



# CITY OF MEMPHIS

## COUNCIL AGENDA

Tuesday October 19, 2021

Public Session, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

*If You Are In Need Of A Special Accommodation While Attending The Meeting, Please Alert The Council Staff.*

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### CALL TO ORDER by the Sergeant-at-Arms

### INVOCATION

*Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Chief of Staff of the Memphis City Council.*

### PLEDGE OF ALLEGIANCE

### CALL OF ROLL by the Comptroller

### APPROVAL OF PREVIOUS MEETING MINUTES (October 5, 2021)

### ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

#### PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION designating October as Breast Cancer Awareness Month. This resolution is sponsored by Chairman Colvett.
2. RESOLUTION approving an Honorary Street Name Change of Peabody Place between Front Street and South Main Street extending down South Main Street between Peabody Place and Beale Street for Lyman Aldrich. This resolution is sponsored by Chairman Colvett.
3. RESOLUTION honoring Dr. Thomas E. Motley, M.D. for his record of professional excellence within the Memphis community. This resolution is sponsored by Councilwoman Swearengen. (Held from 10/5)

**PUBLIC HEARINGS**

4.  
Canale  
Chairman,  
Planning  
& Zoning  
Committee

RESOLUTION approving the Annesdale Mansion Planned Development at the subject property located at 1325 Lamar Avenue. This resolution is sponsored by the Division of Planning and Development. (Held from 10/5)

Case No. PD 21-30

Applicant: Ken Robinson / Leslie Murphy  
Kate Haywood (Representative)

Request: To allow an office, retail, overnight accommodation, and indoor and outdoor events planned development

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**115 NOTICES WERE MAILED ON SEPTEMBER 24, 2021**

**DIVISION OF PLANNING AND DEVELOPMENT**

5.  
Canale  
Chairman,  
Planning &  
Zoning  
Committee

RESOLUTION approving the closure of a section of Michigan Street between East Virginia Avenue and East E. H. Crump Boulevard. This resolution is sponsored by the Division of Planning and Development. (Held from 10/5)

Case No. SAC 21-06

Applicant: Shelby Electric Co.  
Allen & Hoshall – Representative

Request: Close and vacate right-of-way of a section of Michigan Street located between East Virginia Avenue and East E. H. Crump Boulevard.

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

6.  
Canale  
Chairman,  
Planning &

RESOLUTION approving the closure of part of Hindman Avenue, an east-west public street located immediately east of the intersection of the east line of Henderson Street with the west line of Hindman Avenue. This resolution is sponsored by the Division of Planning and Development.

Zoning  
Committee

Case No. SAC 21-07

Applicant: MIM, LLC  
Dedrick Brittenum, Jr (Representative)

Request: Close and vacate public right-of-way of an east-west  
public street

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

7.  
Canale  
Chairman,  
Planning &  
Zoning  
Committee

RESOLUTION approving a special use permit at the subject property located at 2531 N. Watkins St. This resolution is sponsored by the Division of Planning and Development.

Case No. SUP 21-17

Applicant: Vertical Bridge Landco, LLC  
Kristi Eskew, VB BTS, LLC c/o Collective Solutions – Representative

Request: To allow a 105-foot Monopole Communications (CMCS) Tower

LUCB and DPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCE- THIRD AND FINAL READING**

8.  
Canale  
Chairman,  
Planning &  
Zoning  
Committee

**ORDINANCE** approving a Zoning Text Amendment initiated by the Zoning Administrator of the Memphis and Shelby County Division of Planning and Development, up for T H I R D and F I N A L reading. All Council Districts. Ordinance No. 5796 is sponsored the Division of Planning and Development.

Case No. ZTA 21-02  
Ordinance No. 5796

Applicant: Josh Whitehead, Zoning Administrator  
Josh Whitehead, Zoning Administrator – Representative

Request: Adopt amendments to the Memphis and Shelby County Unified  
Development Code

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

9.  
Canale  
Chairman,  
Planning &  
Zoning  
Committee

**ORDINANCE** amending Ordinance No. 5267 of the Code of Ordinances, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development Code, so as to make certain changes in the use districts provided in said Ordinance, up for T H I R D and F I N A L reading. This Ordinance is sponsored by the Division of Planning and Development.

