Commissioner of Labor and Workforce Development receives notification of the occurrence within eight (8) hours. All work-related inpatient hospitalizations, amputations, and loss of an eye must be reported to TOSHA within 24 hours.**
- b. The administrative or operational head of each department, division, board, or other agency of this employer shall be responsible for the implementation of this Occupational Safety and Health Program Plan within their respective areas.
  1. The administrative or operational head shall follow the directions of the Safety Manager on all issues involving occupational safety and health of employees as set forth in this plan.
  2. The administrative or operational head shall comply with all abatement orders issued in accordance with the provisions of this plan or request a review of the order with the Safety Manager within the abatement period.
  3. The administrative or operational head should make periodic safety surveys of the establishment under his jurisdiction to become aware of hazards or standards violations that may exist and make an attempt to immediately correct such hazards or violations.
  4. The administrative or operational head shall investigate all occupational accidents, injuries, or illnesses reported to him. He shall report such accidents, injuries, or illnesses to the Safety Manager along with his findings and/or recommendations in accordance with APPENDIX IV of this plan.



## VI. STANDARDS AUTHORIZED

The standards adopted under this Program Plan are the applicable standards developed and promulgated under Section VI (6) of the Tennessee Occupational Safety and Health Act of 1972. Additional standards may be promulgated by the governing body of this employer as that body may deem necessary for the safety and health of employees. Note: 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; and the Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, CHAPTER 0800-01-1 through CHAPTER 0800-01-11 are the standards and rules invoked.

## VII. VARIANCE PROCEDURE

The Safety Manager may apply for a variance as a result of a complaint from an employee or of his knowledge of certain hazards or exposures. The Safety Manager should definitely believe that a variance is needed before the application for a variance is submitted to the Commissioner of Labor and Workforce Development.

The procedure for applying for a variance to the adopted safety and health standards is as follows:

- a. The application for a variance shall be prepared in writing and shall contain:
  1. A specification of the standard or portion thereof from which the variance is sought.
  2. A detailed statement of the reason(s) why the employer is unable to comply with the standard supported by representations by qualified personnel having first-hand knowledge of the facts represented.
  3. A statement of the steps employer has taken and will take (with specific date) to protect employees against the hazard covered by the standard.
  4. A statement of when the employer expects to comply and what steps have or will be taken (with dates specified) to come into compliance with the standard.
  5. A certification that the employer has informed employees, their authorized representative(s), and/or interested parties by giving them a copy of the request, posting a statement summarizing the application (to include the location of a copy available for examination) at the places where employee notices are normally posted and by other appropriate means. The certification shall contain a description of the means actually used to inform employees and that employees have been informed of their right to petition the Commissioner of Labor and Workforce Development for a hearing.
- b. The application for a variance should be sent to the Commissioner of Labor and Workforce Development by registered or certified mail.
- c. The Commissioner of Labor and Workforce Development will review the application for a variance and may deny the request or issue an order granting the variance. An order granting a variance shall be issued only if it has been established that:
  1. The employer:
    - i. Is unable to comply with the standard by the effective date because of unavailability of professional or technical personnel or materials and equipment required or necessary construction or alteration of facilities or technology.
    - ii. Has taken all available steps to safeguard employees against the hazard(s) covered by the standard.
    - iii. Has as effective Program Plan for coming into compliance with the standard as quickly as possible.
  2. The employee is engaged in an experimental Program Plan as described in subsection (b), section 13 of the Act.
- d. A variance may be granted for a period of no longer than is required to achieve compliance or one (1) year, whichever is shorter.

- e. Upon receipt of an application for an order granting a variance, the Commissioner to whom such application is addressed may issue an interim order granting such a variance for the purpose of permitting time for an orderly consideration of such application. No such interim order may be effective for longer than one hundred eighty (180) days.
- f. The order or interim order granting a variance shall be posted at the worksite and employees notified of such order by the same means used to inform them of the application for said variance (see subsection (a)(5) of this section).

## VIII. RECORDKEEPING AND REPORTING

Recording and reporting of all occupational accident, injuries, and illnesses shall be in accordance with instructions and on forms prescribed in the booklet. You can get a copy of the Forms for Recordkeeping from the internet. Go to [www.osha.gov](http://www.osha.gov) and type Recordkeeping Forms in the search box.

The position responsible for recordkeeping is shown on the SAFETY AND HEALTH ORGANIZATIONAL CHART, Appendix IV to this plan.

Details of how reports of occupational accidents, injuries, and illnesses will reach the recordkeeper are specified by ACCIDENT REPORTING PROCEDURES, Appendix IV to this plan. The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, OCCUPATIONAL SAFETY AND HEALTH RECORD-KEEPING AND REPORTING, CHAPTER 0800-01-03, as authorized by T.C.A., Title 50.

## IX. EMPLOYEE COMPLAINT PROCEDURE

If any employee feels that he is assigned to work in conditions which might affect his health, safety, or general welfare at the present time or at any time in the future, he should report the condition to the Safety Manager of Occupational Safety and Health.

- a. The complaint should be in the form of a letter and give details on the condition(s) and how the employee believes it affects or will affect his health, safety, or general welfare. The employee should sign the letter but need not do so if he wishes to remain anonymous (see subsection (h) of Section 1 of this plan).
- b. Upon receipt of the complaint letter, the Safety Manager will evaluate the condition(s) and institute any corrective action, if warranted. Within ten (10) working days following the receipt of the complaint, the Safety Manager will answer the complaint in writing stating whether or not the complaint is deemed to be valid and if no, why not, what action has been or will be taken to correct or abate the condition(s), and giving a designated time period for correction or abatement. Answers to anonymous complaints will be posted upon bulletin boards or other places of common passage where the anonymous complaint may be reasonably expected to be seen by the complainant for a period of three (3) working days.
- c. If the complainant finds the reply not satisfactory because it was held to be invalid, the corrective action is felt to be insufficient, or the time period for correction is felt to be too long, he may forward a letter to the Chief Executive Officer or to the governing body explaining the condition(s) cited in his original complaint and why he believes the answer to be inappropriate or insufficient.
- d. The Chief Executive Officer or a representative of the governing body will evaluate the complaint and will begin to take action to correct or abate the condition(s) through arbitration or administrative sanctions or may find the complaint to be invalid. An answer will be sent to the complainant within ten (10) working days following receipt of the complaint or the next regularly scheduled meeting of the governing body following receipt of the complaint explaining decisions made and action taken or to be taken.
- e. After the above steps have been followed and the complainant is still not satisfied with the results, he may

then file a complaint with the Commissioner of Labor and Workforce Development. Any complaint filed with the Commissioner of Labor and Workforce Development in such cases shall include copies of all related correspondence with the Safety Manager and the Chief Executive Officer or the representative of the governing body.

- f. Copies of all complaint and answers thereto will be filed by the Safety Manager who shall make them available to the Commissioner of Labor and Workforce Development or his designated representative upon request.

## X. EDUCATION AND TRAINING

### a. Safety Manager and/or Compliance Inspector(s):

1. Arrangements will be made for the Safety Manager and/or Compliance Inspector(s) to attend training seminars, workshops, etc., conducted by the State of Tennessee or other agencies. A list of Seminars can be obtained.
2. Access will be made to reference materials such as 29 CFR 1910 General Industry Regulations; 29 CFR 1926 Construction Industry Regulations; The Rules of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, and other equipment/supplies, deemed necessary for use in conducting compliance inspections, conducting local training, wiring technical reports, and informing officials, supervisors, and employees of the existence of safety and health hazards will be furnished.

### b. All Employees (including supervisory personnel):

A suitable safety and health training program for employees will be established. This program will, as a minimum:

1. Instruct each employee in the recognition and avoidance of hazards or unsafe conditions and of standards and regulations applicable to the employees work environment to control or eliminate any hazards, unsafe conditions, or other exposures to occupational illness or injury.
2. Instruct employees who are required to handle or use poisons, acids, caustics, toxicants, flammable liquids, or gases including explosives, and other harmful substances in the proper handling procedures and use of such items and make them aware of the personal protective measures, person hygiene, etc., which may be required.
3. Instruct employees who may be exposed to environments where harmful plants or animals are present, of the hazards of the environment, how to best avoid injury or exposure, and the first aid procedures to be followed in the event of injury or exposure.
4. Instruct all employees of the common deadly hazards and how to avoid them, such as Falls; Equipment Turnover; Electrocuting; Struck by/Caught In; Trench Cave In; Heat Stress and Drowning.
5. Instruct employees on hazards and dangers of confined or enclosed spaces.
  - i. Confined or enclosed space means space having a limited means of egress and which is subject to the accumulation of toxic or flammable contaminants or has an oxygen deficient atmosphere. Confined or enclosed spaces include, but are not limited to, storage tanks, boilers, ventilation or exhaust ducts, sewers, underground utility accesses, tunnels, pipelines, and open top spaces more than four feet (4) in depth such as pits, tubs, vaults, and vessels.
  - ii. Employees will be given general instruction on hazards involved, precautions to be taken, and on use of personal protective and emergency equipment required. They shall also be instructed on all specific standards or regulations that apply to work in dangerous or potentially dangerous areas.
  - iii. The immediate supervisor of any employee who must perform work in a confined or enclosed space shall be responsible for instructing employees on danger of hazards which may be present,

precautions to be taken, and use of personal protective and emergency equipment, immediately prior to their entry into such an area and shall require use of appropriate personal protective equipment.

## XI. GENERAL INSPECTION PROCEDURES

It is the intention of the governing body and responsible officials to have an Occupational Safety and Health Program Plan that will ensure the welfare of employees. In order to be aware of hazards, periodic inspections must be performed. These inspections will enable the finding of hazards or unsafe conditions or operations that will need correction in order to maintain safe and healthful worksites. Inspections made on a pre-designated basis may not yield the desired results. Inspections will be conducted, therefore, on a random basis at intervals not to exceed thirty (30) calendar days.

