

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

Planning & Development
DIVISION

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

Planning & Zoning COMMITTEE: 5/02/2023

DATE

PUBLIC SESSION: 5/02/2023

DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION:

Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at the northwest corner of N Front Street and A.W. Willis Avenue. By taking the land out of the Heavy Industrial (IH) Use District and including it in the Mixed Use (MU) Use District, known as case number Z 23-003

CASE NUMBER:

Z 23-003

LOCATION:

463 N Front Street – Northwest corner of N Front Street and A.W. Willis Avenue

COUNCIL DISTRICTS:

District 7 and Super District 8

OWNER/APPLICANT:

Ashaif Enterprises, LLC/ Ashaif Enterprises, LLC

REPRESENTATIVES:

Cindy Reaves on behalf of SR Consulting, LLC

REQUEST:

Rezoning of +/-0.506 acres from Heavy Industrial (IH) to Mixed Use (MU)

RECOMMENDATION:

The Division of Planning and Development recommended *Approval*
The Land Use Control Board recommended *Approval*

RECOMMENDED COUNCIL ACTION:

Public Hearing Required

Set date for first reading – April 11, 2023

Second reading – April 25, 2023

Third reading – May 2, 2023

PRIOR ACTION ON ITEM:

(1) _____
03/9/2023 _____
(1) Land Use Control Board _____

APPROVAL - (1) APPROVED (2) DENIED

DATE

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:

Kendra Cobbs

DATE

3/30/2023

POSITION

PRINCIPAL PLANNER

DEPUTY ADMINISTRATOR

Britt Ryan

3/30/23

ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 23-003

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT THE NORTHWEST CORNER OF N FRONT STREET AND A.W. WILLIS AVENUE. BY TAKING THE LAND OUT OF THE HEAVY INDUSTRIAL (IH) USE DISTRICT AND INCLUDING IT IN THE MIXED USE (MU) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-003

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, March 9, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 23-003

LOCATION: 463 N Front Street – Northwest corner of N Front Street and A.W. Willis Avenue

COUNCIL DISTRICT(S): District 7 and Super District 8

OWNER/APPLICANT: Ashaif Enterprises, LLC/ Ashaif Enterprises, LLC

REPRESENTATIVE: Cindy Reaves on behalf of SR Consulting, LLC

REQUEST: Rezoning of +/-0.506 acres from Heavy Industrial (IH) to Mixed Use (MU)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

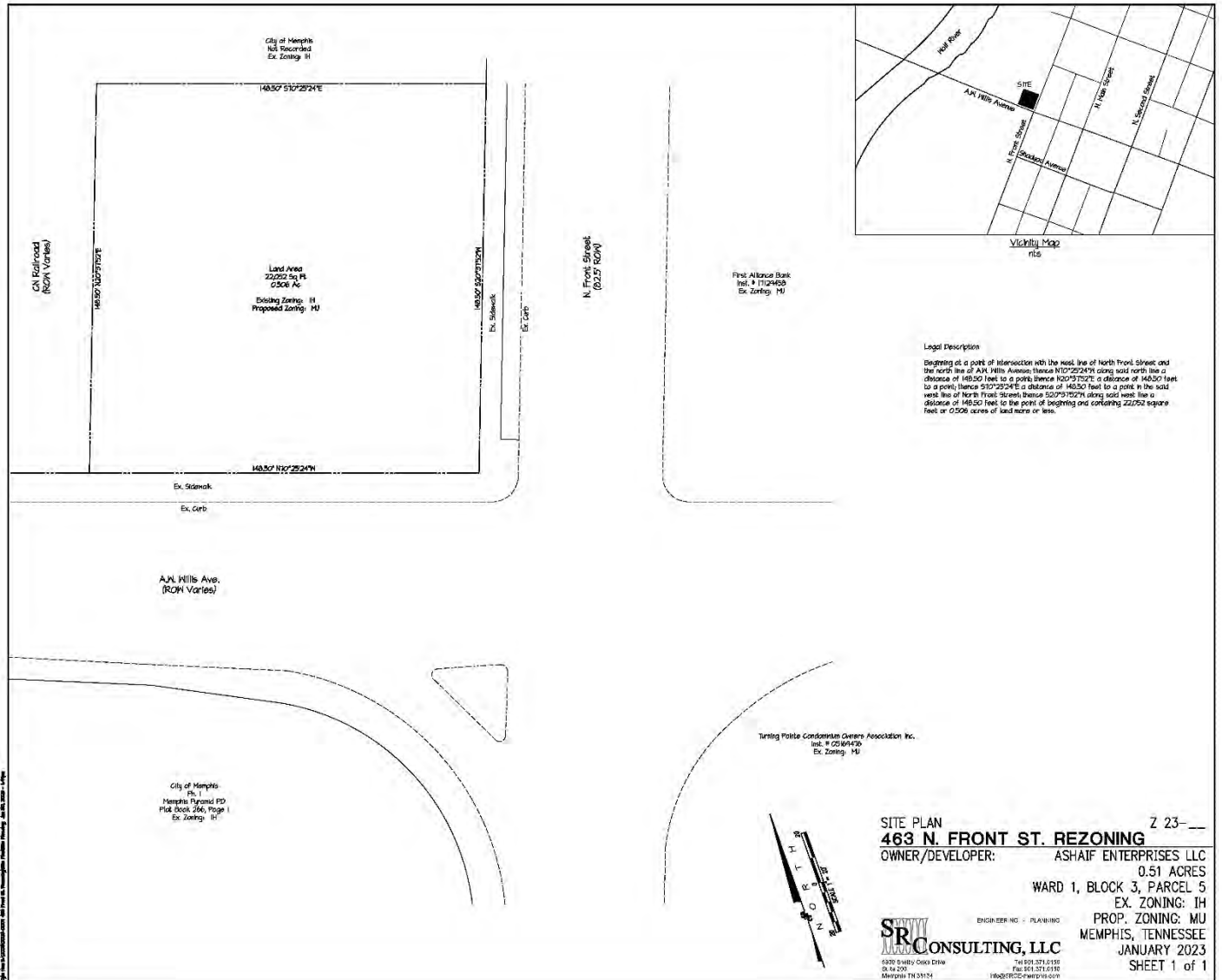
The motion passed by a unanimous vote of 9-0 on the consent agenda.

Respectfully,
Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN



ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT THE NORTHWEST CORNER OF N FRONT STREET AND A.W. WILLIS AVENUE. BY TAKING THE LAND OUT OF THE HEAVY INDUSTRIAL (IH) USE DISTRICT AND INCLUDING IT IN THE MIXED USE (MU) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-003

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 23-003**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

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

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE HEAVY INDUSTRIAL (IH) USE DISTRICT AND INCLUDING IT IN THE MIXED USE (MU) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

BEGINNING AT A POINT OF INTERSECTION WITH THE WEST LINE OF NORTH FRONT STREET AND THE NORTH LINE OF A.W. WILLIS AVENUE; THENCE N70°25'24"W ALONG SAID NORTH LINE A DISTANCE OF 148.50 FEET TO A POINT; THENCE N20°37'52"E A DISTANCE OF 148.50 FEET TO A POINT; THENCE S70°25'24"E A DISTANCE OF 148.50 FEET TO A POINT IN THE SAID WEST LINE OF NORTH FRONT STREET; THENCE S20°37'52"W ALONG SAID WEST LINE A DISTANCE OF 148.50 FEET TO THE

POINT OF BEGINNING AND CONTAINING 22,052 SQUARE FEET OR 0.506 ACRES OF LAND MORE OR LESS.

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

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.

ATTEST:

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

**//: ATTACHMENT
Survey**

City of Memphis
Not Recorded
Ex. Zoning: IH

148.50' S10°25'24"E

CN Railroad
(ROW Varies)

148.50' N20°31'52"E

Land Area
22,052 sq Ft
0.506 Ac

Existing Zoning: IH
Proposed Zoning: MU

148.50' S20°31'52"W

Ex. Sidewalk

Ex. Curb

N. Front Street
(82.5' ROW)

First Alliance Bank
Inst. # 17124458
Ex. Zoning: MU

148.50' N10°25'24"W

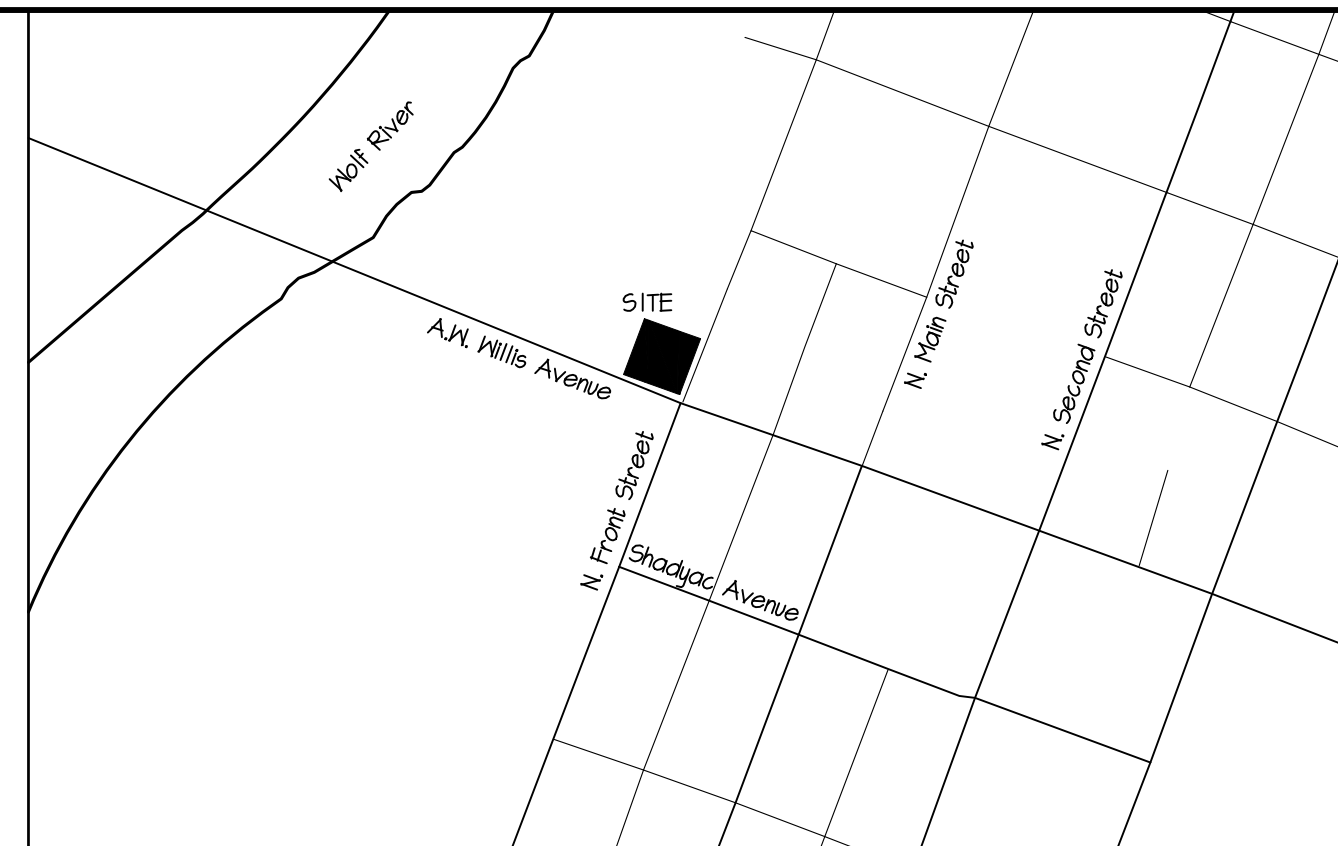
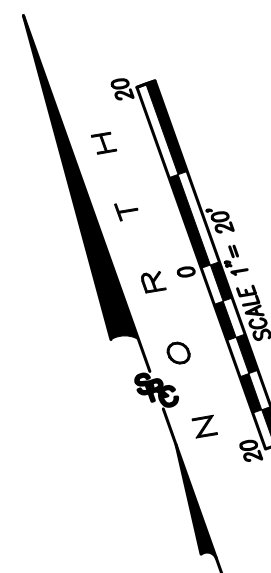
Ex. Sidewalk

Ex. Curb

A.W. Willis Ave.
(ROW Varies)

City of Memphis
Ph. 1
Memphis Pyramid PD
Plat Book 266, Page 1
Ex. Zoning: IH

Turning Pointe Condominium Owners Association Inc.
Inst. # 05164476
Ex. Zoning: MU



Vicinity Map
nts

Legal Description

Beginning at a point of intersection with the west line of North Front Street and the north line of A.W. Willis Avenue; thence N10°25'24"W along said north line a distance of 148.50 feet to a point; thence N20°31'52"E a distance of 148.50 feet to a point; thence S10°25'24"E a distance of 148.50 feet to a point in the said west line of North Front Street; thence S20°31'52"W along said west line a distance of 148.50 feet to the point of beginning and containing 22,052 square feet or 0.506 acres of land more or less.