Case No. Z 21-11  
Ordinance No. 5797

Applicant: Division of Planning and Development  
John Zeanah, Director – PLLC (Representative)

Request: Remove certain properties from the Commercial Mixed Use 3 (CMU-3), Employment (EMP), Residential Urban 1 (RU-1) and Residential Urban (RU-3) districts and place them within the Mixed Use (MU), Commercial Mixed Use 2 (CMU-2), Commercial Mixed Use 1 (CMU-1), Residential Urban 1 (RU-1), Residential Urban 3 (RU-3) and Residential Urban 4 (RU-4) districts

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

10.  
Canale  
Chairman,  
Planning &  
Zoning  
Committee

**ORDINANCE** amending Ordinance No. 5267 of the Code of Ordinances, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development Code, so as to make certain changes in the use districts provided in said Ordinance, up for T H I R D and F I N A L reading. This Ordinance is sponsored by the Division of Planning and Development.

Case No. Z 21-12  
Ordinance No. 5798

Applicant: MIM, LLC  
Dedrick Brittenum, Jr (Representative)

Request: Rezoning of +/- 1.037 acres from Residential Single-Family – 6 (R-6) to Commercial Mixed Use 3 (CMU-3)

LUCB recommendation: APPROVAL

DPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable



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## CONSENT AGENDA

### GENERAL ORDINANCES- FIRST READING

11. **ORDINANCE** adopting the 2021 Edition of the International Code Council International Fire Code including certain appendices in that code, and other local amendments, and amending Chapter 9-36 of the City of Memphis, Code of Ordinances, up for F I R S T reading. Ordinance No. 5808 is sponsored by Fire Services.
- Warren  
Chairman,  
Public Safety  
& Homeland  
Security  
Committee
- ACTION REQUESTED: Adopt the ordinance on First reading

12. **ORDINANCE** to amend Chapter 9-40, Code of Ordinances, City of Memphis, so as to adjust Inspection Fee Schedules to reflect changes relative to the adoption of the 2021 Edition of the International Code Council International Fire Code including certain appendices in that code, and other local amendments, up for F I R S T reading. Ordinance No. 5809 is sponsored by Fire Services.
- Warren  
Chairman,  
Public Safety  
& Homeland  
Security  
Committee
- ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCE - SECOND READING

13. **ORDINANCE** to regulate the use of city streets and rights of way by public utilities including oil and gas pipeline companies, up for S E C O N D reading. All Council Districts. Ordinance No. 5807 is sponsored by Councilmen Smiley, Carlisle, and Warren.
- Smiley  
Chairman,  
Public Works,  
Solid Waste &  
General Services  
Committee
- ACTION REQUESTED: Adopt the ordinance on Second reading

### ZONING ORDINANCE – FIRST READING

14. **ORDINANCE** amending Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development Code, so as to make certain changes in the use districts provided in said Ordinance, up for F I R S T reading. This Ordinance is sponsored by the
- Canale  
Chairman,  
Planning &

Zoning  
Committee

Division of Planning and Development.

Case No. Z 21-10  
Ordinance No. 5810

Applicant: Sarah Holmes et al./TPA Ventures  
Dedrick Brittenum, Jr (Representative)

Request: Employment (EMP)

LUCB and DPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCE - SECOND READING** (None)