- a. In order to carry out the purposes of this Ordinance, the Safety Manager and/or Compliance Inspector(s), if appointed, is authorized:
  1. To enter at any reasonable time, any establishment, facility, or worksite where work is being performed by an employee when such establishment, facility, or worksite is under the jurisdiction of the employer and;
  2. To inspect and investigate during regular working hours and at other reasonable times, within reasonable limits, and in a reasonable manner, any such place of employment and all pertinent conditions, processes, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any supervisor, operator, agent, or employee working therein.
- b. If an imminent danger situation is found, alleged, or otherwise brought to the attention of the Safety Manager or Inspector during a routine inspection, he shall immediately inspect the imminent danger situation in accordance with Section XII of this plan before inspecting the remaining portions of the establishment, facility, or worksite.
- c. An administrative representative of the employer and a representative authorized by the employees shall be given an opportunity to consult with and/or to accompany the Safety Manager or Inspector during the physical inspection of any worksite for the purpose of aiding such inspection.
- d. The right of accompaniment may be denied any person whose conduct interferes with a full and orderly inspection.
- e. The conduct of the inspection shall be such as to preclude unreasonable disruptions of the operation(s) of the workplace.
- f. Interviews of employees during the course of the inspection may be made when such interviews are considered essential to investigative techniques.
- g. Advance Notice of Inspections.
  1. Generally, advance notice of inspections will not be given as this precludes the opportunity to make minor or temporary adjustments in an attempt to create misleading impression of conditions in an establishment.
  2. There may be occasions when advance notice of inspections will be necessary in order to conduct an effective inspection or investigation. When advance notice of inspection is given, employees or their authorized representative(s) will also be given notice of the inspection.

- h. The Safety Manager need not personally make an inspection of each and every worksite once every thirty (30) days. He may delegate the responsibility for such inspections to supervisors or other personnel provided:
  - 1. Inspections conducted by supervisors or other personnel are at least as effective as those made by the Safety Manager.
  - 2. Records are made of the inspections, any discrepancies found and corrective actions taken. This information is forwarded to the Safety Manager.
- i. The Safety Manager shall maintain records of inspections to include identification of worksite inspected, date of inspection, description of violations of standards or other unsafe conditions or practices found, and corrective action taken toward abatement. Those inspection records shall be subject to review by the Commissioner of Labor and Workforce Development or his authorized representative.

## XII. IMMEDIATE DANGER PROCEDURES

- a. Any discovery, any allegation, or any report of imminent danger shall be handled in accordance with the following procedures:
  - 1. The Safety Manager shall immediately be informed of the alleged imminent danger situation and he shall immediately ascertain whether there is a reasonable basis for the allegation.
  - 2. If the alleged imminent danger situation is determined to have merit by the Safety Manager, he shall make or cause to be made an immediate inspection of the alleged imminent danger location.
  - 3. As soon as it is concluded from such inspection that conditions or practices exist which constitutes an imminent danger, the Safety Manager or Compliance Inspector shall attempt to have the danger corrected. All employees at the location shall be informed of the danger and the supervisor or person in charge of the worksite shall be requested to remove employees from the area, if deemed necessary.
  - 4. The administrative or operational head of the workplace in which the imminent danger exists, or his authorized representative, shall be responsible for determining the manner in which the imminent danger situation will be abated. This shall be done in cooperation with the Safety Manager or Compliance Inspector and to the mutual satisfaction of all parties involved.
  - 5. The imminent danger shall be deemed abated if:
    - i. The imminence of the danger has been eliminated by removal of employees from the area of danger.
    - ii. Conditions or practices which resulted in the imminent danger have been eliminated or corrected to the point where an unsafe condition or practice no longer exists.
  - 6. A written report shall be made by or to the Safety Manager describing in detail the imminent danger and its abatement. This report will be maintained by the Safety Manager in accordance with subsection (i) of Section XI of this plan.
- b. Refusal to Abate.
  - 1. Any refusal to abate an imminent danger situation shall be reported to the Safety Manager and Chief Executive Officer immediately.
  - 2. The Safety Manager and/or Chief Executive Officer shall take whatever action may be necessary to achieve abatement.

### XIII. ABATEMENT ORDERS AND HEARINGS

- a. Whenever, as a result of an inspection or investigation, the Safety Manager or Compliance Inspector(s) finds that a worksite is not in compliance with the standards, rules or regulations pursuant to this plan and is unable to negotiate abatement with the administrative or operational head of the worksite within a reasonable period of time, the Safety Manager shall:
  1. Issue an abatement order to the head of the worksite.
  2. Post or cause to be posted, a copy of the abatement order at or near each location referred to in the abatement order.
- b. Abatement orders shall contain the following information:
  1. The standard, rule, or regulation which was found to violated.
  2. A description of the nature and location of the violation.
  3. A description of what is required to abate or correct the violation.
  4. A reasonable period of time during which the violation must be abated or corrected.
- c. At any time within ten (10) days after receipt of an abatement order, anyone affected by the order may advise the Safety Manager in writing of any objections to the terms and conditions of the order. Upon receipt of such objections, the Safety Manager shall act promptly to hold a hearing with all interested and/or responsible parties in an effort to resolve any objections. Following such hearing, the Safety Manager shall, within three (3) working days, issue an abatement order and such subsequent order shall be binding on all parties and shall be final.

### XIV. PENALTIES

- a. No civil or criminal penalties shall be issued against any official, employee, or any other person for failure to comply with safety and health standards or any rules or regulations issued pursuant to this Program Plan.
- b. Any employee, regardless of status, who willfully and/or repeatedly violates, or causes to be violated, any safety and health standard, rule, or regulation or any abatement order shall be subject to disciplinary action by the appointing authority. It shall be the duty of the appointing authority to administer discipline by taking action in one of the following ways as appropriate and warranted:
  1. Oral reprimand.
  2. Written reprimand.
  3. Suspension for three (3) or more working days.
  4. Termination of employment.

### XV. CONFIDENTIALITY OF PRIVILEGED INFORMATION

All information obtained by or reported to the Safety Manager pursuant to this plan of operation or the legislation (ordinance, or executive order) enabling this Occupational Safety and Health Program Plan which contains or might reveal information which is otherwise privileged shall be considered confidential. Such information may be disclosed to other officials or employees concerned with carrying out this Program Plan or when relevant in any proceeding under this Program Plan. Such information may also be disclosed to the Commissioner of Labor and Workforce Development or their authorized representatives in carrying out their duties under the Tennessee Occupational Safety and Health Act of 1972.

XVI. DISCRIMINATION INVESTIGATIONS AND SANCTIONS

The Rule of Tennessee Department of Labor and Workforce Development Occupational Safety and Health, DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1972 0800-01-08, as authorized by T.C.A., Title 50. The agency agrees that any employee who believes they have been discriminated against or discharged in violation of Tenn. Code Ann § 50-3-409 can file a complaint with their agency/safety Safety Manager within 30 days, after the alleged discrimination occurred. Also, the agency agrees the employee has a right to file their complaint with the Commissioner of Labor and Workforce Development within the same 30 day period. The Commissioner of Labor and Workforce Development may investigate such complaints, make recommendations, and/or issue a written notification of a violation.

XVII. COMPLIANCE WITH OTHER LAWS NOT EXCUSED

- a. Compliance with any other law, statute, ordinance, or executive order, which regulates safety and health in employment and places of employment, shall not excuse the employer, the employee, or any other person from compliance with the provisions of this Program Plan.
- b. Compliance with any provisions of this Program Plan or any standard, rule, regulation, or order issued pursuant to this Program Plan shall not excuse the employer, the employee, or any other person from compliance with the law, statute, ordinance, or executive order, as applicable, regulating and promoting safety and health unless such law, statute, ordinance, or executive order, as applicable, is specifically repealed.

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Signature: Safety Manager, Occupational Safety and Health and Date

**APPENDIX - I WORK LOCATIONS  
(ORGANIZATIONAL CHART)**

Attached.



## APPENDIX – II NOTICE TO ALL EMPLOYEES

### NOTICE TO ALL EMPLOYEES OF THE CITY OF MEMPHIS

The Tennessee Occupational Safety and Health Act of 1972 provide job safety and health protection for Tennessee workers through the promotion of safe and healthful working conditions. Under a plan reviewed by the Tennessee Department of Labor and Workforce Development, this government, as an employer, is responsible for administering the Act to its employees. Safety and health standards are the same as State standards and jobsite inspections will be conducted to ensure compliance with the Act.

Employees shall be furnished conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to employees.

Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Program Plan which are applicable to his or her own actions and conduct.

Each employee shall be notified by the placing upon bulletin boards or other places of common passage of any application for a temporary variance from any standard or regulation.

Each employee shall be given the opportunity to participate in any hearing which concerns an application for a variance from a standard.

Any employee who may be adversely affected by a standard or variance issued pursuant to this Program Plan may file a petition with the Safety Manager or \_\_\_\_\_.

Any employee who has been exposed or is being exposed to toxic materials or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be notified by the employer and informed of such exposure and corrective action being taken.

Subject to regulations issued pursuant to this Program Plan, any employee or authorized representative(s) of employees shall be given the right to request an inspection.

No employee shall be discharged or discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceedings or inspection under, or relating to, this Program Plan.

Any employee who believes he or she has been discriminated against or discharged in violation of these sections may, within thirty (30) days after such violation occurs, have an opportunity to appear in a hearing before City of Memphis Equity Diversity and Inclusion office for assistance in obtaining relief or to file a complaint with the Commissioner of Labor and Workforce Development alleging such discrimination.

A copy of the Occupational Safety and Health Program Plan for the Employees of the City of Memphis is available for inspection by any employee at the respective employee's work location during regular office hours.

\_\_\_\_\_  
Signature: (City/County) MAYOR AND DATE

## APPENDIX - III PROGRAM PLAN BUDGET

### STATEMENT OF FINANCIAL RESOURCE AVAILABILITY

Be assured that the City of Memphis has sufficient financial resources available or will make sufficient financial resources available as may be required in order to administer and staff its Occupational Safety and Health Program Plan and to comply with standards.

## APPENDIX – IV ACCIDENT REPORTING PROCEDURES

- (1-15) Employees shall report all accidents, injuries, or illnesses directly to the Safety Manager as soon as possible, but not later than twenty-four (24) hours after the occurrence. Such reports may be verbal or in writing. All fatalities, inpatient hospitalizations, amputations, and losses of an eye shall be reported to the Safety Manager and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The Safety Manager will ensure completion of required reports and records in accordance with Section VIII of the basic plan.
- (16-50) Employees shall report all accidents, injuries, or illnesses to their supervisor as soon as possible, but not later than two (2) hours after the occurrence. All fatalities, inpatient hospitalizations, amputations, and losses of an eye shall be reported to the Safety Manager and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will investigate the accident or illness, complete an accident report, and forward the accident report to the Safety Manager and/or record keeper within twenty-four (24) hours of the time the accident or injury occurred or the time of the first report of the illness.
- (51-250) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after the occurrence. The supervisor will provide the Safety Manager and/or record keeper with the name of the injured or ill employee and a brief description of the accident or illness by telephone as soon as possible, but not later than four (4) hours, after the accident or injury occurred or the time of the first report of the illness. All fatalities, inpatient hospitalizations, amputations, and losses of an eye shall be reported to the Safety Manager and/or record keeper immediately, either by telephone or verbally, and will be followed by a written report within four (4) hours after their occurrence. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Manager or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Manager within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the recordkeeper.
- (251-Plus) Employees shall report all accidents, injuries, or illnesses to their supervisors as soon as possible, but not later than two (2) hours after their occurrence. The supervisor will provide the administrative head of the department with a verbal or telephone report of the accident as soon as possible, but not later than four (4) hours, after the accident. If the accident involves a fatality, hospitalization, amputation, loss of an eye, loss of consciousness, broken bones, or third degree burns, the Safety Manager will be notified by telephone immediately and will be given the name of the injured, a description of the injury, and a brief description of how the accident occurred. The supervisor will then make a thorough investigation of the accident or illness (with the assistance of the Safety Manager or Compliance Inspector, if necessary) and will complete a written report on the accident or illness and forward it to the Safety Manager within seventy-two (72) hours after the accident, injury, or first report of illness and will provide one (1) copy of the written report to the record keeper.