SITE PLAN
463 N. FRONT ST. REZONING

Z 23-__

OWNER/DEVELOPER: ASHAIF ENTERPRISES LLC

0.51 ACRES

WARD 1, BLOCK 3, PARCEL 5

EX. ZONING: IH

PROP. ZONING: MU

MEMPHIS, TENNESSEE

JANUARY 2023

SHEET 1 of 1

SRCONSULTING, LLC

ENGINEERING - PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel 901.371.0150
Fax 901.371.0160
info@SRCE-memphis.com

AGENDA ITEM: 17

CASE NUMBER: Z 2023-003 **L.U.C.B. MEETING:** March 9, 2023

LOCATION: 463 N Front Street – Northwest corner of N Front Street and A.W. Willis Avenue

COUNCIL DISTRICT: District 7 and Super District 8

OWNER/APPLICANT: Ashaif Enterprises, LLC/ Ashaif Enterprises, LLC

REPRESENTATIVE: Cindy Reaves on behalf of SR Consulting, LLC

REQUEST: Rezoning of +/-0.506 acres from Heavy Industrial (IH) to Mixed Use (MU)

CONCLUSIONS

1. The request is to rezone 0.506 acres from Heavy Industrial (IH) to Mixed Use (MU).
2. The intent of the MU District is for uses to be physically integrated, permitting land use types such as commercial, townhouses, apartments and institutions.
3. Properties directly across North Front Street, west of the subject property, are zoned MU.
4. Staff finds the request is an appropriate zoning district for the area and will be compatible with the surrounding land uses.

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 13-16 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage:	North Front Street	+/-148.5 linear feet
	A.W. Willis Avenue	+/-148.5 linear feet
Zoning Atlas Page:	1925	
Parcel ID:	001003 00005	
Area:	+/-0.506 acres	
Existing Zoning:	Heavy Industrial (IH)	
Requested Zoning:	Mixed Use (MU)	

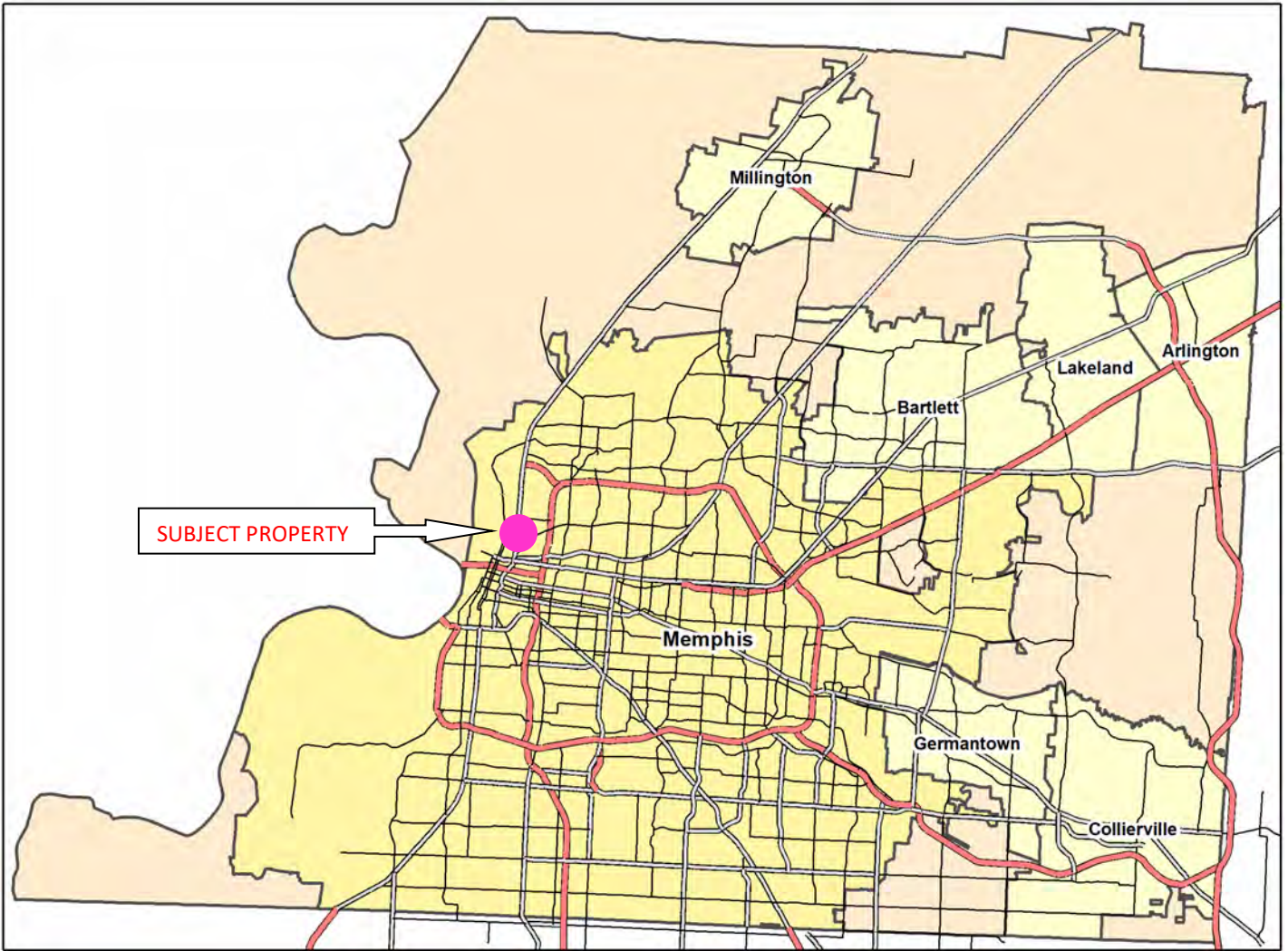
NEIGHBORHOOD MEETING

Not required, zoning change is in compliance with the Memphis 3.0 Plan.

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 64 notices were mailed on February 21, 2023, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Pinch District neighborhood

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Heavy Industrial (IH)

Surrounding Zoning

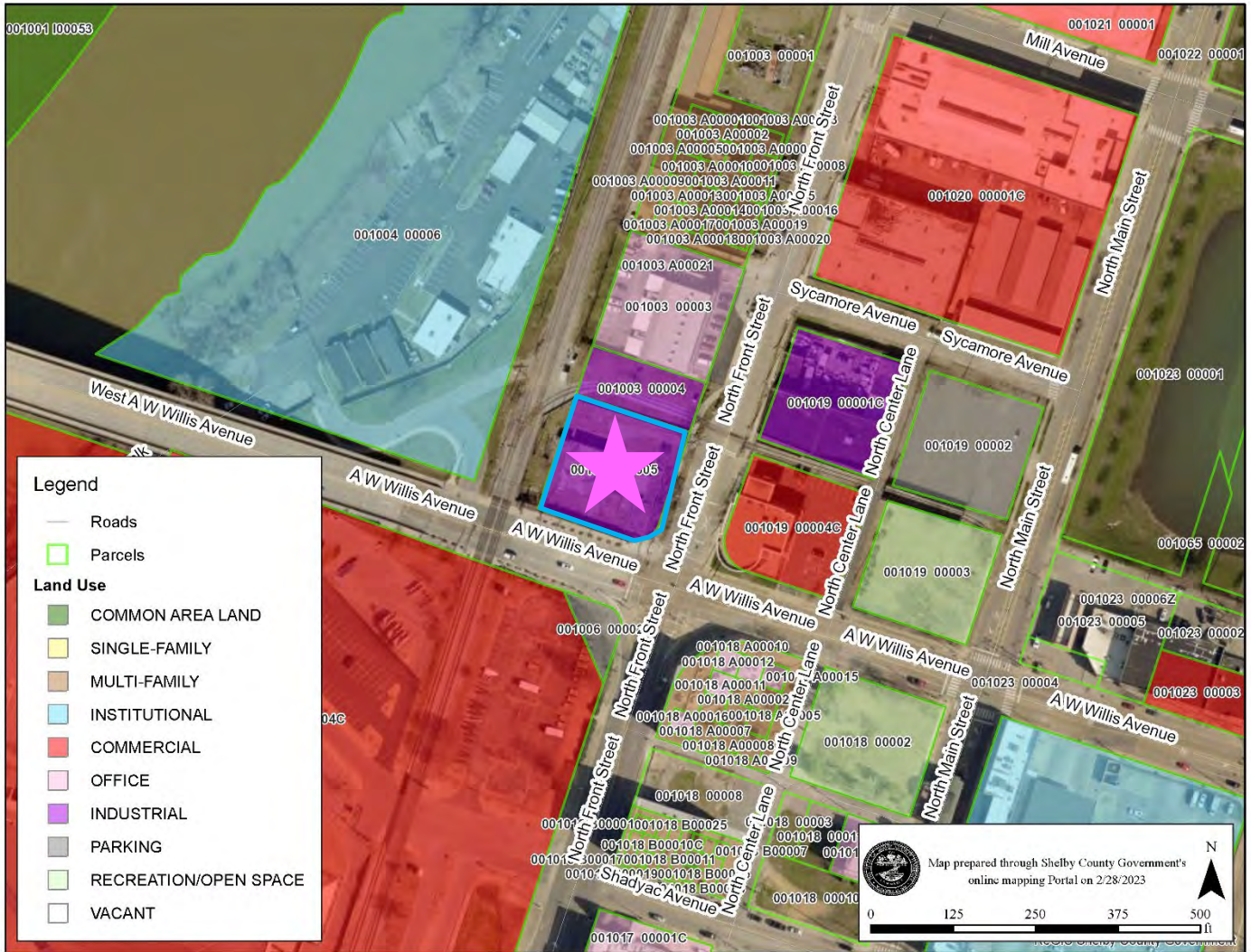
North: IH

East: Mixed Use (MU)

