

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 05/03/2022

DATE

PUBLIC SESSION: 05/03/2022

DATE

ITEM (CHECK ONE)

ORDINANCE CONDEMNATIONS GRANT ACCEPTANCE / AMENDMENT
 RESOLUTION GRANT APPLICATION REQUEST FOR PUBLIC HEARING
 OTHER: _____

ITEM DESCRIPTION: A resolution approving a new planned development for PURE Academy

CASE NUMBER: PD 2022-006

DEVELOPMENT: PURE Academy Planned Development

LOCATION: 4815, 4825, and 4847 Amey Road and 748 Wilson Road

COUNCIL DISTRICTS: District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: John and Tammy Golwen

REPRESENTATIVE: Joel Johnson, B. Taylor Gray, and John Golwen

EXISTING ZONING: Residential Single-Family – 6 (R-6)

REQUEST: Planned development to allow PURE Academy (education facility with classrooms, athletic field, dorm, etc.)

AREA: +/-2.07 acres

RECOMMENDATION: The Division of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions*

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
04/14/2022 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u>Lucas Skinner</u>	<u>04/19/2022</u>	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 2022-006 – PURE Academy Planned Development

Resolution requesting a planned development to allow PURE Academy (education facility with classrooms, athletic field, dorm, etc.):

- This item is a resolution with conditions for a planned development to allow the above; and
- The Division of Planning & Development at the request of the Owner(s): John and Tammy Golwen; Applicant(s): John and Tammy Golwen; and Representative(s): Joel Johnson, B. Taylor Gray, and John Golwen; and
- This resolution, if approved with conditions, will supersede the existing zoning for this property; and
- The item may require future public improvement contracts.

RESOLUTION APPROVING THE PURE ACADEMY PLANNED DEVELOPMENT AT THE SUBJECT PROPERTY LOCATED AT 4815, 4825, AND 4847 AMEY ROAD AND 748 WILSON ROAD, KNOWN AS CASE NUMBER PD 2022-006.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, the John and Tammy Golwen filed an application with the Memphis and Shelby County Division of Planning and Development for a planned development to allow PURE Academy (education facility with classrooms, athletic field, dorm, etc.); and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and that the design and amenities are consistent with the public interest; and has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on April 14, 2022, and said Board has submitted its findings and recommendation subject to outline plan conditions concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development is hereby granted in accordance with the attached outline plan conditions.

BE IT FURTHER RESOLVED, that the requirements of said aforementioned clause of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

ATTEST:

**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement**

OUTLINE PLAN CONDITIONS

PD 2022-006

PURE Academy Planned Development

Outline Plan Conditions

I. Uses Permitted

- A. Educational Facility
- B. Dormitory accessory to an educational facility
- C. Other accessory uses to an educational facility, including recreation fields (without lights)
- D. All other uses permitted by the Residential Single Family– 6 (R-6) District

II. Bulk Regulations

The bulk regulations of the R-6 district shall govern except where noted below:

- A. Setbacks
 - i. Minimum front and rear setback of 20 feet
 - ii. Minimum parking setback of 20 feet
- B. The overall lot size and width shall be as depicted on the outline plan.
- C. Building height shall be governed by the R-6 district.
- D. Building materials shall be consistent with the surrounding area.

III. Access and Circulation

- A. Internal circulation shall be shown on final plan.
- B. Vehicular access shall contain a two-way entrance.
- C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
- D. Parking shall be provided as shown on final plat.

IV. Landscaping and Screening

- A. A detailed landscaping plan shall be submitted with the final plan.

V. Signs

- A. Any signs shall be regulated by the R-6 district.

VI. Drainage and Sanitary Sewer

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plan.

VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten

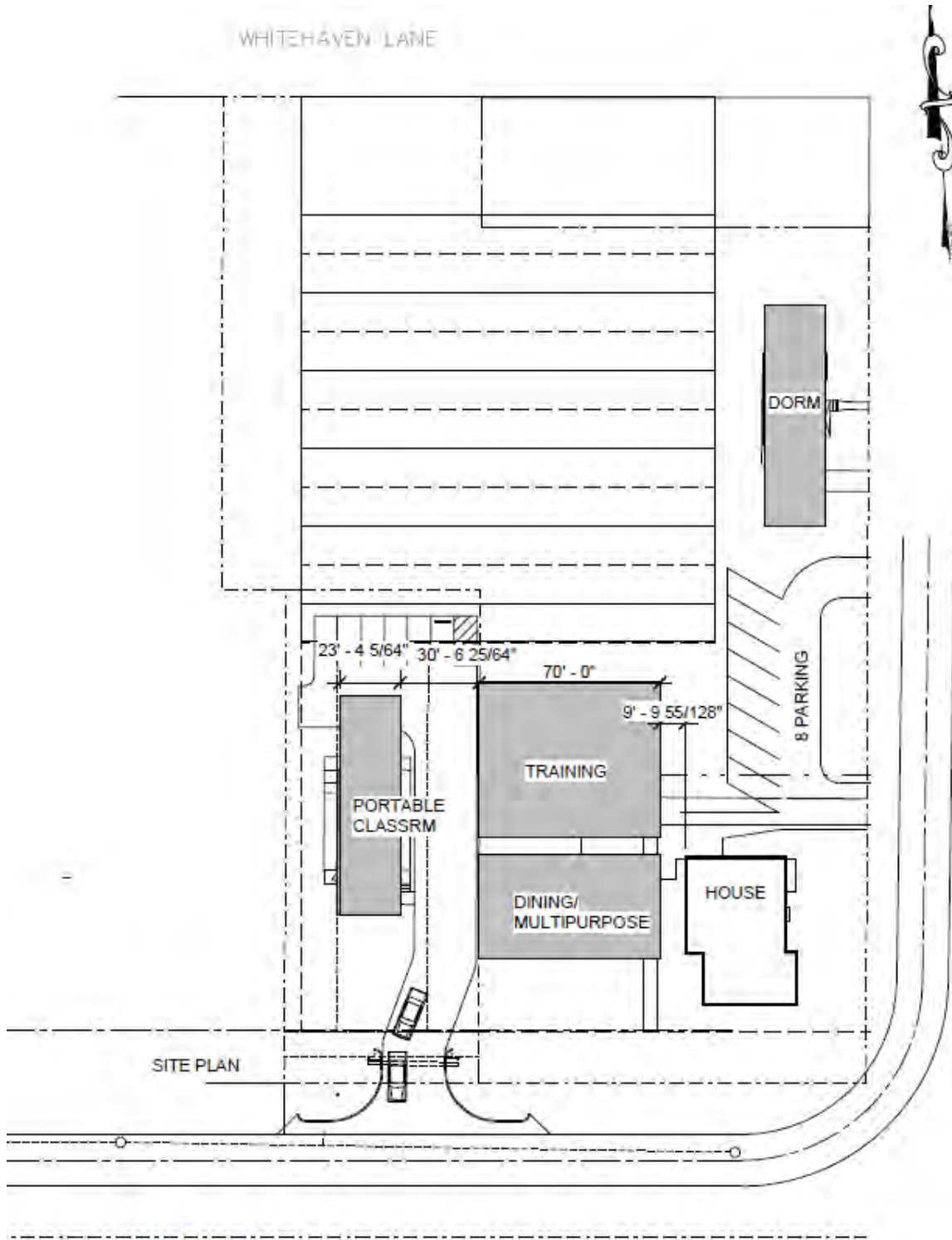
days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.

VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.

IX. Any final plan shall include the following:

- A. The outline plan conditions.
- B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
- C. The exact location and dimensions including lots, buildable areas, parking areas, drives, and required landscaping.
- D. The location and ownership, whether public or private of any easement.
- E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
- F. The 100-year flood elevation.

CONCEPT PLAN



PURE
4847 AMEY RD.
MEMPHIS, TN

SITE PLAN 1" = 50'-0"

PROJECT NO.	DATE	SHEET NO.
20029	02/16/22	1

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 14, 2022**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 2022-006
DEVELOPMENT:	PURE Academy Planned Development
LOCATION:	4815, 4825, and 4847 Amey Road and 748 Wilson Road
COUNCIL DISTRICT(S):	District 6 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT:	John and Tammy Golwen
REPRESENTATIVE:	Joel Johnson, B. Taylor Gray, and John Golwen
REQUEST:	Planned development to allow PURE Academy (education facility with classrooms, athletic field, dorm, etc.)
EXISTING ZONING:	Residential Single-Family – 6 (R-6)
AREA:	+/-2.07 acres

The following spoke in support of the application: John Golwen, Melvin Cole

The following spoke in opposition the application: Raquel Scott, Shirley Holliday

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with conditions.

The motion passed by a vote of 7-2 on the regular agenda.

Respectfully,



Lucas Skinner
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

Outline Plan Conditions

PD 2022-006

PURE Academy Planned Development

Outline Plan Conditions

I. Uses Permitted

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- D. Parking shall be provided as shown on final plat.

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- A. A detailed landscaping plan shall be submitted with the final plan.

V. Signs

- A. Any signs shall be regulated by the R-6 district.

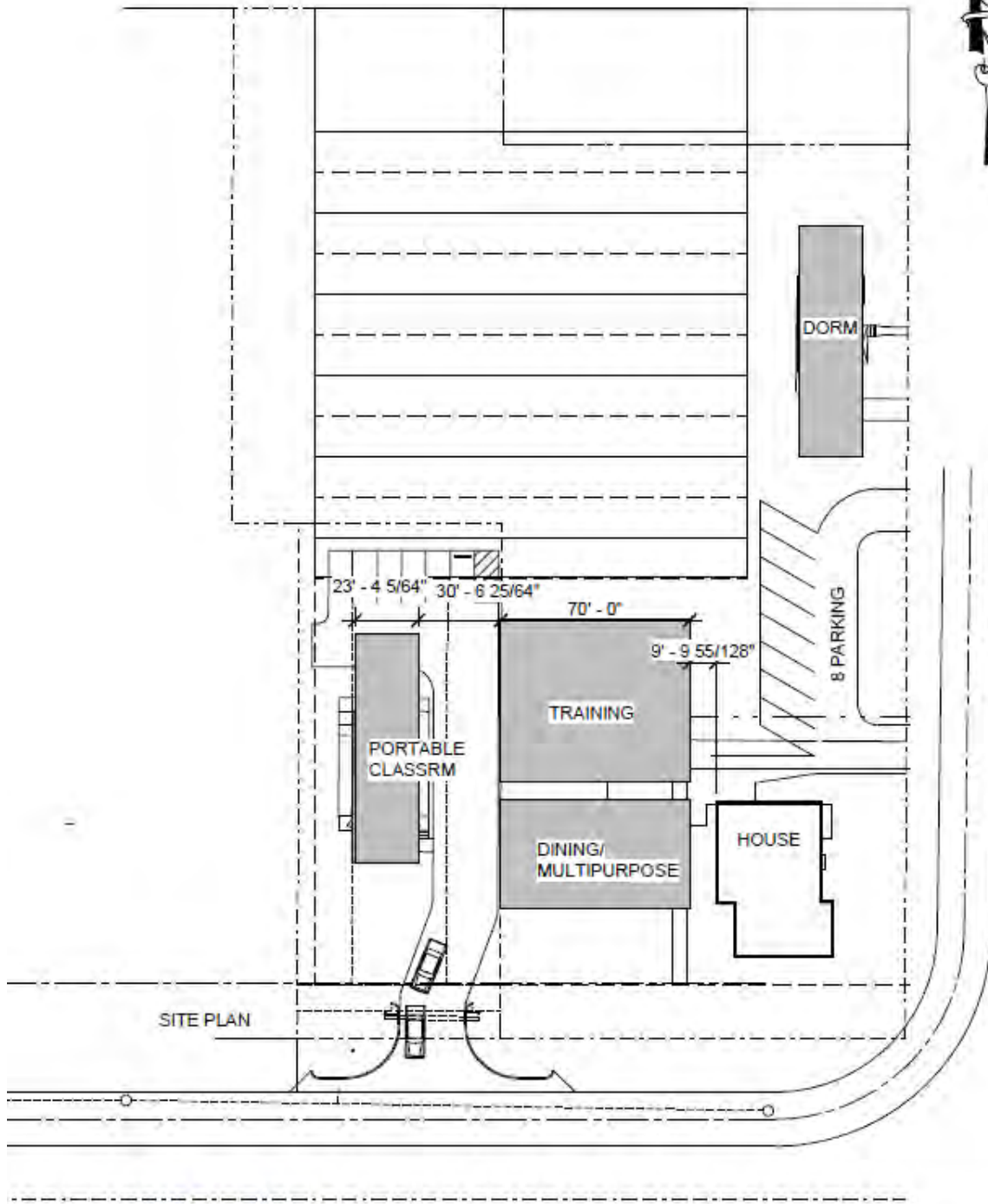
VI. Drainage and Sanitary Sewer

- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plan.

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.
- VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including lots, buildable areas, parking areas, drives, and required landscaping.
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
 - F. The 100-year flood elevation.

CONCEPT PLAN

WHITEHAVEN LANE



PURE
4847 AMEY RD.
MEMPHIS, TN

SITE PLAN 1" = 50'-0"

PROJECT NO.	DATE	SHEET NO.
20029	02/16/22	1

AGENDA ITEM: 16

CASE NUMBER: PD 2022-006 **L.U.C.B. MEETING:** April 14, 2022

DEVELOPMENT: PURE Academy Planned Development

LOCATION: 4815, 4825, and 4847 Amey Road and 748 Wilson Road

COUNCIL DISTRICT: District 6 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: John and Tammy Golwen

REPRESENTATIVE: Joel Johnson and B. Taylor Gray

REQUEST: Planned development to allow PURE Academy (education facility with classrooms, athletic field, dorm, etc.)

AREA: +/-2.07 acres

EXISTING ZONING: Residential Single-Family – 6 (R-6)

CONCLUSIONS

1. The applicant is requesting a new multi-use planned development for PURE Academy on four parcels located at 4815, 4825, and 4847 Amey Road and 748 Wilson Road, on the west side of Amey Road south of Whitehaven Lane and north of Wilson Road.
2. The site has an existing house structure, and the planned development is looking to approve a new dormitory, portable classroom, dining/multipurpose building, and training facility for a total of 5 structures on the site. Along with these structures there will be a practice football field with no lights. Staff would like to note that the portable classroom has already been reviewed and approved from both a zoning and building permitting standpoint as of March, 2022.
3. The planned development calls to maintain most of the bulk regulations and general aesthetics of the underlying residential zoning, including setbacks and height of structures as well as materials being used.
4. Staff feels given the vacancy of lots to the west as well as the three-sided roadway buffer with additional unique landscaping, that this request provides a very creative and fairly low-level occupancy use for this site. It should be noted that given “historical” imagery, a portion of this use (including signage) has been at this site since at least 2019 (see first site photo on page 9).
5. The proposed addition of creative and unique landscaping will create a more desirable and aesthetically pleasing buffer in the neighborhood, especially given the three road frontages.
6. The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.
7. The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

RECOMMENDATION

Approval with conditions

GENERAL INFORMATION

Street Frontage: Whitehaven Lane +/- 284.5 linear feet
Amey Road +/- 380.1 linear feet
Wilson Road +/- 229.3 linear feet

Zoning Atlas Page: 2430

Parcel ID: 077067 00024, 077067 00023, 077067 00019C, 077067 00020

Existing Zoning: Residential Single-Family – 6 (R-6)

NEIGHBORHOOD MEETING

The meeting was held at 6:00 PM on Monday, April 4, 2022, on site at 4847 Amey Road.

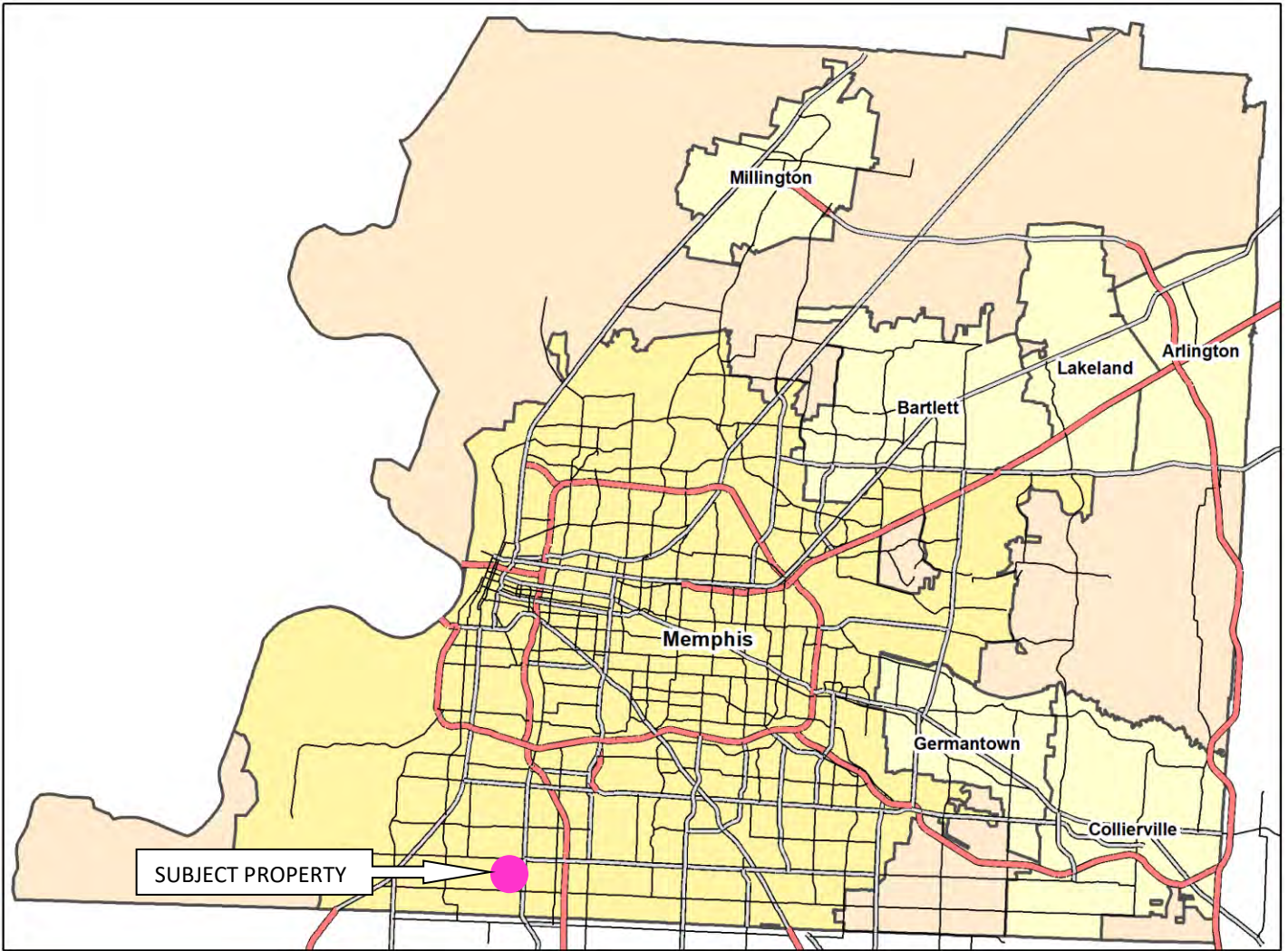
PUBLIC NOTICE

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 97 notices were mailed on March 31, 2022, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 17-19 of this report.