Since Workers Compensation Form 6A or OSHA NO. 301 Form must be completed; all reports submitted in writing to the person responsible for recordkeeping shall include the following information as a minimum:

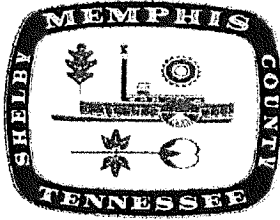
1. Accident location, if different from employer's mailing address and state whether accident occurred on premises owned or operated by employer.

2. Name, social security number, home address, age, sex, and occupation (regular job title) of injured or ill employee.
3. Title of the department or division in which the injured or ill employee is normally employed.
4. Specific description of what the employee was doing when injured.
5. Specific description of how the accident occurred.
6. A description of the injury or illness in detail and the part of the body affected.
7. Name of the object or substance which directly injured the employee.
8. Date and time of injury or diagnosis of illness.
9. Name and address of physician, if applicable.
10. If employee was hospitalized, name and address of hospital.
11. Date of report.

**NOTE: A procedure such as one of those listed above or similar information is necessary to satisfy Item Number 4 listed under PROGRAM PLAN in Section V. ADMINISTRATION, Part b of the Tennessee Occupational Safety and Health Plan.** This information may be submitted in flow chart form instead of in narrative form if desired. These procedures may be modified in any way to fit local situations as they have been prepared as a guide only.

The four (4) procedures listed above are based upon the size of the work force and relative complexity of the organization. The approximate size of the organization for which each procedure is suggested is indicated in parenthesis in the left hand margin at the beginning, i.e., (1-15), (16-50), (51-250), and (251 Plus), and the figures relate to the total number of employees including the Chief Executive Officer but excluding the governing body (County Court, City Council, Board of Directors, etc.).

Generally, the more simple an accident reporting procedure is, the more effective it is. Please select the one procedure listed above, or prepare a similar procedure or flow chart, which most nearly fits what will be the most effective for your local situation. Note also that the specific information listed for written reports applies to all three of the procedures listed for those organizations with sixteen (16) or more employees.



## Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**  
This Ordinance amends Chapter 2, Section 2-22-7 of the City of Memphis, Code of Ordinances to modify Engineering Administration Fees.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**  
This Ordinance is being initiated by the Division of Engineering.
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**  
This item does involve an amendment to Chapter 2, Section 2-22-7 of the Code of Ordinances
- 4. State whether this requires a new contract, or amends an existing contract, if applicable.**  
This item does not require a new contract
- 5. State whether this requires an expenditure of funds/requires a budget amendment.**  
This item does not require an expenditure of funds.

**Council Ordinance Caption (Engineering Administration Fee Ordinance)**

An Ordinance to amend Chapter 2, Section 2-22-7 of the City of Memphis, Code of Ordinances to modify Engineering Administration Fees

ORDINANCE NO: 5766

**AN ORDINANCE TO AMEND CHAPTER 2, CODE  
OF ORDINANCES, CITY OF MEMPHIS, BY AMENDING  
SECTION 2-22-7 (ENGINEERING ADMINISTRATION FEES)**

**WHEREAS**, the Division of Engineering processes requests for various permits pertaining to special permission parking, construction dumpster placement, and temporary closure of portions of the public right-of-way (ROW); and

**WHEREAS**, the Division of Engineering does not currently charge a fee for processing any of the above referenced permits; and

**WHEREAS**, the Division of Engineering wishes to establish a fee structure for various Engineering Permits to recover the cost associated with processing these permit requests;

**NOW, THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that Chapter 2, Code of Ordinances, City of Memphis, be and the same is hereby amended as follows:

**Sec. 2-22-7. - Engineering Administration and Permit Fees.**

A. For the processing of Engineering Permits and the performance of Engineering Administration in the processing of final plans for land development projects including subdivisions, planned developments, planned commercial developments and street dedications and the preparation of public improvement contracts. The City Engineer shall charge and receive from the applicant nonrefundable fees in accordance with the following fee schedule for all such projects and permit requests submitted to the City Engineer for processing:

**(1) Development Review Fees**

a. Single Family Residential (5 lots or less), schools, churches	
1. Base Fee.....	\$ 525.00
2. Incremental Fee per lot (added to base fee).....	25.00
b. Single Family Residential (more than 5 lots)	
1. Base Fee.....	1,000.00
2. Incremental Fee per lot (added to base fee).....	50.00
c. Multi-Family Residential	
1. Base Fee.....	1,250.00
2. Incremental Fee per unit (added to base fee).....	25.00

d. Non-residential uses (1 acre or less)		
1. Base Fee.....	1,250.00	
e. Non-residential uses (more than 1 acre)		
1. Base Fee.....	1,250.00	
2. Incremental fee per acre or portion thereof (added to base)	50.00	
(2) Developments Requiring Public Improvement Contracts		
a. Base Fee .....	\$ 1,725.00	
b. Incremental Fee (added to base fee) Greater of:		
1. per lot (applies to single family residential only) .....	50.00	
2. per unit (applies to multi-family only).....	25.00	
3. per acre (all uses).....	100.00	
c. Maximum fee .....	7,000.00	
(3) Street Cut Permits		
a. Minimum Fee .....	\$ 300.00	
b. Per linear foot of pipe or other cut.....	10.00	
c. Connection to existing structure.....	100.00	
d. Construction of new structure.....	200.00	
e. Street Improvements (per linear foot).....	11.00	
f. Sidewalk Improvements (per sq foot).....	0.48	
g. Curb Cut (per sq foot).....	0.48	
h. Curb, Gutter & Sidewalk (per sq foot).....	0.83	
(4) Administrative Site Plan Review		
a. Base Fee .....	\$ 750.00	
b. Incremental Fee per acre or portion thereof (added to base fee)	25.00	
(5) Fiber Optic Cable Installation Permit (aerial or buried)		
a. Base Fee .....	\$ 750.00	
b. Incremental Fee per linear foot of cable .....	1.00	
(6) Miscellaneous Charges		
a. Contract Time Extensions .....	250.00	
b. Contract Bond Conversion .....	250.00	
c. Contract Bond Reduction.....	250.00	
d. Assignment/Assumption Agreement.....	250.00	
e. Supplemental/Amended Agreement.....	750.00	
f. Redraft Fee.....	250.00	
g. Re-review fee for projects requiring more than 3 reviews (per additional review) .....	250.00	
h. Plans Review Fee (due at time plans are first submitted).....	525.00	
i. Traffic Engineering Plan Review (direct submittal).....	250.00	
j. Plat Record/Re-record.....	525.00	



k. Street Closures, Easements, Encroachments .....	250.00
l. Monitoring Well Permits.....	300.00
 (7) Engineering Permit Fees	
a. Bagged/Displaced Parking Meter Fee..... current daily meter rate)	\$50.00 (plus
b. Construction Dumpster Permit Fee .....	\$50.00 (plus
\$10 per day the dumpster is in the City ROW)	
c. Special Permission Parking .....	\$50.00
d. Lane Closure Permit Fee .....	\$50.00 (plus
\$10 per lane closed, per day)	
e. Temporary Road/Alley Closure Permit Fee .....	\$50.00 (plus
\$50.00 per day the Road/Alley is closed)	
f. Sidewalk Closure Permit Fee .....	\$50.00 (plus
\$10.00 per day the sidewalk is closed)	
g. Over-Dimensional Transport Permit Fee .....	\$100.00 (plus
any associated escort fees)	

B. With the exception of the Plans Review Fee, which is paid in advance, all fees for Engineering Administration shall be paid to the City Engineer at the time the contract or permit is ready to be executed with the City through the City Engineer.

C. Engineering Permit Fees

(1) The Division of Engineering shall establish all rules, regulations, and permit requirements associated with the above referenced Engineering Permit Fees. Applicants will be required to give the Division of Engineering at least 10 calendar days of advance notice on all permit requests unless the request is associated with a natural disaster or public emergency.

(2) **Permit Fee Waivers:** Engineering Permit Fees associated with Lane, Road, or Sidewalk closures may be waived for the following:

- a. City of Memphis crews performing roadway/sidewalk maintenance, repair, or construction.
- b. City of Memphis contractors performing roadway/sidewalk maintenance, repair, or construction.
- c. Activities associated with Federal, State, or County managed infrastructure projects.
- d. Closures implemented by the Memphis Police Department for investigations or other public safety related issues.
- e. Closures approved by the Memphis Police Department or City of Memphis Permits office for Special Events.
- f. When the City Engineer finds that it is necessary to close a portion of the public right-of-way for the immediate protection of public safety.

- (3) **Penalty of Violation:** It shall be a violation of this chapter for any individual to block a portion of the public right-of-way or commence activity that requires a permit without first obtaining the required permit from the Division of Engineering. Anyone found in violation of this chapter commits a Class C misdemeanor and shall be subject to a \$50.00 fine for each day that the violation remains in effect. Violators will also be required to retroactively pay all associated permit fees.

**SECTION 2. BE IT FURTHER ORDAINED,** that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED,** that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairperson of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Sponsor:  
Ford Canale

Patrice Robinson  
City Council Chairwoman

Attest:  
Valerie Snipes, Deputy Comptroller



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

This Ordinance amends Title 11, Section 11-16-21 of the City of Memphis, Code of Ordinances to reduce the default City Speed Limit to 25mph.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

This Ordinance is being initiated by the Division of Engineering.

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

This item does involve an amendment to Title 11, Section 11-16-21 of the Code of Ordinances

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

This item does not require a new contract

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

This item does not require an expenditure of funds.