South: IH

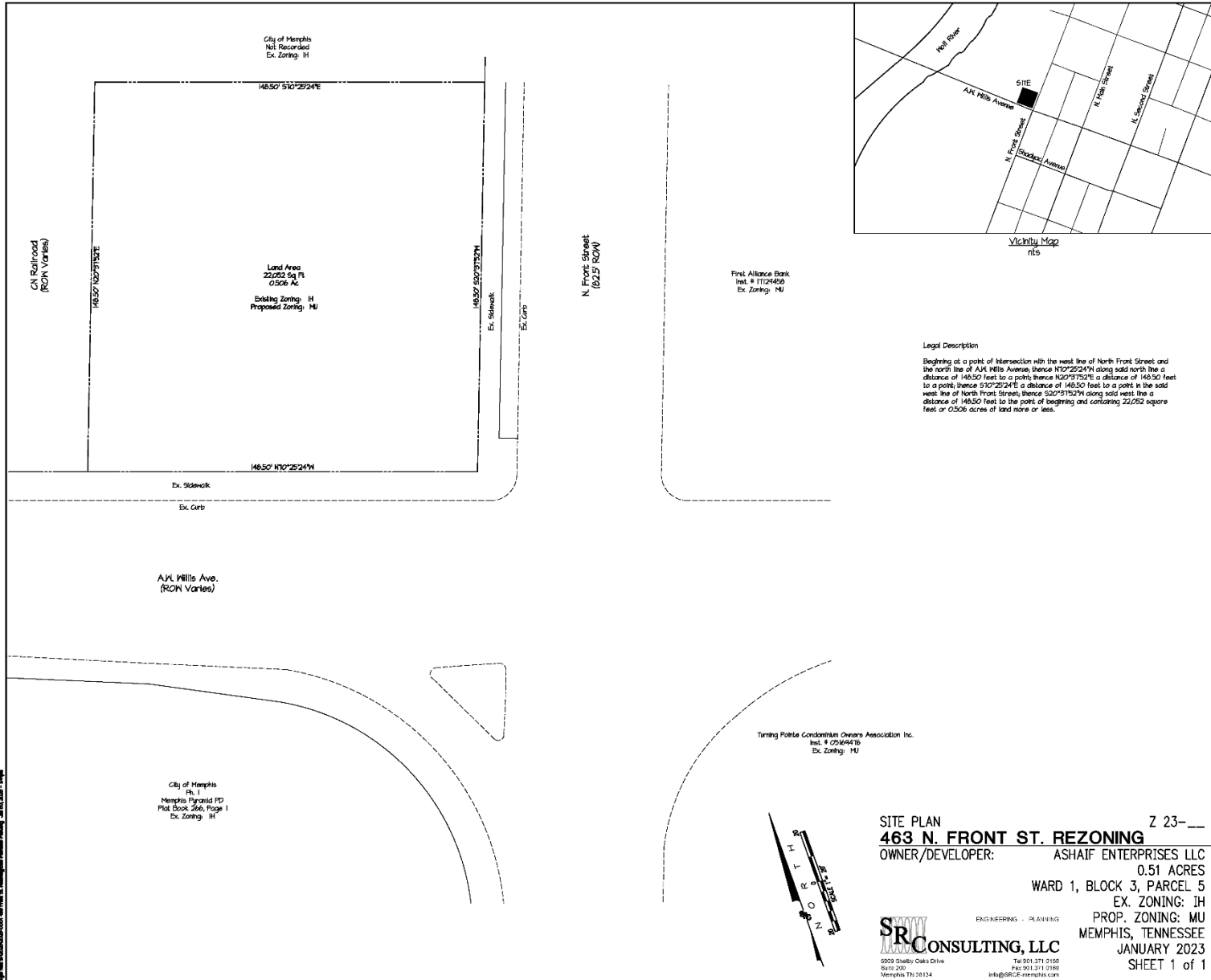
West: IH

LAND USE MAP



Subject property outlined in electric blue and indicated by pink star

PLOT PLAN



SITE PHOTOS



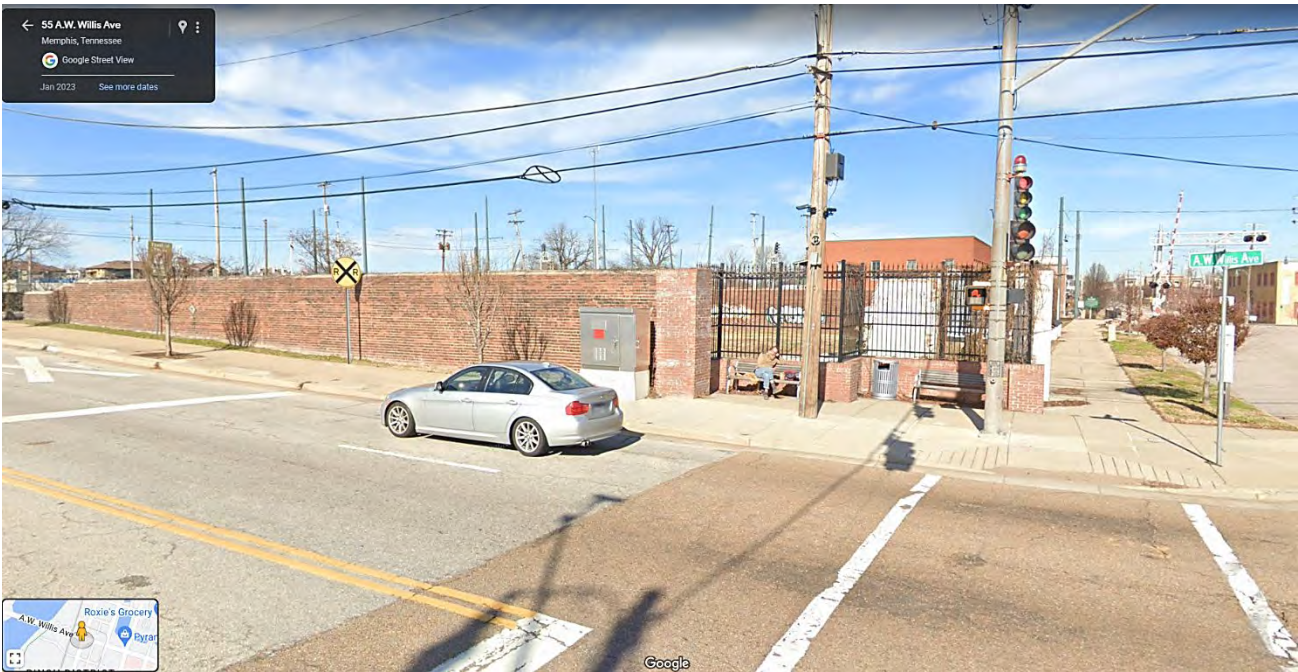
View of subject property from North Front Street looking southwest



View of subject property from North Front Street looking northwest



View of subject property from private driveway looking west



View of subject property from A.W. Willis Avenue looking north

STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is to rezone 0.506 acres from Heavy Industrial (IH) to Mixed Use (MU).

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);

9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;

9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The subject property is +/-0.506 acres and comprised of one parcel located at the northwest corner of North Front Street and A.W. Willis Avenue. The site is currently zoned Heavy Industrial (IH) and is vacant land. According to the Assessor of Property site, it is appraised as vacant industrial land. Remnants of the previous brick and wrought iron fencing are present around the perimeter, as well as a curb cut from North Front Street for the previous building. The Assessor website also shows that a demolition permit was issued for the structure on May 28, 2021. Lastly, the property abuts a railroad in the rear and to the north.

Conclusions

The request is to rezone 0.506 acres from Heavy Industrial (IH) to Mixed Use (MU).

The intent of the MU District is for uses to be physically integrated, permitting land use types such as commercial, townhouses, apartments and institutions.

Properties directly across North Front Street, west of the subject property, are zoned MU.

Staff finds the request is an appropriate zoning district for the area and will be compatible with the surrounding land uses.

The subject property is currently vacant.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer: See comments as follows:

CITY ENGINEERING COMMENTS - 17 **DATE: 3/3/2023**

CASE: Z-23-003 **NAME: 463 N Front St; PINCH DISTRICT**

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

Sewers:

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

City/County Fire Division: No comments received.

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: See comments as follows:

From: Leigh Huffman, Municipal Planner

Date: February 23, 2023

Subject: OSR Comments on Z 23-03: PINCH DISTRICT

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 Applicant would like to rezone a parcel from Heavy Industrial (IH) to Mixed Use (MU). The parcel in question is not listed as a brownfield or hazardous waste site on the United States Environmental Protection Agency¹; however, there are four hazardous waste EPA Facilities of Interest within a block of the location.

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. Rezoning the property to a zoning district that allows mixed-use developments will promote future infill development, which is consistent with Section 4.2 – Smart Growth.

Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations: Staff recommends that the Property Owner and/or Developer continue to do due diligence regarding the former uses on the site and conduct environmental assessments prior to construction.

Office of Comprehensive Planning: See comments as follows:

Site Address/Location: 463 N Front

Overlay District/Historic District/Flood Zone: In the Central Business Improvement District, not in a Historic District, located in a Flood Zone with a reduced flood risk due to levee

Future Land Use Designation: Anchor Neighborhood-Urban (AN-U)

Street Type: Avenue

The applicant is requesting to rezone the parcel from Heavy Industrial (IH) to Mixed-Use (MU). In an email correspondence between the applicant's representative and the LUDS staff planner, the applicant intends on constructing apartments on the parcel.

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

¹ EPA (n.d.). *EnviroMapper*. <https://enviro.epa.gov/enviro/em4ef.home>. Accessed February 23, 2023.

1. Future Land Use Planning Map



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

2. Land Use Description/Intent

Anchor Neighborhood-Urban (AN-U) are walkable residential and mixed-use within a 5 – 10-minute walk of a City Anchor, consisting of block-scale buildings. Graphic portrayal of AN-U is to the right.



“AN-U” Form & Location Characteristics

NURTURE, SUSTAIN, and ACCELERATE

Buildings attached, semi-detached, and detached; Primarily block-scale with some house-scale, Residential, commercial, or mix of uses; Primarily within 1/4 mile of a Citywide Anchor

“AN-U” Zoning Notes

Generally compatible with the following zone districts: RU-4, RU-5, R-B, CBD in accordance with form and characteristics listed above.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, IH

Adjacent Land Use and Zoning: Commercial, MU, CMU-3

Overall Compatibility: *This requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land use and zoning. While, the requested zoning is not listed in the zoning notes, it is compatible with all zoning districts listed.*

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Accelerate.

4. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

The proposed application is a private investment and promoting pedestrian-oriented infill development and allowing a greater mix of uses.

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.1 – Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density.

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

The parcel is located in the Core City Planning District and the requested use is consistent with Core City priority – Encourage growth and density by improving underutilized land for development.

Consistency Analysis Summary

The applicant is requesting to rezone the parcel from Heavy Industrial (IH) to Mixed-Use (MU). In an email correspondence between the applicant’s representative and the LUDS staff planner, the applicant intends on constructing apartments on the parcel. This requested use is compatible with the land use description/intent, form & location

characteristics, and existing, adjacent land use and zoning. While, the requested zoning is not listed in the zoning notes, it is compatible with all zoning districts listed.

The proposed application is a private investment and promoting pedestrian-oriented infill development and allowing a greater mix of uses. The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.1 – Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density. The parcel is located in the Core City Planning District and the requested use is consistent with Core City priority – Encourage growth and density by improving underutilized land for development.

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

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: February 3, 2023

Record Number: Z 2023-003

Expiration Date:

Record Name: 463 N . Front St. Rezoning

Description of Work: Rezoning from IH to MU

Parent Record Number:

Address:

463 N FRONT ST, MEMPHIS 38105

Owner Information

Primary Owner Name

Y ASHAIF ENTERPRISES LLC

Owner Address

3000 WALNUT GROVE RD, MEMPHIS, TN 38111

Owner Phone

Parcel Information

001003 00005

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning No

GENERAL INFORMATION

Letter?
 Have you held a neighborhood meeting? No
 If yes, please provide additional information -
GIS INFORMATION
 Central Business Improvement District Yes
 Case Layer -
 Class I
 Downtown Fire District No
 Historic District -
 Land Use VACANT
 Municipality MEMPHIS
 Overlay/Special Purpose District Central Business Improvement District
 Zoning IH
 State Route -
 Lot 420T0423
 Subdivision -
 Planned Development District -
 Wellhead Protection Overlay District -

Contact Information

Name ASHAIF ENTERPRISES LLC Contact Type APPLICANT
 Address

Phone
-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1446547	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	02/03/2023
1446547	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	02/03/2023

Total Fee Invoiced: \$1,026.00 Total Balance: \$0.00

Payment Information

Payment Amount \$1,026.00 Method of Payment Credit Card

LETTER OF INTENT



Date: January 24, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: 463 N. Front St. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 463 N. Front Street, at the northwest corner of N. Front Street and A.W. Willis Avenue. The property is within the IH zoning district and is approximately 0.51 acres in area. We are requesting a rezoning to the MU zoning district which is compatible with the adjacent properties to the east.

We appreciate your support with this request. Please contact me if you have any questions.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Cindy Reaves, being duly sworn, depose and say that at 5:28 pm on the 27th day of February, 2023 I posted two Public Notice Signs pertaining to Case No. Z 23-003 one on the property located at 463 N. Front Street and one on A.W. Willis Avenue providing notice of a Public Hearing before the March 9, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Rezoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Cindy Reaves
Owner, Applicant or Representative

2/28/2023
Date

Subscribed and sworn to before me this 28th day of February, 2023

Robert M. Sweeney
Notary Public
My commission expires: 9/27/23





**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**
CITY HALL, 125 N. MAIN STREET, SUITE 468, MEMPHIS, TN 38103-2084, (901) 636-6619

PUBLIC NOTICE

**AN APPLICATION HAS
BEEN FILED FOR A**

REZONING

ON THIS PROPERTY.

**A PUBLIC HEARING
WILL BE HELD.**

CASE NO: Z 23-003

INFORMATION: 636-6619

DEFACING, TAMPERING WITH OR REMOVAL OF THIS SIGN BY ANYONE OTHER THAN THE PROPERTY OWNER OR HIS AGENT IS PROHIBITED BY CITY OF MEMPHIS & SHELBY COUNTY ORDINANCES

LETTERS RECEIVED

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



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: February 3, 2023

Record Number: Z 2023-003

Expiration Date:

Record Name: 463 N. Front St. Rezoning

Description of Work: Rezoning from IH to MU

Parent Record Number:

Address:

463 N FRONT ST, MEMPHIS 38105

Owner Information

Primary Owner Name

Y ASHAIF ENTERPRISES LLC

Owner Address

3000 WALNUT GROVE RD, MEMPHIS, TN 38111

Owner Phone

Parcel Information

001003 00005

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner

N/A

Date of Meeting

-

GENERAL INFORMATION

Is this application in response to a citation from
Construction Code Enforcement or Zoning

No

GENERAL INFORMATION

Letter? No
Have you held a neighborhood meeting? No
If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District Yes
Case Layer -
Class I
Downtown Fire District No
Historic District -
Land Use VACANT
Municipality MEMPHIS
Overlay/Special Purpose District Central Business Improvement District
Zoning IH
State Route -
Lot 420T0423
Subdivision -
Planned Development District -
Wellhead Protection Overlay District -

Contact Information

Name ASHAIF ENTERPRISES LLC Contact Type APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1446547	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	02/03/2023
1446547	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	02/03/2023

Total Fee Invoiced: \$1,026.00

Total Balance: \$0.00

Payment Information

Payment Amount \$1,026.00 Method of Payment Credit Card

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Nash Hassen (Print Name)  (Sign Name), state that I have read the definition of

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 463 N. Front St.

and further identified by Assessor's Parcel Number 001003 00005

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 25th day of JAN in the year of 2023.