LOCATION MAP



Subject property located within the pink circle, Whitehaven neighborhood

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Residential Single-Family – 6 (R-6)

Surrounding Zoning

North: R-6

East: R-10










South: R-6

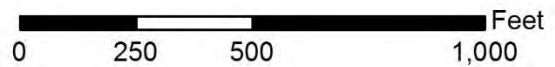
West: R-6

LAND USE MAP



LandUse

- | | |
|---|--|
|  SINGLE-FAMILY |  OFFICE |
|  MULTI-FAMILY |  INDUSTRIAL |
|  INSTITUTIONAL |  PARKING |
|  COMMERCIAL |  VACANT |
|  RECREATIONAL / OPEN SPACE | |



Subject property indicated by a pink star

SITE PHOTOS



View of the subject property from Whitehaven Lane and Amey Road looking west



View of the subject property from Whitehaven Lane and Amey Road looking west



View of the subject property from Amey Road looking west

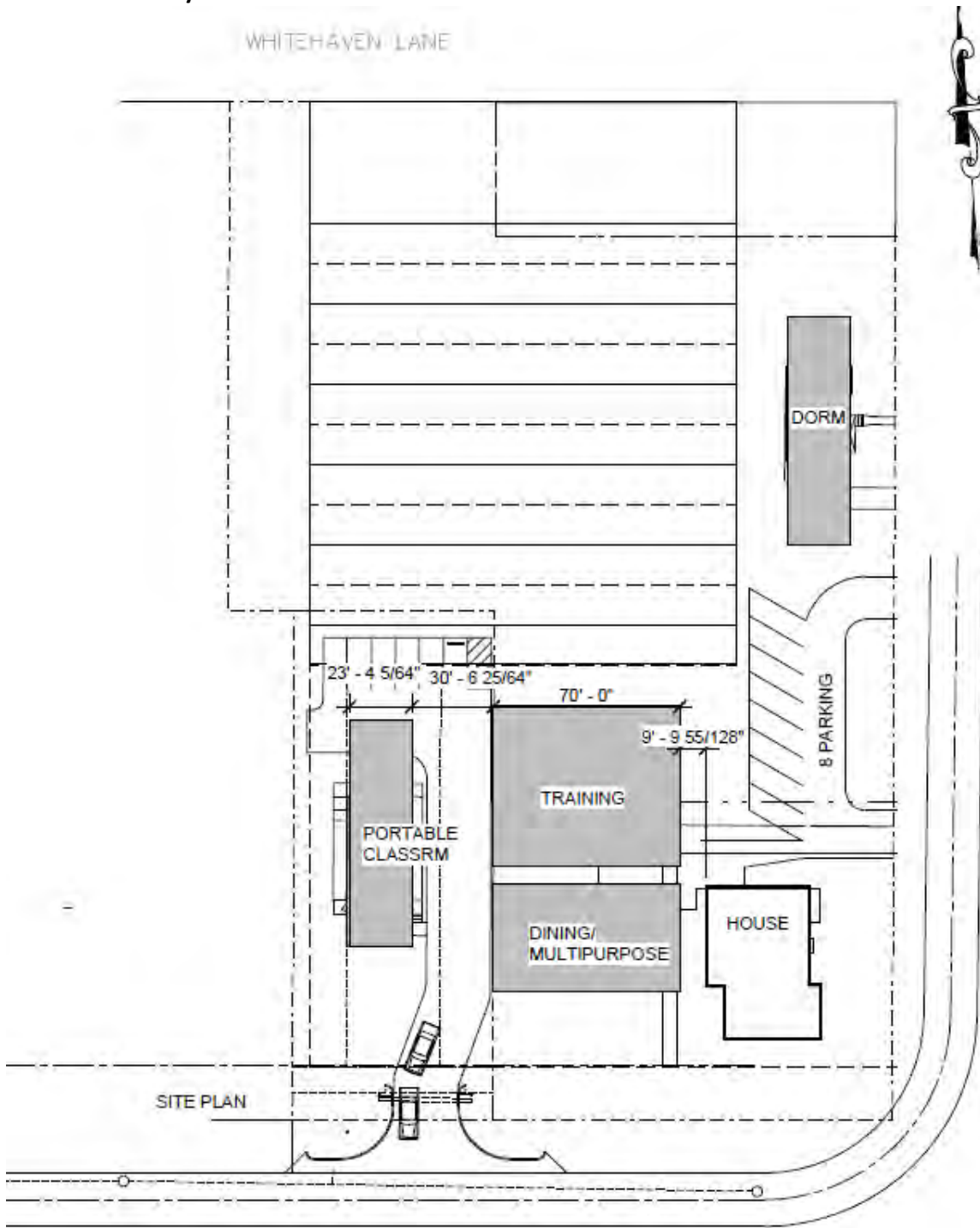


View of the subject property from Wilson Road looking north



View of subject property from Whitehaven Lane looking south

CONCEPT PLAN / SITE PLAN

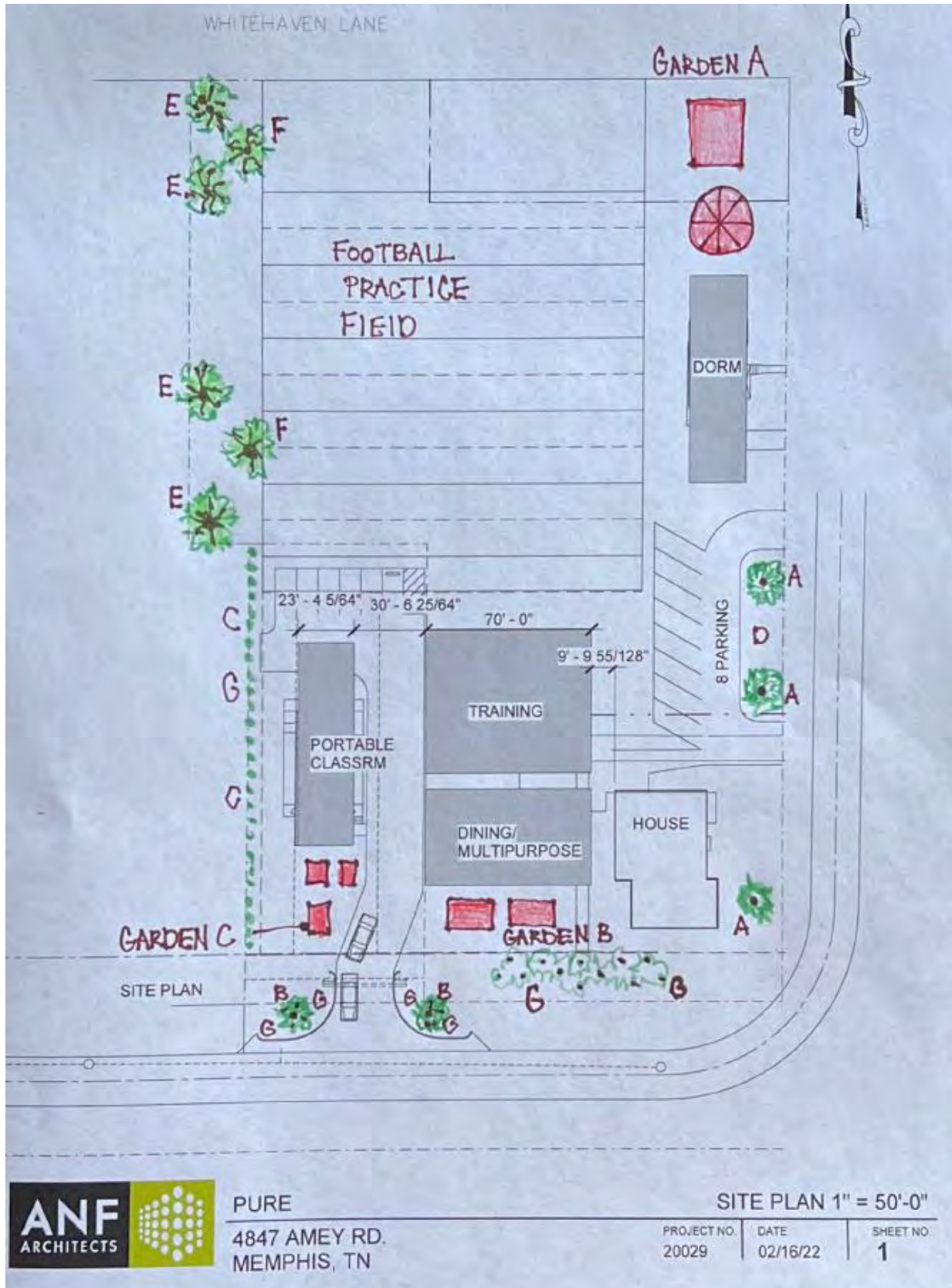


PURE
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SITE PLAN 1" = 50'-0"

PROJECT NO.	DATE	SHEET NO.
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LANDSCAPE PLAN



PLANT SCHEDULE

PURE Academy Plant and Garden Schedule

Garden A	Perennial Flower, Herbs and Fruit	
Garden B	Vegetable and Herb Kitchen Garden	
Garden C	Pollination Garden	
Plant A	Sweetbay Magnolia - Magnolia Virginiana	Quantity 3
Plant B	Yaupon Holly Tree - Ilex vomitoria	Quantity 2
Plant C	Nellie Stevens Holly - Ilex "Nellie R. Stevens" 3-4 ft tall plants spaced 6 feet apart	Quantity 31
Plant D	Wintercreeper - Euonymus fortunei	Quantity 15
Plant E	Honeycrisp Apple Tree - Malus domestica 5 ft tall tree planted 20 ft apart	Quantity 4
Plant F	Crapapple Tree - Malus spp. 5 ft tall tree planted 20 ft apart	Quantity 2
Plant G	Limelight - Panicle Hydrangea 3 gallon - plant 8 ft apart	Quantity 16

STAFF ANALYSIS

Request

The application, planned development general provisions, and letter of intent have been added to this report.

The request is for a multi-use planned development to allow a dorm, education facilities, and athletic facilities for PURE Academy.

Applicability

Staff agrees the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design in order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff agrees the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions

contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Commercial or Industrial Criteria

Staff agrees the additional planned commercial or industrial development criteria as set out in Section 4.10.5 of the Unified Development Code are or will be met.

4.10.5 Planned Commercial or Industrial Developments

Approval of a planned commercial or industrial development may be issued by the governing bodies for buildings or premises to be used for the retail sale of merchandise and services, parking areas, office buildings, hotels and motels and similar facilities ordinarily accepted as commercial center uses and those industrial uses which can be reasonably be expected to function in a compatible manner with the other permitted uses in the area. In addition to the applicable standards and criteria set forth in Section 4.10.3, planned commercial or industrial developments shall comply with the following standards:

- A. *Screening*
When commercial or industrial structures or uses in a planned commercial or industrial development abut a residential district or permitted residential buildings in the same development, screening may be required by the governing bodies.
- B. *Display of Merchandise*
All business, manufacturing and processing shall be conducted, and all merchandise and materials shall be displayed and stored, within a completely enclosed building or within an open area which is completely screened from the view of adjacent properties and public rights-of-way, provided, however, that when an automobile service station or gasoline sales are permitted in a planned commercial development, gasoline may be sold from pumps outside of a structure.
- C. *Accessibility*
The site shall be accessible from the proposed street network in the vicinity which will be adequate to carry the anticipated traffic of the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the enterprises located in the proposed development.
- D. *Landscaping*
Landscaping shall be required to provide screening of objectionable views of uses and the reduction

of noise. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

Approval Criteria

Staff agrees the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject property is +/- 2.07 acres comprised of 4 separate parcels on the west side of Amey Road between Whitehaven Lane to the north and Wilson Road to the south. The site is currently zoned Residential Single Family – 6 (R-6) with multiple structures existing throughout the site. The site is surrounded by residential zoning and uses on most sides, with a church across Amey Road to the southeast. To the west, there are several vacant parcels before another house.

Site Plan Review

- The site plan contains 5 structures, some permitted under existing zoning, and other permitted with if PD approved
- Structures include an existing house, a portable classroom, a dining facility, a dorm, and a training facility
- Size of structures range in size from +/- 1,780 sq. ft. to +/- 3,990 sq. ft.
- Total parking provided 14 spaces

- General bulk regulations and materials used will be consistent with the underlying Residential zoning
- Unique landscaping will be added, more so than what was existing
- The setbacks are met
- Proposed buildings will all be far less than 40 feet in height (per R-6 regulations)

Supplementary

As determined by the former Zoning Administrator, the portable classroom on the 748 Wilson site has been approved under Administrative Deviation (AD) 2021-19 as an accessory building to the primary house structure on the lot. The building has also been reviewed under ASPR 2022-008, and since permitted under building permit COM-NEW-21-000320.

Consistency with Memphis 3.0

Site Address/location: 4825 Amey Rd.

Land Use Designation (see page 86 for details): Primarily Single-Unit Neighborhood (NS)

Based on the future land use and existing adjacent land use the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 – 122:

1. FUTURE LAND USE PLANNING MAP



Red polygon indicates the application sites on the Future Land Use Map.

2. Land use description & applicability:

Primarily Single-Unit Neighborhoods are located greater than a half mile outside of any anchor destination. These neighborhoods contain mostly detached, house scale residences, serving mostly single-family style living. This is considered the typical suburban community that is not as walkable or accessible from an anchor.



than a half
residences,
the typical
from an

“NS” Goals/Objectives:

Preservation/maintenance of existing single-family housing stock and neighborhoods

“NS” Form & Location Characteristics:

Primarily detached. House-scale buildings. Primarily residential. 1-3 stories. Beyond 1/2 mile from a Community Anchor.

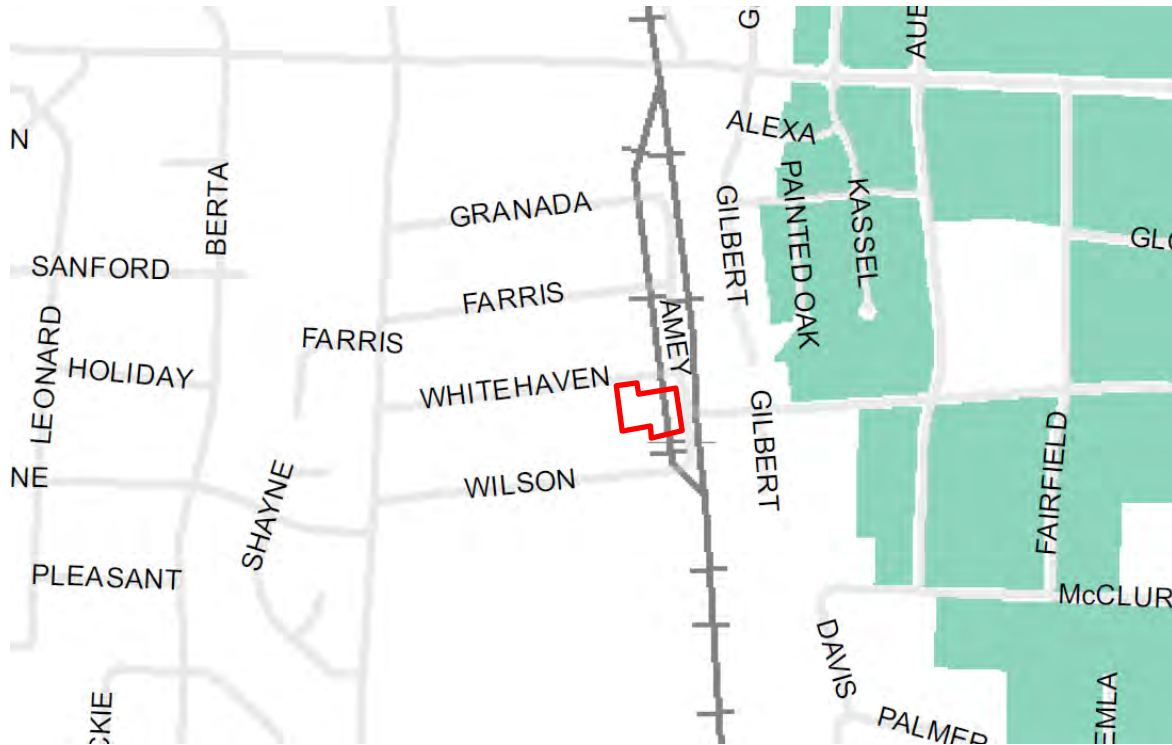
The applicant is seeking approval for a planned development amendment with the intention of combining properties 748 Wilson Road, 4847 Amey Road, 4825 Amey Road and 4815 Amey Road for the purpose of PURE operating a school for its participants, therefore seeking permission to use the property as an Education Facility. The applicant will utilize the southern portion of the PD for two classrooms, a multi-use structure for student’s classroom instruction and dining. Additionally, a separate structure for student’s physical fitness and athletic training and in the north-eastern part of the site for accessory use as a dormitory for students and faculty.

Although the request does not meet the criteria of NS, the proposal complies to the objectives and actions articulated in Goal 1. Complete, Cohesive Communities. Specifically, Objective 1.3 – Develop strategies that reduce blight and vacancy. Additionally, it serves to decrease blight by promoting infill on vacant lots.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Single-Family, Vacant and Parking. The subject site is surrounded by the following zoning districts: CMU-1 and R-10. This requested land use is not compatible with the adjacent land uses because *existing land uses surrounding the parcels is not similar in nature to the requested use.*

4. Degree of Change map



Red polygon denotes the proposed site in Degree of Change area. There is no degree of change.

5. Degree of Change Descriptions

N/A

Based on the information provided, the proposal **IS CONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Andrea Jimenez, Comprehensive Planning.

Conclusions

The applicant is requesting a new multi-use planned development for PURE Academy on four parcels located at 4815, 4825, and 4847 Amey Road and 748 Wilson Road, on the west side of Amey Road south of Whitehaven Lane and north of Wilson Road.

The site has an existing house structure, and the planned development is looking to approve a new dormitory, portable classroom, dining/multipurpose building, and training facility for a total of 5 structures on the site. Along with these structures there will be a practice football field with no lights. Staff would like to note that the portable classroom has already been reviewed and approved from both a zoning and building permitting standpoint as of March, 2022.

The planned development calls to maintain most of the bulk regulations and general aesthetics of the underlying residential zoning, including setbacks and height of structures as well as materials being used.

Staff feels given the vacancy of lots to the west as well as the three-sided roadway buffer with additional unique landscaping, that this request provides a very creative and fairly low-level occupancy use for this site. It should

be noted that given “historical” imagery, a portion of this use (including signage) has been at this site since at least 2019 (see first site photo on page 9).

The proposed addition of creative and unique landscaping will create a more desirable and aesthetically pleasing buffer in the neighborhood, especially given the three road frontages.

The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

The location and arrangement of the structures, parking areas, walks, lighting and other service facilities are compatible with the surrounding land uses.

RECOMMENDATION

Staff recommends approval with outline plan conditions.

Outline Plan Conditions

PD 2022-006
PURE Academy Planned Development
Outline Plan Conditions

- I. Uses Permitted
 - A. Educational Facility
 - B. Dormitory accessory to an educational facility
 - C. Other accessory uses to an educational facility, including recreation fields (without lights)
 - D. All other uses permitted by the Residential Single Family– 6 (R-6) District

- II. Bulk Regulations

The bulk regulations of the R-6 district shall govern except where noted below:

- A. Setbacks
 - i. Minimum front and rear setback of 20 feet
 - ii. Minimum parking setback of 20 feet
- B. The overall lot size and width shall be as depicted on the outline plan.
- C. Building height shall be governed by the R-6 district.
- D. Building materials shall be consistent with the surrounding area.

- III. Access and Circulation

- A. Internal circulation shall be shown on final plan.

- B. Vehicular access shall contain a two-way entrance.
 - C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
 - D. Parking shall be provided as shown on final plat.
- IV. Landscaping and Screening
- A. A detailed landscaping plan shall be submitted with the final plan.
- V. Signs
- A. Any signs shall be regulated by the R-6 district.
- VI. Drainage and Sanitary Sewer
- A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plan.
- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.
- VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
- A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including lots, buildable areas, parking areas, drives, and required landscaping.
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
 - F. The 100-year flood elevation.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

CASE: PD-22-006 NAME: PURE Academy

1. Standard Subdivision Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.

3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.