**NOTATIONS FROM DPD** (None)

**ENGINEERING DIVISION** (None)

**GENERAL ITEMS** (None)



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## FISCAL CONSENT AGENDA

15. RESOLUTION to accept grant funds in the amount of (\$20,000.00) from Tennessee Highway Safety Office (THSO) through the Tennessee Department of Safety and Homeland Security. All Council Districts. This resolution is sponsored by Police Services **(Request for same night minutes)**
16. RESOLUTION to accept grants funds in the amount of (\$100,000.00) from Tennessee Highway Safety Office (THSO) through the Tennessee Department of Safety and Homeland Security. All Council Districts. This resolution is sponsored by Police Services. **(Request for same night minutes)**
17. RESOLUTION to accept grant funds in the amount of (\$300,000.00) from Tennessee Highway Safety Office (THSO) through the Tennessee Department of Safety and Homeland Security. All Council Districts. This resolution is sponsored by Police Services. **(Request for same night minutes)**
18. RESOLUTION accepting grant funds of (\$3,000.00) from Tennessee Professional Golf Association for turf hitting mat at the Links at Whitehaven Council District 6, Super District 8. This resolution is sponsored by Park Services. **(Request for same night minutes)**
19. RESOLUTION accepting grant funds in the amount of (1,000.00) from Ironman Foundation for program supplies at the Douglas Community Center, Council District 7, Super District 8 This resolution is sponsored by Park Services. **(Request for same night minutes)**
20. RESOLUTION accepting grant funds from the US Department of Homeland Security over a three-year period for the 2020 SAFER grant in the amount of (\$10,795,984.20) and appropriating FY22 proceeds in the amount of (\$1,216,939.95) All Council Districts. This resolution is sponsored by Fire Services **(Request for same night minutes)**
21. RESOLUTION to accept grant funds in the amount of (\$2,000,000.00) from the U.S. Department of Justice, Office of Justice Programs, for the Federal FY20 Sexual Assault Kit Initiative (SAK) All Council Districts. This resolution is sponsored by Police Services. **(Request for same night minutes)**





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## MLGW FISCAL CONSENT

22. RESOLUTION authorizing execution of Contract No. 12290, Interlocal Agreement between MLGW and the Town of Arlington for storm water user fee billing services within the corporate limits of the town of Arlington, TN.
23. RESOLUTION approving Change No. 4 to Contract No. 11594, PowerPlan Maintenance Agreement with PowerPlan, Incorporated, in the funded amount of \$464,769.00. (This change is to add to the current contract value for implementation services to upgrade the MLGW Power Plan software from the current version v2021.1 to v2021.2 and to add Integrated Customer Assessment (ICA) Recommendation training for the period covering January 1, 2022 through December 31, 2022. In addition, the upgrade is to add a Test Scripts & Test Management Tool and Fixed Asset End User Training. MLGW is also requesting continuous maintenance of the acquired system, which can only be performed by PowerPlan, Incorporated.)
24. RESOLUTION approving Change No. 3 to Contract No. 11933, IVR Replacement with DiRAD Technologies, in the funded amount of \$4,384,271.84. (This change is to increase the current contract in the amount of \$418,918.62 due to changes in our Community offices that necessitated additional features be incorporated into the Interactive Voice Response (IVR) system during the Covid-19 Pandemic to better communicate with customers. Also, this change is to add 16 additional features in the amount of \$893,949.57 through October 5, 2022. In addition, this change is to extend the annual maintenance and support from October 6, 2022 through October 5, 2027 in the amount of \$3,071,403.65. The total funded amount of this increase, change and extension are \$4,384,271.84. MLGW is also requesting continuous maintenance of the acquired system, which can only be performed by DiRAD Technologies.)
25. RESOLUTION awarding Contract No. 12223, Ergonomics Program to The Institute of Health & Human Performance dba BIODINAMIX in the funded amount of \$115,000.00.
26. RESOLUTION ratifying and awarding Contract No. 12310, Administration Building Garage Structural Repairs to Zellner Construction Services, LLC in the funded amount of \$1,934,600.00.
27. RESOLUTION awarding Contract No. 12177, Substation Roof Replacement to B-Four Plied, Inc. in the funded amount of \$526,973.00.
28. RESOLUTION approving a rate change for the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. on an "as needed" basis, at the following hourly rates: Shareholder - \$300 and Associates - \$250.