Signature of Notary Public



My Commission Expires
January 19, 2025

My Commission Expires



ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel: 901-373-0380
Fax: 901-373-0370
www.SRCE-memphis.com

Date: January 24, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: 463 N. Front St. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 463 N. Front Street, at the northwest corner of N. Front Street and A.W. Willis Avenue. The property is within the IH zoning district and is approximately 0.51 acres in area. We are requesting a rezoning to the MU zoning district which is compatible with the adjacent properties to the east.

We appreciate your support with this request. Please contact me if you have any questions.

City of Memphis
Not Recorded
Ex. Zoning: IH

148.50' S10°25'24"E

CN Railroad
(ROW Varies)

148.50' N20°31'52"E

Land Area
22,052 sq Ft
0.506 Ac

Existing Zoning: IH
Proposed Zoning: MU

148.50' S20°31'52"W

Ex. Sidewalk

Ex. Curb

N. Front Street
(82.5' ROW)

First Alliance Bank
Inst. # 17124458
Ex. Zoning: MU

148.50' N10°25'24"W

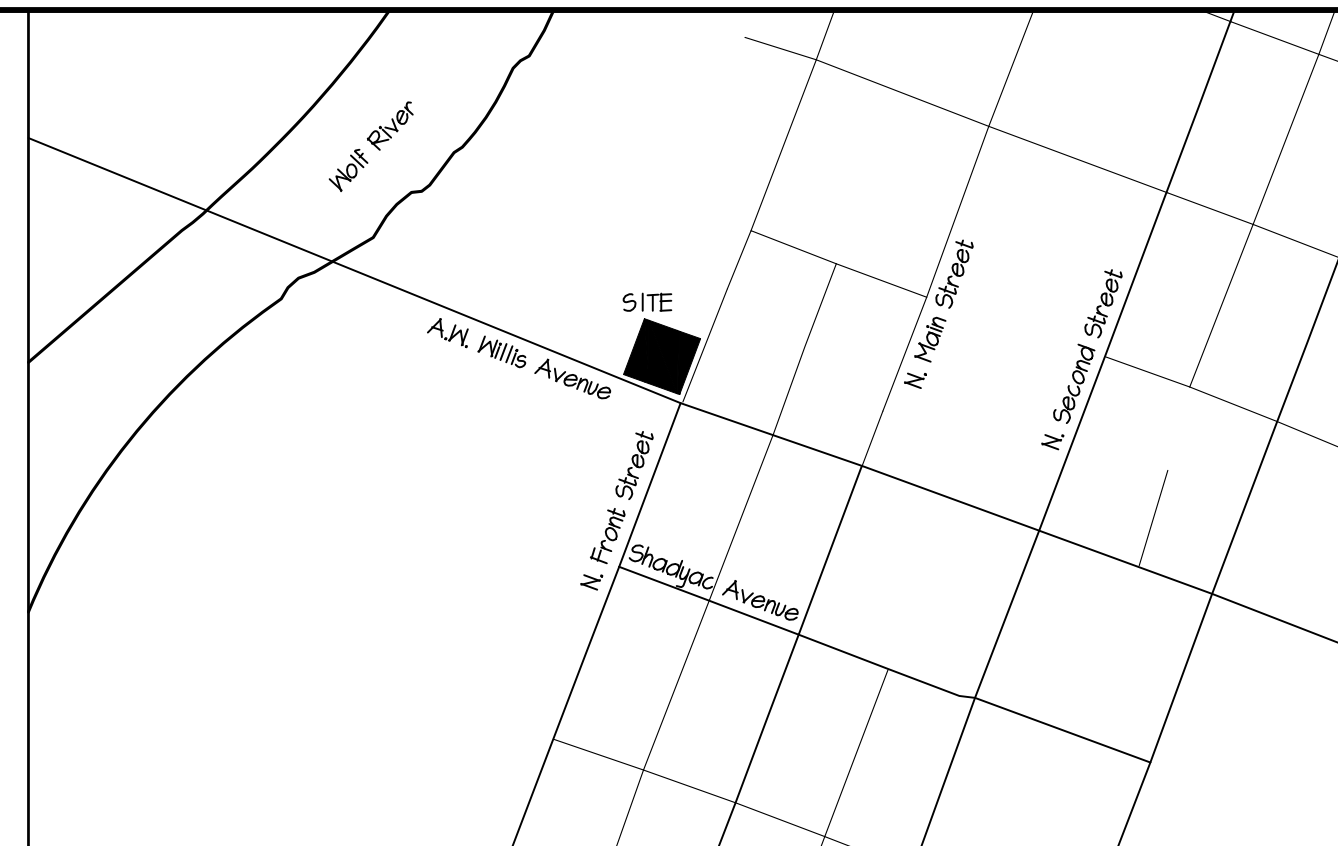
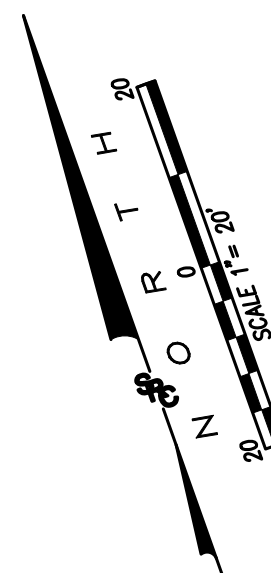
Ex. Sidewalk

Ex. Curb

A.W. Willis Ave.
(ROW Varies)

City of Memphis
Ph. 1
Memphis Pyramid PD
Plat Book 266, Page 1
Ex. Zoning: IH

Turning Pointe Condominium Owners Association Inc.
Inst. # 05164476
Ex. Zoning: MU



Vicinity Map
nts

Legal Description

Beginning at a point of intersection with the west line of North Front Street and the north line of A.W. Willis Avenue; thence N10°25'24"W along said north line a distance of 148.50 feet to a point; thence N20°31'52"E a distance of 148.50 feet to a point; thence S10°25'24"E a distance of 148.50 feet to a point in the said west line of North Front Street; thence S20°31'52"W along said west line a distance of 148.50 feet to the point of beginning and containing 22,052 square feet or 0.506 acres of land more or less.

SITE PLAN
463 N. FRONT ST. REZONING

Z 23-__

OWNER/DEVELOPER: ASHAIF ENTERPRISES LLC

0.51 ACRES

WARD 1, BLOCK 3, PARCEL 5

EX. ZONING: IH

PROP. ZONING: MU

MEMPHIS, TENNESSEE

JANUARY 2023

SHEET 1 of 1

SRCONSULTING, LLC

ENGINEERING - PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel 901.371.0150
Fax 901.371.0160
info@SRCE-memphis.com

Legal Description

Beginning at a point of intersection with the west line of North Front Street and the north line of A.W. Willis Avenue; thence N70°25'24"W along said north line a distance of 148.50 feet to a point; thence N20°37'52"E a distance of 148.50 feet to a point; thence S70°25'24"E a distance of 148.50 feet to a point in the said west line of North Front Street; thence S20°37'52"W along said west line a distance of 148.50 feet to the point of beginning and containing 22,052 square feet or 0.506 acres of land more or less.



Legend

polygonLayer
 - Override 1
 - Override 2

polygonLayer
 - Override 1


— Roads

□ Parcels

■ Red: Band_1

■ Green: Band_2

■ Blue: Band_3



Map prepared through Shelby County Government's online mapping Portal on 1/16/2023

0 0.02 0.04 0.06 0.08 mi

North arrow pointing up with 'N' above it.

ASHAIF ENTERPRISES LLC
3000 WALNUT GROVE RD #200
MEMPHIS TN 38111

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

GPN LLC
PO BOX 771684 #
MEMPHIS TN 38177

SHOFFNER CHARLES W
612 S MAIN ST #
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

P FIN I LLC
3525 PIEDMONT RD #5, STE 410
ATLANTA GA 30305

CITY OF MEMPHIS PARK COMM
125 N MAIN ST #
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

N FRONT 400 LLC
3500 S DUPONT HWY #
DOVER DE 19901

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

EDWARDS W TERRY & BARBARA B
2901 PINE VALLEY DR #
MIRAMAR BEACH FL 32550

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

SCIFRES HAROLD L JR AND MARY A SCIFRES
205 ALTA VISTA #
MARION AR 72364

LYNCH COREY A & CHRISTINE A
6829 S ATLANTIC AVE #
NEW SMYRNA BEACH FL 32169

SANDERSON JEFF & SUSANNE
4269 U S HIGHWAY 45 W #
KENTON TN 38233

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

UNITED STATES OF AMERICA US COAST GUARD
2 AUCTION AVE #
MEMPHIS TN 38105

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

DOWNTOWN MINI STORAGE LLC
525 N MAIN ST #
MEMPHIS TN 38105

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

BASA RAMESH & JAYALAKSHMI PATTELA
5395 GARDEN TRAIL LN
COLLIERVILLE TN 38017

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

FREIRE AMADO X & NANCY V
9901 S HOUSTON WAY #
GERMANTOWN TN 38139

CSC PROPERTIES CRAIG MEDNIKOW
5265 WILTON CV #
MEMPHIS TN 38117

N6GH INVESTMENTS LLC
475 N MAIN ST
MEMPHIS TN 38105

VRANICH YOLANDA
497 N FRONT ST ##109
MEMPHIS TN 38109

N MAIN 429 LLC
5384 POPLAR AVE #400
MEMPHIS TN 38119

CITY OF MEMPHIS PARK COMM
125 N MAIN ST #
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

WILSON HEATHER J
440 N FRONT ST #208
MEMPHIS TN 38105

MEMPHIS AREA TRANSIT AUTHORITY
1370 LEVEE RD #
MEMPHIS TN 38108

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST
MEMPHIS TN 38105

CRONK MICHAEL T
1793 MADISON AVE #203
MEMPHIS TN 38104

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

HIGHSMITH WILLIE JR IRREVOCABLE TRUST
PO BOX 1090 #
PARIS TN 38242

WASHINGTON SIMONE
426 N FRONT ST #302
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

CRAIG S MEDNIKOW AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

TORELLI BRUCE L
426 N FRONT ST #301
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

RIVER MERCHANT LOFTS CONDOMINIUM OWNERS
480 N FRONT ST #
MEMPHIS TN 38105

BARKER WILLIAM J JR
426 N FRONT ST #204
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

TURNING POINTE CONDOMINIUM OWNERS
390 S MAIN ST #
MEMPHIS TN 38103

STITTIAMS RYAN K
426 N FRONT ST #206
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

MOORE JON G
440 N FRONT ST #207
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

N MAIN 429 LLC
5384 POPLAR AVE #400
MEMPHIS TN 38119

WALDMAN CHARLES E
440 N FRONT ST #205
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST
MEMPHIS TN 38105

MEMPHIS CENTER CITY REVENUE FINANCE CORP
695 W POPLAR AVE #1
COLLIERVILLE TN 38017

BOSCH JASON
79-755 RYAN WAY
BERMULA DONES CA 92203

HARDY ROBERT JR
440 N FRONT ST #201
MEMPHIS TN 38105

WEERASINGHE NALIN S
426 N FRONT ST #101
MEMPHIS TN 38103

BARNETT LLOYD S & AMIE K DEVEREUX
426 N FRONT ST #304
MEMPHIS TN 38103

GABRE EZRA G
497 N FRONT ST #205
MEMPHIS TN 38105

FIRST ALLIANCE BANK
51 GERMANTOWN CT #100
CORDOVA TN 38018

HARBOR LIGHTS CONDOMINIUM OWNERS
493 N FRONT ST #104
MEMPHIS TN 38103

SULLIVAN ELLEN J
497 N FRONT ST #110
MEMPHIS TN 38105

STELLA TURNER LIVING TRUST
655 S RIVERSIDE DR #1208
MEMPHIS TN 38103

CITY OF MEMPHIS TENNESSEE
125 N MID AMERICA MALL #568
MEMPHIS TN 38103

WALLACE JAMES H
497 N FRONT ST #105
MEMPHIS TN 38105

MEMPHIS CENTER CITY REVENUE FINANCE CORP
695 W POPLAR AVE #1
COLLIERVILLE TN 38017

SHIPMAN KELLY R
426 N FRONT ST #305
MEMPHIS TN 38103

N MAIN 429 LLC
5384 POPLAR AVE #400
MEMPHIS TN 38119

FARNSLEY RYAN L
426 N FRONT ST #107
MEMPHIS TN 38103

N MAIN 429 LLC
5384 POPLAR AVE #400
MEMPHIS TN 38119

WILLIAMS MARLON L
426 N FRONT ST #105
MEMPHIS TN 38103

SCHMIDT BRYAN T
440 N FRONT ST #103
MEMPHIS TN 38103

FOX JOSEPH D
426 N FRONT ST #202
MEMPHIS TN 38103

BARNETT BARRY L & LINDA D
493 N FRONT ST #104
MEMPHIS TN 38105

SWAUNCY AISHA
426 N FRONT ST #104
MEMPHIS TN 38103

CASHMIR LLC
1084 PORTSIDE DR
CORDOVA TN 38018

ROSS ERION
426 N FRONT ST #103
MEMPHIS TN 38103

CASHMIR LLC
426 N FRONT ST #402
MEMPHIS TN 38103

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Ashaif Enterprises LLC
3000 Walnut Grove Rd. #200
Memphis, TN 38111