**Council Ordinance Caption (Engineering Administration Fee Ordinance)**

An Ordinance to amend Title 11, Section 11-16-21 of the City of Memphis, Code of Ordinances to reduce the default City Speed Limit to 25mph.

ORDINANCE NO: 5767

**AN ORDINANCE TO AMEND TITLE 11, VEHICLES AND TRAFFIC, CHAPTER 11-16 "RULES OF THE ROAD" OF THE CITY OF MEMPHIS CODE OF ORDINANCES, BY AMENDING SECTION 11-16-21 (GENERAL SPEED RESTRICTIONS)**

**WHEREAS**, City Ordinance currently establishes a default Speed Limit in the City of Memphis of 30mph; and

**WHEREAS**, This default Speed Limit applies to all roadways where the Speed Limit has not been formally established on the basis of a Traffic Engineering Study; and

**WHEREAS**, The majority of roadways governed by this default Speed Limit typically include residential/neighborhood roadways and roadways in the Downtown area where there is a higher percentage of pedestrians, bike riders, and other vulnerable users; and

**WHEREAS**, The Division of Engineering recommends a reduction in the current default Speed Limit to improve safety;

**NOW, THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,**

That Title 11 – Vehicles and Traffic – Chapter 11-16 "Rules of the Road", of the City of Memphis Code of Ordinances, is hereby amended as follows:

**Sec. 11-16-21. - General *speed* restrictions.**

It is unlawful for any person to drive a vehicle upon the streets of this city at a *speed* greater than 25 miles per hour. However, the city engineer shall have the authority, after determining on the basis of an engineering and traffic investigation that the stated *limit* is greater or lesser than is reasonable and safe, to designate certain streets or sections of streets as *speed* zones where greater speeds may be permitted or lesser speeds required. No person shall drive a vehicle upon the streets or sections of streets designated by the city engineer as *speed* zones at a greater *speed* than is permitted, when signs are in place giving notice thereof.

(Code 1967, § 23-152; Code 1985, § 21-106; Ord. No. 2236, § 1, 4-15-1975; Ord. No. 3586, § 10, 9-2-1986; Ord. No. 4491, § 1, 5-20-1997)

**State Law reference**— Speed limits, T.C.A. § 55-8-152 et seq.

**SECTION 2. BE IT FURTHER ORDAINED,** That the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED,** That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Sponsor:  
Ford Canale

Patrice Robinson  
City Council Chairman

Attest:  
Valerie Snipes, Deputy Comptroller

## ORDINANCE NO. 5768

Ordinance to establish the City Council meeting dates for 2021

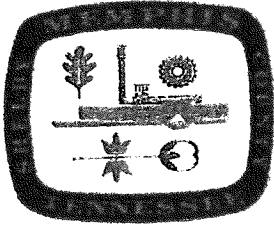
WHEREAS, Referendum Ordinance 4274, approved by the citizens of Memphis on November 8, 1994, amended the Council's meeting dates to the first and third Tuesdays of each month; and

WHEREAS, the Council wishes to approve the 2021 meeting dates.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council will conduct its regular meetings on the first and third Tuesdays of each month:

January 5	January 26
February 2	February 16
March 2	March 16
April 6	April 20
May 4	May 18
June 1	June 15
July 6	July 20
August 3	August 17
September 7	September 21
October 5	October 19
November 2	November 16
December 7	December 21

ADOPTED: January 5, 2021



# City Council Item Routing Sheet

Division: City Council    Committee: Budget    Hearing Date: December 1, 2020

- Ordinance                       Resolution                       Grant Acceptance  
 Budget Amendment               Commendation                   Other: [Click here to enter text.](#)

<p>Item Description: The Memphis Area Transit Authority (MATA) is requesting the City Council to appropriate \$73,660 funded by G. O. Bonds General in CIP Project #GA03023, Operations and Maintenance Facility, to fund the local share for architectural/engineering costs for a new operations and maintenance facility for MATA as part of the Fiscal Year 2021 Capital Improvement Budget.</p>	
<p>Recommended Council Action: Adopt the resolution.</p>	
<p>Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: No previous actions have been taking by any other entity.</p>	
<p>Does this item require city expenditure? Yes</p> <p>\$Amount: \$73,660</p> <p><a href="#">Click here to enter text.</a></p>	<p>Source and Amount of Funds:</p> <p>CIP Project #GA03023</p>

**Approvals**

Director *[Signature]* Date 11/12/20

Division Chief \_\_\_\_\_ Date \_\_\_\_\_

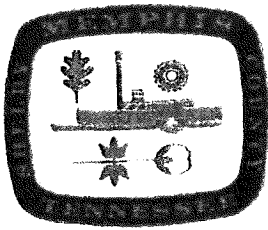
Budget Manager \_\_\_\_\_ Date \_\_\_\_\_

Chief Financial Officer \_\_\_\_\_ Date \_\_\_\_\_

Chief Operating Officer \_\_\_\_\_ Date \_\_\_\_\_

Council Committee Chair \_\_\_\_\_ Date \_\_\_\_\_





## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

This item is a resolution to appropriate FY21 CIP funds for architectural/engineering costs associated with a new Operations & Maintenance Facility for the Memphis Area Transit Authority.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

MATA initiated the request for the City Council to appropriate \$73,660 in FY21 CIP funds under GA03023 Operations and Maintenance Facility.

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

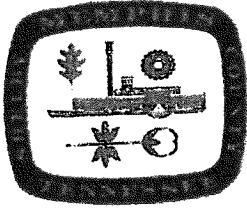
This is not a change to an existing ordinance or resolution.

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

This project will require MATA to solicit bids and award contracts. MATA will procure the architectural/engineering services in accordance with its Procurement Manual.

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

Yes, this item requires an expenditure of funds in the amount of \$73,660; however, no budget amendments are required.



**A RESOLUTION TO APPROPRIATE FY21 CIP FUNDS FOR THE MEMPHIS AREA  
TRANSIT AUTHORITY'S NEW OPERATIONS AND MAINTENANCE FACILITY**

**WHEREAS**, The Council of the City of Memphis did approve Operations and Maintenance Facility, Project Number GA03023, as part of the Memphis Area Transit Authority's (MATA) FY21 Capital Improvement Program (CIP) budget; and

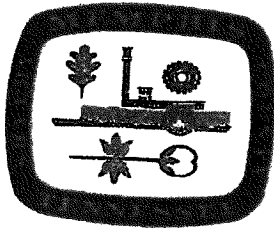
**WHEREAS**, The Memphis Area Transit Authority (MATA) plans to conduct architectural/engineering services for a new Operations and Maintenance Facility; and

**WHEREAS**, Proposals will be solicited and evaluated for the architectural/engineering services according to MATA's adopted procurement procedures; and

**WHEREAS**, It is necessary to appropriate \$73,660 funded by G.O. Bonds – General in Operations and Maintenance Facility, CIP Project Number GA03023 to fund the local share for architectural/engineering services associated with a new Operations and Maintenance Facility.

**NOW, THEREFORE, BE IT RESOLVED** By the Council of the City of Memphis that there be and is hereby appropriated the sum of \$73,660 funded by G. O. Bonds – General chargeable to the Fiscal Year 2021 Capital Improvement Budget and credited as follows:

Project Title:	Operations and Maintenance Facility
Project Number:	GA03023
Amount:	\$73,660



G072

Received

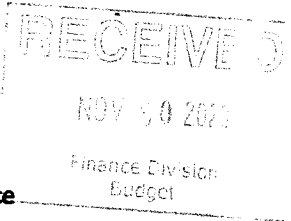
### City Council Item Routing Sheet

DEC 3 2020  
Oct: 12-3-20 3:48 (AM)

NOV 20 2020

Chief Administrative Office

Division: Fire Services    Committee: Public Safety    Hearing Date: December 15, 2020



- Ordinance
- Resolution
- Grant Acceptance
- Budget Amendment
- Commendation
- Other: Click here to enter text.

**Item Description:**  
A resolution to accept grant funds in the amount of Two Hundred Thirty-Eight Thousand Three Hundred Fifty Dollars (\$238,350.00) with a City match of 12% in the amount of Thirty-Four Thousand Fifty Dollars (\$34,050.00) from Tennessee Emergency Management Agency Hazard Mitigation Program Grant. (Council District 5; Super District 9)

**Recommended Council Action:** Approve the resolution.

**Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken:** No previous actions have been taking<sup>en</sup> by any other entity.

<b>Does this item require city expenditure? Yes</b> \$34,050.00 Memphis Fire Services General Fund	<b>Source and Amount of Funds:</b> \$238,350.00 State Funds
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#### Approvals

Director Hope Stovall Date 11-2020

Division Chief \_\_\_\_\_ Date \_\_\_\_\_

Budget Manager Kamethia Wyatt Date 12/1/2020

Chief Financial Officer D. Ford Date 12/6/2020

Chief Legal Officer \_\_\_\_\_ Date \_\_\_\_\_

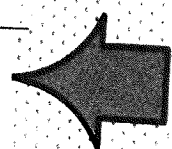
Officer Janessa Smith Date 12/3/2020

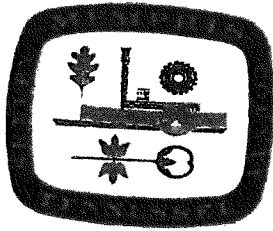
Chief Operating Officer

[Signature] Date 11/25/20

Council Committee Chair

\_\_\_\_\_ Date \_\_\_\_\_





## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

A resolution to accept grant funds from Tennessee Emergency Management Agency Hazard Mitigation Grant Program in the amount of Two Hundred Thirty-Eight Thousand Three Hundred Fifty Dollars (\$238,350.00) for a back-up generator at Office of Emergency Management.

*District 5  
Super Dist. 9*

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

The Division of Fire Services is awarded this grant and serves as the fiscal agent for the award.

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

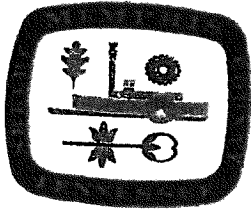
This item does not change an existing ordinance or resolution.  
*resolution*

**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

This is a new grant award pending Council approval.

**5. State whether this requires an expenditure of funds/requires a budget amendment.**

Acceptance will require an amendment to the FY21 Operating Budget to appropriate the funds and requires a City match of 12.5% in the amount of \$34,050.00.