7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.

8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts.
10. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

Drainage:

11. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
12. The site is located in a sensitive drainage basin (South Cypress Creek 11-L). Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
13. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
14. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

General Notes:

15. On street parking is not guaranteed. Developer shall provide enough off-street parking for facilities.

City/County Fire Division:

Address or Site Reference: 4852 Amey

- All design and construction shall comply with the 2021 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.

- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience:

General Comments & Analysis:

Located in Zone 1 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

The proposed outline plan increases the impervious surface on the parcels, but also adds small gardens, shrubs, and deciduous trees. The parcels' current landscaping consists of grass.

Consistent with the Mid-South Regional Resilience Master Plan best practices: Yes

This planned development request is generally consistent with the Mid-South Regional Resilience Master Plan. The parcel is not located in an area with a high risk for flooding or ecological damage. The proposed permeable surfaces on the site plan will help mitigate stormwater runoff from the proposed impervious surface, improve air quality, and improve ecological health. The proposed deciduous trees will also help reduce the surface temperature on the lots (Section 5.7 Trees).

Consistent with the Memphis Area Climate Action Plan best practices: Yes

Increasing the green infrastructure through planting the proposed trees and bushes will expand the urban tree canopy (Priority Action E.7). In addition to the benefits mentioned above, expanding the tree canopy increases carbon emission capture and reduces energy costs depending on the surrounding site conditions and proximity to buildings.

Recommendations: Staff recommends incorporating the proposed landscaping screening in the outline plan conditions.

APPLICATION



MEMPHIS AND SHELBY COUNTY

Record Summary for Planned Development

Record Detail Information

Record Type: Planned Development

Record Status: Assignment

Opened Date: March 10, 2022

Record Number: PD 2022-006

Expiration Date:

Record Name: PURE Academy

Description of Work: Combined properties 4847 Amey Road, 4825 Amey Road, 4815 Amey Road, and 748 Wilson Road for school.

Parent Record Number:

Address: 4825 AMEY RD, MEMPHIS 38109

Owner Information

Primary	Owner Name	Owner Address	Owner Phone
Yes	GOLWEN JOHN S & TAMMY P	3590 Central Avenue, MEMPHIS, TN 38111	(901) 647-3005

Parcel Information

Parcel No:
077067 00019C

Contact Information

Name	Organization Name	Contact Type	Phone
John Golwen	GOLWEN JOHN S & TAMMY P	Applicant	(901) 647-3005

Suffix:

Address
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117
1780 MORIAH WOODS BLVD, MEMPHIS, TN, MEMPHIS, TN 38117

UDC Sub-Section 9.6.9A

The uses will be self-contained and will not substantially increase traffic counts or require substantial parking. Rather, many of the boys attending the proposed school will be housed on-site in the proposed accessory dormitory. The property is currently under-utilized and will be revitalized through infill that supports the City's long-term growth strategy of denser development, but existing utility facilities are adequate for the anticipated uses. Adjacent property values will increase as the result of the investment in the neighborhood and renewed interest and attention of City leadership and administration. The overall safety and welfare of the area will rise as the result of the positive impact of the strategic objectives of PURE as outlined in the letter of intent.

UDC Sub-Section 9.6.9B

Comprising an entire block, the project will not interfere with the development and use of adjacent property, which is largely undeveloped or institutional in use. Buildings on the proposed plan are located on the southern and eastern portions of the property, away from the existing residential property to the north and northwest. The southern buildings are to be located across the street from vacant property that is owned by Middle Baptist Church. The church also owns the property to the east and has been a longtime supporter of PURE's mission and activities.

UDC Sub-Section 9.6.9C

The site is bordered by paved City of Memphis streets. Parking will be added, stormwater will be managed in accordance with the City of Memphis Stormwater Manual. City of Memphis provides fire protection and emergency services. MLGW provides water to the site. The sanitary sewer is connected to City of Memphis.

UDC Sub-Section 9.6.9D

There are no significant features on the project site of natural, scenic or historic importance.

UDC Sub-Section 9.6.9E

Compliance with the standards or approved alternatives to be satisfied during further consultation with planning staff and finalized prior to Land Use Control Board hearing.

UDC Sub-Section 9.6.9F

Applicant is not aware of any adverse impact on the Whitehaven District Plan (the Whitehaven-Levi Planning District Comprehensive Plan) or Memphis 3.0 or any currently established standards for development of adjacent properties other than any R-6 district standards to be modified for this project. Rather, the adjacent property is largely undeveloped or separated by the large greensward on-site that will be developed as the proposed athletic field. Accordingly, no adverse impact is anticipated, and the project is consistent with the Memphis 3.0 objectives to reduce blight and vacancy, improve access to quality education, promote development without displacement for communities with infill opportunity, and provide an anchor for the local community by creating a productive community asset from underutilized land.

GENERAL PROVISIONS

UDC Sub-Section 4.10.3A

-

B) An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development

-

C) The location and arrangement of the structures, parking and loading areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for such facilities shall be landscaped or otherwise improved except where natural features are such as to justify preservation

-

D) Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest

-

E) Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements

-

F) Lots of record are created with the recording of a planned development final plan

-

GIS INFORMATION

Central Business Improvement District	No
Case Layer	BOA1955-125-CO
Class	R
Downtown Fire District	No
Historic District	-
Land Use	SINGLE-FAMILY
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	R-6
State Route	-
Lot	-
Subdivision	PT TOM FLEMING SUBDIVISION UNREC
Planned Development District	-

LETTER OF INTENT

**JOHN S. GOLWEN
3590 Central Avenue
Memphis, Tennessee 38111
(901) 647-3005**

March 9, 2022

Memphis and Shelby County
Division of Planning & Development
125 N. Main Street
Suite 468
Memphis, Tennessee 38103

Re: Letter of Intent – 748 Wilson Road; 4847 Amey Road; 4825 Amey Road; and 4815 Amey Road, Memphis, Tennessee.

To Division of Planning & Development:

This constitutes our letter of intent in conjunction with our application for Planned Development for the referenced properties. The subject properties are owned by John and Tammy Golwen. They are subject of a Lease Purchase Agreement by and between the Golwens and a 501(c)(3) Tennessee not for profit corporation, PURE Youth Athletic Alliance, Inc. ("PURE"). PURE has served under-privileged youth primarily grades 9 through 12 to break the cycle of generational poverty through mentoring, education and athletics. Since 2011, PURE has helped inner city boys escape life in gangs and send them on a trajectory to college education and productive manhood.

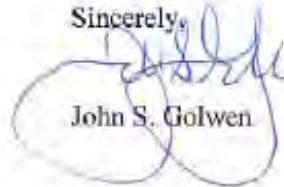
The property owners through this application intend to combine the referenced properties in a PD for purposes of PURE operating a school for its participants. PURE submits this application after receiving funding to move forward with construction of Education Facility and certification by the State of Tennessee as a Category II Non-public School. The properties are zoned R-6 and are currently used for single family residential, and the applicants seek permission to use the property as an Education Facility.

Specifically, applicants intend to utilize the southern portion of the PD for two classrooms, a multi-use structure for students' classroom instruction and dining, and a separate structure for students' physical fitness and athletic training. In conjunction with this use, the PD would include the expansion of an existing structure in the north-eastern portion of the site for accessory use as a dormitory for students or faculty.

The northern portion of the property also includes a fifty (50) yard athletic practice field, a potential fruit tree orchard with six trees and a raised-bed garden. The latter two items will be used in conjunction with the agricultural instruction that is a key part of the curriculum for PURE's students.

We look forward to the opportunity to explain further and answer any questions. Your consideration of this application is greatly appreciated.

Sincerely,



John S. Golwen

cc: Tammy Golwen
Joel Johnson
B. Taylor Gray
Amanda Whitaker
Rebecca Conrad

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Tammy Golwen, being duly sworn, depose and say that at 1:15 am/pm on the 4th day of April, 2022, I posted 3 Public Notice Sign(s) pertaining to Case No. 2022-006 at 4847/4825/4815 Arney Road and 748 Wilson Road*, providing notice of a Public Hearing before the X Land Use Control Board, Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development, Special Use Permit, Zoning District Map Amendment, Street and/or Alley Closure), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Tammy Golwen
Owner, Applicant or Representative

April, 2022
Date

Subscribed and sworn to before me this 4th day of April, 2022.

Kristy Tyler
Notary Public

My commission expires: 11/18/2024



* along the Whitehaven Lane, Arney Road, and Wilson Road rights-of-way





LETTERS RECEIVED

No letters received at the time of completion of this report.



**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

April 14, 2022

John and Tammy Golwen
3590 Central Avenue
Memphis, TN 38111

Sent via electronic mail to: jgolwen@bassberry.com

PURE Academy Planned Development
Case Number: PD 2022-006
LUCB Recommendation: Approval with conditions

Dear applicant,

On Thursday, April 14, 2022, the Memphis and Shelby County Land Use Control Board recommended **approval** of your planned development amendment application for the PURE Academy Planned Development, subject to the attached conditions.

This application will be forwarded, for final action, to the Council of the City of Memphis. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at lucas.skinner@memphistn.gov.

Letter to Applicant
PD 2022-006

Respectfully,

A handwritten signature in cursive script that reads "Lucas Skinner". The signature is written in black ink and is positioned below the word "Respectfully,".

Lucas Skinner
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Letter to Applicant

PD 2022-006

Outline Plan Conditions

PD 2022-006

PURE Academy Planned Development

Outline Plan Conditions

I. Uses Permitted

- A. Educational Facility
- B. Dormitory accessory to an educational facility
- C. Other accessory uses to an educational facility, including recreation fields (without lights)
- D. All other uses permitted by the Residential Single Family– 6 (R-6) District

II. Bulk Regulations

The bulk regulations of the R-6 district shall govern except where noted below:

A. Setbacks

- i. Minimum front and rear setback of 20 feet
- ii. Minimum parking setback of 20 feet

B. The overall lot size and width shall be as depicted on the outline plan.

C. Building height shall be governed by the R-6 district.

D. Building materials shall be consistent with the surrounding area.

III. Access and Circulation

A. Internal circulation shall be shown on final plan.

B. Vehicular access shall contain a two-way entrance.

C. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

D. Parking shall be provided as shown on final plat.

IV. Landscaping and Screening

A. A detailed landscaping plan shall be submitted with the final plan.

V. Signs

A. Any signs shall be regulated by the R-6 district.

VI. Drainage and Sanitary Sewer

A. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plan.

Letter to Applicant

PD 2022-006

- VII. The Land Use Control Board may modify the bulk, access, parking, landscaping, and sign requirements if equivalent alternatives are presented; provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder, may within ten days of such action, file a written appeal to the Director of the Office of Planning and Development, to have such action reviewed by the Memphis City Council.
- VIII. A final plan shall be filed within five (5) years of the date of approval of the Outline Plan by the Legislative Bodies. The Land Use Control Board may grant extensions at the request of the applicant.
- IX. Any final plan shall include the following:
 - A. The outline plan conditions.
 - B. A standard subdivision contract as defined by the Subdivision Regulations for any needed public improvements.
 - C. The exact location and dimensions including lots, buildable areas, parking areas, drives, and required landscaping.
 - D. The location and ownership, whether public or private of any easement.
 - E. A statement conveying all common facilities and areas to a property owner's association or other entity, for ownership and maintenance purposes.
 - F. The 100-year flood elevation.

REFERENDUM ORDINANCE NO. _____

A REFERENDUM ORDINANCE TO AMEND, PURSUANT TO [ARTICLE XI, § 9](#) OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), PROVISIONS OF THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, RELATIVE TO PARTISAN ELECTIONS FOR THE OFFICES OF MAYOR AND CITY COUNCIL MEMBERS AND TO REPEAL ALL PROVISIONS OF THE CITY’S CHARTER INCONSISTENT WITH THIS AMENDMENT

Whereas, the Tennessee Code Annotated § 2-13-208, provides that municipal elections shall be nonpartisan unless the municipality's charter specifically permits partisan elections. When a municipality's charter allows partisan elections, political parties may nominate candidates for municipal office by using the primary election provisions of Title 2 of Tennessee Code Annotated (the “Election Code”) or as otherwise authorized by the rules of the party; and

Whereas, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the City of Memphis Charter be amended by ordinance as provided by [Article XI, Section 9](#) of the Constitution of the State of Tennessee (Home Rule Amendment) for the purpose of permitting partisan elections for the Offices of the Mayor and Memphis City Council Members.

[Section 1.](#) Proposed Amendment Authorized.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS , TENNESEE, That pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee, as amended, a proposal for amending the Charter of the City, as set forth in this ordinance, shall be published and submitted by the City of Memphis to its qualified voters at the first state general election, which shall be held in the City of Memphis on August 4, 2022, and which shall be held at least sixty (60) days after such publication.

[Section 2.](#) Publication of Home Rule Amendment as required by Tennessee Constitution.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause this Ordinance, as finally adopted, to be published pursuant to provisions of Article XI, Section 9 of the Constitution of the State of Tennessee immediately after adoption by the City Council.

[Section 3.](#) Certification and Delivery to Election Commission.

BE IT FURTHER ORDAINED, That upon the adoption of this Ordinance becoming effective as required by law, the Comptroller of the City of Memphis shall immediately certify adoption of this Ordinance and deliver a certified copy thereof to the Shelby County Election Commission in charge of holding the general State election on August 4, 2022, and shall request that the proposed amendment to the Home Rule Charter of the City of Memphis, in the preferred form set forth in this Ordinance, be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the City Council does hereby adopt the suggested proposal and form of question to be placed on the ballot for a referendum vote on a Home Rule Amendment to the Charter of the City of Memphis in a State General election to be held on the 4th day of August, 2022, which question shall read as follows:

“ Shall the Charter of the City of Memphis be amended to read:
' Elections for the Offices of Mayor and Memphis City Council Members shall be partisan, such that political parties may nominate candidates for the offices of Mayor and Memphis City Council Members by using the primary election provisions of the Tennessee Election Code or as otherwise authorized by the rules of the party. All provisions of the Charter that are inconsistent with this charter amendment are repealed.' ?

I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

Section 5. Effective Date of Charter Amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 4th day of August, 2022, the public welfare, requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election on the referendum question to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. BE IT FURTHER ORDAINED, That the Mayor be and is hereby authorized to appropriate and expend out of general revenues of the City of Memphis, Tennessee, a sum sufficient to pay a pro-rata cost attributable to the inclusion of the proposed amendment on the ballot for the election to be held on the 4th day of August, 2022, if any.

Section 8. Nonconflicting - Conflicting Laws.

BE IT FURTHER ORDAINED, That from and after the effective date of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis in conflict with the subject matter of this amendatory Home Rule Ordinance shall be immediately annulled, vacated, and repealed and all laws constituting the present Charter of the City of Memphis not in conflict

with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect.

Section 9. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 10. Publication as Required by the City Charter.

BE IT FURTHER ORDAINED, that this Ordinance shall also be published by the Comptroller at the same time and manner as required by the City's Charter for all ordinances adopted by the City Council.

Section 11. Enactment of Referendum Ordinance.

BE IT FURTHER ORDAINED, that the adoption of this Referendum Ordinance shall take effect from and after the date it shall have 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:
Councilman Martavius Jones

**JAMITA SWEARGEN
CHAIRWOMAN**

ORDINANCE NO: _____

ORDINANCE AMENDING ORDINANCE NO. 5459 OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TENNESSEE, SO AS TO MAKE CERTAIN CHANGES WITH REGARD TO PERMITTED DAYS OF OPERATION FOR BREWERIES WITH TASTING ROOMS

WHEREAS, the City of Memphis Code of Ordinances was amended in 2012 with the adoption of Ordinance No. 5459 to create regulations for the operation of breweries with tasting rooms; and

WHEREAS, these regulations mirrored the distance requirements articulated in the Code for bars, cocktail lounges and other establishments where less than 40% of the gross sales come from food; and

WHEREAS, since 2012, these regulations have been interpreted in multiple ways as to whether breweries with tasting rooms should be distanced from the same uses as other establishments with less than 40% of the gross sales are from food; and

WHEREAS, since 2012, several breweries with tasting rooms have opened throughout the City, at least two of which are within the more restrictive interpretation of the existing distance regulations; and

WHEREAS, the Code requires clarifying language to ensure the true intent of the City Council of the City of Memphis is to establish consistent distance requirements for breweries with tasting rooms.

NOW THEREFORE, BE IT ORDAINED, BY THE COUNCIL OF THE CITY OF MEMPHIS:

SECTION 1:

THAT, the City of Memphis Code of Ordinances shall be amended so that breweries with tasting rooms share a consistent distance requirement from places of worship, schools and certain residential zoning districts as other establishments with less than 40% of the gross sales come from food; and

SECTION 2:

THAT, the City of Memphis Code of Ordinances should further reflect reasonable hours of operation on Sundays for those breweries with tasting rooms within close proximity of places of worship, schools and certain residential zoning districts; and

SECTION 3:

THAT, Sec. 7-8-25(D)(5) of the City of Memphis Code of Ordinances, as numbered by the Municipal Code Corporation as of March 21, 2022, shall be amended in the following manner (proposed language indicated in ***bold, italics, underline***):

If located within a 500-foot radius or 250-foot radius of a church, ***a school or certain enumerated residential zoning districts*** as set forth in section 7-8-11(B) above, shall ***not open to the public on Sundays before 12:00 p.m.*** remain closed to the public on Sundays, and if located within such radius of a school or residential dwelling, shall remain closed to the public on Sundays and shall close to the public each ***Sunday*** Monday through Thursday no later than 10:00 p.m., this section being intended to prevent traffic congestion, to reduce noise and to protect the public welfare and morals of the community.

and;

SECTION 4:

THAT, the entirety of Sec. 7-8-25 of the City of Memphis Code of Ordinances, as numbered by the Municipal Code Corporation as of March 21, 2022, is attached to this ordinance as Exhibit A; and

SECTION 5:

THAT, the entirety of Sec. 7-8-11 of the City of Memphis Code of Ordinances, as numbered by the Municipal Code Corporation as of March 21, 2022, is attached to this ordinance as Exhibit B.

ATTEST:

**CC: Memphis and Shelby County Division of Planning and Development
City of Memphis Permits Office
EXHIBIT A, Sec. 7-8-25 of the City of Memphis Code of Ordinances**

(as numbered by the Municipal Code Corporation as of March 21, 2022; proposed language indicated in *bold, italics, underline*)

Sec. 7-8-25. - Caterer's permit.

Notwithstanding any other provisions of this chapter, or any rule or regulation of the City of Memphis Alcohol Commission to the contrary, any brewery meeting the exemption requirements set forth in T.C.A. § 57-5-101(c)(1)(A) that does not also operate as a restaurant as defined in section 9-52-1 of this Code ("brewery"), shall be subject to the following provisions and restrictions:

A. Legislative intent. The intent of this section is to recognize the distinction between breweries with tasting rooms and other establishments that sell alcoholic beverages, specifically that a brewery tasting room is an adjunct to the primary business of manufacture and sale to wholesale or retail establishments. It being the intent of this section to encourage the growth of local business and tourism while protecting the public welfare and morals.

B. Permit required. Each brewery with a tasting room in which beer is to be manufactured and sold must apply for a beer permit through the City of Memphis Alcohol Commission in conformity with section 7-8-7 above. Such permit application shall make reference to the fact that the application is for a brewery with a tasting room. The permit application shall conform to all on-premises permit requirements if the brewery intends to allow the consumption of beer in its tasting room, but so long as the application is accompanied by a sworn petition indicating that the restrictions of subsection D of this section are met, then there shall be no requirement for a brewery with a tasting room to maintain kitchen facilities or serve food.