Ashaif Enterprises LLC
3000 Walnut Grove Rd. #200
Memphis, TN 38111

Ashaif Enterprises LLC
3000 Walnut Grove Rd. #200
Memphis, TN 38111

Ashaif Enterprises LLC
3000 Walnut Grove Rd. #200
Memphis, TN 38111

Ashaif Enterprises LLC
3000 Walnut Grove Rd. #200
Memphis, TN 38111

001003 00005 - ASHAIF ENTERPRISES LLC
001003 00003 - SHOFFNER CHARLES W
001018 00002 - CITY OF MEMPHIS PARK COMM
001017 00001C - N FRONT 400 LLC
001023 00006Z - CITY OF MEMPHIS
001018 B00006 - LYNCH COREY A & CHRISTINE A
001018 00008 - MCCONNELL KUM C
001018 A00005 - MCCONNELL KUM C
001018 A00011 - MCCONNELL KUM C
001018 A00015 - MCCONNELL KUM C
001003 A00014 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00012 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00013 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00011 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00004 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00003 - SANDERSON JEFF & SUSANNE
001003 A00002 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00001 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001018 B00019 - BASA RAMESH & JAYALAKSHMI PATTELA
001018 B00018 - FREIRE AMADO X & NANCY V
001018 B00008 - GPN LLC
001018 B00002 - P FIN I LLC
001003 00004 - CITY OF MEMPHIS
001018 B00024 - EDWARDS W TERRY & BARBARA B
001018 A00004 - SCIFRES HAROLD L JR AND MARY A SCIFRES

001018 A00016 - MCCONNELL KUM C
001004 00006 - UNITED STATES OF AMERICA US COAST GUARD
001020 00001C - DOWNTOWN MINI STORAGE LLC
001023 00001 - CITY OF MEMPHIS
001019 00001C - CSC PROPERTIES CRAIG MEDNIKOW
001019 00002 - N6GH INVESTMENTS LLC
001019 00003 - CITY OF MEMPHIS PARK COMM
001024 00002C - MEMPHIS AREA TRANSIT AUTHORITY
001018 A00012 - MCCONNELL KUM C
001003 A00020 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00019 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00018 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00016 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00017 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00008 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00009 - VRANICH YOLANDA
001003 A00007 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001003 A00006 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW
001018 B00020 - HIGHSMITH WILLIE JR IRREVOCABLE TRUST
001003 00001 - CRAIG S MEDNIKOW AND STACY P MEDNIKOW
001003 A00021 - RIVER MERCHANT LOFTS CONDOMINIUM OWNERS
001018 A00010 - TURNING POINTE CONDOMINIUM OWNERS
001006 00002 - MEMPHIS CITY OF
001018 00003 - N MAIN 429 LLC
001023 00005 - MEMPHIS CENTER CITY REVENUE FINANCE CORP

001018 00011 - N MAIN 429 LLC
001018 A00009 - WILSON HEATHER J
001018 B00015 - CRONK MICHAEL T
001018 B00014 - WASHINGTON SIMONE
001018 B00013 - TORELLI BRUCE L
001018 B00011 - BARKER WILLIAM J JR
001018 B00010C - STITTIAMS RYAN K
001018 A00008 - MOORE JON G
001018 A00006 - WALDMAN CHARLES E
001018 A00003 - BOSCH JASON
001018 A00002 - HARDY ROBERT JR
001003 A00015 - GABRE EZRA G
001003 A00010 - SULLIVAN ELLEN J
001003 A00005 - WALLACE JAMES H
001018 B00017 - SHIPMAN KELLY R
001018 B00007 - FARNSLEY RYAN L
001018 B00005 - WILLIAMS MARLON L
001018 B00009 - FOX JOSEPH D
001018 B00004 - SWAUNCY AISHA
001018 B00003 - ROSS ERION
001018 B00001 - WEERASINGHE NALIN S
001019 00004C - FIRST ALLIANCE BANK
001018 A00007 - STELLA TURNER LIVING TRUST
001023 00004 - MEMPHIS CENTER CITY REVENUE FINANCE CORP
001018 00012 - N MAIN 429 LLC

001018 00010 - N MAIN 429 LLC

001018 A00013 - SCHMIDT BRYAN T

001018 B00023 - BARNETT BARRY L & LINDA D

001018 B00022 - CASHMIR LLC

001018 B00021 - CASHMIR LLC

001018 B00016 - BARNETT LLOYD S & AMIE K DEVEREUX

001018 B00025 - HARBOR LIGHTS CONDOMINIUM OWNERS

001004 00004C - CITY OF MEMPHIS TENNESSEE



Shelby County Tennessee

Shelandra Y Ford

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

21062392

05/23/2021 - 06:27:30 PM

4 PGS

CHRISTINAM 2231936-21062392

VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
EFILE FEE	2.00
TOTAL AMOUNT	24.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

This Instrument Prepared by
And Return To:
Stewart G. Austin, Jr.
GLANKLER BROWN, PLLC
6000 Poplar, Suite 400
Memphis, TN 38119

QUIT CLAIM DEED

THIS INDENTURE, made and entered into effective as of the 10 day of May, 2021, by and between **LOUIS BUCCERI**, Trustee in his capacity as Trustee of the Edward Gore Reynolds Revocable Trust^{*} and the Trustee of the Terminating Trust created under the under the Edward Gore Reynolds Revocable Trust (hereinafter called "Grantor"), and **ASHAIF ENTERPRISES LLC**, a Tennessee limited liability company (hereinafter called "Grantee").

*, dated January 6, 2015,

WITNESSETH:

That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, Grantor has bargained and sold and does hereby bargain, sell, quit claim and convey unto Grantee any and all of her interest in the following described real estate, situated and being in the City of Memphis, Shelby County, State of Tennessee, to-wit:

Beginning at a point of intersection with the northwest line of North Front Street and the northeast line of Auction Street; thence northeastwardly along said northwest line a distance of 148.50 feet to a point; thence northwestwardly parallel with Auction Street a distance of 148.50 feet to a point; thence southwestwardly parallel with North Front Street a distance of 148.50 feet to a point in the northeast line of Auction Street; thence southeastwardly along said northeast line a distance of 148.50 feet to the point of beginning.

Being the same property conveyed to Edward G Reynolds by deed of record at Instrument No. 08016218 in the Register's Office of Shelby County, Tennessee. Edward George Reynolds died on or about July 4, 2018, and his estate as to Tennessee property has been administered under Shelby County Probate Court Case No. PR-18284-I, with the sale of the Property

WITNESS the execution of this instrument by Grantor as of the day and year first above written.

LOUIS BUCCERI, Trustee in his capacity as Trustee of the Edward Gore Reynolds Revocable Trust and the Trustee of the Terminating Trust created under the under the Edward Gore Reynolds Revocable Trust

STATE OF Connecticut
COUNTY OF Litchfield

*, dated January 6, 2015,

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **LOUIS BUCCERI**, Trustee of the Edward Gore Reynolds Revocable Trust and the Trustee of the Terminating Trust created under the under the Edward Gore Reynolds Revocable Trust, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 10th day of May, 2021.

Notary Public

My Commission expires: _____

NICOLE M. CHASE

NOTARY PUBLIC *****

My Commission Expires March 31, 2022 State of: Tennessee County of: Shelby

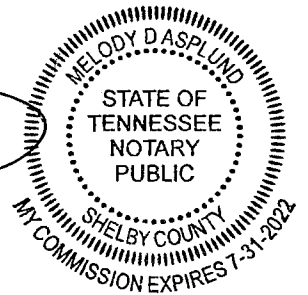
I hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is less than \$10.00.

Affiant

Subscribed and sworn to before me this 13 day of May, 2021.

Notary Public

My Commission Expires: _____



Property Address:
463 N. Front Street
Memphis, TN 38105

Name and Property Address of
Owner and Mail Tax Bills to:

ASHAIF ENTERPRISES, LLC
3000 Walnut Grove Rd. #200
Memphis, TN 38111

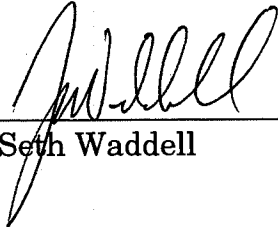
Tax Parcel No. 001003 00005

made under order authorizing the sale dated as of May ^{4th} 10, 2021. This quit claim deed is executed for the purpose of having the trusts named herein convey any interest they may have in the Property to the Grantee.

Edward Gore Reynolds and Edward G Reynolds are one and the same person.

[signature page follows]

I, J. Seth Waddell, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

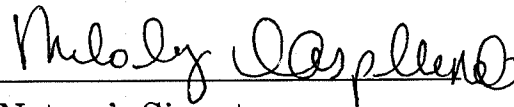


J. Seth Waddell

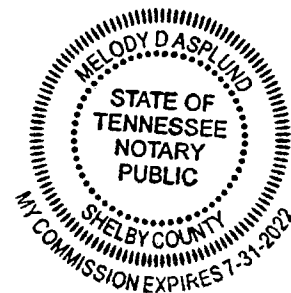
State of Tennessee

County of Shelby

Personally appeared before me, Melody D. Asplund, a notary public for this county and state, J. Seth Waddell, who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.



Notary's Signature





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

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

March 14, 2023

SR Consulting, LLC
5909 Shelby Oaks Dr.
Memphis, TN 38134

Sent via electronic mail to: Cindy Reaves, cindy.reaves@srce-memphis.com

Case Number: Z 23-003
LUCB Recommendation: Approval

Dear Applicant,

On Thursday, March 9, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at the northwest corner of North Front Street and A.W. Willis Avenue to be included in the Mixed Use (MU) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. 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 Kendra.Cobbs@memphistn.gov.

Respectfully,
Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Melissa Johnson, SR Consulting, LLC
File

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, _____ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** Z 23-003
- LOCATION:** 463 N Front Street – Northwest corner of N Front Street and A.W. Willis Avenue
- COUNCIL DISTRICTS:** District 7 and Super District 8
- OWNER/APPLICANT:** Ashaif Enterprises, LLC/ Ashaif Enterprises, LLC
- REPRESENTATIVE:** Cindy Reaves on behalf of SR Consulting, LLC
- REQUEST:** Rezoning of +/-0.506 acres from Heavy Industrial (IH) to Mixed Use (MU)

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, _____, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance's or protests against the making of such changes; such remonstrance's or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis' website.