*Request  
Some AIGHT  
minutes*

**A resolution to accept and appropriate Hazard Mitigation Grant Program funds from Tennessee Emergency Management Agency to be used for a back-up generator at Office of Emergency Management.**

**WHEREAS**, The City of Memphis Division of Fire Services has been awarded grant funds in the amount of Two Hundred Thirty-Eight Thousand Three Hundred Fifty Dollars (\$238,350.00) from Tennessee Emergency Management Agency to purchase a back-up generator for Office of Emergency Management with a City match of 12.5% in the amount of \$34,050.00; and

**WHEREAS**, These funds will be used for a back-up generator at the Office of Emergency Management; and

**WHEREAS**, It is necessary to accept the grant funding and amend the FY21 Operating Budget to establish funds for the Hazard Mitigation Grant Program; and

**WHEREAS**, It is necessary to allocate and appropriate Two Hundred Thirty-Eight Thousand Three Hundred Fifty Dollars (\$238,350.00) for the Tennessee Emergency Management Agency Hazard Mitigation Grant Program funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Tennessee Emergency Management Agency Hazard Mitigation Grant Program funds in the amount of Two Hundred Thirty-Eight Thousand Three Hundred Fifty Dollars (\$238,350.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the FY21 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Tennessee Emergency Management Agency Hazard Mitigation Grant Program as follows:

<b>Revenue</b>	
State Grants	\$238,350.00

<b>Expenses</b>	
Equipment	\$176,750.00
Professional Services	\$ 61,600.00

**Resolution to create and fund an Anti-Violent Crime Task Force for the City of Memphis**

**WHEREAS**, the City of Memphis is committed to the safety, health, and welfare of all its residents; and

**WHEREAS**, ensuring the safety of Memphis residents, public safety officers, and visitors is a top priority for the City of Memphis; and

**WHEREAS**, this year, Memphis has experienced a record-setting number of homicides, with number over the 2016 rate; and

**WHEREAS**, the COVID-19 pandemic has negatively impacted the crime rate within the City of Memphis, including an uptick from last year's murder rate due to the increased financial strain placed on many from the loss of employment and the lack of outlets away from home; and

**WHEREAS**, young Memphians are being adversely affected by the unprecedented murder rate that Memphis is facing this year; and

**WHEREAS**, these young people represent the future of our City and are too valuable to our future to ignore; and

**WHEREAS**, violent crime in Memphis has restrained the ability of our City to address the issues of neglect, poverty, education and employment; and

**WHEREAS**, it is necessary to address and combat drivers of violent crime in Memphis in order to focus on the educational and financial aspects of life that Memphians must consider daily.

**NOW, THEREFORE, BE IT RESOLVED** that the Memphis City Council calls on the Mayor of Memphis and other local government agencies, including the Memphis Police Department, District Attorney's Office of Shelby County, Tennessee Bureau of Investigation, Health Department, the Bureau of Alcohol, Firearms and Tobacco, local mental health providers, and community leaders and activists to establish, fund, and empower a local Anti-Violent Crime Task Force for Memphis and Shelby County to address the increased violent crime rate that is negatively affecting the people of Memphis.

Sponsor: Jeff Warren

Patrice J. Robinson, Chairwoman



## City Council Item Routing Sheet

**Division:** Legal/Permits    **Committee:** Public Safety    **Hearing Date:** December 15, 2020

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Ordinance        | <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Grant Acceptance                                 |
| <input type="checkbox"/> Budget Amendment | <input type="checkbox"/> Commendation          | <input type="checkbox"/> Other: <a href="#">Click here to enter text.</a> |

**Item Description: RESOLUTION APPROVING CERTAIN ROUTES FOR PARADES AND RACES AND EXEMPTING SAID ROUTES FROM THE NOTICE REQUIREMENT PURSUANT TO ORDINANCE 5675**

**Recommended Council Action:** Adopt resolution.

**Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken:** No previous actions have been taking by any other entity.

<p><b>Does this item require city expenditure? No</b></p> <p>\$Click here to enter text.</p> <p>\$Click here to enter text.</p>	<p><b>Source and Amount of Funds: N/A</b></p>
---	---

**Approvals**

Director \_\_\_\_\_ Date \_\_\_\_\_

Division Chief \_\_\_\_\_ Date \_\_\_\_\_

Budget Manager \_\_\_\_\_ Date \_\_\_\_\_

Chief Legal Officer \_\_\_\_\_ Date \_\_\_\_\_

**Chief Operating Officer**

\_\_\_\_\_ Date \_\_\_\_\_

**Council Committee Chair**

\_\_\_\_\_ Date \_\_\_\_\_



## Memphis City Council Summary Sheet

### **RESOLUTION APPROVING CERTAIN ROUTES FOR PARADES AND RACES AND EXEMPTING SAID ROUTES FROM THE NOTICE REQUIREMENT PURSUANT TO ORDINANCE 5675**

Resolution addresses:

- All races or parades applying for a special event permit involving a street closure, must provide notice to all persons affected by the event at least 60 days prior to event.
- All routes approved by City Council are exempt from the above-referenced 60-day notice provision.
- Routes for races and parades submitted for City Council approval are attached to the Resolution.





**RESOLUTION APPROVING CERTAIN ROUTES FOR PARADES AND RACES AND EXEMPTING SAID ROUTES FROM THE NOTICE REQUIREMENT PURSUANT TO ORDINANCE 5675**

**WHEREAS**, pursuant to Ordinance 5675, effective July 1, 2018, all races or parades applying for a special event permit involving a street closure, must provide notice to all persons affected by the event at least 60 days prior to event, unless the requested route was previously approved by City Council;

**WHEREAS**, the purpose of the notice requirement is to minimize the use of motorized vehicular rights-of-way, particularly at highly trafficked times of day, residential streets without sidewalks, and to maximize the use of pedestrian rights-of-way;

**WHEREAS**, under Ordinance 5675, Permits Office shall submit a list of routes for races or parades to City Council for approval;

**WHEREAS**, under Ordinance 5675, all routes approved by City Council are exempt from the 60-day notice provision;

**WHEREAS**, the races and parades listed in Exhibit A meet the objective of Ordinance 5675 to minimize motorized vehicular rights-of-way; and

**WHEREAS**, it is in the best interests of the citizens of Memphis to approve these routes;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Memphis, pursuant to Ordinance Number 5675, do hereby approve the routes listed in Exhibit A, and hereby authorize the Permits Office to exempt applicants from the notice requirements under Ordinance Number 5675 and to approve the "special events permit" subject to the applicant meeting all other conditions required by Ordinance 5675.

**BE IT FURTHER RESOLVED**, that this Resolution shall become effective immediately, and shall remain in effective until December 31, 2021.

Ordinance No. 5774

**AN ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCE CHAPTER 22, NOISE, SECTION 22-12 TO ADD SUBSECTION 22-12 (B) REGARDING MUFFLER NOISE VIOLATIONS AND PENALTIES**

**WHEREAS**, the citizens of Memphis have a continued interest in public safety and the most efficient use of law enforcement; and

**WHEREAS**, City Council desires to modernize the current ordinance and strengthen the ordinance regarding vehicle noise regulations; and

**WHEREAS**, the Memphis Police Department supports efforts to reduce loud vehicle noise disturbances; and

**WHEREAS**, City Council finds it necessary for the health, safety and welfare of citizens to amend the ordinance to regulate vehicle noise and to ensure all muffler violations shall require a mandatory court appearance.

**SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that Chapter 22 of the Code of Ordinance regarding Noise is hereby amended to add subsection 22-12 (b):

**Sec. 22-12. - Mufflers**

It is unlawful for any person to operate or cause to be operated any *muffler* attached to any motor vehicle or any other mechanized unit which produces noise within the city.

**Sec. 22-12 (b) – Violation and Penalties**

Violations of this section shall be prosecuted in the same manner as other misdemeanor violations of this Code and shall be initiated upon issuance of a traffic citation ticket and shall require a mandatory court appearance.

**SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Sponsor:  
Ford Canale

Chairwoman  
Patrice Robinson

Ordinance No. 5775

**AN ORDINANCE OF THE CITY OF MEMPHIS TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCE CHAPTER 21, TRAFFIC AND VEHICLES, ARTICLE X, VEHICLE EQUIPMENT AND LOADS TO ADD SUBSECTION 21-335 (B) AND SECTION 21-336 (B) REGARDING MUFFLER VIOLATIONS AND PENALTIES**

**THE CITY COUNCIL OF THE CITY OF MEMPHIS HEREBY ORDAINS** as follows:

**SECTION 1:** That Chapter 21, Traffic and Vehicles Article X, Vehicle Equipment and Load, Section 21-335 and Section 21- 336 shall be amended to add the following new subsection to be known as Section 21-335 (b) and Section 21-336 (b):

**Sec. 21-335. - Muffler required.**

No person shall drive a motor vehicle on a street unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, annoying smoke and the escape of excessive gas, steam or oil.

**Sec. 21- 335 (B) – Violations and penalties**

Violations of this section shall be prosecuted in the same manner as other misdemeanor violations of this Code and shall be initiated upon issuance of a traffic citation ticket and shall require a mandatory court appearance.

**Sec. 21-336. - Muffler cutout prohibited.**

It is unlawful to use a muffler cutout on any motor vehicle upon a street.

**Sec. 21-336 (B) – Violations and penalties**

1<sup>st</sup> Violation - shall be prosecuted in the same manner as other misdemeanor violations of this Code and shall be initiated upon issuance of a traffic citation ticket and shall require a mandatory court appearance.

2<sup>nd</sup> Violation - shall be prosecuted in the same manner as other misdemeanor violations of this Code, punished by a fine not to exceed \$50.00 and shall require a mandatory court appearance.

3<sup>rd</sup> Violation - shall be prosecuted in the same manner as other misdemeanor violations of this Code, punished by a fine not to exceed \$100.00 and shall require a mandatory court appearance.

**SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that the provisions of this Ordinance are hereby severable. If any of these

sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Sponsor:  
Ford Canale

Chairwoman  
Patrice Robinson

**MINUTES****TELEPHONIC MEETING OF DECEMBER 1, 2020 RECESSED MEETING TO  
DECEMBER 15, 2020 MEETING OF THE CITY COUNCIL CITY OF  
MEMPHIS****DECEMBER 1, 2020****3:38 P.M. MEETING RECONVENED**

(After the meeting was re-opened for the transaction of business and a quorum was declared present, Vice Chairman Colvett made a motion to adjourn the December 1, 2020 City Council Meeting; this was second by Councilman Carlisle, without objection.)

(Chairwoman Robinson adjourned the December 1, 2020 City Council Meeting being that there wasn't any unfinished business, without objection.)