C. On and off premises consumption allowed. So long as the tasting room of the brewery conforms with the requirements of subsection D below, breweries with tasting rooms shall be authorized to sell beer manufactured on premises for on-premises consumption or off-premises consumption (off-premises consumption shall include beer sold to licensed wholesalers or retail establishments) so long as all beer sold for off-premises consumption is in the original, sealed container.

D. No food requirement—Restrictions. No brewery with a tasting room shall be required to serve food, maintain kitchen facilities or conform to any requirement relating to the percentage of sales attributable to food so long as it:

1. Does not engage in the sale of any alcoholic beverage other than beer manufactured on premises;
2. Does not derive more than 25 percent of its gross annual income from the sale of beer for consumption on premises;
3. Does not open to the public for any period between the hours of 12:00 a.m. and 12:00 p.m.;
4. Does offer water or other non-alcoholic beverages at no cost to its patrons;

5. If located within a 500-foot radius or 250-foot radius of a church, *a school or certain enumerated residential zoning districts* as set forth in section 7-8-11(B) above, shall *not open to the public on Sundays before 12:00 p.m.* ~~remain closed to the public on Sundays, and if located within such radius of a school or residential dwelling, shall remain closed to the public on Sundays and shall close to the public each *Sunday* Monday through Thursday no later than 10:00 p.m., this section being intended to prevent traffic congestion, to reduce noise and to protect the public welfare and morals of the community.~~

(Ord. No. 5490, § 1, 1-22-2013; Ord. No. 5459, § 9, 7-17-2012)

**EXHIBIT B, Sec. 7-8-11 of the City of Memphis Code of Ordinances
(as numbered by the Municipal Code Corporation as of March 21, 2022)**

Sec. 7-8-11. - General restrictions on issuance.

A. No license shall be issued to sell any beverage coming within the provisions of this chapter:

1. In violation of any provision of state law;
2. In violation of the Unified Development Code;
3. Where such sale will cause congestion of traffic or interference with schools, churches or other places of public gathering, or otherwise interfere with public health, safety and morals, and the judgment of the alcohol commission on such matters shall be final, except as same is subject to review at law;
4. Unless it is necessary for the accommodation of the public that such place should be licensed, and the judgment of the alcohol commission on such matters shall be final except as same is subject to review at law; provided, however, that nothing herein contained shall prevent the issuance of a license for the sale of beer upon private property next and adjacent to regularly licensed and operated sandwich shops, eating houses or restaurants, or to prevent the sale of beer for consumption in automobiles or other vehicles parked upon such premises; provided that, such beverages shall be consumed while such automobiles are parked upon such premises, but no beer or such beverages shall be served or consumed while such automobiles are parked upon a public street, alley or other public place.

B. Where the sale shall be for on-premise, and food sales shall consist of less than 40 percent of gross sales, the business establishment shall be located no less than 500 feet (as measured along the center line of the street or streets as defined further herein) or not less than within a 250-foot radius in any other direction from the property line of any single-family or duplex residential property zoned R-15, R-10, R-8, R-6, R-3, or RU-1, any church (defined as property owned and used by a church having regular attendance at its meetings and whose property is exempt from taxation by the property assessor) or school (defined as fully accredited public, private, or parochial school for grades one through 12 or any other division of such grades). The 500 feet shall be measured from a point in the center line of the public or private street adjacent to the threshold (private street being defined to be a private passageway for vehicles in a multi-establishment commercial area of at least two acres in size) on which the beer establishment fronts, such point being directly opposite the center of the threshold of the wall of the establishment if the threshold faces the street and if not, then at the midpoint of the establishment building; thence along the intersecting street or streets to a point on the center line of the street opposite the nearest point to the property line of the residence, church or school. Such 250-foot restriction shall be measured from the center of the threshold of the store to the nearest point in the property line of such residence, church, or school, it being the intent of the restriction that no part of the property of such residence, church or school shall be within a radius of 250 feet from the point in the center of the threshold herein shall apply only to beer establishment locations after the effective date of this section. Further, T.C.A. § 57-5-103(5) states "a business can sell beer for both on-premises and off premises consumption at the

same location pursuant to one (1) permit." Where the business establishment does not meet the distance requirements set above, percentage of food sales notwithstanding, sale of more than two 16-ounce sealed containers, for off-premise consumption, per customer is not permitted per this section. This section shall not prohibit the sale and transfer of the assets, goodwill, equipment and fixtures of any on-going business to a new owner to continue the operation of such business, however, such new owner must comply with all the provisions of this section.

C. Where the sale shall be for off-premises consumption, the business establishment shall be located no less than 500 feet (as measured along the center line of the street or streets and such measurement is defined further herein by reference to subsection B above) or not less than within a 250-foot radius in any other direction from the property line of any residential property zoned R-E, R-15, R-10, R-8, R-6, R-3 or RU-1, any church (as defined in subsection B above) or school (as defined in subsection B above) except establishments located along interstate, U.S. and state highways. Said 500 feet and 250-foot radius restrictions shall be measured in the same manner as that set out in subsection B above with regard to on-premise sales. This location restriction is intended to and shall apply only to new beer establishment locations that make application for off-premises sales after the effective date of this subsection. This location restriction shall apply to any existing beer establishment location licensed for off-premises sales that ceases to sell, distribute or manufacture beer at that location during any continuous six-month period after the effective date of this subsection. The distance requirements of this paragraph do not apply to an establishment where less than ten percent of its gross sales consists of alcohol sales.

D. The location restriction (as defined in subsection C of this section) shall not apply to a qualified "retail food store wine license" applicant, that as of December 31, 2015, holds any off-premises beer permit, or upon application for a retail food store wine license, qualifies for any off-premises beer sales permit under chapter 7-8, article 2.

(Code 1967, § 5-86; Code 1985, § 4-71; Ord. No. 117, § 1, 2-20-1968; Ord. No. 3246, § 1, 11-9-1982; Ord. No. 5000, 5-20-2003; Ord. No. 5134, § 1, 2005; Ord. No. 5223, § 1, 2007; Ord. No. 5343, 1-26-2010; Ord. No. 5615, § 3, 5-3-2016; Ord. No. 5459, §§ 6, 7, 7-17-2012)

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES RELATIVE TO THE DOLLAR LIMITATIONS ON MEMPHIS LIGHT GAS AND WATER DIVISION CONTRACTS AND SALARIES THAT REQUIRE APPROVAL BY THE MEMPHIS CITY COUNCIL BEFORE EXECUTION

WHEREAS, Section 681 of the City's Charter, adopted by Private Act of the Tennessee Legislature in 1939 (the "Memphis City Charter"), reserved to the City Council authority to approve, in advance of execution, contracts entailing an obligation or expenditure in excess of Five Thousand Dollars to be executed by the Board of Light, Gas & Water Commissioners of the City of Memphis ("MLGW Board"); and

WHEREAS, Section 675 of the Memphis City Charter, as amended by Ordinance 3509, adopted on November 5, 1985, also reserved to the City Council authority to approve the setting of salaries or other compensation of any officers, executive management employees or other employees for MLGW in excess of \$90,000.00 in advance of employment.

WHEREAS, under the provisions of Ordinance No. 3054, dated September 2, 1980, to the City's Charter (the "Home Rule Amendment"), the City Council is authorized to increase by ordinance the amount of contracts and salaries or compensation for employees or others requiring City Council approval; and

WHEREAS, from time to time, the City Council has amended its Code of Ordinances to adjust the limits of authority granted to the MLGW Board for the execution of contracts and the setting of salaries for employees hired as it deemed appropriate; and

WHEREAS, in recognition of the impediment to responsiveness and additional cost to MLGW's customers caused by the requirement for approval of individual contracts and to improve MLGW's fiscal and operational efficiency in completing work, the City Council desires to raise the limits requiring approval by the Council prior to execution; and

NOW THEREFORE BE IT ORDAINED:

SECTION 1. Section 1 of Ordinance No. 5383 is amended and restated as follows:

Notwithstanding Ordinance No. 5383 to the contrary, all contracts (other than emergency purchases, purchases of natural gas and other derivative products, and settlements between MLGW and its employees pursuant to the workers' compensation laws of the State of Tennessee, which shall not require City Council approval in advance of execution) entailing an obligation or expenditure, including fees or other compensation of any engineers, auditors, attorneys, consultants and others employed to render extraordinary services to MLGW, in excess of \$250,000.00 shall require City Council approval in advance of execution. Furthermore, all interlocal agreements or contracts between MLGW and any municipality or division

of government (other than the City of Memphis and its divisions) that involve the collection of any municipal, county or other government fee, tax or other charge not directly related to utility service (such as electricity, gas, or water utility service) shall require Council approval in advance of execution. In emergencies MLGW may enter into emergency purchases as defined herein, which emergency purchases shall be later ratified by the Council. MLGW may also purchase natural gas and other derivative instruments daily as long as the aggregate annual amount of these purchases are approved by the Council in the annual budget of MLGW.

For the purposes of this Ordinance the term “emergency purchases” shall include, but shall not necessarily be limited to, any purchase orders and contracts in excess of \$500,000.00 needed to: (i) remedy any hazardous, unsafe or environmentally harmful event or condition that has created or may create a harmful situation for the public or MLGW employees, whether or not ordered, directed or requested by a federal or state agency; (ii) ensure continuous and reliable utility service to MLGW customers, or (iii) take whatever steps are reasonably necessary to address problems caused by a catastrophic event.

SECTION 2. Section 2 of Ordinance No. 5046 is amended and restated as follows:

Notwithstanding Ordinance No. 5046 to the contrary, any salaries or other compensation of any officers, executive management employees or other employees for MLGW in excess of One Hundred Eighty Thousand (\$180,000.00) shall require approval in advance of employment.

SECTION 3. Nonconflicting – Conflicting laws. All laws and ordinances constituting the present Code of Ordinances of the City of Memphis be and the same are hereby continued in full force and effect, and all laws and ordinances in conflict herewith are hereby repealed.

SECTION 4. Severability. 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 5. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the City 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:

MLGW Division

CHAIR:

Jamita Swearngen



ORDINANCE NO. xxxx
Ordinance Fixing Tax Rate of the City of Memphis
For Fiscal Year 2023

SECTION 1. **BE IT ORDAINED** by the Council of the City of Memphis, Tennessee that a tax of \$2.701640 is hereby levied for the current year 2022-2023 (Fiscal Year 2023), on each One Hundred Dollars (\$100.00) of assessed value of each species of taxable property within the corporate limits of the City of Memphis, Tennessee subject to the taxing power of Memphis to be apportioned as hereinafter set forth in Section 4 of this Ordinance.

SECTION 2. The taxes levied in Sections 1 above shall be due and payable to the City Treasurer of the City of Memphis from and after the last publication of a notice of the adoption of the Ordinances. Said publication shall be made by the Council of the City of Memphis for two consecutive days in a newspaper published in the City of Memphis after the final passage of the Ordinance and shall fix a day to be determined upon receipt of official certification of the 2022 assessment of which the tax books shall be opened for the payment of taxes.

All taxes hereby levied shall become delinquent if unpaid on September 1, 2022 as provided by Sections 36-3 of the Code of Ordinances, City of Memphis, Tennessee.

SECTION 3. **BE IT FURTHERED ORDAINED** that the taxes levied in Section 1 of this Ordinance when collected shall be apportioned in fiscal year 2023 as follows:

For the General Purposes of the Corporation of the City of Memphis \$1.845868 on each One Hundred Dollars (\$100.00) of assessed valuation.

For the Capital Pay-As-You-Go (additional funding for capital acquisitions consistent with debt policy)

of the Corporation of the City of Memphis, \$0.008287 on each One Hundred Dollars (\$100.00) of assessed valuation.

For the Debt Service of the Corporation of the City of Memphis, including interest and principal payments, sinking fund contributions and interest and principal on temporary borrowing, \$0.847485 on each One Hundred Dollars (\$100.00) of assessed valuation.

SECTION 4. **BE IT FURTHER ORDAINED** that this ordinance 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.



RECEIVED

MAR 24 2022

MAYOR'S OFFICE
CITY OF MEMPHIS

JASON E. MUMPOWER
Comptroller

March 16, 2022

Honorable Jim Strickland
Mayor, City of Memphis
125 North Main St., Ste. 700
Memphis, TN 38103

Re: Certified tax rate/recapture rate

Dear Mayor Strickland:

Using data provided by Melvin Burgess, Shelby County Assessor of Property, we have calculated a "certified recapture rate" of \$2.701640 for the city of Memphis for tax year 2022.

Last year's certified tax rate of \$2.713049 included an appeals allowance, i.e. the projected loss of reappraisal assessment base due to appeals in a reappraisal year. This appeals allowance accounted for a predicted reduction in the tax base of \$387,661,283. The actual reduction in the tax base due to appeals was \$325,485,915.

The law authorizing this adjustment requires recapture of any portion of the adjustment which exceeds or does not meet actual appeal reductions in the year following the reappraisal. Tenn. Code Ann. § 67-5-1701(a)(5). The recapture rate noted above has been calculated using the actual 2021 tax rate adopted by Shelby County and the actual 2021 assessment tax base after appeals.

Please sign and return the enclosed recapture calculation. The county may not exceed the certified recapture tax rate in the year following the reappraisal without prior public notice and hearing in the same manner provided for exceeding the certified tax rate in a year of reappraisal. The county must provide the same compliance and documentation regarding the recapture rate as is required when a certified tax rate is exceeded (affidavit of publication and certified copy of tax rate ordinance/resolution).

Very truly yours,

A handwritten signature in black ink, appearing to read "E. R. R.", with a horizontal line extending to the right.

Robin Pope
Executive Secretary

Encs.

c: Mr. Melvin Burgess, Assessor of Property

**Calculation for certified
recapture rate**

City of Memphis, 2021
(as of 3/10/2022)

Line no.	Item	
1	2021 assessed value	15,111,101,394
2	(+) 2021 appeals allowance	387,661,283
3	Unadjusted assessments	15,498,762,677
4	(-) Net assmt. changes	325,485,915
5	Adjusted base	<u>14,785,615,479</u>
6	CTR levy	399,454,165
7	Rate bef. 2021 increase	2.701640 (line6/line5)
8	2021 increase (if any)	0.000000
9	Recapture rate	2.701640

SIGNED: _____

Assessor


Mayor



RESOLUTION approving the Engineering plans for:
DMC Mobility Center

WHEREAS, **Downtown Memphis Commission**, the Developer of a certain property in the present limits of the City of Memphis, and located at northwest corner of South Main Street and Beale Street in Memphis, Tennessee.

and

WHEREAS, the developer desires to develop the property reflected on the engineering plans;

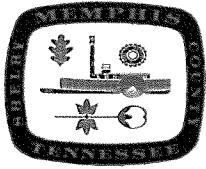
and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Downtown Memphis Commission** and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **DMC Mobility Center** are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accepts the Travelers Casualty and Surety Company Performance Bond No. **107599434** in the amount of **\$186,500.00** as security.



RESOLUTION approving the final plat for:
Memphis Auto Auction P.D. 3rd Amendment Phase I (Prescott Road)

WHEREAS, **United Auto Delivery & Recovery, Inc.**, the Developer of a certain property in the present limits of the City of Memphis, located on the East and West sides of Prescott Rd approximately 1,000 ft south of Winchester as reflected on the plat entitled **Memphis Auto Auction P.D. 3rd Amendment Phase I (Prescott Road)** in Memphis, Tennessee

and

WHEREAS, the developer desires to develop the property reflected on the final plat;

and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **United Auto Delivery & Recovery, Inc.** and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the final plat for **Memphis Auto Auction P.D. 3rd Amendment Phase I (Prescott Road)** are hereby approved

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accepts the Independent Bank Letter of Credit No. **1636871-1141** in the amount of **\$214,400.00** in lieu of bond



INTERGOVERNMENTAL RELATIONS OFFICE

DEPARTMENTAL COMMUNICATION

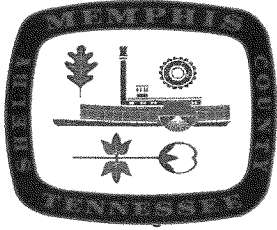
TO: Valerie Snipes, Maya Donald, Tanzania Jones, Brian Bacchus, Liza Crichton

FROM: Pat Lewis

DATE: May 17, 2022

SUBJECT: May 24, 2022 Fiscal Consent Agenda Items

Resolution to approve and accept in kind donation valued at (\$14,000.00) from the Friends of City Beautiful, One Tree Planted, and Origins Cosmetics Company for the installation of 28 trees at McFarland and Winridge Parks. Council District 3, & 4, Super District 8. This resolution is sponsored by Park Services. (Request for Same Night Minutes)



***Resolution to approve and accept in-kind
donation in the value of fourteen thousand dollars (\$14,000.00)
from the Friends of City Beautiful, One Tree Planted, and Origins
Cosmetics Company for installation of trees at McFarland and
Winridge Parks (3 & 4 District, Super District 8 .)***

WHEREAS, the City of Memphis, through Memphis Parks, owns and operates McFarland and Winridge Parks; and

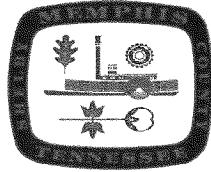
WHEREAS, the One Tree Planted is a 501c3 Foundation with a vision to make it simple for anyone to help the environment by planting trees; and

WHEREAS, Memphis Parks has been selected as an awardee of in-kind donation of 28 trees facilitated by Memphis City Beautiful and sponsored by One Tree Planted and Origins Cosmetics Company in the value of fourteen thousand dollars (\$14,000.00); and

WHEREAS, planting trees in parks will serve the Memphis community by beautifying and improving the canopy in our urban parks through providing shade, improving air quality, and adding green space accessible for recreation; and

WHEREAS, it is necessary to accept this in-kind donation and appropriate these in-kind funds in the amount of fourteen thousand dollars (\$14,000.00) for the installation of 28 trees at McFarland and Winridge Parks.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that this in-kind donation be accepted and the 28 trees project facilitated by Memphis Parks.



Memphis City Council Summary Sheet

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

Resolution to accept in-kind donation in the value of \$14,000 from Friends of City Beautiful for the installation of trees at McFarland and Winridge Parks.

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

Memphis Parks.

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

N/A.

4. State whether this will impact specific council districts or super districts.

District 3 & 4 Super District 8.

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

N/A.

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

N/A.

7. If applicable, please list the MWBE goal and any additional information needed

N/A.



**JIM STRICKLAND
MAYOR**

May 9, 2022

Councilwoman Michalyn Easter-Thomas
Chairwoman, Personnel Intergovernmental & Annexation Committee
Memphis City Council
125 North Main Street
Memphis, TN 38103

Dear Chairwoman Easter-Thomas:

Subject to Council approval, I hereby appoint:

Wendy Harris

as Director of Information Technology with an annual salary of \$131,300.00,
effective May 9, 2022.

Sincerely,

A handwritten signature in black ink that reads "Jim Strickland". The signature is written in a cursive, flowing style.