THIS THE _____, _____

MARTAVIOUS JONES
CHAIRMAN OF COUNCIL

ATTEST:

WALTER PERSON
CITY COMPTROLLER

TO BE PUBLISHED:



Legend

polygonLayer
 - Override 1
 - Override 2

polygonLayer
 - Override 1


— Roads

□ Parcels

■ Red: Band_1

■ Green: Band_2

■ Blue: Band_3



Map prepared through Shelby County Government's
 online mapping Portal on 1/16/2023

0 0.02 0.04 0.06 0.08 mi

North Arrow

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Ashaif Enterprises LLC
3000 Walnut Grove Rd. #200
Memphis, TN 38111

Ashaif Enterprises LLC
3000 Walnut Grove Rd. #200
Memphis, TN 38111

Ashaif Enterprises LLC
3000 Walnut Grove Rd. #200
Memphis, TN 38111

Ashaif Enterprises LLC
3000 Walnut Grove Rd. #200
Memphis, TN 38111

Ashaif Enterprises LLC
3000 Walnut Grove Rd. #200
Memphis, TN 38111

ASHAIF ENTERPRISES LLC
3000 WALNUT GROVE RD #200
MEMPHIS TN 38111

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

GPN LLC
PO BOX 771684 #
MEMPHIS TN 38177

SHOFFNER CHARLES W
612 S MAIN ST #
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

P FIN I LLC
3525 PIEDMONT RD #5, STE 410
ATLANTA GA 30305

CITY OF MEMPHIS PARK COMM
125 N MAIN ST #
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

N FRONT 400 LLC
3500 S DUPONT HWY #
DOVER DE 19901

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

EDWARDS W TERRY & BARBARA B
2901 PINE VALLEY DR #
MIRAMAR BEACH FL 32550

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

SCIFRES HAROLD L JR AND MARY A SCIFRES
205 ALTA VISTA #
MARION AR 72364

LYNCH COREY A & CHRISTINE A
6829 S ATLANTIC AVE #
NEW SMYRNA BEACH FL 32169

SANDERSON JEFF & SUSANNE
4269 U S HIGHWAY 45 W #
KENTON TN 38233

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

UNITED STATES OF AMERICA US COAST GUARD
2 AUCTION AVE #
MEMPHIS TN 38105

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

DOWNTOWN MINI STORAGE LLC
525 N MAIN ST #
MEMPHIS TN 38105

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

BASA RAMESH & JAYALAKSHMI PATTELA
5395 GARDEN TRAIL LN
COLLIERVILLE TN 38017

CITY OF MEMPHIS
125 N MAIN ST #
MEMPHIS TN 38103

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

FREIRE AMADO X & NANCY V
9901 S HOUSTON WAY #
GERMANTOWN TN 38139

CSC PROPERTIES CRAIG MEDNIKOW
5265 WILTON CV #
MEMPHIS TN 38117

N6GH INVESTMENTS LLC
475 N MAIN ST
MEMPHIS TN 38105

VRANICH YOLANDA
497 N FRONT ST ##109
MEMPHIS TN 38109

N MAIN 429 LLC
5384 POPLAR AVE #400
MEMPHIS TN 38119

CITY OF MEMPHIS PARK COMM
125 N MAIN ST #
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

WILSON HEATHER J
440 N FRONT ST #208
MEMPHIS TN 38105

MEMPHIS AREA TRANSIT AUTHORITY
1370 LEVEE RD #
MEMPHIS TN 38108

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST
MEMPHIS TN 38105

CRONK MICHAEL T
1793 MADISON AVE #203
MEMPHIS TN 38104

MCCONNELL KUM C
132 ROBERTS BLVD #
SATSUMA FL 32189

HIGHSMITH WILLIE JR IRREVOCABLE TRUST
PO BOX 1090 #
PARIS TN 38242

WASHINGTON SIMONE
426 N FRONT ST #302
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

CRAIG S MEDNIKOW AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

TORELLI BRUCE L
426 N FRONT ST #301
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

RIVER MERCHANT LOFTS CONDOMINIUM OWNERS
480 N FRONT ST #
MEMPHIS TN 38105

BARKER WILLIAM J JR
426 N FRONT ST #204
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

TURNING POINTE CONDOMINIUM OWNERS
390 S MAIN ST #
MEMPHIS TN 38103

STITTIAMS RYAN K
426 N FRONT ST #206
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

MEMPHIS CITY OF
125 N MAIN ST #
MEMPHIS TN 38103

MOORE JON G
440 N FRONT ST #207
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST #
MEMPHIS TN 38105

N MAIN 429 LLC
5384 POPLAR AVE #400
MEMPHIS TN 38119

WALDMAN CHARLES E
440 N FRONT ST #205
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW
480 N FRONT ST
MEMPHIS TN 38105

MEMPHIS CENTER CITY REVENUE FINANCE CORP
695 W POPLAR AVE #1
COLLIERVILLE TN 38017

BOSCH JASON
79-755 RYAN WAY
BERMULA DONES CA 92203

HARDY ROBERT JR
440 N FRONT ST #201
MEMPHIS TN 38105

WEERASINGHE NALIN S
426 N FRONT ST #101
MEMPHIS TN 38103

BARNETT LLOYD S & AMIE K DEVEREUX
426 N FRONT ST #304
MEMPHIS TN 38103

GABRE EZRA G
497 N FRONT ST #205
MEMPHIS TN 38105

FIRST ALLIANCE BANK
51 GERMANTOWN CT #100
CORDOVA TN 38018

HARBOR LIGHTS CONDOMINIUM OWNERS
493 N FRONT ST #104
MEMPHIS TN 38103

SULLIVAN ELLEN J
497 N FRONT ST #110
MEMPHIS TN 38105

STELLA TURNER LIVING TRUST
655 S RIVERSIDE DR #1208
MEMPHIS TN 38103

CITY OF MEMPHIS TENNESSEE
125 N MID AMERICA MALL #568
MEMPHIS TN 38103

WALLACE JAMES H
497 N FRONT ST #105
MEMPHIS TN 38105

MEMPHIS CENTER CITY REVENUE FINANCE CORP
695 W POPLAR AVE #1
COLLIERVILLE TN 38017

SHIPMAN KELLY R
426 N FRONT ST #305
MEMPHIS TN 38103

N MAIN 429 LLC
5384 POPLAR AVE #400
MEMPHIS TN 38119

FARNSLEY RYAN L
426 N FRONT ST #107
MEMPHIS TN 38103

N MAIN 429 LLC
5384 POPLAR AVE #400
MEMPHIS TN 38119

WILLIAMS MARLON L
426 N FRONT ST #105
MEMPHIS TN 38103

SCHMIDT BRYAN T
440 N FRONT ST #103
MEMPHIS TN 38103

FOX JOSEPH D
426 N FRONT ST #202
MEMPHIS TN 38103

BARNETT BARRY L & LINDA D
493 N FRONT ST #104
MEMPHIS TN 38105

SWAUNCY AISHA
426 N FRONT ST #104
MEMPHIS TN 38103

CASHMIR LLC
1084 PORTSIDE DR
CORDOVA TN 38018

ROSS ERION
426 N FRONT ST #103
MEMPHIS TN 38103

CASHMIR LLC
426 N FRONT ST #402
MEMPHIS TN 38103

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

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 04/11/2023

DATE

PUBLIC SESSION: 04/11/2023

DATE

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at 5591 Pidgeon Roost Road. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Employment (EMP) Use District, known as case number Z 23-004

CASE NUMBER: Z 23-004

LOCATION: 5591 Pidgeon Roost Road

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

OWNER/APPLICANT: David Crouch

REPRESENTATIVES: David Crouch / SR Consulting

REQUEST: Rezoning of +/-21.413 acres from Conservation Agriculture (CA) to Employment (EMP)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – April 11, 2023
Second reading – April 25, 2023
Third reading – May 2, 2023

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
<u>03/09/2023</u>	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>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 23-004

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED 5591 PIDEAGON ROOST ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-004

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, March 09, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 23-004

LOCATION: 5591 Pidgeon Roost Road

COUNCIL DISTRICT(S): District 3, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: David Crouch

REPRESENTATIVE: David Crouch / SR Consulting

REQUEST: Rezoning of +/-21.413 acres from Conservation Agriculture (CA) to Employment (EMP)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

The motion passed by a unanimous vote of 9-0 on the consent agenda.

Respectfully,



Jordan McKenzie
Principal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 5591 PIDGEON ROOST ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-004

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 23-004**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

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

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

BOUNDARY

DESCRIPTION OF 21.413 ACRES, BEING PART OF THE DAVID V. COUCH PROPERTY AS RECORDED IN INSTRUMENT NUMBERS 22134407 AND 23003204 IN MEMPHIS, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF PIDGEON ROOST ROAD (ROW VARIES), APPROXIMATELY 595 FEET WEST OF THE WEST LINE OF OLD HIGHWAY 78 (ROW VARIES); THENCE S04°20'53"E A DISTANCE OF 280.86 FEET TO A POINT; THENCE S83°54'45"W A DISTANCE OF 949.13 FEET TO A POINT IN THE EAST LINE OF HIGHWAY 78/LAMAR AVENUE (ROW VARIES); THENCE N36°27'02"W A DISTANCE OF 54.97 FEET TO A POINT; THENCE N42°03'10"W A DISTANCE OF 328.91 FEET TO A POINT; THENCE N35°44'00"W A DISTANCE OF 488.01 FEET TO A POINT IN THE EAST LINE OF THE MICHAEL MACE PROPERTY AS RECORDED IN INSTRUMENT NUMBER 19072807; THENCE N05°29'10"W A DISTANCE OF 766.14 FEET TO A POINT IN THE SAID SOUTH LINE OF PIDGEON ROOST ROAD; THENCE S48°10'43"E A DISTANCE OF 1366.47 FEET TO A POINT; THENCE S50°56'01"E A DISTANCE OF 35.56 FEET TO A POINT; THENCE ALONG A 450.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 101.72 FEET (CHORD S57°24'33"E 101.50 FEET) TO A POINT; THENCE S63°53'05"E A DISTANCE OF 70.42 FEET TO A POINT; THENCE ALONG A 175.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 67.63 FEET (CHORD S74°57'21"E 67.21 FEET) TO A POINT; THENCE S83°47'33"E A DISTANCE OF 275.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 21.413 ACRES OF LAND MORE OR LESS

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

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.

ATTEST:

//: ATTACHMENTS

AGENDA ITEM: 18

CASE NUMBER: Z 2023-004

L.U.C.B. MEETING: March 09, 2023

LOCATION: 5591 Pidgeon Roost Road

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

OWNER/APPLICANT: David Crouch

REPRESENTATIVE: David Crouch

REQUEST: Rezoning of +/- 21.41 acres from Conservation Agriculture (CA) to Employment (EMP)

CONCLUSIONS

1. The request is to rezone 21.413 acres from Conservation Agriculture (CA) to Employment (EMP).
2. The purpose of this request is to allow for uses consistent with abutting properties.
3. Staff does have flood hazard concerns about the property, so future development of the site will be extensively review for flood mitigation.
4. Staff finds the request is consistent with the Memphis 3.0 and is an appropriate zoning district for the area that is compatible with the surrounding land uses.
5. The subject property is vacant currently.

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 16-18 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage: Pidgeon Roost Road +/- 1696 linear feet
Lamar Avenue +/- 806 linear feet

Zoning Atlas Page: 2545

Parcel ID: 094200 00294, 094200 00152, 094200 00295, 094200 00153

Area: +/- 21.41 acres

Existing Zoning: Conservation Agriculture (CA)

Requested Zoning: Employment (EMP)

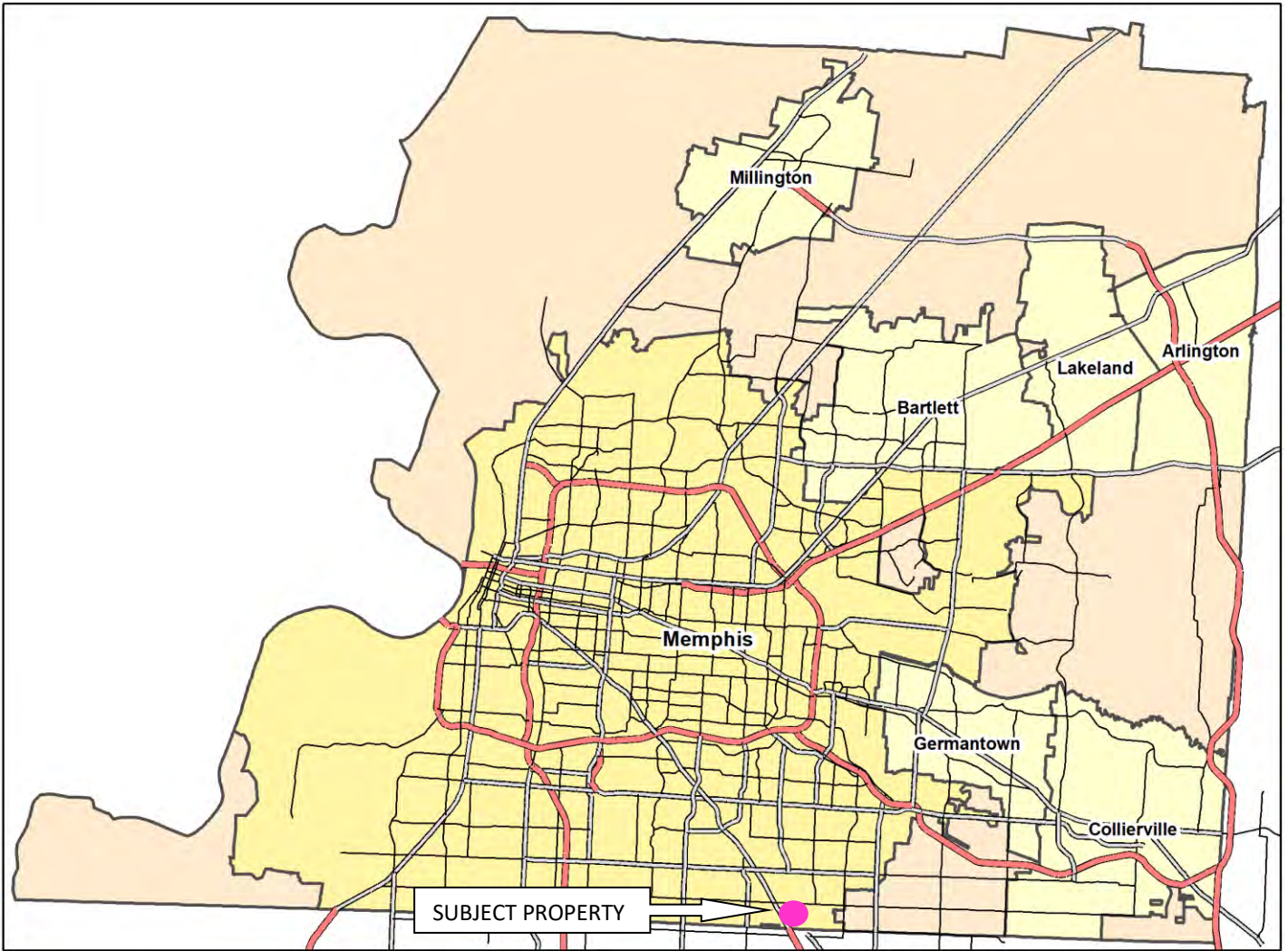
NEIGHBORHOOD MEETING

Not required, zoning change is following the Memphis 3.0 General Plan

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 40 notices were mailed on February 23, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject properties located within the pink circle, near the TN State line.