**CITY OF MEMPHIS  
NOTICE OF REGULAR MEETING  
OF  
THE MEMPHIS CITY COUNCIL  
Tuesday, December 1, 2020, 3:30 p.m.**

Due to the declarations of a State of Emergency by the President of the United States, the Governor of Tennessee and the Mayor of Memphis relating to Covid-19 Epidemic the Council has determined that is necessary that the meeting be conducted by electronic or other means of communication in order to protect the health, safety and welfare of the public, City employees, Council staff and Members of the Council.

**THERE WILL BE NO PHYSICAL MEETING**

Attached to this Notice of Meeting are instructions on how members of the public may electronically access the meeting and/or a recording of the meeting and how the public may provide written comments concerning any agenda item or any other matter prior to the meeting.

**ADJOURNED MEETING AT 3:38 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

**MINUTES**

**TELEPHONIC MEETING OF THE CITY COUNCIL**

**CITY OF MEMPHIS**

**December 15, 2020**

**3:30 P.M. SCHEDULED SESSION**

**3:39 P.M. MEETING COMMENCED**

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

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

**INVOCATION**

The meeting was opened with telephonic prayer by Rev. Kori Phillips McMurtry of First Presbyterian Church-Memphis. Councilman Warren thanked Rev. McMurtry for being the Chaplain of the Day.

Chairwoman Robinson asked Councilwoman Johnson to lead the Pledge of Allegiance.

**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 1, 2020 with the following motion:

(Vice Chairman Colvett stated for the record that Item #30 (Bottle Water Resolution) from December 1, 2020 meeting was announced as Failed; but that the Item was actually Approved.)

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

**APPROVED**

- 22. **ORDINANCE AMENDING CHAPTER 12 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, SO AS TO UPDATE THE CODE OF ORDINANCES RELATED TO SIDEWALKS, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5764 IS SPONSORED BY COUNCILWOMAN EASTER-THOMAS. (HELD FROM 11/17;12/01)**

Held until January 5, 2021

- 32. **RESOLUTION TO CREATE AND FUND AN ANTI-VIOLENT CRIME TASK FORCE FOR THE CITY OF MEMPHIS. THIS RESOLUTION IS SPONSORED BY COUNCILMAN WARREN. (HELD FROM 12/01)**

Held until January 5, 2021

- 1. **PRESENTATION OF THE 2020 MEMPHIS CITY COUNCIL HUMANITARIAN AWARD.**

MOTION: Carlisle  
 SECOND: Canale

**APPROVED**, unanimous voice vote

- 2. **RESOLUTION RECOGNIZING JENNIFER OSWALT FOR HER EXCELLENT STEWARDSHIP OF THE DOWNTOWN MEMPHIS COMMISSION. THIS RESOLUTION IS SPONSORED BY COUNCILMAN CARLISLE.**

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

**APPROVED**

- 3. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT PART OF 2939 SOUTH THIRD STREET AND PART OF 2920 NEW HORN LAKE ROAD, CONTAINING 7 ACRES IN THE EMPLOYMENT AND HEAVY INDUSTRIAL DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (HELD FROM 10/20;12/01)**

CASE NO. SUP 20-12

Applicant: Abdallah Ayesh  
 Tim Dagastino of W. H. Porter Consultants, PLLC – Representative

Request: Special use permit for a truck stop and gas pumps



LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

Vice Chairman Colvett read the comment card for the following person:

Dr. Yvonne D. Nelson, 3519 McCorkle Road, Memphis, Tennessee, 38116

MOTION: Colvett

SECOND: Ford

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

APPROVED, as amended

**CONSENT AGENDA – Items #4 - #12 and Item #46 may be acted upon by one motion: See Page 5809 for Roll Call Consent Items.**

- 4. **SUBSTITUTE ORDINANCE AMENDING TITLE 3, CHAPTER 16 IN THE CITY OF MEMPHIS, CODE OF ORDINANCES, CITY EMPLOYEE OCCUPATIONAL HEALTH PROGRAM, ESTABLISHING AN UPDATED OCCUPATIONAL SAFETY AND HEALTH PROGRAM PLAN, UP FOR S E C O N D READING. ORDINANCE NO. 5765 IS SPONSORED BY HUMAN RESOURCES DIVISION.**

APPROVED, on Second reading

- 5. **ORDINANCE AMENDING CHAPTER 2, SECTION 2-22-7 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES TO MODIFY ENGINEERING ADMINISTRATION FEES, UP FOR S E C O N D READING. ORDINANCE NO. 5766 IS SPONSORED BY ENGINEERING DIVISION.**

APPROVED, on Second reading

- 6. **ORDINANCE AMENDING TITLE 11, SECTION 11-16-21 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES TO REDUCE THE DEFAULT CITY SPEED LIMIT TO 25 MPH, UP FOR S E C O N D READING. ORDINANCE NO. 5767 IS SPONSORED BY ENGINEERING DIVISION.**

APPROVED, on Second reading

- 7. **ORDINANCE ESTABLISHING THE CITY COUNCIL MEETING DATES FOR 2021, UP FOR S E C O N D READING. ORDINANCE NO. 5768 IS SPONSORED BY CHAIRWOMAN ROBINSON.**

APPROVED, on Second reading

- 8. **RESOLUTION APPROVING THE ENGINEERING PLANS OF CAROLINA TERRACE**

**SUBDIVISION.**

CASE NO. S 19-17  
 CONTRACT NO. CR-5348

Resolution approves the engineering plans located at 27 W. Carolina on the south side of W. Carolina west of the Florida Street intersection 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 attached standard improvement contract and accept Landmark Bank Letter of Credit No. 2008060 in the amount of \$39,000.00 on behalf of the City of Memphis.

**APPROVED**

9. **RESOLUTION APPROVING THE ENGINEERING PLANS OF CONWOOD SNUFF REDEVELOPMENT (BOA CASE #20-03).**

CONTRACT NO. CR-5349

Resolution approves the engineering plans located on Front Street- northwest corner of the intersection of Keel Avenue and North Front Street 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 attached standard improvement contract and accept Arch Insurance Performance Bond No. SU 1169726 in the amount of \$87,000.00 on behalf of the City of Memphis.

**APPROVED**

10. **RESOLUTION APPROVING FINAL PLAT OF FIRESTONE AUTO COMPLETE (10001 US-64).**

CASE NO. PD 15-322  
 CONTRACT NO. CR-5350

Resolution approves the final plat located at 10001 US Hwy 64 (Stage Road), east of the Houston Levee Road intersection on the south side of US Hwy 64 (Stage Road) 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 attached standard improvement contract and accept Travelers Casualty and Surety Company Performance Bond No. 107269479 in the amount of \$78,100.00 on behalf of the City of Memphis.

**APPROVED**

11. **RESOLUTION APPROVING ENGINEERING PLANS OF MEMPHIS RISE ACADEMY TRAFFIC SIGNAL (RALEIGH-LAGRANGE ROAD @ WILFONG ROAD).**

CONTRACT NO. CR-5351

Resolution approves the engineering plans located at the intersection of Raleigh-

LaGrange Road and Wilfong Road 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 attached standard improvement contract and accept Performance Bond No. 30103633 in the amount of \$347,900.00 on behalf of the City of Memphis.

**APPROVED**

12. **RESOLUTION APPROVING THE FINAL PLAT OF PORTER-LEATH ACADEMY 3 (ORANGE MOUND), SKYVUE SHOPPING CENTER.**

CASE NO. Z 86-126  
CONTRACT NO. CR-5352

Resolution approves the final plat located at 2881 Park Avenue, southwest corner lot in the Park Avenue and Haynes Street intersection 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 attached standard improvement contract and accept Performance Bond No. 107076502 in the amount of \$77,600.00 on behalf of the City of Memphis.

**APPROVED**

46. **ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TENNESSEE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE, UP FOR F I R S T READING. ORDINANCE NO. 5769 IS SPONSORED BY CHAIRWOMAN ROBINSON.**

**APPROVED**, on First reading

**ROLL CALL CONSENT ITEMS**

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

**APPROVED**

**MLGW FISCAL CONSENT AGENDA – Items #13 - #19 may be acted upon by one motion:**

13. **RESOLUTION AWARDED CONTRACT NO. 12230, EXCELERON PRE-PAY TO EXCELERON SOFTWARE, LLC, IN THE FUNDED AMOUNT OF \$1,920,000.00.**

**APPROVED**

14. **RESOLUTION AWARDDING CONTRACT NO. 12236, METER SUPPORT MAINTENANCE TO HONEYWELL, IN THE FUNDED AMOUNT OF \$5,253,180.00. (REQUEST FOR SAME NIGHT MINUTES)**

**APPROVED**

15. **RESOLUTION APPROVING CHANGE NO. 8 TO CONTRACT NO. 10927, PERPETUAL LICENSING AGREEMENT WITH PITNEY BOWES SOFTWARE, INCORPORATED, IN THE FUNDED AMOUNT OF \$148,082.41. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR SOFTWARE MAINTENANCE, LICENSE AND SUPPORT SERVICES FOR THE PERIOD COVERING SEPTEMBER 1, 2020 THROUGH AUGUST 31, 2025, WHICH REFLECTS A 2% INCREASE IN PRICING. MLGW IS REQUESTING CONTINUOUS MAINTENANCE OF THE ACQUIRED SYSTEM, WHICH CAN ONLY BE PERFORMED BY PITNEY BOWES SOFTWARE, INCORPORATED.) (REQUEST FOR SAME NIGHT MINUTES)**

**APPROVED**

16. **RESOLUTION AWARDDING CONTRACT NO.12154, SURVEYING SERVICES TO OLLAR SURVEYING COMPANY, LLC, IN THE FUNDED AMOUNT OF \$135,425.00.**

**APPROVED**

17. **RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 12016, ARMORED CAR SERVICE WITH BRINKS, INCORPORATED TO PROVIDE DAILY PICK-UP OF CASH RECEIPTS AT ALL MLGW COMMUNITY OFFICES IN THE FUNDED AMOUNT OF \$30,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE THIRD OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING FEBRUARY 16, 2021 THROUGH FEBRUARY 15, 2022.)**

**APPROVED**

(Councilwoman Easter-Thomas made a motion to divide the question and vote on Items #18 & #19 separately from the MLGW Fiscal Consent Agenda; without objection. This was second by Councilman Smiley.)