Jim Strickland

cc: Memphis City Council

JOINT ORDINANCE NO. _____

A JOINT ORDINANCE OF THE CITY OF MEMPHIS AND COUNTY OF SHELBY COUNTY, TENNESSEE ENACTED PURSUANT TO THE COMMUNITY REDEVELOPMENT ACT OF 1998 AND THE UNIFORMITY IN TAX INCREMENT FINANCING ACT OF 2012; PROVIDING FOR THE ESTABLISHMENT OF THE SOUTH MEMPHIS / SOULSVILLE REDEVELOPMENT TRUST FUND

WHEREAS, pursuant to the Community Redevelopment Act of 1998 (the “Act”) Shelby County, Tennessee (the "County") and the City of Memphis, Tennessee (the "City") established a joint Community Redevelopment Agency ("CRA") to ameliorate the slum and blight conditions within the City of Memphis and the unincorporated areas of Shelby County; and

WHEREAS, on December 3, 2021, pursuant to Section 11 of the Act and the provisions of the Uniformity in Tax Increment Financing Act of 2012 (the “TIF Uniformity Act”), the CRA approved a proposal to establish the South Memphis / Soulsville Tax Increment Financing District (the “Soulsville TIF”) pursuant to the South Memphis / Soulsville Redevelopment Area (the “Plan);

WHEREAS, on April 5, 2022, the City Council (the “Council”) of the City of Memphis, Tennessee considered the adoption of the South Memphis / Soulsville Community Redevelopment Plan pursuant to the requirements of the Act; and

WHEREAS, on a specified date in 2022, the Board of County Commissioners of Shelby County, Tennessee (the "Board") will consider the adoption of the South Memphis / Soulsville Community Redevelopment Plan pursuant to the requirements of the Act; and

WHEREAS, this Ordinance shall not become effective until after the adoption of the Plan by the Board and the Council; and

NOW, THEREFORE, BE IT RESOLVED by The Council Of The City Of Memphis And The Board Of County Commissioners Of Shelby County, Tennessee that the Community Redevelopment Plan for the South Memphis / Soulsville Area be established as follows:

SECTION 1. COMMUNITY REDEVELOPMENT AREA

The South Memphis / Soulsville Community Redevelopment Area shall be as shown in the Legal Description attached as Exhibit A. The CRA shall review the South Memphis / Soulsville TIF every two years to determine the need for or advantage of expanding the South Memphis / Soulsville Community Redevelopment Area.

SECTION 2. FUNDING OF THE REDEVELOPMENT TRUST FUND

Pursuant to the provisions of Section 21 of the Community Redevelopment Act of 1998 the hereby Redevelopment Trust Fund for the South Memphis / Soulsville Community Redevelopment Area shall include the increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of the community redevelopment under the Act.

Pursuant to the requirements of the Act, each taxing authority located within the South Memphis / Soulsville Community Redevelopment Area shall by January 1 of each year commencing January 1, 2023 appropriate to the Redevelopment Trust Fund for the South Memphis / Soulsville Area for so long as any indebtedness pledging increment revenue to the payment thereof is outstanding the earliest of thirty (30) years or January 1, 2053, a sum that is no less than the increment as defined and described in this Section accruing to such taxing authority.

SECTION 3. DISCRETION TO GRANT EXEMPTIONS

Subject to further proceedings of the Council and the Board pursuant to the requirements of Section 21(b)(4) of the Act, the City and the County reserve the discretion to grant an exemption to any special district that levies taxes within the South Memphis / Soulsville Community Redevelopment Area from the funding requirements of Section 5 of this Ordinance; provided such grant of an exemption shall not violate Article 1, Section 20 of the Tennessee Constitution or Article 1, Section 10 of the United States Constitution, relating to impairment of contracts.

SECTION 4. TERM OF THE REDEVELOPMENT TRUST FUND

The Redevelopment Trust Fund for the South Memphis / Soulsville Area shall remain in existence for thirty (30) years after the date of adoption of the original Plan. Notwithstanding anything in this Ordinance to contrary, the obligation to fund the Redevelopment Trust Fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the CRA incurred as a result of redevelopment in a Community Redevelopment Area have been paid. Upon termination of the Redevelopment Trust Fund, subject to payment of all amounts required to be paid from such Redevelopment Trust Fund, any remaining moneys in the Redevelopment Trust Fund shall be returned to each taxing authority, which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Redevelopment Trust Fund by all taxing authorities within the South Memphis / Soulsville Community Redevelopment Area during that year of the last appropriation.

SECTION 5. EXPENDITURE OF MONEYS IN THE REDEVELOPMENT TRUST FUND

A. Moneys in the Redevelopment Trust Fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in a Community Redevelopment Area pursuant to the Plan:

(a) administrative and overhead expenses necessary or incidental to the implementation of Plan pursuant to the Uniformity in Tax Increment Financing Act of 2012 (the "TIF Uniformity Act").

(b) expenses of redevelopment planning, surveys and financial analysis, including the reimbursement of the City or the County or the CRA for such expenses incurred before the Plan was approved and adopted.

(c) the acquisition of real property in the Community Redevelopment Area.

(d) The clearance and preparation of any portion of the Community Redevelopment Area for redevelopment and relocation of site occupants as provided in Section 17 of the Act.

(e) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness.

(f) All expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of CRA bonds, bond anticipation notes or other form of indebtedness, including fund or any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness.

(g) The development of affordable housing within the Community Redevelopment Area.

B. On the last day of each fiscal year of the CRA, any money which remains in the South Memphis / Soulsville Redevelopment Trust Fund after the payment of expenses pursuant to subsection "A" of this Section 5 for such year shall be:

(a) returned to each taxing authority, which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities within the South Memphis / Soulsville Community Redevelopment Area for that year;

(b) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) appropriated to a specific redevelopment project pursuant to the Plan which project will be completed within three (3) years from the date of such appropriation.

C. As allowed in Section 2 of the "Uniformity in Tax Increment Financing Act of 2012" a total of up to five percent (5%) of incremental tax revenues will be set aside for administrative expenses incurred by the CRA (Tennessee Code Annotated 9- 23-104).

D. As allowed in the "Uniformity in Tax Increment Financing Act of 2012" the tax increment base and dedicated taxes shall be calculated on the basis of each parcel within the area subject to the Community Redevelopment Plan for the South Memphis / Soulsville Area (Tennessee Code Annotated 9-23-102).

E. In accordance with the provisions of the Act and the TIF Uniformity Act, the City and the County shall cause the CRA to provide for an independent financial audit of the trust fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Redevelopment Trust Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The CRA shall provide a copy of the report to each taxing authority.

BE IT FURTHER ORDAINED, that to the extent that the CRA shall approve developers to execute the redevelopment, said developers shall provide annual financial statements, including balance sheets and detailed income and expense statements to the CRA Board.

BE IT FURTHER ORDAINED, that this joint ordinance shall take effect from and after the date it shall have been enacted according to due process of law by virtue of the concurring and separate passage thereof by the Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance are severable and that any portion declared or found to be unlawful shall not affect the remaining portions.

Chairwoman of the City Council

Jamita Swarengen

Attest:

Comptroller

REFERENDUM ORDINANCE NO. _____

A REFERENDUM ORDINANCE TO AMEND, PURSUANT TO [ARTICLE XI, § 9](#) OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), PROVISIONS OF THE CHARTER OF THE CITY OF MEMPHIS, THE SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, RELATIVE TO THE QUALIFICATIONS AND NUMBER OF TERMS ANY PERSON MAY SERVE IN ANY ELECTED OFFICE OF THE CITY OF MEMPHIS AND TO REPEAL ALL PROVISIONS OF THE CITY'S CHARTER INCONSISTENT WITH THIS AMENDMENT

Whereas, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the City of Memphis Charter be amended by ordinance as provided by [Article XI, Section 9](#) of the Constitution of the State of Tennessee (Home Rule Amendment) for the purpose of providing for the qualifications and number of terms any person may serve as a Member of the Memphis City Council.

[Section 1.](#) Proposed Amendment Authorized.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS , TENNESSEE, That pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee, as amended, a proposal for amending the Charter of the City, as set forth in this ordinance, shall be published and submitted by the City of Memphis to its qualified voters at the first state general election, which shall be held in the City of Memphis on August 4, 2022, and which shall be held at least sixty (60) days after such publication.

[Section 2.](#) Publication of Home Rule Amendment as required by Tennessee Constitution.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause this Ordinance, as finally adopted, to be published pursuant to provisions of Article XI, Section 9 of the Constitution of the State of Tennessee immediately after adoption by the City Council.

[Section 3.](#) Certification and Delivery to Election Commission.

BE IT FURTHER ORDAINED, That upon the adoption of this Ordinance becoming effective as required by law, the Comptroller of the City of Memphis shall immediately certify adoption of this Ordinance and deliver a certified copy thereof to the Shelby County Election Commission in charge of holding the general State election on August 4, 2022, and shall request that the proposed amendment to the Home Rule Charter of the City of Memphis, in the preferred form set forth in this Ordinance, be placed on the ballot.

[Section 4.](#) Proposal and preference.

BE IT FURTHER ORDAINED, That the City Council does hereby adopt the suggested proposal and form of question to be placed on the ballot for a referendum vote on a Home Rule Amendment to the Charter of the City of Memphis in a State General election to be held on the 4th day of August, 2022, which question shall read as follows:

“ Shall the Charter of the City of Memphis be amended to read:

‘No person shall be eligible to serve as a Member of the Memphis City Council. if the person in question has served more than three (3) consecutive full four (4) year terms in that office, but service prior to January 1, 2016 shall not count in determining length of service. All provisions of the Charter that are inconsistent with this charter amendment are repealed.’ ?

I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

Section 5. Effective Date of Charter Amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 4th day of August, 2022, the public welfare, requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election on the referendum question to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. BE IT FURTHER ORDAINED, That the Mayor be and is hereby authorized to appropriate and expend out of general revenues of the City of Memphis, Tennessee, a sum sufficient to pay a pro-rata cost attributable to the inclusion of the proposed amendment on the ballot for the election to be held on the 4th day of August, 2022, if any.

Section 8. Nonconflicting - Conflicting Laws.

BE IT FURTHER ORDAINED, That from and after the effective date of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis in conflict with the subject matter of this amendatory Home Rule Ordinance shall be immediately annulled, vacated, and repealed and all laws constituting the present Charter of the City of Memphis not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect.

Section 9. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

[Section 10.](#) Publication as Required by the City Charter.

BE IT FURTHER ORDAINED, that this Ordinance shall also be published by the Comptroller at the same time and manner as required by the City's Charter for all ordinances adopted by the City Council.

[Section 11.](#) Enactment of Referendum Ordinance.

BE IT FURTHER ORDAINED, that the adoption of this Referendum Ordinance shall take effect from and after the date it shall have 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:

Councilman Martavius Jones

**JAMITA SWEARGEN
CHAIRWOMAN**

APR 29 2022

Budget Office

G101



City Council Item Routing Sheet

EXECUTIVE (Animal Services)
 Division: City Council Committee: Public Services Hearing Date: May 10, 2022
 DISTRICT: 1 SUPER DISTRICT: 9

- Ordinance Resolution Grant Acceptance
 Budget Amendment Commendation Other:

Item Description: A Resolution requesting City Council approval for the acceptance and expenditure of \$25,000 from Petco Love for MAS to fund lifesaving programming. Resolution also amends FY 2023 Operating Budget to establish and appropriate **\$25,000** in grant funds.

Recommended Council Action: Approval

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 taken by any other entity.

Does this item require city expenditure? No \$ N/A \$25,000 Revenue to be received	Source and Amount of Funds: \$ N/A: Operating Budget \$ N/A: CP Project # \$25,000: Federal/State/Other (Petco Love)
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Approvals

Director [Signature] Date 4/29/22
 Division Chief [Signature] Date _____
 Budget Manager _____ Date _____
 Chief Financial Officer _____ Date _____
 Chief Legal Officer _____ Date _____

Chief Operating Officer _____ Date _____
 Council Committee Chair _____ Date _____



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 Petco Love for MAS to fund lifesaving programming.

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.

NO

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

Petco Love does not require a grant contract or 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 Petco Love grant.

6. IMPACTED COUNCIL DISTRICTS & SUPER DISTRICTS.

District 1, Super District 9

7. MWBE GOALS?

N/A



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

WHEREAS, the City of Memphis has been informed by Petco Love of its selection as a grantee organization to receive grant funds for lifesaving programming; and

WHEREAS, Memphis Animal Services desires to increase the number of pets in their care that have positive outcomes, as well as help keep pets with their families; and

WHEREAS, it is necessary to accept the grant funding and amend the FY 2023 Operating Budget to establish funds for the lifesaving programming grant; and

WHEREAS, it is necessary to allocate and appropriate the FY 2023 grant funds in the amount of Twenty-Five Thousand Dollars (\$25,000) for lifesaving programming.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the grant funds for lifesaving programming in the amount of Twenty-Five Thousand Dollars (\$25,000) from Petco Love be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2023 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Petco Love grant in the amount of Twenty-Five Thousand Dollars (\$25,000) as follows:

Revenue

Petco Love	\$25,000.00
------------	-------------

Expenditures

Payments to Subgrantees	\$25,000.00
-------------------------	-------------

ALLOCATION
 APPROPRIATION

CITY OF MEMPHIS
 GRANT BUDGET
 REQUEST FOR COUNCIL

RECEIVED

APR 29 2022

Budget
 Office

DIVISION: Animal Services

DATE: 04/29/22

PROJECT: Petco Love Lifesaving Programming

INITIATED BY: Animal Services, Katie Pemberton

TITLE: Community Engagement Spec.

Finance Office Only

Fund	Fiscal Month	Trans. No.
0205		G101

REVENUE

Award	Resource	Grant Project	AMOUNT	
			Revenue	
13231 ✓	Petco Love ✓	GR91021 ✓	\$25,000.00 ✓	

EXPENSE

Award	Resource	Grant Project	AMOUNT	
			Expense	
13231	Payments to Subgrantees	GR91021 ✓		\$25,000.00 ✓

TOTALS	\$ 25,000.00	\$ 25,000.00
--------	--------------	--------------

COMMENTS: _____

APPROVED: _____

[Signature]
 Division Director

4/29/22
 DATE

APPROVED: _____

[Signature]

Budget Manager/Comptroller/Deputy Comptroller

DATE

APPROVED: _____

~~Director of Finance~~
 Chief Financial Officer

DATE

Finance Only
 EFFECTIVE DATE

 / /



Memphis City Council Summary Sheet

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

A resolution to allocate and appropriate the Tennessee Department of Environment & Conservation Grant Program funds in the amount of One Hundred Fifty-Nine Thousand Six Hundred Nineteen Dollars (\$159,619).

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

Fire Services is the initiating party.

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 will impact specific council districts or super districts.

This will impact all council and super districts.

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

This will require a new contract.

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

This requires an expenditure from FY22 Capital Acquisition budget.

7. If applicable, please list the MWBE goal and any additional information needed

There is no MWBE goal.



A resolution to allocate and appropriate funding from Tennessee Department of Environment & Conservation Volkswagen Diesel Settlement Environmental Mitigation Trust (VW Settlement EMT) Medium and Large Truck Grant Program in the amount of One Hundred Fifty-Nine Thousand Six Hundred Nineteen Dollars (\$159,619) to be used for partial funding for the purchase of a medium logistics truck.

WHEREAS, The City of Memphis Division of Fire Services has been awarded grant funds in the amount of One Hundred Fifty-Nine Thousand Six Hundred Nineteen Dollars (\$159,619) from the TN Department of Environment and Conservation for partial funding for the purchase of a medium logistics truck with City funding estimated to be Fifty-Three Thousand Two Hundred Seven Dollars (\$53,207); and

WHEREAS, These funds will be used for partial funding on the purchase of one (1) logistics truck; and

WHEREAS, It is necessary to allocate and appropriate One Hundred Fifty-Nine Thousand Six Hundred Nineteen Dollars (\$159,619) from Tennessee Department of Environment & Conservation Volkswagen Diesel Settlement Environmental Mitigation Trust (VW Settlement EMT).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the State of Tennessee Volkswagen Diesel Settlement Environmental Mitigation Trust (VW Settlement EMT) Medium and Large Truck Grant Project funds in the amount of One Hundred Fifty-Nine Thousand Six Hundred Nineteen Dollars (\$159,619) be allocated and appropriated by the City of Memphis as an offset to the FY22 CIP Capital Acquisition budget.

Revenue	
State Grants	\$159,619
Expenses	
Vehicles – CAP	\$159,619



Memphis City Council Summary Sheet

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

A resolution to allocate and appropriate Tennessee Department of Environment & Conservation Grant Program funds in the amount of One Hundred Seventy-Seven Thousand Two Hundred Seventeen Dollars 50/100.

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

Fire Services is the initiating party.

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 will impact specific council districts or super districts.

This will impact all council and super districts.

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

This will not require a new contract.

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

This requires an expenditure from FY22 Capital Acquisition budget.

7. If applicable, please list the MWBE goal and any additional information needed

There is no MWBE goal.



A resolution to allocate and appropriate funding from Tennessee Department of Environment & Conservation Volkswagen Diesel Settlement Environmental Mitigation Trust (VW Settlement EMT) Medium and Large Truck Grant Program in the amount of One Hundred Seventy-Seven Thousand Two Hundred Seventeen Dollars and 50/100 (\$177,217.50) to be used for partial funding for the purchase of an ambulance with idle mitigation system.

WHEREAS, The City of Memphis Division of Fire Services has been awarded grant funds in the amount of One Hundred Seventy-Seven Thousand Two Hundred Seventeen Dollars and 50/100 (\$177,217.50) from the TN Department of Environment and Conservation for partial funding for the purchase of an ambulance with idle mitigation system with City funding estimated to be Ninety-Two Thousand Five Hundred Eighty-Eight Dollars and 50/100 (\$92,588.50); and

WHEREAS, These funds will be used for partial funding on the purchase of one (1) ambulance with idle mitigation system; and

WHEREAS, It is necessary to allocate and appropriate One Hundred Seventy-Seven Thousand Two Hundred Seventeen Dollars and 50/100 (\$177,217.50) from Tennessee Department of Environment & Conservation Volkswagen Diesel Settlement Environmental Mitigation Trust (VW Settlement EMT).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the State of Tennessee Volkswagen Diesel Settlement Environmental Mitigation Trust (VW Settlement EMT) Medium and Large Truck Grant Project funds in the amount of One Hundred Seventy-Seven Thousand Two Hundred Seventeen Dollars and 50/100 (\$177,217.50) be allocated and appropriated by the City of Memphis as an offset to the FY22 CIP Capital Acquisition budget.

Revenue	
State Grants	\$177,217.50
Expenses	
Vehicles – CAP	\$177,217.50



Memphis City Council Summary Sheet

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

A Resolution approving the sale of a City owned property known as 0 North Hollywood Street Memphis, TN 38108, Parcel 042050 00031.

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

General Services

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

N/A

4. State whether this will impact specific council districts or super districts.

District 7/ Super District 8

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

N/A

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

N/A

7. If applicable, please list the MWBE goal and any additional information needed

N/A



City Council Resolution

A Resolution requesting the approval for the sale of a City owned parcel located at 0 North Hollywood, Memphis, Shelby County, Tennessee and further described as Parcel ID # 042050 00031

Whereas an adjoining property owner, John Perkins, has submitted an offer of Two Thousand Two Hundred Twenty-Five Dollars (\$2,225.00) for the Parcel along with a Two Hundred Twenty-Five Dollar (\$225.00) Earnest Money deposit to the City of Memphis Real Estate Center; and

Whereas the sale of City owned parcels will increase the General Fund, generate tax revenue, and eliminate blight and maintenance cost for the City of Memphis; and

Whereas it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that this request be considered subject to terms and conditions set forth in the Offer to Purchase and City Ordinance 2-291-1(A);

Now, therefore be it resolved by the Council of the City of Memphis that the offer submitted by John Perkins, an adjoining property owner, on the above described Parcel is hereby accepted subject to City Ordinance 2-291-1-1(A), which states in part, "The city real estate manager shall place a value on all properties being considered for sale in a manner herein determined and on all properties having an estimated and probable value of \$10,000.00 or less shall place a value without obtaining an independent appraisal."

Be it further resolved, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.