J. B. EPPS SUBDIVISION (1974)



Subject properties highlighted in yellow

VICINITY MAP



Subject property highlighted in blue

AERIAL



Subject properties outlined in yellow, imagery from 2023

ZONING MAP



Subject properties highlighted in yellow

Existing Zoning: Conservation Agriculture (CA)

Surrounding Zoning

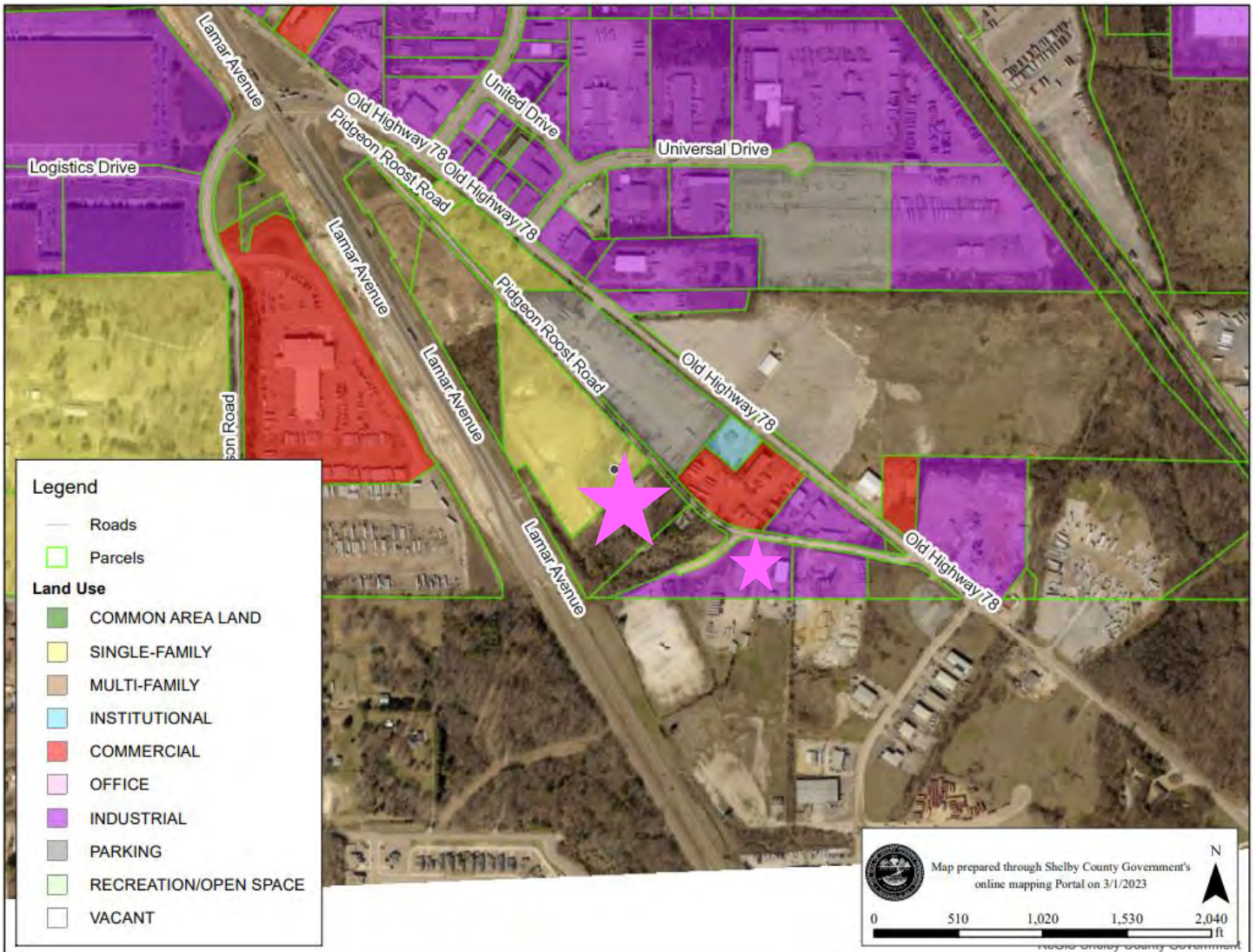
North: Employment (EMP) and Commercial Mixed Use (CMU-3)

East: Employment (EMP)

South: TN/ MS State line

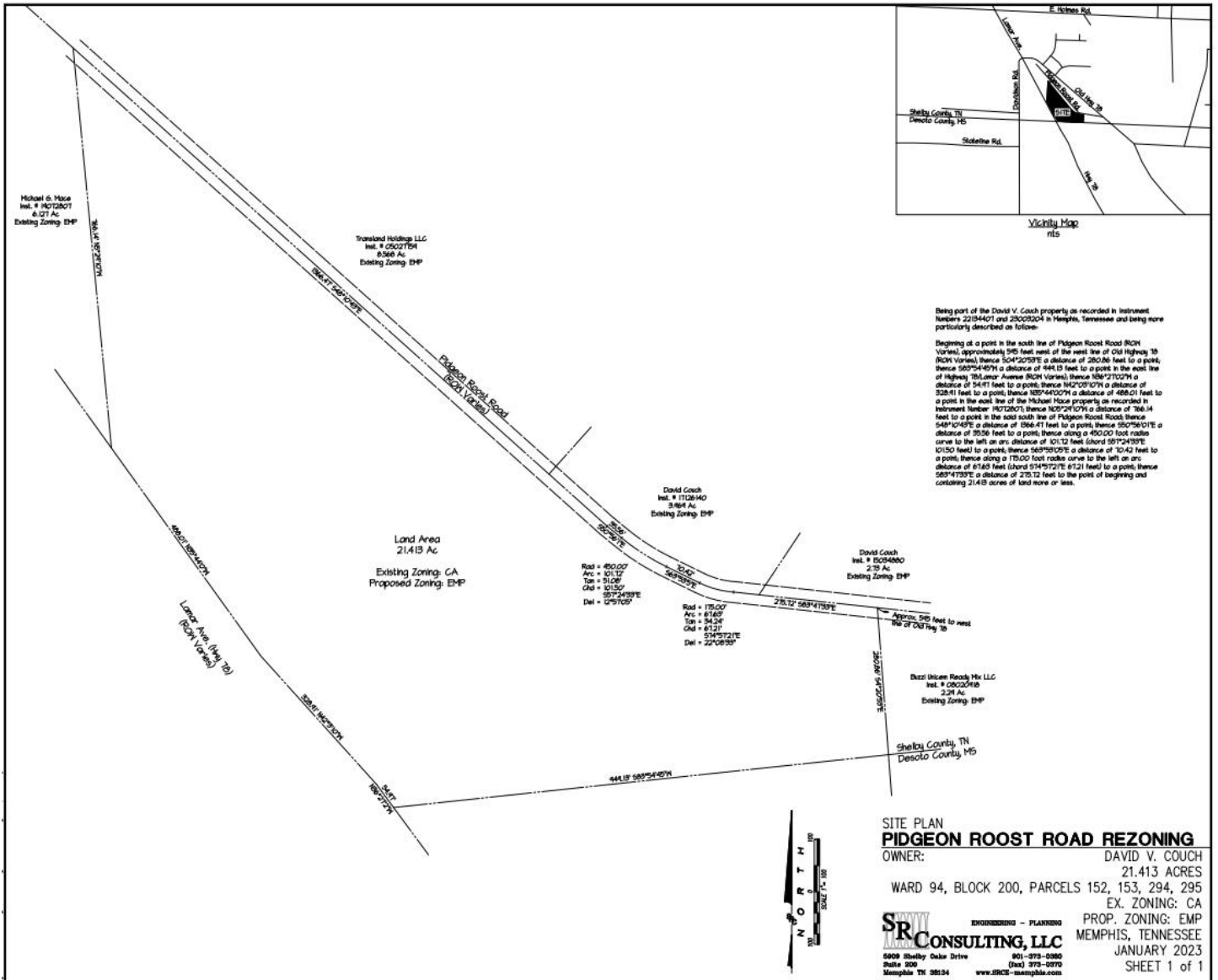
West: Employment (EMP)

LAND USE MAP



Subject properties indicated by pink stars

PLOT PLAN



SITE PHOTOS



View of subject property from Lamar Avenue looking East



View of subject property from Pidgeon Roost Road looking southwest



View of subject property from unfinished street extending from Pidgeon Roost Road looking North

STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is to rezone 21.36 acres from Conservation Agriculture (CA) to Employment (EMP).

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);

9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;

9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The subject property is +/- 21.413 acres and comprised of four parcels located on the east side of Lamar Avenue and west side of Pidgeon Roost Road, with the state line abutting the southern property boundaries. The site is currently zoned Conservation Agriculture, and it is largely vacant land. There are overhead powerlines along the northern boundary property lines along with a cell tower located on the parcel abutting the unfinished street/alley. The site is adjacent to Employment in the northeast and northwest and abuts the state line to the south.

Site Zoning History

The current Conservation Agriculture (CA) District or its predecessor Agricultural (AG) date back to the adoption of zoning for Shelby County, circa 1960.

Conclusions

The request is to rezone 21.413 acres from Conservation Agriculture (CA) to Employment (EMP).

The purpose of this request is to allow for uses consistent with abutting properties.

Staff does have flood hazard concerns about the property, so future development of the site will be extensively review for flood mitigation.

Staff finds the request is consistent with the Memphis 3.0 and is an appropriate zoning district for the area that is compatible with the surrounding land uses.

The subject property is vacant currently.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

City/County Engineer: No comments received.

City/County Fire Division: No comments received.

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 and Zone 2 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.

Zone 2 areas have risks that can be mitigated with enhanced infrastructure. This zone includes areas with known localized flash flooding and/or insufficient storm drainage. Developing in Zone 2 is risky, but the risk can be mitigated. Consider the impact of new and existing development on localized flooding and propose measures to mitigate runoff and utilize potential development to mitigate areas of flood risk.

The site's Zone 2 designation is due to reported flooding to the southeast of the parcels in this rezoning request. It should also be noted that while none of the subject parcels are within the floodplain, there is a floodway nearby, less than a mile east of the easternmost parcel boundary.

The rezoning request, if approved, would change the zoning for these four parcels from Conservation Agriculture (CA) to Employment (EMP), which would make the area consistent with other parcels in the immediate vicinity to the north and east. Uses in CA districts are designed to encourage and promote agricultural uses and the conservation of undeveloped areas, while uses in EMP districts are intended to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas.



Consistent with the Mid-South Regional Resilience Master Plan best practices: No

This rezoning request is inconsistent with the Mid-South Regional Resilience Master Plan. As noted in Section 4.1, Resilient Sites, development in Zone 2 areas is “risky, but the risk can be mitigated.” Without information regarding how the applicant plans to develop the site, it is difficult to discern the extent to which the change will impact the area, particularly regarding the mitigation of flood risk. There are ways in which development in this area could be consistent with best practices outlined in the Mid-South Regional Resilience Master Plan, but the nature of this request (i.e., a rezoning as opposed to a planned development) makes it difficult to make recommendations related to consistency with this plan.

Consistent with the Memphis Area Climate Action Plan best practices: N/A

Recommendations: Staff does not recommend approval of this rezoning request. However, staff would be amenable to the resubmission of this request as a planned development to ensure flood risk is addressed.

Office of Comprehensive Planning:

Comprehensive Planning Review of Memphis 3.0 Consistency

This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUCB Case Z 23-04: SE Memphis

Site Address/Location: 5591, 5601, 5641, 0 Pidgeon Roost Rd

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone

Future Land Use Designation: Industrial Flex (IF)

Street Type: N/A

The applicant is requesting to rezone the subject parcels from the Conservation Agriculture (CA) zoning district to the Employment (EMP) zoning district.

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 site on the Future Land Use Map.