**ROLL CALL MLGW FISCAL CONSENT ITEMS**

MOTION: Morgan  
 SECOND: Carlisle  
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swarengen and Chairwoman Robinson  
 Warren abstained

**APPROVED**

18. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11801, PRESCRIPTION BENEFITS MANAGEMENT WITH EXPRESS SCRIPTS IN THE FUNDED AMOUNT OF \$6,018,625.00. (THIS CHANGE IS TO EXTEND THE CURRENT CONTRACT FOR A THREE-MONTH TERM FOR THE PERIOD COVERING JANUARY 1, 2021 THROUGH MARCH 31, 2021. THIS EXTENSION IS NEEDED TO ALLOW IMPLEMENTATION TIME FOR A NEW PRESCRIPTION DRUG PROGRAM TO BE PUT IN PLACE FOR MLGW EMPLOYEES, RETIREES AND DEPENDENTS.)**

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

**APPROVED**

19. **RESOLUTION AWARDING CONTRACT NO.12162, PRESCRIPTION BENEFITS MANAGEMENT TO CVS IN THE FUNDED AMOUNT OF \$59,587,000.00.**

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

**APPROVED**

36. **RESOLUTION REQUESTING THE STATE OF TENNESSEE TO ADOPT A STATE HISTORIC TAX CREDIT PROGRAM. THIS RESOLUTION IS SPONSORED BY COUNCILMAN CARLISLE. (REQUEST FOR SAME NIGHT MINUTES)**

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

**APPROVED**

37. **RESOLUTION REGARDING CARES DISTRIBUTION. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Canale  
 SECOND: Warren  
 AYES: Canale, Carlisle, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan,

NAY: Smiley, Swearengen, Warren and Chairwoman Robinson  
Morgan

**APPROVED**, as amended

38. **RESOLUTION FOR CONTINUED TESTING AND COVID-19 VACCINE EDUCATION, DISTRIBUTION, AND ADMINISTRATION DECEMBER 2020. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

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

**APPROVED**

39. **RESOLUTION REQUESTING THE INCLUSION OF MWBE REPORTING ON CITY COUNCIL ITEM ROUTING SHEETS. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN EASTER-THOMAS. (REQUEST FOR SAME NIGHT MINUTES)**

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

**APPROVED**

40. **RESOLUTION DISTRIBUTING THE PROFITS GENERATED FROM THE DEVELOPMENT OF PARKING AND OTHER MOBILITY PROJECTS BY THE DOWNTOWN MOBILITY AUTHORITY AMONG ALL CITY COUNCIL DISTRICTS AND REQUEST THE ADMINISTRATION TO DETERMINE THE FEASIBILITY. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN LOGAN. (REQUEST FOR SAME NIGHT MINUTES)**

Vice Chairman Colvett read the comment card for the following person:  
Scott Henninger, 66 Monroe Ave., Memphis, Tennessee, 38103  
Leigh Krypel, 5050 Poplar Ave., Ste 920, Memphis, Tennessee, 38157

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

**APPROVED**

- 41. **RESOLUTION AUTHORIZING APPROVAL OF THE USE OF THE PILOT EXTENSION FUND FOR PAYMENT OF INDEBTEDNESS OR COST WITH RESPECT TO DEVELOPMENT OF PARKING AND OTHER MOBILITY PROJECTS BY THE DOWNTOWN MOBILITY AUTHORITY AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

**(Special Item #1 - Councilwoman Easter-Thomas made a motion to amend Item #41)**

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

**SPECIAL ITEM #1 FAILED**

Vice Chairman Colvett read the comment card for the following person:

Joe B. Kent, 5111 Flamingo, Memphis, Tennessee, 38117

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

**APPROVED**

- 42. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$2,818,188.80 AND TRANSFERRING \$1,400,000.00 TO REPAIR 11 BRIDGES ON OR OVER SAM COOPER BLVD. PROJECT #PW01253. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION. (REQUEST FOR SAME NIGHT (MINUTES))**

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

**APPROVED**

- 43. **RESOLUTION TO TRANSFER AND APPROPRIATE CAPITAL PAY GO FUNDS IN THE AMOUNT OF \$2,724,500.00 AND APPROPRIATE STORM WATER SYSTEM REVENUE FUNDING IN THE AMOUNT OF\$2,700,000.00 FOR DRAIN MAINTENANCE**

**HEAVY EQUIPMENT FACILITY EXPANSION PROJECT #ST04047 PROJECT TOTAL \$5,424,500.00. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION. (REQUEST FOR SAME NIGHT MINUTES)**

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

**APPROVED**

- 44. **RESOLUTION TO TRANSFER AND APPROPRIATE FUNDS IN THE AMOUNT OF \$14,165,300.00 FY21 CIP PROJECT #SW04007, FOR THE RELOCATION OF ENVIRONMENTAL MAINTENANCE FACILITY. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION. (REQUEST FOR SAME NIGHT MINUTES)**

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

**APPROVED**

- 45. **RESOLUTION EXTENDING THE CITY COUNCIL RENAMING COMMISSION TERM FOR THREE MONTHS FROM JULY 21, 2021 TO OCTOBER 21, 2021. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN EASTER-THOMAS. (REQUEST FOR SAME NIGHT MINUTES)**

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

**APPROVED**

- 47. **ORDINANCE DESIGNATING QUALIFIED PUBLIC USE FACILITY, CREATION OF THE ONE BEALE TOURISM DEVELOPMENT ZONE TOURISM SURCHARGE AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING, UP FOR F I R S T READING. ORDINANCE NO. 5770 IS SPONSORED BY THE ADMINISTRATION.**

MOTION: Ford  
SECOND: Canale



AYES: Canale, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Swearingen, Warren and Chairwoman Robinson  
Carlisle recused  
Smiley did not cast a vote

**APPROVED**

48. **RESOLUTION AUTHORIZING LEASE AGREEMENTS PROVIDING FOR THE LEASE OF THE ONE BEALE PHASE IV HOTEL PROJECT TO BE LOCATED AT ONE BEALE STREET BY MEMPHIS CENTER CITY REVENUE FINANCE CORPORATION TO THE CITY OF MEMPHIS, TENNESSEE AND THE SUBLEASE OF THE ONE BEALE PHASE IV PROJECT BY THE CITY OF MEMPHIS, TENNESSEE TO MEMPHIS CENTER CITY. REVENUE FINANCE CORPORATION AND OTHER RELATED DOCUMENTS AND MATTERS. THIS RESOLUTION IS SPONSORED BY THE ADMINISTRATION. (REQUEST FOR SAME NIGHT MINUTES)**

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

**APPROVED**

33. **RESOLUTION ACCEPTING THE PUBLIC SAFETY TASK FORCE COMMITTEE RECOMMENDATIONS FOR RECRUITING, HIRING, TRAINING AND RETAINING PUBLIC SAFETY OFFICERS. THIS RESOLUTION IS SPONSORED BY PUBLIC SAFETY TASK FORCE. (REQUEST FOR SAME NIGHT MINUTES)**

MOTION: Swearingen  
SECOND: Warren  
AYES: Canale, Colvett, Ford, Johnson, Logan, Morgan, Swearingen, Warren and Chairwoman Robinson  
NAY: Jones  
Carlisle recused  
Easter-Thomas and Smiley did not cast a vote

**APPROVED**

20. **APPOINTMENTS**

**CIVILIAN LAW ENFORCEMENT REVIEW BOARD**

**APPOINTMENT**

WILLIE WARD, JR.

**MEMPHIS ANIMAL SHELTER ADVISORY BOARD**

**APPOINTMENT**

JENNIFER KARNES, DVM

**MEMPHIS HOUSING AUTHORITY**

**APPOINTMENT**

SHAWNA ENGEL

**MEMPHIS LANDMARKS COMMISSION**

**APPOINTMENT**

RAYMOND BROWNING GILL IV

**MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD**

**REAPPOINTMENT**

RAYMONT BROWNING GILL IV

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

**APPROVED**

21. **ORDINANCE AMENDING AND RESTATING CHAPTER 25 OF THE CITY OF MEMPHIS, CODE OF ORDINANCES GOVERNING THE CITY PENSION SYSTEM, UP FOR T H I R D AND F I N A L READING. ORDINANCE NO. 5763 IS SPONSORED BY THE ADMINISTRATION. (HELD FROM 10/20; 11/03; 11/17; 12/01)**

(Councilman Carlisle made a motion to present a Substitute Ordinance; without objection)

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

**APPROVED**, as amended

- 23. **RESOLUTION APPROPRIATING \$360,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03007, FIXED ROUTE BUSES, TO FUND THE PURCHASE OF FIXED-ROUTE BUSES AS PART OF THE FISCAL YEAR 2021 CAPITAL IMPROVEMENT BUDGET. THIS RESOLUTION IS SPONSORED BY MATA.**

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

**APPROVED**

- 24. **RESOLUTION APPROPRIATING \$50,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT#GA03011, PARATRANSIT BUSES, TO FUND THE LOCAL SHARE FOR PURCHASING PARATRANSIT BUSES ASPART OF THE FISCAL YEAR 2021 CAPITAL IMPROVEMENT BUDGET. THIS RESOLUTION IS SPONSORED BY MATA.**

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

**APPROVED**

- 25. **RESOLUTION APPROPRIATING \$50,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03022, ADVANCED PUBLIC TRANSPORTATION SYSTEMS, TO FUND THE LOCAL SHARE FOR PURCHASING ADVANCED PUBLIC TRANSPORTATION SYSTEMS AS PART OF THE FISCAL YEAR 2021 CAPITAL IMPROVEMENT BUDGET. THIS RESOLUTION IS SPONSORED BY MATA.**

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

**APPROVED**

- 26. **RESOLUTION TRANSFERRING, ALLOCATING AND APPROPRIATING FY21 CIP FUNDS IN THE AMOUNT OF \$250,000.00 BY G.O. BONDS FOR MATA CIP PROJECT #GA03023 OPERATIONS/MAINTENANCE TO CIP PROJECT #GA03027, CENTRAL STATION PROJECT. THIS RESOLUTION IS SPONSORED BY MATA.**

MOTION: Warren

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

**APPROVED**

27. **RESOLUTION APPROPRIATING \$50,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03024, RAIL FACILITY IMPROVEMENTS, TO FUND THE LOCAL SHARE FOR RAIL FACILITY IMPROVEMENTS AS PART OF THE FISCAL YEAR 2021 CAPITAL IMPROVEMENT BUDGET. THIS RESOLUTION IS SPONSORED BY MATA.**

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

**APPROVED**

28. **RESOLUTION APPROPRIATING \$50,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03025, BUS FACILITY IMPROVEMENTS, TO FUND THE LOCAL SHARE FOR BUS FACILITY IMPROVEMENTS AS PART OF THE FISCAL YEAR 2021 CAPITAL IMPROVEMENT BUDGET. THIS RESOLUTION IS SPONSORED BY MATA.**