Shelandra Y. Ford
Shelby County Register of Deeds

MEMPHIS CITY OF HOUSING AND
COMM DEV

Owner:

Parcel Address: 0 N HOLLYWOOD ST

Parcel ID: 042050 00031

2022 Appraisal: \$3,500

Tax District: MEMPHIS

Year Built:

Lot Number: 3 & 4

Subdivision: VANDALE BLK 2

Plat BK & PG: 7-55

Dimensions: 40 X 116.29/116.18

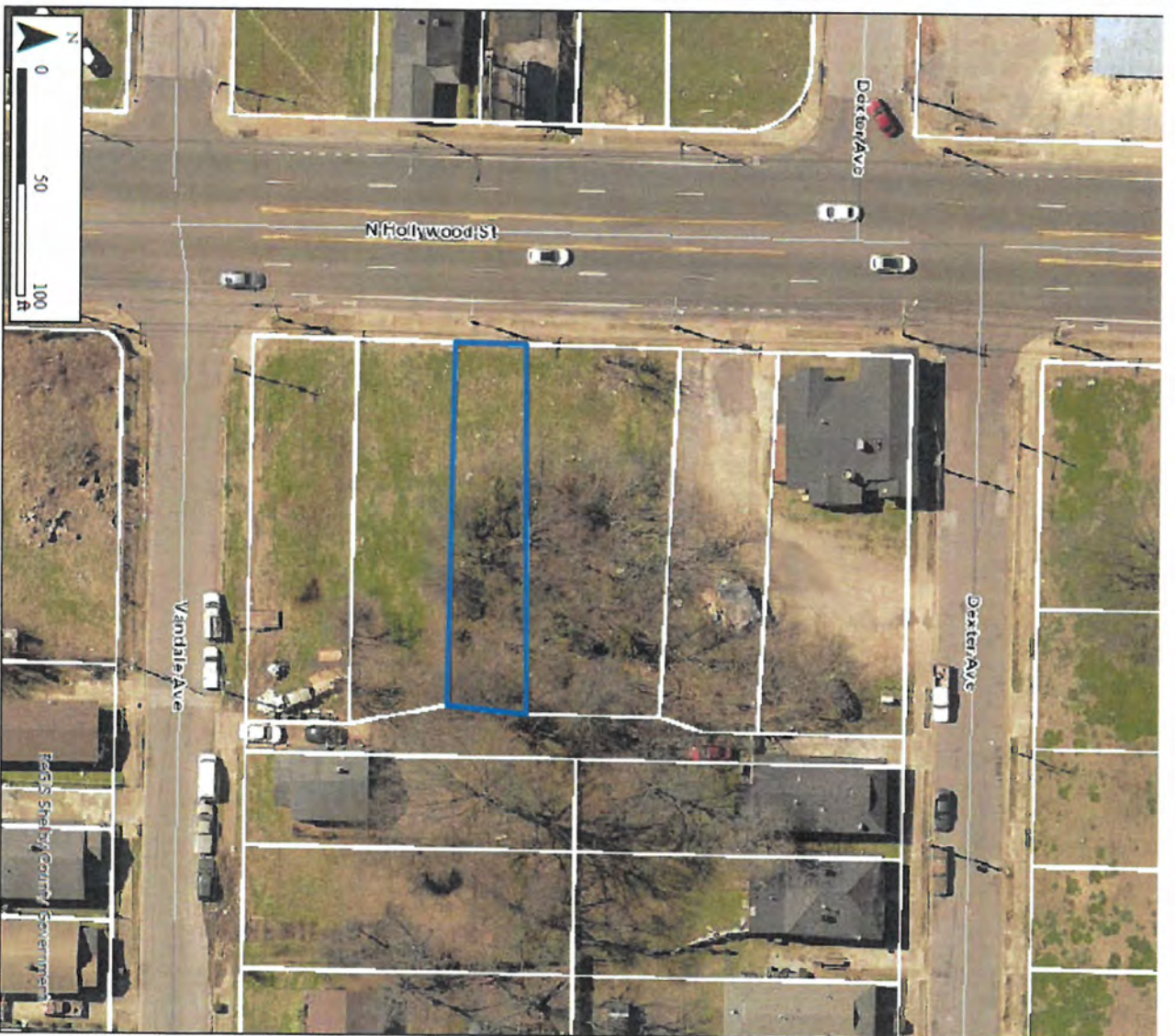
Total Acres: 0.106

Owner Address: 125 N MAIN ST

MEMPHIS TN

38103 2026

Map prepared on 2/8/2022





Memphis City Council Summary Sheet

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

This is a Resolution requesting the approval for the sale of a City owned parcel located at 1617 Sydney Street (38108) in Memphis, Shelby County, Tennessee and further described as Parcel ID# 043023 00324.

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

General Services

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 will impact specific council districts or super districts.

Council District 7 and Super District 8

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

This item does not require a new contract or amend an existing contract.

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

This does not require expenditure of funds nor a budget amendment.

7. If applicable, please list the MWBE goal and any additional information needed

N/A



City Council Resolution

A Resolution requesting the approval for the sale of a City owned parcel located at 1617 Sydney Street (38108), Shelby County, Tennessee and further described as Parcel ID# 043023 00324.

Whereas the City of Memphis has ownership of certain real property located at: 1617 Sydney Street in Memphis, Shelby County Tennessee, identified by the Shelby County Register of Deeds Office as Parcel ID #043023 00324; and

WHEREAS, Whitney C. Wiggins and Julius W. Thomas desire to purchase Parcel ID #043023 00324 and have submitted an offer of \$3,500.00 based upon comparable sales and approval by the City's Real Estate Manager; and

Whereas the sale of City owned parcels will increase the General Fund, generate tax revenue, and eliminate blight and maintenance cost for the City of Memphis; and

Whereas it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that this request be considered subject to terms and conditions set forth in the Offer to Purchase and City Ordinance 2-291-1(A);

Now, therefore be it resolved by the Council of the City of Memphis that the offer submitted by Whitney C. Wiggins and Julius W. Thomas on the above described Parcel is hereby accepted subject to City Ordinance 2-291-1(A), which states in part, "The city real estate manager shall place a value on all properties being considered for sale in a manner herein determined and on all properties having an estimated and probable value of \$10,000.00 or less shall place a value without obtaining an independent appraisal."

Be it further resolved, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.



A Resolution approving the sale of a city-owned property located at 1200 N. Parkway Avenue, Memphis, TN 38104, formally known as the Frame Shop, Parcel ID# 021098 00016 Memphis, TN 38104

WHEREAS, the City of Memphis owns the property located at 1200 N. Parkway Avenue, Memphis, TN 38104 (“The Property”) and is further identified by Shelby County Tax Assessor as Parcel # 021098 00016 containing 0.282 acres, more or less;

WHEREAS, the property was advertised on the open Real Estate Market where Yari Management (“Purchaser”) submitted an offer of One Hundred Seventy-Five Thousand Dollars (\$175,000.00) along with an earnest money deposit of One Thousand Dollars (\$1,000.00) to the City of Memphis Real Estate Office;

WHEREAS, the sale of the subject Property will increase the City’s general fund, generate tax revenue, and eliminate blight and maintenance cost for the City of Memphis; and

WHEREAS, it is deemed to be in the best interest of the citizens of the City of Memphis and County of Shelby that this request be considered subject to the following: 1) The Property shall be used for a senior living facility for ages 55 & up for a period of 10 years after the sale unless an alternate use is approved by City Council; 2) if the Property is not used for the above-mentioned use, it will revert back to the City with no recourse by the Purchaser; and 3) Purchaser must comply with the terms and conditions set forth in the Offer to Purchase, Quit Claim Deed, and in City Ordinance 5637.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that the offer made by Yari Management on the above-described property is hereby accepted subject to City Ordinance 5637, Amendment to section 2-26-3(C) which states in part, “In the event any parks, properties or facilities under the control and jurisdiction of the division of Park Services are sold, taken through proceedings in eminent domain or otherwise diverted from the use as park land, the City shall be paid a fair market value for the properties or facilities, together with such incidental damages as are allowed by law, and such funds shall be used for the purchase of additional park lands and for no other purpose.”

City

BE IT FURTHER RESOLVED, that subject to the Ordinance, the City of Memphis Real Estate Office shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.



City Council Item Routing Sheet

Division: MLGW

Committee: MLGW

Hearing Date: May 10, 2022

Ordinance

Resolution

Grant Acceptance

Budget Amendment

Commendation

Other: [Click here to enter text.](#)

Item Description: A resolution to (i) approve the receipt of payment from Memphis Light, Gas and Water to the City of Memphis of (1) \$1.19 million in street utility cut impact fees for utility cuts made by MLGW during 2020 and 2021, plus (2) up to \$4.7 million dollars in additional utility cut permit fees ("Permit Fees") and other impact fees ("Diminution in Value Fees") under the City Engineer's Procedures for Street Utility Cuts and/or Right of Way Procedures, payable in lump sum payments, installments or per cut electronic payments at the discretion of the SVP, CAO, CFO and Secretary-Treasurer, and (ii) ratify the previous payment of \$729,860.00 in Permit Fees to the City of Memphis by MLGW.

Recommended Council Action: Approval of Resolution

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken: MLGW Board of Commissioners approved on April 20, 2022.

Does this item require city expenditure? No

[Click here to enter text.](#)

[Click here to enter text.](#)

Source and Amount of Funds:

Approvals

MLGW SVP, CFO & CAO/Secretary-Treasurer

Dana Jones Date 4/28/2022

Division Chief _____ Date _____

Budget Manager _____ Date _____

Chief Financial Officer _____ Date _____

City Attorney _____ Date _____

Chief Operating Officer

_____ Date _____

Council Committee Chair

_____ Date _____



Memphis City Council Summary Sheet

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

A resolution to (i) approve the receipt of payment from Memphis Light, Gas and Water to the City of Memphis of (1) \$1.19 million in street utility cut impact fees for utility cuts made by MLGW during 2020 and 2021, plus (2) up to \$4.7 million dollars in additional utility cut permit fees (“Permit Fees”) and other impact fees (“Diminution in Value Fees”) under the City Engineer’s Procedures for Street Utility Cuts and/or Right of Way Procedures, payable in lump sum payments, installments or per cut electronic payments at the discretion of the SVP, CAO, CFO and Secretary-Treasurer, and (ii) ratify the previous payment of \$729,860.00 in Permit Fees to the City of Memphis by MLGW.

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

Memphis Light, Gas and Water Division

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.

Not applicable.



A resolution to (i) approve the receipt of payment from Memphis Light, Gas and Water to the City of Memphis of (1) \$1.19 million in street utility cut impact fees for utility cuts made by MLGW during 2020 and 2021, plus (2) up to \$4.7 million dollars in additional utility cut permit fees (“Permit Fees”) and other impact fees (“Diminution in Value Fees”) under the City Engineer’s Procedures for Street Utility Cuts and/or Right of Way Procedures, payable in lump sum payments, installments or per cut electronic payments at the discretion of the SVP, CAO, CFO and Secretary-Treasurer, and (ii) ratify the previous payment of \$729,860.00 in Permit Fees to the City of Memphis by MLGW.

WHEREAS, the President and CEO of Memphis Light, Gas and Water reported to its Board on April 20, 2022 that the City Engineer and Director of Public Works for the City of Memphis (the “City”) forwarded to MLGW a letter dated December 16, 2019 notifying MLGW that the City had adopted new Street Utility Cut standards and indicating that based on historical data MLGW would need to obtain an annual permit in the amount of \$1.5 million dollars from which funds would be deducted periodically over the course of the year. The letter also indicated that funds withdrawn by the City to cover fees charged would need to be replenished upon invoice, the net effect of which would be that in the future MLGW will be required to maintain at least \$1.5 million dollars on deposit with the City at all times and to pay current invoices for permit fees as billed. The Letter indicated that the fees were to “account for costs relating to street utility cut impacts.” The Street Cut procedures provided in the correspondence indicated a minimum permit fee of \$300 and incorporated the City’s new repaving standards.

WHEREAS, the President and CEO further reported that as of April 1, 2022, the City has invoiced MLGW \$729,860.00 for permit fees which have already been paid by MLGW. In 2021, the President and CEO agreed to abide by the new street repaving standards and because MLGW did not have internal or contracted resources and equipment to repave to the new standards, it was agreed with the Public Works Department that MLGW would pay the City’s contractor to repave any streets cut by MLGW in accordance with the new standards. MLGW staff attempted to enter into a “piggyback” contract for the City’s resources but discovered that the City’s contract was not set up in a way to increase its value, and more importantly received notification that the City did not have the resources to meet MLGW’s repaving needs in light of the new standards.

WHEREAS, the President and CEO lastly reported that MLGW has been informed that instead of the Street Cut Permit Fees of \$300 per cut, the City now intends to charge MLGW the Utility Cut Fees included as a part of the City Engineer's Procedures for a Right of Way Permit which include a minimum permit fee of \$750.00 plus a base area fee of \$25 per 10 square feet of utility trench cut ("Minimum Utility Cut Fee") on streets over five years in age plus an additional pavement impact factor (sometimes referred to as "Diminution in Value Fees") using the calculations below for cuts in streets of 1-5 years in age. Compliance with the new repaving standards is still required at MLGW's expense.

Diminution in Value Fee Calculations:

- a. Pavements < 2 years, the pavement impact factor is 3x base area fee
- b. Pavements 2-3 years, the pavement impact factor is 2.5x base area fee
- c. Pavements 3-4 years, the pavement impact factor is 2x base area fee
- d. Pavements 4-5 years, the pavement impact factor is 1.5x base area fee

Because of language in Article 65 of the City of Memphis Charter (the "MLGW Charter") which provides that MLGW has the authority to use the rights of way in the City of Memphis and Tennessee State law regarding payments in lieu of taxes for electric and gas systems, MLGW has located, operated and maintained facilities for all three divisions in the right of way without permits or other fees historically. In recent years staff members have paid requested permit fees because those fees were considered de minimus and not in excess of the City's costs at \$15.00/permit. MLGW staff is awaiting requested additional information from the City of Memphis on the cost basis for the increase in the permit fees and the addition of Diminution in Value Fees to conduct an analysis of whether any or all of the fees are already covered by MLGW's annual PILOT payments. Although questions regarding the appropriateness of all or part of those permit fees remains, the President and CEO recommended that the Board authorize payment of up to \$1.19 million invoiced by the City for payment of the Diminution in Value fees associated with the 2020 and 2021 MLGW street cuts. The President and CEO also recommended that the Board ratify permit fees previously paid to the City of Memphis in the aggregate amount of \$729,860.00 and authorize payment of up to \$4.7 million in additional Permit and Diminution in Value Fees during calendar year 2022 to avoid threatened interruption by the City administration of MLGW's continued work on MLGW facilities located in the right of way. Further repaving costs will be incorporated into the costs payable under the terms of MLGW's future contract for repaving services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, that payment of \$1.19 million in Diminution in Value Fees to the City of Memphis is hereby approved.

FURTHER RESOLVED THAT, payment of the \$729,860.00 in permit fees previously paid (based on a permit fee of \$300 per cut) is hereby ratified and approved; and

RESOLVED THAT, payment of up to \$4.7 million in street cut fees (based on 4,500 anticipated additional cuts at the Minimum Utility Cut Fee plus applicable Diminution in Value Fees) are hereby approved to be paid during the remainder of the MLGW fiscal year ending December 31, 2022; and

THAT, all payments hereby authorized to be made pursuant to this resolution are authorized to be made as prepayments made conditionally pending resolution of the cost/PILOT analysis referenced in the preambles of this resolution, and may be made either in lump sum payments, installments or per cut electronic payments at the discretion of the SVP, CAO, CFO and Secretary-Treasurer.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 20, 2022

The President and CEO reported to the Board that the City Engineer and Director of Public Works for the City of Memphis (the "City") have forwarded to MLGW a Letter, dated December 16, 2019 notifying MLGW that the City had adopted new Street Utility Cut standards and indicating that based on historical data MLGW would need to obtain an annual permit in the amount of \$1.5 million dollars from which funds would be deducted periodically over the course of the year. The letter also indicated that funds withdrawn by the City to cover fees charged would need to be replenished upon invoice, the net effect of which would be that in the future MLGW will be required to maintain at least \$1.5 million dollars on deposit with the City at all times and to pay current invoices for permit fees as billed. The Letter indicated that the fees were to "account for costs relating to street utility cut impacts." The Street Cut procedures provided in the correspondence indicated a minimum permit fee of \$300 and incorporated the City's new repaving standards. The President and CEO further reported that as of April 1, 2022, the City has invoiced MLGW \$729,860.00 for permit fees which have already been paid by MLGW. In 2021, the President and CEO agreed to abide by the new street repaving standards and because MLGW did not have internal or contracted resources and equipment to repave to the new standards, it was agreed with the Public Works Department that MLGW would pay the City's contractor to repave any streets cut by MLGW in accordance with the new standards. MLGW staff attempted to enter into a "piggy back" contract for the City's resources but discovered that the City's contract was not set up in a way to increase its value, and more importantly received notification that the City did not have the resources to meet MLGW's repaving needs in light of the new standards. MLGW Staff is in the process of seeking a contractor with the skills, materials and equipment needed to repave to the new standards. MLGW Staff estimates the additional cost to MLGW's paving budget will be approximately \$10

million dollars per year across all three divisions which will be expended in addition to any permit fees to be assessed.

Recently, MLGW received further communication from the City Administration that MLGW was delinquent in the payment of \$1.19 Million dollars in additional fees. On inquiry by MLGW staff and through several conversations and meetings MLGW staff has now been informed that the \$1.19 million is to cover the diminution in value to the affected streets and is being assessed for streets cut in 2020 and 2021 by MLGW in roads that had been paved and asphalted by the City within the last three years.

The President and CEO lastly reported that MLGW has been informed that instead of the Street Cut Permit Fees of \$300 per cut) the City now intends to charge MLGW the Utility Cut Fees included as a part of the City Engineer's Procedures for a Right of Way Permit which include a minimum permit fee of \$750.00 plus a base area fee of \$25 per 10 square feet of utility trench cut ("Minimum Utility Cut Fee") on streets over five years in age plus an additional pavement impact factor (sometimes referred to as "Diminution in Value Fees") using the calculations below for cuts in streets of 1 - 5 years in age. Compliance with the new repaving standards is still required at MLGW's expense.

Diminution in Value Fee Calculations:

- a. Pavements < 2 years, the pavement impact factor is 3x base area fee
- b. Pavements 2-3 years, the pavement impact factor is 2.5x base area fee
- c. Pavements 3-4 years, the pavement impact factor is 2x base area fee
- d. Pavements 4-5 years, the pavement impact factor is 1.5x base area fee

Because of language in Article 65 of the City of Memphis Charter (the "MLGW Charter") which provides that MLGW has the authority to use the rights of way in the City of Memphis and Tennessee State law regarding payments in lieu of taxes for electric and gas systems, MLGW has located, operated and maintained facilities for all three divisions in the right of way without permits or other fees historically. In recent years staff members have paid requested permit fees because those fees were

considered de minimus and not in excess of the City's costs at \$15.00/permit. MLGW staff is awaiting requested additional information from the City of Memphis on the cost basis for the increase in the permit fees and the addition of Diminution in Value Fees to conduct an analysis of whether any or all of the fees are already covered by MLGW's annual PILOT payments. Although questions regarding the appropriateness of all or part of those permit fees remains, the President and CEO recommended that the Board authorize payment of up to \$1.19 million invoiced by the City for payment of the Diminution in Value fees associated with the 2020 and 2021 MLGW street cuts. The President and CEO also recommended that the Board ratify permit fees previously paid to the City of Memphis in the aggregate amount of \$729,860.00 and authorize payment of up to \$4.2 million in additional Permit and Diminution in Value Fees during calendar year 2022 to avoid threatened interruption by the City administration of MLGW's continued work on MLGW facilities located in the right of way. Further repaving costs will be incorporated into the costs payable under the terms of MLGW's future contract for repaving services.