29. RESOLUTION approving an amended rate schedule for the law firm of Butler Snow, LLP at the following hourly rate ranges: Special: \$500, Partner I: \$350-\$375, Partner II: \$300-\$345, Associate I: \$270-\$295, Associate II: \$230-\$265, and Paralegal: \$175.



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## REGULAR AGENDA

### APPOINTMENTS

30. **MEMPHIS CONVENTION CENTER COMMISSION**

Carlisle  
Chairman,  
Personnel &  
Governmental  
Affairs  
Committee

Appointment

Isabel González Whitaker

### GENERAL ORDINANCES THIRD AND FINAL READING

31. **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 T H I R D and F I N A L reading. Ordinance No. 5769 is sponsored by Councilwoman Robinson. (Held from 1/26; 2/2; 2/16; 5/18; 6/1; 6/15; 7/6; 7/20; 8/3; 8/17; 9/7; 9/21; 10/5)

ACTION REQUESTED: Take whatever action Council deems advisable

32. **JOINT ORDINANCE** amending the Memphis and Shelby County Building Code, so as to adopt the 2021 Edition of ICC International Building Code and local amendments, including certain appendices in the ICC Building Code to replace an outdated Building Code and setting applicable fees for permits and inspections, up for T H I R D and F I N A L reading. Ordinance No. 5799 is sponsored by the Division of Planning and Development.

ACTION REQUESTED: Take whatever action Council deems advisable

33. **JOINT ORDINANCE** amending the Memphis and Shelby County Existing Building Code, so as to adopt the 2021 Edition of the ICC International Existing Building Code and local amendments, up for T H I R D and F I N A L reading. Ordinance No. 5800 is sponsored by the Division of Planning and Development.

ACTION REQUESTED: Take whatever action Council deems advisable

34. **JOINT ORDINANCE** amending the Memphis and Shelby County Residential Code so as to adopt the 2021 Edition of the ICC International Residential Code and local amendments, up for T H I R D and F I N A L reading. Ordinance No. 5801 is sponsored by the Division of Planning and Development.

Canale  
Chairman,  
Planning &  
Zoning  
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

35. **JOINT ORDINANCE** amending the Memphis and Shelby County Building Code so as to adopt the 2021 Edition of the International Energy Conservation Code and and local amendments, up for T H I R D and F I N A L reading. Ordinance No. 5802 is sponsored by the Division of Planning and Development.

Canale  
Chairman,  
Planning &  
Zoning  
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

36. **JOINT ORDINANCE** amending the Joint Electrical Code of Memphis and Shelby County, so as to adopt the 2020 Edition of the National Electrical Code with local amendments and setting applicable fees for permits and inspections, up for T H I R D and F I N A L reading. Ordinance No. 5803 is sponsored by the Division of Planning and Development.

Canale  
Chairman,  
Planning &  
Zoning  
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

37. **JOINT ORDINANCE** amending the Memphis and Shelby County Plumbing Code so as to adopt the 2021 Edition of the ICC International Plumbing Code and local amendments to replace an outdated Plumbing Code and setting applicable fees for permits and inspections, up for T H I R D and F I N A L reading. Ordinance No. 5804 is sponsored by the Division of Planning and Development.

Canale  
Chairman,  
Planning &  
Zoning  
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

38. **JOINT ORDINANCE** amending the Memphis and Shelby County Mechanical Code so as to adopt the 2021 Edition of the ICC International Mechanical Code and local amendments to replace an outdated Mechanical Code and setting applicable fees for permits and inspections, up for T H I R D and F I N A L reading. Ordinance No. 5805 is sponsored by the Division of Planning and Development.

Canale  
Chairman,  
Planning &  
Zoning  
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

39. **JOINT ORDINANCE** amending the Memphis and Shelby County Fuel Gas Code, so as to adopt the 2021 Edition of the ICC International Fuel Gas Code and local amendments to replace an earlier outdated fuel gas code and setting applicable fees for permits and inspections, up for T H I R D and F I N A L reading. Ordinance No. 5806 is sponsored by the Division of Planning and Development.