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

**APPROVED**

29. **RESOLUTION APPROPRIATING \$165,000.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03026, RAIL VEHICLES, TO FUND THE LOCAL SHARE FOR PURCHASING RAIL VEHICLES AS PART OF THE FISCAL YEAR 2021 CAPITAL IMPROVEMENT BUDGET. THIS RESOLUTION IS SPONSORED BY MATA.**

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

**APPROVED**

30. **RESOLUTION APPROPRIATING \$1,159,840.00 FUNDED BY G.O. BONDS GENERAL IN CIP PROJECT #GA03028, MIDTOWN AREA CONNECTOR, TO FUND THE LOCAL SHARE FOR THE DEVELOPMENT OF A NEW BUS RAPID TRANSIT LINE CONNECTING DOWNTOWN WITH THE UNIVERSITY OF MEMPHIS AS PART OF THE FISCAL YEAR 2021 CAPITAL IMPROVEMENT BUDGET. THIS RESOLUTION IS SPONSORED BY MATA.**

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

**APPROVED**

31. **RESOLUTION TO PROVIDE FUNDING FOR THE CLEAN PATHWAYS INITIATIVE PROGRAM – CONTRACT #358965 – LIFELINE TO SUCCESS AND CONTRACT #358975 – FREEDOM FROM UNNECESSARY NEGATIVES (FFUN), EXTENSION TWO (2). THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION.**

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

**APPROVED**

34. **RESOLUTION ADJUSTING THE FY21 OPERATING BUDGET TO SPEND RESTRICTED FUNDS, RECEIVED IN FY20, IN THE AMOUNT OF \$120,000.00 FOR MEMPHIS ANIMAL SERVICES. THIS RESOLUTION IS SPONSORED BY MEMPHIS ANIMAL SERVICES.**

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

**APPROVED**

**'Special Item #2 – Vice Chairman Colvett made a motion to approve same night minutes for Items #12, #14, #15, #33 & Items #36 - #45 & #48 from tonight's meeting.)**

MOTION: Colvett  
SECOND: Morgan  
AYES: Canale, Colvett, Easter-Thomas, Ford, Johnson, Jones, Logan, Morgan, Smiley, Swearingen, Warren and Chairwoman Robinson  
Carlisle recused

**APPROVED**

- 35. **RESOLUTION THANKING CHAIRWOMAN PATRICE ROBINSON FOR HER SERVICE AND LEADERSHIP AS THE 2020 MEMPHIS CITY COUNCIL CHAIRMAN. THIS RESOLUTION IS SPONSORED BY CHAIRMAN-ELECT FRANK COLVETT, JR.**

MOTION: Colvett  
SECOND: Swearingen

**APPROVED**, unanimous voice vote

**(Councilman Carlisle made a motion to recess the December 15, 2020 meeting, until January 5, 2021. This was second by Councilman Warren.)**

**RECESSED MEETING AT 7:20 p.m.**

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

Attest:

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
Deputy Comptroller/Council Records

**CITY OF MEMPHIS  
NOTICE OF REGULAR MEETING  
OF  
THE MEMPHIS CITY COUNCIL  
Tuesday, December 15, 2020, 3:30 p.m.**

Due to the declarations of a State of Emergency by the President of the United States, the Governor of Tennessee and the Mayor of Memphis relating to Covid-19 Epidemic the Council has determined that is necessary that the meeting be conducted by electronic or other means of communication in order to protect the health, safety and welfare of the public, City employees, Council staff and Members of the Council.

**THERE WILL BE NO PHYSICAL MEETING**

Attached to this Notice of Meeting are instructions on how members of the public may electronically access the meeting and/or a recording of the meeting and how the public may provide written comments concerning any agenda item or any other matter prior to the meeting.

**INSTRUCTIONS OF STEPS TO VIEW THE DECEMBER 15, 2020 MEMPHIS CITY COUNCIL MEETING**

Take notice, the Memphis City Council will meet on **Tuesday, December 15, 2020 at 7:45 a.m.** However, due to Coronavirus disease (COVID-19) health and safety concerns, the public is not permitted to attend the meeting in-person. Instead, the public is permitted to participate in the meeting in the following manner: (I) Electronically, via live-stream, (II) Radio, via 88.5 FM (WQOX), and (III) Electronically, via digital archive.

**A. Electronically, via live-stream**

**To view the Tuesday, December 15, 2020 Memphis City Council meeting electronically, via live-stream, follow the steps below:**

- (1) Access the internet,
- (2) Go to the Memphis City Council's "Watch Meetings Online" page at <https://www.memphistn.gov/cms/One.aspx?portalID=11150816&pageID=15334953>
- (3) At 7:45 a.m., click on the December 15, 2020 Memphis City Council meeting
- (4) Begin viewing the December 15, 2020 Memphis City Council meeting electronically via live-stream
- (5) Click on the December 15, 2020 "Agenda" tab to view the agenda documents

**B. Radio, via 88.5 FM (WQOX)**

**To listen to the Tuesday, December 15, 2020 Memphis City Council meeting by radio, via 88.5 FM (WQOX), follow the steps below:**

- (1) Access a radio with FM-capabilities,
- (2) At 3:30 p.m., turn the radio dial to 88.5 FM (WQOX),
- (3) Begin listening to the December 15, 2020 Memphis City Council meeting by radio via 88.5 FM (WQOX)

**C. Electronically, via digital archive**

**To listen to the Tuesday, December 15, 2020 Memphis City Council meeting electronically, via digital archive, follow the steps below:**

- (1) Access the internet **after** the December 15, 2020 Memphis City Council meeting,
- (2) Go to the Memphis City Council's "Archived Videos" page at [https://www.memphistn.gov/government/city\\_council/watch\\_public\\_meetings\\_online/city\\_council\\_archived\\_videos](https://www.memphistn.gov/government/city_council/watch_public_meetings_online/city_council_archived_videos)
- (3) Press play on the December 15, 2020 "City Council Full Meeting" tab
- (4) Begin viewing the December 15, 2020 Memphis City Council meeting electronically via digital archive
- (5) Click on the December 15, 2020 "Agenda" tab to view the agenda documents
- (6) Click on the December 15, 2020 "Minutes" tab to view the meeting minutes

**Note: Public comments may be submitted to the Memphis City Council twenty-four (24) hours prior to the December 15, 2020 meeting. To submit your public comment, please email [Patrice.robinson@memphistn.gov](mailto:Patrice.robinson@memphistn.gov) with your (a) full name, (b) full street address, (c) phone number, (d) agenda item, if applicable, and (e) comment. For more information, please call (901) 636-6786.**

**Thank you for your patience during this time. We look forward to continuing our work on your behalf as a thirteen-member council working to make Memphis a safe, healthy, and prosperous city for all!**

**With earnest appreciation,**



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**Patrice Jordan Robinson  
Chairwoman, Memphis City Council**



**MINUTES**

**TELEPHONIC MEETING OF DECEMBER 15, 2020 RECESSED MEETING TO DECEMBER 22, 2020 MEETING OF THE CITY COUNCIL CITY OF MEMPHIS**

**DECEMBER 22, 2020**

**10:00 A.M. MEETING RECONVENED**

**(After the meeting was opened for the transaction of business and a quorum was declared present, the Council meeting from December 15, 2020 was reconvened on December 22, 2020.)**

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

**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.**

**(Special Item #3 - Councilman Warren made a motion to Suspend the rules to add Item #49 to the December 15<sup>th</sup> 2020 agenda on December 22<sup>nd</sup> 2020; without objection.)**

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

**APPROVED**

**49. RESOLUTION SUPPORTING THE SHELBY COUNTY HEALTH DEPARTMENT ISSUING A SAFER AT HOME ORDER. THIS RESOLUTION IS SPONSORED BY COUNCILMAN WARREN. (REQUEST FOR SAME NIGHT MINUTES)**

**MOTION:** Warren  
**SECOND:** Swearengen  
**AYES:** Easter-Thomas, Ford, Johnson, Jones, Logan, Smiley, Swearengen and Warren

Colvett and Morgan abstained  
Canale, Carlisle and Robinson did not cast a vote

**APPROVED**

**(Councilman Warren made a motion to recess the December 15, 2020 meeting which was held on December 22, 2020 until January 5, 2021. This was second by Councilman Jones.)**

**RECESSED MEETING AT 11:33 A.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

**CITY OF MEMPHIS  
NOTICE OF REGULAR MEETING  
OF  
THE MEMPHIS CITY COUNCIL  
Tuesday, December 22, 2020, 10:00 a.m.**

Due to the declarations of a State of Emergency by the President of the United States, the Governor of Tennessee and the Mayor of Memphis relating to Covid-19 Epidemic the Council has determined that is necessary that the meeting be conducted by electronic or other means of communication in order to protect the health, safety and welfare of the public, City employees, Council staff and Members of the Council.

**THERE WILL BE NO PHYSICAL MEETING**

Attached to this Notice of Meeting are instructions on how members of the public may electronically access the meeting and/or a recording of the meeting and how the public may provide written comments concerning any agenda item or any other matter prior to the meeting.

**INSTRUCTIONS OF STEPS TO VIEW THE DECEMBER 15, 2020 MEMPHIS CITY COUNCIL MEETING**

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**A. Electronically, via live-stream**

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- (5) Click on the December 22, 2020 "Agenda" tab to view the agenda documents

**B. Radio, via 88.5 FM (WQOX)**

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- (1) Access a radio with FM-capabilities,
- (2) At 10:00 a.m., turn the radio dial to 88.5 FM (WQOX),
- (3) Begin listening to the December 22, 2020 Memphis City Council meeting by radio via 88.5 FM (WQOX)

**C. Electronically, via digital archive**

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- (2) Go to the Memphis City Council's "Archived Videos" page at [https://www.memphistn.gov/government/city\\_council/watch\\_public\\_meetings\\_online/city\\_council\\_archived\\_videos](https://www.memphistn.gov/government/city_council/watch_public_meetings_online/city_council_archived_videos)
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**Note: Public comments may be submitted to the Memphis City Council twenty-four (24) hours prior to the December 22, 2020 meeting. To submit your public comment, please email [Patrice.robinson@memphistn.gov](mailto:Patrice.robinson@memphistn.gov) with your (a) full name, (b) full street address, (c) phone number, (d) agenda item, if applicable, and (e) comment. For more information, please call (901) 636-6786.**

**Thank you for your patience during this time. We look forward to continuing our work on your behalf as a thirteen-member council working to make Memphis a safe, healthy, and prosperous city for all!**

**With earnest appreciation,**



---

**Patrice Jordan Robinson  
Chairwoman, Memphis City Council**