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 20th day of April 2022, at which a quorum was present.


Secretary - Treasurer



Memphis City Council Summary Sheet

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

A Resolution accepting additional funding from the proceeds from the sale of property, in the amount of \$3,389,950, in CIP project number GS01049 – Coke Facility-Adaptive Reuse.

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

General Services

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

Does not change an existing ordinance

4. State whether this will impact specific council districts or super districts.

various

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

Requires new contracts

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

A budget amendment is needed to accept additional funding.

7. If applicable, please list the MWBE goal and any additional information needed.

N/A

City Council Resolution – Accepting additional funding from the proceeds from the sale of property – GS01049 Coke Facility – Adaptive Reuse



A Resolution accepting additional funding from the proceeds from the sale of property, in the amount of \$3,389,950, in CIP project number GS01049 – Coke Facility-Adaptive Reuse.

WHEREAS, the Council of the City of Memphis did include CIP Project number GS01049 - Coke Facility-Adaptive Reuse, as part of the FY 2022 Capital Improvement Program budget; and

WHEREAS, additional funding is needed to bring the Coke facility online to house various City departments as soon as possible; and

WHEREAS, the Union Station recently sold for \$3,389,950, General Services would like to use these proceeds to cover the construction costs needed to bring the Coke facility online; and

WHEREAS, it is necessary to increase the allocations and appropriate said funds in the sum of \$3,389,950 in Contract Construction in CIP project number GS01049 - Coke Facility-Adaptive Reuse.

NOW, THEREFORE, BE IT RESOLVED that there be and is hereby accepted additional funds in the amount of \$3,389,950, increasing the allocations in Contract Construction in CIP project number GS01049 - Coke Facility-Adaptive Reuse appropriated and credited as follows:

Project Title:	Coke Facility – Adaptive Reuse
Project Number:	GS01049
Amount:	\$3,389,950

**RESOLUTION OF THE MEMPHIS CITY COUNCIL AMENDING THE FY22
BUDGET TO PROCLAIM JUNE 19, 2022 (JUNETEENTH INDEPENDENCE DAY) AS A
PAID HOLIDAY WITHIN THE CITY OF MEMPHIS**

WHEREAS, news of the end of slavery did not reach the frontier areas of the United States, in particular the State of Texas and the other Southwestern States, until months after the conclusion of the Civil War on April 9, 1865, more than 2½ years after President Abraham Lincoln formally issued the Emancipation Proclamation on January 1, 1863; and

WHEREAS, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with welcomed news that the Civil War had ended and that the enslaved were free; and

WHEREAS, African-Americans who had been enslaved in the Southwest began celebrating June 19, commonly known as “Juneteenth Independence Day,” to inspire and encourage future generations; and

WHEREAS, 47 States and the District of Columbia have designated Juneteenth Independence Day as a special day of observance in recognition of the emancipation of all enslaved African-Americans in the United States; and

WHEREAS, Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures; and

WHEREAS, the faith and strength of character demonstrated by formerly enslaved African-Americans and the descendants of formerly enslaved African-Americans remain an example for all people of the United States, regardless of background, religion, or race; and

WHEREAS, despite the formal issuance of the Emancipation Proclamation on January 1, 1863, slavery was not officially abolished throughout the entire Nation until the ratification of the 13th Amendment to the Constitution of the United States in December 1865; and

WHEREAS, over the course of its history, the City of Memphis has seen the damaging effects of slavery, the fight for freedom by way of the civil rights movement, and present-day efforts to achieve equity for all; and

NOW THEREFORE BE IT RESOLVED, the Memphis City Council amends the FY22 budget to proclaim June 19, 2022 (Juneteenth Independence Day) and hereafter as a paid holiday within the City of Memphis; for an amendment to be paid and determined by City of Memphis Finance Division for those City employees who will be required to work on June 19, 2022 as a paid holiday.

BE IT FURTHER RESOLVED, the Memphis City Council proclaims "Juneteenth Independence Day" as a paid holiday within the City of Memphis, to begin with June 19, 2022 and forevermore (i.e., during Fiscal Year 2024, observed on the Friday before, if June 19 falls on a non-business day); recognizing the significance of the day as a renewed opportunity to learn more about the past and to better understand the need for an improved future; and securing the observance of the end of slavery as a part of the history and heritage of our Nation.

Sponsors:

Councilwoman Michalyn Easter-Thomas
Councilman Martavius Jones

RESOLUTION approving the recommendation of the 2022 IBEW Impasse Committee that the last best offer of the IBEW be approved and that the last best offer of the IBEW be added to the FY 2023 Operating Budget

WHEREAS, pursuant to Section 2-370 of the Code of Ordinances, as amended (“Impasse Ordinance”), IBEW invoked the arbitration procedures for resolving an impasse over the total economic package included in the proposed budget presented by the Mayor to the City Council for FY 2023 for IBEW employees (“Impasse Notice”); and

WHEREAS, a three-member committee of Council members (“Impasse Committee”) conducted a hearing at which it heard from the City and IBEW regarding their respective last best offers; and

WHEREAS, at the conclusion of the presentations of the parties, the Impasse Committee made and submitted for consideration by the Council its recommendation for approval of the last best offer of IBEW.

NOW, THEREFORE BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the recommendation of the 2022 IBEW Impasse Committee in favor of the IBEW bargaining units is hereby approved and that in accordance with Ordinance 5639 the last best offer of IBEW shall be added to the FY 2023 Operating Budget for consideration to be funded in the FY 2023 Operating Budget as finally approved by the Council on third and final reading.

Sponsor:

IBEW Impasse Committee

Jamita Swearengen
Chairman



JB SMILEY, JR
MEMPHIS CITY COUNCIL
SUPER DISTRICT 8-1

To: All Councilmembers

From: JB Smiley, Jr., Impasse Chairman
Cheyenne Johnson, Committee Member
Frank Colvett, Jr., Committee Member

Date: May 16, 2022

Subject: Impasse Committee Recommendation – IBEW

As required by City Ordinance No. 5639, the City Council Impasse Committee met on May 16, 2022 and considered the Total Economic Packages of the City and the IBEW submitted to the committee for arbitration. At the conclusion of the presentations by the parties, the Committee voted to recommend the Total Economic Package of the IBEW. I have attached a copy of the comparison delineating the costs of the Total Economic Package presented by the Mayor compared to the Total Economic Package proposed by the IBEW.

Sincerely,

A handwritten signature in black ink, appearing to read "JB Smiley, Jr.".

JB Smiley, Jr.
Impasse Committee Chairman

Cc: Councilwoman Cheyenne Johnson
Councilman Frank Colvett, Jr.
Doug McGowen, COO
Alex Smith, Chief HR Officer
Brooke Hyman, Equity, Diversity, and Inclusion Officer
Jay DeWitt, IBEW

Cost Analysis Summary

Basic Information				Union Information				City Information				Comparison		
UNION	Positions	# of EE's	# of Comp EE's	Last Offer	COST	Compression Cost	Total Cost	Last Offer	Cost	Compression Cost	Total Cost	Cost Difference	Compression Cost Difference	Total Cost Difference
ROOFERS	All Positions	3	1	4.0%	\$10,159	\$3,843	\$14,003	2.0%	\$5,080	\$1,922	\$7,001	\$5,079	\$1,921	\$7,002
CARPENTERS	All Positions	12	2	4.0%	\$44,023	\$7,934	\$51,957	2.0%	\$22,012	\$3,967	\$25,979	\$22,011	\$3,967	\$25,978
CEMENT MASON	All Positions	4	3	4.0%	\$13,546	\$11,854	\$25,400	2.0%	\$6,773	\$5,927	\$12,700	\$6,773	\$5,927	\$12,700
PLUMBERS	All Positions	11	1	4.0%	\$39,418	\$3,843	\$43,261	2.0%	\$19,709	\$1,922	\$21,631	\$19,709	\$1,921	\$21,630
BRICK MASON	All Positions	4	3	4.0%	\$13,546	\$10,955	\$24,501	2.0%	\$6,773	\$5,477	\$12,250	\$6,773	\$5,478	\$12,251
PAINTERS	All Positions	26	5	4.0%	\$84,574	\$22,589	\$107,163	2.0%	\$42,287	\$11,294	\$53,581	\$42,287	\$11,295	\$53,582
ELECTRICIAN	All Positions	75	12	4.0%	\$231,607	\$50,894	\$282,501	2.0%	\$115,804	\$25,447	\$141,250	\$115,803	\$25,447	\$141,251
IBEW Total		135	27		\$436,873	\$111,912	\$548,785		\$218,436	\$55,956	\$274,393	\$218,435	\$55,956	\$274,394

**AGREEMENT
BETWEEN
THE CITY OF MEMPHIS
AND
THE CRAFT'S ASSOCIATION OF MEMPHIS**

The Parties desire to enter into mutual discussions and/or negotiations under Ordinance No. 5639, Section 2-370 of the Code of Ordinances of the City of Memphis, commonly known as the impasse ordinance, to the extent provided by law. In an effort to promote conditions conducive to good faith negotiations, the parties set forth the following ground rules.

GROUND RULES

1. Negotiations shall be held on the dates that the parties have mutually agreed upon. Negotiating meetings shall take place between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, if possible, unless otherwise agreed upon by the parties.
2. March 1, 2022, is established as the official starting date of the negotiations. In no event will City employee members of any Labor Organization's bargaining team receive pay in excess of eight (8) hours for a scheduled work day, nor pay at an overtime rate for any participation in the bargaining process except if necessary on the date of expiration of the bargaining, where employees may be paid straight time for additional hours of participation.
3. The City of Memphis will provide a suitable location for the bargaining to take place as well as the use of a copy machine. A fax machine will also be made available if possible. A reasonable effort will be made to meet in person, if such a meeting can be held safely.
4. The City shall furnish parking for Labor Organization representatives to the extent possible at any location where negotiations are taking place. No parking charges will be paid by the City.
5. While members of the negotiating team may from time to time present information, all further conversation shall be channeled through the Chief Negotiator or designated alternate. It is understood that neither the Chief Negotiator nor designated alternate have authority to make final decisions on economic issues. The Alternate Chief Negotiator shall have the same powers and obligations as the Chief Negotiator. Observers present at a meeting who are not part of the Bargaining team will not be allowed to speak or participate in the meeting, without permission from the Chief Negotiator or Designee.

6. Agreements on individual proposals or articles are tentative and considered under advisement until approved by a final decision maker. Such agreements under advisement shall be so indicated by the initials of the Chief Negotiators. Someone with requisite authority to TA on articles shall be present at all times during negotiations. It is understood that no agreement is binding until approved by a final decision maker. Such approval shall be given prior to the negotiation deadline.

The parties understand the negotiation deadline is 11:59 PM, March 31, 2022.

7. Whenever a meeting is scheduled, it is the responsibility of the City's Chief Negotiator to immediately notify the Labor Relations Office of the date, time and location. This information will be posted on the bulletin board by Council Chambers in City Hall a minimum of twenty-four (24) hours in advance of a scheduled meeting.
8. The City will provide a "sign-in" sheet for all team negotiators to sign at each meeting. All team negotiators present must sign this sheet. The City will furnish a copy to the Labor Organizations. For a recorded web conference, a roll call will be taken for all team negotiators present in lieu of the sign in sheet.
9. The parties recognize that there are personnel and financial data in the possession of the City that are pertinent to the negotiations. Within seven (7) days of receipt of a Labor Organization's request for data, the City shall respond to the extent allowed by law. All requests for information shall be made by the Labor Organization's Chief Negotiator to the City's Chief Negotiator, The Labor Associations should make every effort to request such information as soon as possible.
 - (a) Both parties mutually agree to provide preliminary costing information for salary/wage increases or incentives presented as part of any economic proposal along with supporting documents for labor negotiation discussion purposes.
 - (b) Either party may request for an economic proposal to be validated by the City of Memphis Compensation department via email to EDI@memphistn.gov after the economic proposal is first discussed at the labor negotiation table. Note, that there will be a 72 hour turnaround time on any requested costing information.
10. The negotiations will be governed by the "Sunshine" Laws and open to the public subject to the availability of space. No cameras, video or audio recorders, cell phone audio or video recording will be allowed in the negotiating sessions by parties not designated as members of the negotiating teams.
11. These negotiations shall be recorded by audiotape and/or other electronic means by the City and be audio recorded by the Labor Organization. The audio recording employed by the City shall serve as the official recording for any purpose and copies

shall be provided to the Labor Organization upon request.

12. At the end of each session, a brief statement may be made to negotiating team members to summarize what occurred at the meeting
13. Negotiating committee members should exhibit respect toward the negotiation process and to one another.
14. Parties agree to negotiate with the objective of concluding bargaining in accordance with City ordinances and Charter provisions.
15. Time spent during actual negotiations or pre-approved time spent in preparation for negotiations will be counted as "time worked" in weekly computation of overtime.
16. If the "Point in Time" that the City's Final offer is presented to the Labor Organizations, is less than four (4) hours prior to midnight of the Negotiation Deadline, then the Negotiation Deadline shall be extended to allow for a minimum of four (4) hours for the Labor Organizations to present their final positions on economic items.
17. It is understood that these negotiations and any "agreements" therefrom, are subject to applicable law.

Dated this Tuesday, the 1 day of March 2022.

For the City of Memphis Labor Organizations:

For the City of Memphis:


NAME

NAME

S DeWitt 3/09/22

Coleman Smith II


Signature


Signature

Craft's Association Proposal 23e

APPENDIX "A"

SECTION 1 - RECOGNITION

Following are the classifications recognized by the City which are within the jurisdiction of the Bargaining Unit:

Electrician (Journeyman)

Radio Technician

Air Conditioning and Refrigeration Service Technician

Air Conditioning and Refrigeration Service Apprentice Technician

Building Maintenance Mechanics

Craft's Assistant

Groundsman (Electrician's Helper)

Traffic Signal Technician

Traffic Signal Apprentice Technician

Traffic Signal Aides

Communications and Safety Equipment Installer

First-Class Steam & Refrigeration Operator

Maintenance Assistant

SECTION 2 - WAGES

Effective July 1, 2022, the current wage rates of employees covered by this Agreement will be increased by four (4%). This 4% includes - 2% wage increase and rollover of 2% hazard pay into the base wage. (This will eliminate a separate hazard pay premium for all employees, except those reporting the WTP.) A two thousand dollar retention bonus will be paid to all employees who agree to continue employment with the city through June 30, 2023.

Effective July 1, 2023, the current wage rates of employees covered by this Agreement will be increased by four (4%). This 4% includes - 2% wage increase and rollover of 2% hazard pay into the base wage. (This will eliminate a separate hazard pay premium for all employees, except those reporting the WTP.) A two thousand dollar retention bonus will be paid to all employees who agree to continue employment with the city through June 30, 2024.

The Associations and City will discuss wages only to determine the wage effective July 1, 2024, the wage rates of employees covered by this Agreement. A one thousand five hundred retention bonus will be paid to all employees who agree to continue employment with the city through June 30, 2025.

LONGEVITY:

All employees covered under this Memorandum shall receive the following yearly premium in addition to their regular wages:

<u>5 Years</u>	<u>10 Years</u>	<u>15 Years</u>	<u>20 Years</u>	<u>25 years/above</u>
\$150.00	\$200.00	\$250.00	\$400.00	\$450.00

HAZARDOUS DUTY:

All employees listed in APPENDIX "A", SECTION 1 that are assigned to the WTP (Wastewater Treatment Plant) shall receive a hazard pay premium of an additional 3% per hour.

NOTES

(1) Receives lead differential of \$1.50 per hour (shown above).

As an incentive not included in base pay above, the City agrees to pay all employees who work a fixed, non-rotating swing shift an additional \$.60 per hour and all employees who work a fixed, non-rotating graveyard shift an additional \$.80 per hour.

SECTION 2.A

{CURRENT LANGUAGE}

SECTION 2.B

{CURRENT LANGUAGE}

SECTION 2.C (Traffic Signal Aides)

{CURRENT LANGUAGE}

SECTION 2.D

A Layoutman, designated by the City, shall receive \$1.50 per hour above the Journeyman wage rate and shall be selected by the City on the basis of seniority-if-qualified. A Crew Leader designated by the City shall receive \$1.00 per hour above their pay rate.

The Traffic Signal Shop Construction Crew Lead Technician, when designated, shall receive \$2.00 per hour above the Journeyman wage rate and shall be selected by the City on the basis of seniority if-qualified.

The City agrees to provide an allowance of \$.25/ per hour for those craft employees with Master's licenses who are required to obtain permits for the City.

SECTION 3.A - SHIFT PREMIUM

{CURRENT LANGUAGE}

SECTION 3.B – SHIFT PICK

{CURRENT LANGUAGE}

SECTION 4 - UNIFORM PROVISIONS

{CURRENT LANGUAGE}

**Proposed Changes to Non-IBEW Craft's Association
MOUs Where pay rates differ**

Painters

Hourly Rates

Effective 7/1/20162022

Painter/APP

Plumbers

Hourly Rates

Effective 7/1/20162022

Maintenance Plumber

All Craft's Association MOUs¹⁵

The classification of **Craft's Assistant** shall be added to Appendix A, Section 1 of all Craft's association MOU's

For the Craft's Association of Memphis:

NAME

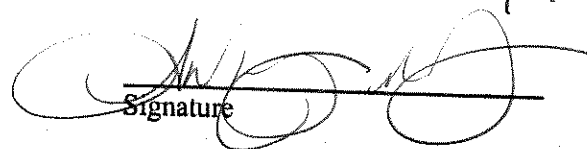
J DeWitt 3/31/2022.


Signature

For the City of Memphis:

NAME

ANTONIO ADAMS 3/31/2022


Signature



JIM STRICKLAND
MAYOR

DIVISION OF HUMAN RESOURCES
OFFICE OF EQUITY, DIVERSITY & INCLUSION

Date: April 12, 2022

To: Jay Dewitt, Chief Negotiator, Crafts Association (Bricklayers, IBEW, Carpenters, Cement Mason, Plumbers, Painters & Roofers)

From: Brooke Hyman- Officer, EEO, Labor, Diversity & Inclusion BDH

Re: Notice of the Proposed Total Economic Package

We value and respect all City of Memphis Employees. Enclosed is the current economic package included in the Mayor's budget. This season we are asking for a three-year agreement with wage offers for 2022 and 2023, and wage opener in 2024. We are open to engaging in more discussions in accordance with the impasse ordinance in an effort to reach a resolution. Please let us know if you are open to discussions. In particular, we are interested in your ideas of how we can improve work conditions or incentivize training or education, or citizen services. There are many things we can do together.

In accordance with Article VIII, Section 2-370(2)(c) of the City of Memphis Code of Ordinances, the purpose of this Memorandum is for the City of Memphis ("COM") to provide notice of its proposed total economic packages. Any offers presented by CRAFTS regarding economic items which are inconsistent with the proposals herein are being rescinded:

I. The COM proposes the following regarding wages.

WAGES

Effective July 1, 2022, the City of Memphis proposes current wage rates for employees covered by this Memorandum of Understanding to be increased by:

- Effective July 1, 2022, **Two percent (2%) increase**
- Effective July 1, 2023, **Two percent (2%) increase**
- Effective July 1, 2024, **Wage Opener**

SIDE AGREEMENT – Retention Bonus Language

\$2,000.00 retention bonus will be paid to all employees who agree to continue employment through June 30, 2023.

\$2,000.00 retention bonus will be paid to all employees who agree to continue employment through June 30, 2024.

\$1,500.00 retention bonus will be paid to all employees who agree to continue employment through June 30, 2025.

Hazardous Pay

All employees, in this bargaining unit, shall receive a .5% increase to hazard duty pay.