Canale  
Chairman,  
Planning &  
Zoning  
Committee

ACTION REQUESTED: Take whatever action Council deems advisable

**CITY COUNCIL-EXTRAORDINARY COUNCIL RESOLUTIONS** (None)

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION** (None)

**FINANCE & ADMINISTRATION**

40. RESOLUTION to allocate \$1,000,000.00 from the American Rescue Plan Act to fund ShotRx Memphis' vaccination initiatives within the City of Memphis. This resolution is sponsored by Councilwoman Swearingen. (Held from 10/5)

Morgan  
Chairman,  
Budget  
Committee

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION to allocate \$3,000,000.00 from the American Rescue Plan Act to fund grocery store initiatives within North Memphis. This resolution is sponsored by Councilmembers Carlisle, Easter-Thomas, and Johnson. (Held from 10/5)

Morgan  
Chairman,  
Budget  
Committee

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION to allocate \$3,000,000.00 from the American Rescue Plan Act to build a satellite HUB for the homeless. This resolution is sponsored by Councilmembers Canale, Easter-Thomas, Johnson, Logan, Robinson, and Warren. (Held from 10/5)

Morgan  
Chairman,  
Budget  
Committee

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION to allocate \$6,000,000.00 from the American Rescue Plan Act to respond to the negative economic impacts due to COVID-19 This resolution is sponsored by Councilmembers Robinson and Jones. (Held from 10/5)

Morgan  
Chairman,  
Budget  
Committee

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES**

44. RESOLUTION to allocate and appropriate 2021 Reducing Diesel Emissions for a Healthier TN funds from the TN Department of Environment and Conservation in the amount of (\$205,000.00) to be used for partial funding for the purchase of four (4) ambulances with idle mitigation systems. All Council Districts. This resolution is sponsored by Fire Services.

Warren  
Chairman,  
Public Safety  
& Homeland  
Security  
Committee

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES**

45. RESOLUTION appropriating (\$400,000.00) for #GS22300 Convention Center Coverline for continued improvements and enhancements. District 7, Super District 8. This resolution is sponsored by the General Services.

Smiley  
Chairman,  
Public Works,  
Solid Waste &

ACTION REQUESTED: Adopt the resolution

General Services  
Committee

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT** (None)

**DIVISION OF HUMAN RESOURCES** (None)

**INFORMATION TECHNOLOGY** (None)

**LAW DIVISION** (None)

**LIBRARY SERVICES** (None)

**MLGW DIVISION** (None)

**DIVISION OF PARKS AND NEIGHBORHOODS**

46. RESOLUTION to appropriate FFE funds for #PK22101 Community Center, Logan  
Chairman, Park Furniture Fixtures and Equipment in the amount of (\$200,000.00). All Council  
Parks & Districts. This resolution is sponsored by the Division of Parks and Neighborhoods.  
Environment  
Committee

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION to appropriate funds Park Cover Line Architecture/ Engineering Logan  
Chairman, fees #PK22102 in the amount of (\$200,000.00). All Council Districts. This  
Parks & resolution is sponsored by the Division of Parks and Neighborhoods.  
Environment  
Committee

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION to appropriate construction funds for Sports Lighting Installation Logan  
Chairman, #PK22104 in the amount of (\$200,000.00). Districts 2 and 4, Super DistrictsFincluding 8 and 9.  
Parks & This resolution is sponsored by the Division of Parks and Neighborhoods.  
Environment  
Committee

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)

**DIVISION OF PUBLIC SERVICES** (None)

**DIVISION OF PUBLIC WORKS** (None)

**GENERAL ITEM**

49. RESOLUTION to set a minimum hourly pay rate for EDGE PILOT projects. All Council  
Chairman, Districts. This resolution is sponsored by Councilman Jones.

Economic  
Development  
& Tourism  
Committee

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**