SUBSTITUTE ORDINANCE NO. 5639

AN ORDINANCE TO AMEND ARTICLE VIII, § 2-370 OF THE CODE OF ORDINANCES RELATIVE TO ARBITRATION OF LABOR DISPUTES, IMPASSE PROCEDURES AND PRESERVATION OF CHARTER POWERS OF CITY COUNCIL

WHEREAS, Referendum Ordinance No. 2766 authorized a referendum election on the question “Shall the Home Rule Charter of the City of Memphis, Tennessee be amended by including a section relating to ‘Disciplinary Action Against Striking Employees?’”;

WHEREAS, Referendum Ordinance No. 2766 included a separate provision authorizing the Council to set up, by Ordinance, procedures for arbitration of economic issues of municipal labor disputes, but only if there has occurred a deadlock or impasse between the Mayor and City employees on a total economic package and such deadlock or impasse continues for seven (7) consecutive days;

WHEREAS, the Council desires to amend Article VIII, § 2-370 of the Code Of Ordinances to redefine the procedure for arbitration of any deadlock or impasse between the Mayor and City employees on a total economic package and to clarify the scope of and the limitations on the Council to arbitrate such labor disputes;

WHEREAS, Referendum Ordinance No. 2766 did not alter the provisions of the Home Rule Charter that prohibits the City Council from interfering with the operation of City administrative departments and employees under the control of the Mayor or from requesting or requiring the Mayor to make contracts with any specific organization; and

WHEREAS, Referendum Ordinance No. 2766 did not address, authorize or direct the City Council to exercise its legislative powers under the Charter to propose any budgets for the City or to approve or amend any budgets in any manner, before such budgets were presented by the Mayor as required by the Charter; and

WHEREAS, the pre-impasse procedures (under Section A(2)) and the procedure for resolving impasses as to non-economic items (under Section A(4)) are included in this ordinance at the request of the City Administration.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. Total Impasse Procedure. Article VIII, Section 2-370 is hereby repealed in its entirety and the following provisions are substituted in lieu thereof:

A. *General provisions.*

1. **Definitions.** As used in this section the following terms shall have the indicated meanings:

Business day means a day other than a Saturday, Sunday or legal holiday under the laws of Tennessee.

Economic items shall be defined as any items which relate to an identifiable portion of any recognized unit which items provide to those employees direct benefits, except for economic items such as pension benefits, health insurance, and any other items excluded by the Charter of the City, or other state laws.

Non-Economic items shall not include economic items as described above.

Negotiations deadline is the date upon which discussions between the City administration and employee organizations regarding economic and non-economic items must be completed, or when a party has declared its last best offer, which shall be no later than March 31.

Total Economic Package shall be defined as the last best offers of the parties regarding the aggregate economic items as defined herein.

Impasse on economic items means that point at which any employee organization declares its last best offer, and that offer is either not captured or insufficiently captured in the total economic package proposed by the Mayor to the City Council, which package represents the last best offer of the City.

Impasse on non-economic items means that point at which any employee organization or City administration do not have agreement on non-economic items by the negotiation deadline.

2. *Pre-Impasse Procedure*

a. Referendum Ordinance No. 2766 expressly directed the Council to set up, by Ordinance, procedures for the arbitration of economic issues of municipal labor disputes between the City and its employees by the Council or a committee of the Council.

b. The final position of the City on economic items as defined in this section shall be in writing. If the City presents its final offer more than three business days prior to the negotiations deadline, then, after the City presents its final offer, the organization(s) shall indicate in writing its acceptance of that final offer or its final position on economic items as defined in this section. This response of the organization(s) shall be made before the negotiation deadline.

If the City makes its final offer to the organization(s) less than three business days before the negotiations deadline, the chief spokesperson of the organization(s) shall tentatively accept or reject the offer in writing at the same negotiation session that the final offer of the City was received. If the organization(s) rejects the final offer of the City, the organization(s), through its chief spokesperson, shall set forth in writing the final position on economic items, as defined in this section of the organization(s), at the time of the rejection of the final offer of the City and during the same negotiation session that the final offer was received. If after the tentative acceptance by the organization(s) of the final offer of the City, should the employees of the

organization(s) fail to ratify the final offer of the City, then the final position of the organization(s) shall be its last position at the bargaining table, before the final offer of the City had been given.

c. Following the negotiation deadline, and at least seven (7) days before the Mayor presents his proposed budget to the Council, the Mayor or his designee shall advise the employee organization(s) of the City's proposed Total Economic Package to be included in the Mayor's proposed budget, and shall also advise the employee organizations of any changes to its final positions therein. If changes in the Mayor's proposed budget are unacceptable, the employee organizations shall notify the City in writing within 48 hours. At that time, the City will engage in discussions with those organizations in an attempt to reach an agreement prior to the deadline to declare impasse.

d. At any time before the point of impasse, either party (with written notice to the other party) may call for the appointment of a mediator to assist the parties in negotiating an agreement. It shall be the function of the mediator to bring the parties together to attempt to effectuate a settlement of outstanding issues. The mediator shall have no power to compel either of the parties concerning any aspect of negotiations or the agreement to be negotiated. The mediator may be selected by agreement of the parties (with each party agreeing to share equally in the costs) or by a request by either party to the Federal Mediation and Conciliation Service for the appointment of a federal mediator.

3. *Arbitration Procedures for Resolving Impasses over a Total Economic Package*

a. If any employee organization shall determine that the Total Economic Package for City Employees included in the proposed budget(s) presented by the Mayor to the City Council is not acceptable to such organization(s), such organization(s) may indicate in writing to the Chairman of the City Council that such organization(s) elect to invoke arbitration procedures, hereunder, for resolving impasse over the City's Total Economic Package submitted to the Mayor by the electing employee organization(s) ("Impasse Notice").

b. The Impasse Notice(s) must be delivered to the Chairman at the City Council's offices not later than seven (7) business days after the presentation of the budget(s) by the Mayor to the Council; a copy of the Total Economic Package of the electing employee organization(s) shall be attached to the Impasse Notice. Any employee organization(s) that do not elect to invoke impasse hereunder or that fail to make a timely election in accordance with this ordinance shall be deemed to have waived any right to have the Total Economic Package of such employee organization(s) considered by the Council.

c. Once this impasse resolution procedure has been implemented by notification of the chairperson as provided for in subsection A(3)(b) of this section, neither party may alter their final position as defined in subsection (A)(2) of this section. However, either party may, at any time, accept the final position total package of the other party as originally submitted to the City Council. Such acceptance shall be the final understanding. Further, the parties may mutually agree upon some or all items at impasse any time before final Council action at positions the same or different than their final position. Such mutually agreed upon items will be removed from the impasse list of both parties by notification to the chairperson of the Council and shall be made a part of any future agreement or memorandum of understanding.

d. Within ten (10) business days after the Mayor has presented the budget(s) to the Council and provided any employee organization has timely submitted an Impasse Notice in accordance with this ordinance, the Chairman of the City Council will convene a meeting between the electing employee organization(s), the City administration and the Chairman to allow the electing employee organization(s) and the City administration to each select one (1) member of the Council to serve on an Impasse Committee. There will be one impasse committee per employee organization, but not more than seven (7). When the employee organization represents more than one bargaining unit, the impasse committee will decide the impasse for each unit separately, unless otherwise agreed by the City and the employee organization. The two Council members, so selected, shall select a third member within forty-eight (48) hours of their selection and in the absence of agreement by the two Council members, the Chairman shall select the third member. Within four business days after the chair of the impasse committee is selected, the parties shall provide a summary of the issues and any written materials in support of their position, if any, to the impasse committee.

e. The Impasse Committee shall be authorized to determine the procedure for the electing employee organization(s) and the City Administration to present their respective positions on the impasse issues, and the amount of time allocated to the electing employee organization(s) and the City Administration to present to the Council their respective positions on the proposed budget amendment(s), except that each party shall have at least thirty (30) minutes per unit to present a summary of the issues and their positions. No member of the Impasse Committee shall be authorized to negotiate with either the City or the organization(s) to change their Total Economic Package(s).

f. The Impasse Committee must make and submit for consideration their recommendation to the Council no later than the close of business on the Tuesday preceding the second reading of the budget ordinance(s) that includes the Total Economic Package of the electing employee organization(s) with the committee's recommendation, as an agenda item for the next Council meeting. No member of the Impasse Committee shall be authorized to negotiate with either the City or the organization(s) to change their Total Economic Package(s), but must choose only the last best offer of one of the parties. The recommendation submitted to Council shall delineate the Total Economic Package requested by each unit compared to the Total Economic Package proposed by the Mayor.

g. The Council shall act only as the final arbiter of the impasse between the City and the employee organization(s) and may not negotiate with either the City or the organization(s) alter the Total Economic Package of any party. All impasse votes by the full Council must occur before the final vote on third reading of the proposed fiscal year operating budget. Each party shall be permitted up to fifteen (15) minutes, or longer at the discretion of the Council, per unit to present their position to full Council before the final vote. An affirmative vote of a majority of the members of the full Council shall determine if the Total Economic Package submitted by the electing employee organization(s) shall be made part of the budget ordinance by or at the full Council meeting during which the proposed fiscal year operating budget is submitted on second reading or after second reading at a special meeting called by the Council Chairman before the third reading.

h. The impasse decision made by the City Council shall become effective and shall be subject to funding by the City Council in an approved budget. The City Administration shall take whatever action is appropriate to implement the approved impasse decision, as funded, into the Mayor's operating budget.

4. *Procedure for Resolving Impasses over Non-Economic Items*

a. This ordinance does not empower the City Council to discuss or reach an agreement on non-economic items or issues. Non-economic items not mutually agreed prior to the declaration of impasse will remain as stated in the previously agreed upon memorandum of understanding, unless either party, gives written notice to the other party of the intent to mediate the impasse of non-economic items, by following the notice deadline procedures under Section A(3), except that the notice to the City shall be provided to the City's Chief Human Resources Officer.

b. Upon proper notice of the intent to mediate, the mediator may be selected by agreement of the parties (with each party sharing equally in the associated costs) or by a request by either party to the Federal Mediation and Conciliation Service for the appointment of a federal mediator. The parties shall mediate within sixty days of said notice, or as otherwise agreed upon. Until the conclusion of the mediation, the current language of any memorandum of understanding shall control.

c. If the parties have not successfully resolved the impasse through mediation, either party may, within 7 days after the conclusion of the mediation period, give written notice to the other party of the intent to send the impasse to an employee relations panel ("written notice of intent") on up to four (4) non-economic articles. Within 7 days after the written notice, each party must select a representative to serve on the panel. A panel member shall not be an employee of the City, or a member or affiliate of the involved employee organization/union, and must be a resident of Shelby County, Tennessee.

d. The two representatives must mutually agree on a third member of the panel from the panel of arbitrators from the Federal Mediation and Conciliation Service ("FMCS"). The cost of the arbitrator shall be borne by the invoking party or equally shared by the parties if both parties submit written notice of intent. The three (3) panel members shall schedule a hearing on the impasse within forty-five (45) days of the issuance of the notice of intent to arbitrate. Upon the panel's finding of which proposed non-economic language shall be utilized, that language shall become part of the new memorandum of understanding. In the event that either party seeks to implement a change in an article effecting more than one bargaining unit, that matter may be consolidated by agreement of the parties and heard by one panel, selected in the manner described herein, and costs associated with the arbitrator shall be borne by the party seeking the change.

e. No member of the panel shall be authorized to negotiate with either the City or the organization(s) and must choose, without modification, only the language proposed for an entire article by one of the parties.

Section 2. Nonconflicting – Conflicting laws.

BE IT FURTHER ORDAINED that as amended hereby all laws constituting the present Code of Ordinances of the City of Memphis be and the same are hereby continued in full force and effect, and all laws in conflict herewith are hereby repealed. This ordinance does not alter or amend the rights or obligations of any person or entity that may exist under the City Charter or under Tennessee law.

Section 3. Severability.

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

Section 4. Effective Date.

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 Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR: CITY ADMINISTRATION

BERLIN BOYD
Council Chairman

Attest:

Comptroller

THE FOREGOING ORDINANCE
5039 PASSED
1st Reading Feb 21, 2017
2nd Reading Mar 7, 2017
3rd Reading Mar 21, 2017
Approved [Signature]
Chairman of Council

Date Signed: March 21, 2017

Approved: [Signature]
Mayor, City of Memphis

Date Signed: 3/21/17

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Snipe
Comptroller

Exhibit - Costing Worksheet

FY2023 Costing by Division-Crafts 133 City Workers Agreement

	Current	Workers Raise	Hazard Proposed		Cost
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General Services

Steam Operator	31.2840	6	4.00%		32.5354		\$15,616.97
Plumber	31.9039	12	4.00%		33.1801		\$31,852.85
Craft's Assist.	21.1047	5	4.00%		21.9489		\$8,779.56
Building Maint.	25.6272	7	4.00%		26.6522		\$14,925.26
All Others	30.1496	42	4.00%		31.3556		\$105,354.76

	2k Retention Bonus	\$144,000.00
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	Annual Total	\$320,529.41
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	Current	Workers Raise	Hazard Proposed		Cost
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City Engeneering

Aides	21.1047	9	4.00%		21.9489		\$15,803.21
All Others	30.1496	34	4.00%		31.3556		\$85,287.19

	2k Retention Bonus	\$86,000.00
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	Annual Total	\$187,090.40
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Exhibit - Costing Worksheet

<h2 style="margin: 0;">FY2023 Costing by Division-Crafts 133 City Workers Agreement</h2>
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FY 2023 Workers Raise Hazard Proposed Annual Cost

General Services

Steam Operator	32.5354	6	4.00%		33.8368		\$16,241.65
Plumber	33.1801	12	4.00%		34.5073		\$33,126.97
Craft's Assist.	21.9489	5	4.00%		22.8269		\$9,130.75
Building Maint.	26.6522	7	4.00%		27.7183		\$15,522.27
All Others	31.3556	42	4.00%		32.6098		\$109,568.95

2k Retention Bonus \$144,000.00

Annual Total \$327,590.59

FY 2023 Workers Raise Hazard Proposed 20669.6097

City Engeneering

Aides	21.9489	9	4.00%		22.8269		\$16,435.34
All Others	31.3556	34	4.00%		32.6098		\$88,698.68

2k Retention Bonus \$86,000.00

Annual Total \$191,134.02

Exhibit - Costing Worksheet

FY2023 Costing by Division-Crafts 133 City Workers Agreement

	FY 2023	Workers	Raise	Hazard	Proposed		Annual Cost
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Police Services

Techs	31.3556	8	4.00%		32.6098		\$20,870.28
Installers	21.9489	2	4.00%		22.8269		\$3,652.30
				2k Retention Bonus			\$20,000.00
				Annual Total			\$44,522.58

	FY 2023	Workers	Raise	Hazard	Proposed		Annual Cost
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Public Works

Waste Treatment	31.3556	8	4.00%	3%	32.6098		\$21,496.39
All Others	31.3556	5	4.00%		32.6098		\$13,043.92
				2k Retention Bonus			\$26,000.00
				Annual Total			\$60,540.31

Exhibit - Costing Worksheet

FY2023 Costing by Division-Crafts 133 City Workers Agreement

	FY 2023	Workers	Raise	Hazard	Proposed		Annual Cost
<u>Fire Services</u>	31.3556	1	4.00%		32.6098		\$2,608.78
						2k Retention Bonus	\$2,000.00
						Annual Total	\$4,608.78

	Grand Annual Total	\$628,396.27
	2024	

Exhibit - Costing Worksheet

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Exhibit - Costing Worksheet

FY2023 Costing by Division-Crafts 133 City's Gambit

Current Workers Raise Hazard Proposed Cost

General Services

Steam Operator	31.2840	6	2.00%	7964.66	31.9097		\$15,773.14
Plumber	31.9039	12	2.00%	16245	32.5420		\$32,171.38
Craft's Assist.	21.1047	5	2.00%	4477.58	21.5268		\$8,867.36
Building Maint.	25.6272	7	2.00%	7611.88	26.1397		\$15,074.51
All Others	30.1496	42	2.00%	53730.9	30.7526		\$106,408.31

2k Retention Bonus \$144,000.00

Annual Total \$322,294.70

Current Workers Raise Hazard Proposed Cost

City Engeneering

Aides	21.1047	9	2.00%	8059.64	21.5268		\$15,961.25
All Others	30.1496	34	2.00%	43496.5	30.7526		\$86,140.06

2k Retention Bonus \$86,000.00

Annual Total \$188,101.31

Exhibit - Costing Worksheet

<h2 style="margin: 0;">FY2023 Costing by Division-Crafts 133 City's Gambit</h2>

	Current	Workers	Raise	Hazard	Proposed		Annual Cost
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Police Services

Techs	30.1496	8	2.00%	10234.5	30.7526		\$20,268.25
Installers	21.1047	2	2.00%	1791.03	21.5268		\$3,546.94
2k Retention Bonus							\$20,000.00
Annual Total							\$43,815.19

	Current	Workers	Raise	Hazard	Proposed		Cost
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Public Works

Waste Treatment	30.1496	8	2.00%		30.7526		\$10,334.80
All Others	30.1496	5	2.00%	6396.54	30.7526		\$12,855.79
2k Retention Bonus							\$26,000.00
Annual Total							\$49,190.59

FY2023 Costing by Division-Crafts 133 City's Gambit
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	Current	Workers	Raise	Hazard	Proposed		Annual Cost
<u>Fire Services</u>	30.1496	1	2.00%	1279.31	30.7526		\$2,533.53
				2k Retention Bonus			\$2,000.00
				Annual Total			\$4,533.53

Grand Annual Total	\$607,935.33
2023	

Exhibit - Costing Worksheet

<h2 style="margin: 0;">FY2024 Costing by Division-Crafts 133 City's Gambit</h2>

FY 2023 Workers Raise Hazard Proposed Annual Cost

General Services

Steam Operator	31.9097	6	2.00%	8123.95	32.5479		\$16,088.61
Plumber	32.5420	12	2.00%	16569.9	33.1928		\$32,814.81
Craft's Assist.	21.5268	5	2.00%	4567.13	21.9574		\$9,044.71
Building Maint.	26.1397	7	2.00%	7764.12	26.6625		\$15,376.00
All Others	30.7526	42	2.00%	54805.5	31.3676		\$108,536.48

2k Retention Bonus \$144,000.00

Annual Total \$325,860.60

FY 2023 Workers Raise Hazard Proposed Annual Cost

City Engeneering

Aides	21.5268	9	2.00%	8220.83	21.9574		\$16,280.47
All Others	30.7526	34	2.00%	44366.4	31.3676		\$87,862.86

2k Retention Bonus \$86,000.00

Annual Total \$190,143.33

Exhibit - Costing Worksheet

FY2024 Costing by Division-Crafts 133 City's Gambit
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FY 2023 Workers Raise Hazard Proposed Annual Cost
Police Services

Techs	30.7526	8	2.00%	10439.2	31.3676		\$20,673.61
Installers	21.5268	2	2.00%	1826.85	21.9574		\$3,617.88

2k Retention Bonus \$20,000.00

Annual Total \$44,291.50

FY 2023 Workers Raise Hazard Proposed Annual Cost

Public Works

Waste Treatment	30.7526	8	2.00%		31.3676		\$10,541.50
All Others	30.7526	5	2.00%	6524.47	31.3676		\$12,921.01

2k Retention Bonus \$26,000.00

Annual Total \$49,462.51

<h2 style="margin: 0;">FY2024 Costing by Division-Crafts 133 City's Gambit</h2>

	FY 2023	Workers	Raise	Hazard	Proposed		Annual Cost
<u>Fire Services</u>	30.7526	1	2.00%	1304.89	31.3676		\$2,584.20
				2k Retention Bonus			\$2,000.00
				Annual Total			\$4,584.20

	Grand Annual Total	\$614,342.14
	2024	