2. Land Use Description/Intent

Lower intensity industrial areas with a mix of uses and building that are generally compatible with nearby neighborhoods. Graphic of IF is to the right.



scales
portrayal

“IF” Form & Location Characteristics

Industrial with some commercial and service uses 1-6 stories

“IF” Zoning Notes

Generally compatible with the following zone districts: EMP, IH in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider establishing Industrial mixed-use zones or CMU-zones that can accommodate compatible production-oriented facilities related to neighborhoods, using EMP more specifically to certain kinds of development (at the time of a small area plan).

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, Industrial, CA

Adjacent Land Use and Zoning: Vacant, Commercial, Parking, Industrial, Institutional; CA, EMP, CMU-3

Overall Compatibility: *This requested rezoning is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the EMP zoning district is present on adjacent parcels and compatible with the IF future land use.*

3. Degree of Change Map



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

4. Degree of Change Description

N/A

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

N/A

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

N/A

Consistency Analysis Summary

The applicant is requesting to rezone the subject parcels from the Conservation Agriculture (CA) zoning district to the Employment (EMP) zoning district.

This requested rezoning is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the EMP zoning district is present on adjacent parcels and compatible with the IF future land use.

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

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: February 3, 2023

Record Number: Z 2023-004

Expiration Date:

Record Name: Pidgeon Roost Rezoning

Description of Work: Rezoning from CA to EMP

Parent Record Number:

Address:

5591 PIDGEON ROOST RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y COUCH DAVID V

Owner Address

3218 CHAPEL WOODS CV, GERMANTOWN, TN 38139

Owner Phone

Parcel Information

094200 00294

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

GENERAL INFORMATION

Is this application in response to a citation from No

Construction Code Enforcement or Zoning

GENERAL INFORMATION

Letter?	
Have you held a neighborhood meeting?	No
If yes, please provide additional information	-
GIS INFORMATION	
Central Business Improvement District	No
Case Layer	Z00-112cc
Class	R
Downtown Fire District	No
Historic District	-
Land Use	SINGLE-FAMILY
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CA
State Route	1
Lot	1 & 2
Subdivision	EPPS J B
Planned Development District	-
Wellhead Protection Overlay District	-

Data Tables

ADDRESS AND PARCEL LIST

Property Address:	5591 Pidgeon Roost Rd
Property Parcel Number:	094200 00294

Property Address:	5601 Pidgeon Roost Rd
Property Parcel Number:	094200 00295

Property Address:	0 Pidgeon Roost Rd
Property Parcel Number:	094200 00152

Property Address:	5641 Pidgeon Roost Rd
Property Parcel Number:	094200 00153

Contact Information

Name	Contact Type
DAVID COUCH	APPLICANT
Address	
Phone	

LETTER OF INTENT



Date: January 27, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: Pidgeon Roost Rd. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 5591, 5601, 5641& 0 Pidgeon Roost Road, located west of Old Highway 78. The property is within the CA zoning district and is approximately 21.413 acres in area. We are requesting a rezoning to the EMP district which is compatible with the adjacent properties.

We appreciate your support with this request. Please contact me if you have any questions.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 11:25 am on the 24th day of February, 2023 I posted two Public Notice Signs pertaining to Case No. Z 23-004 on of the property located on Pidgeon Roost Road providing notice of a Public Hearing before the March 9, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Rezoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature] _____ Date 2/28/23
Owner, Applicant or Representative

Subscribed and sworn to before me this 28th day of Feb, 2023

[Signature]
Notary Public

My commission expires: 9/27/23



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

March 14, 2023

David Crouch
3218 Chapel Woods CV,
Germantown, TN 38139

Sent via electronic mail to: melanie.jones@srce-memphis.com

Case Number: Z 23-004
LUCB Recommendation: Approval

Dear applicant,

On Thursday, March 9, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at 5591 Pidgeon Roost Road to be included in the Employment (EMP) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. 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 attend 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 jordan.mckenzie@memphistn.gov.

Letter to Applicant

Z 23-004

Respectfully,

A handwritten signature in black ink, appearing to read "Jordan McKenzie", with a long horizontal flourish extending to the right.

Jordan McKenzie
Principal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Melanie Jones, SR Consulting, LLC
File



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: February 3, 2023

Record Number: Z 2023-004

Expiration Date:

Record Name: Pidgeon Roost Rezoning

Description of Work: Rezoning from CA to EMP

Parent Record Number:

Address:

5591 PIDGEON ROOST RD, MEMPHIS 38118

Owner Information

Primary Owner Name

Y COUCH DAVID V

Owner Address

3218 CHAPEL WOODS CV, GERMANTOWN, TN 38139

Owner Phone

Parcel Information

094200 00294

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning No

GENERAL INFORMATION

Letter?
Have you held a neighborhood meeting? No
If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
Case Layer Z00-112cc
Class R
Downtown Fire District No
Historic District -
Land Use SINGLE-FAMILY
Municipality MEMPHIS
Overlay/Special Purpose District -
Zoning CA
State Route 1
Lot 1 & 2
Subdivision EPPS J B
Planned Development District -
Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 5591 Pidgeon Roost Rd
Property Parcel Number: 094200 00294

Property Address: 5601 Pidgeon Roost Rd
Property Parcel Number: 094200 00295

Property Address: 0 Pidgeon Roost Rd
Property Parcel Number: 094200 00152

Property Address: 5641 Pidgeon Roost Rd
Property Parcel Number: 094200 00153

Contact Information

Name	Contact Type
DAVID COUCH	APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1446573	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	02/03/2023
1446573	Non-Residential Rezoning - each additional acre or fraction above 5	17	1,700.00	INVOICED	0.00	02/03/2023
1446573	Credit Card Use Fee (.026 x fee)	1	70.20	INVOICED	0.00	02/03/2023

Total Fee Invoiced: \$2,770.20

Total Balance: \$0.00

Payment Information

Payment Amount	Method of Payment
\$2,770.20	Credit Card

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, David V. Couch David V. Couch, state that I have read the definition of
(Print Name) (Sign Name)

“Owner” as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 5591, 5601, 0, 5641 Pidgeon Roost Rd.
and further identified by Assessor’s Parcel Number 094200 00294, 295, 152, 153,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this Feb. day of Feb. in the year of 2023

Connie Evans
Signature of Notary Public



Jan 12, 2025
My Commission Expires



ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel: 901-373-0380
Fax: 901-373-0370
www.SRCE-memphis.com

Date: January 27, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: Pidgeon Roost Rd. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 5591, 5601, 5641 & 0 Pidgeon Roost Road, located west of Old Highway 78. The property is within the CA zoning district and is approximately 21.413 acres in area. We are requesting a rezoning to the EMP district which is compatible with the adjacent properties.

We appreciate your support with this request. Please contact me if you have any questions.

Michael G. Mace
Inst. # 19072807
6.127 Ac
Existing Zoning: EMP

Transland Holdings LLC
Inst. # 05021754
8.568 Ac
Existing Zoning: EMP

David Couch
Inst. # 17126140
3.969 Ac
Existing Zoning: EMP

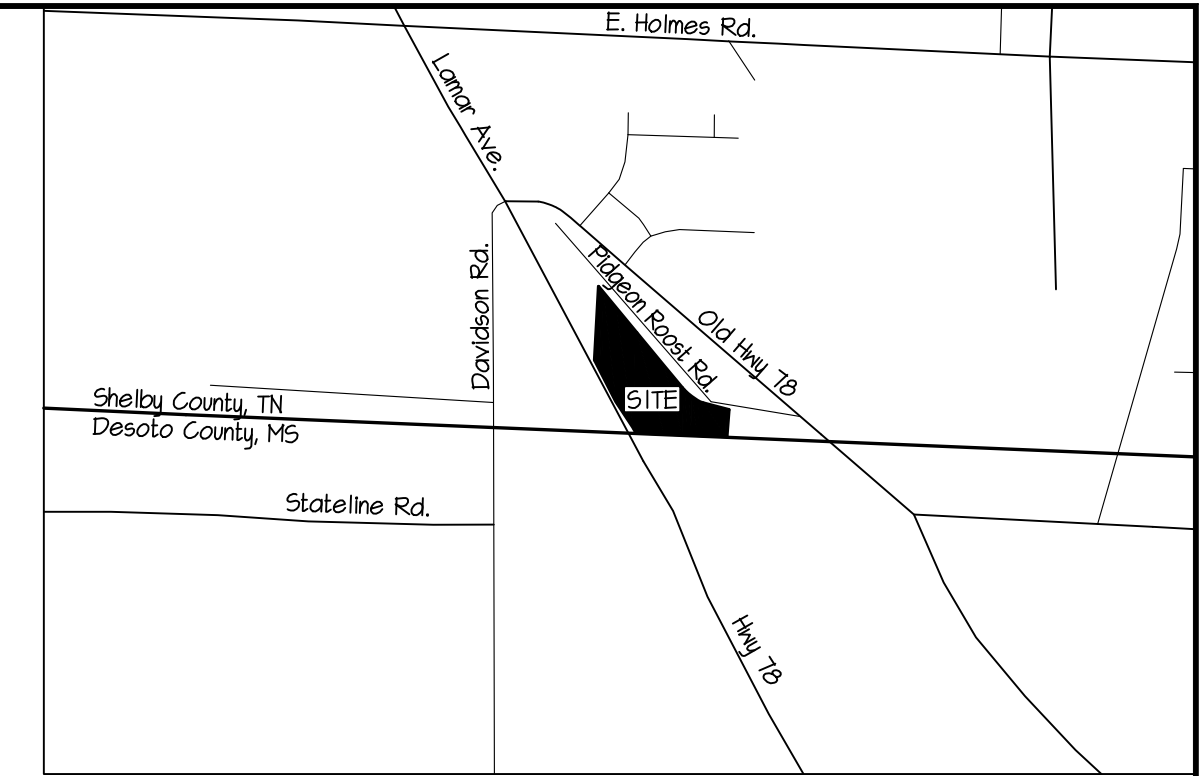
David Couch
Inst. # 15034880
2.73 Ac
Existing Zoning: EMP

Buzzi Unicem Ready Mix LLC
Inst. # 08020918
2.29 Ac
Existing Zoning: EMP

Land Area
21.413 Ac
Existing Zoning: CA
Proposed Zoning: EMP

Being part of the David V. Couch property as recorded in Instrument Numbers 22134407 and 23003204 in Memphis, Tennessee and being more particularly described as follows:

Beginning at a point in the south line of Pidgeon Roost Road (ROW Varies), approximately 595 feet west of the west line of Old Highway 78 (ROW Varies); thence S04°20'53"E a distance of 280.86 feet to a point; thence S83°54'45"W a distance of 949.13 feet to a point in the east line of Highway 78/Lamar Avenue (ROW Varies); thence N36°27'02"W a distance of 54.97 feet to a point; thence N42°03'10"W a distance of 328.91 feet to a point; thence N35°44'00"W a distance of 488.01 feet to a point in the east line of the Michael Mace property as recorded in Instrument Number 19072807; thence N05°29'10"W a distance of 766.14 feet to a point in the said south line of Pidgeon Roost Road; thence S48°10'43"E a distance of 1366.47 feet to a point; thence S50°56'01"E a distance of 35.56 feet to a point; thence along a 450.00 foot radius curve to the left an arc distance of 101.72 feet (chord S57°24'33"E 101.50 feet) to a point; thence S63°53'05"E a distance of 10.42 feet to a point; thence along a 175.00 foot radius curve to the left an arc distance of 67.63 feet (chord S74°57'21"E 67.21 feet) to a point; thence S83°47'33"E a distance of 275.72 feet to the point of beginning and containing 21.413 acres of land more or less.



Vicinity Map
nts

File No. 9/10/2021(2021-0201) Pidgeon Roost Rezoning/Plan/Plat/Map, Jan. 24, 2023 - 2:46pm

**SITE PLAN
PIDGEON ROOST ROAD REZONING**

OWNER: DAVID V. COUCH

21.413 ACRES

WARD 94, BLOCK 200, PARCELS 152, 153, 294, 295

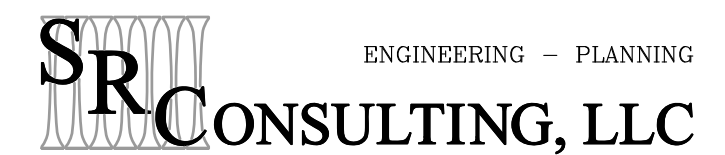
EX. ZONING: CA

PROP. ZONING: EMP

MEMPHIS, TENNESSEE

JANUARY 2023

SHEET 1 of 1

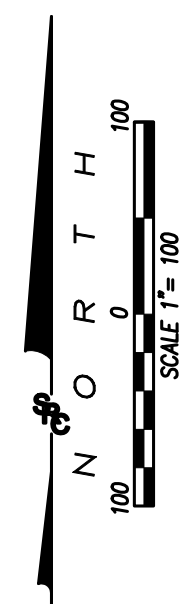


ENGINEERING - PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

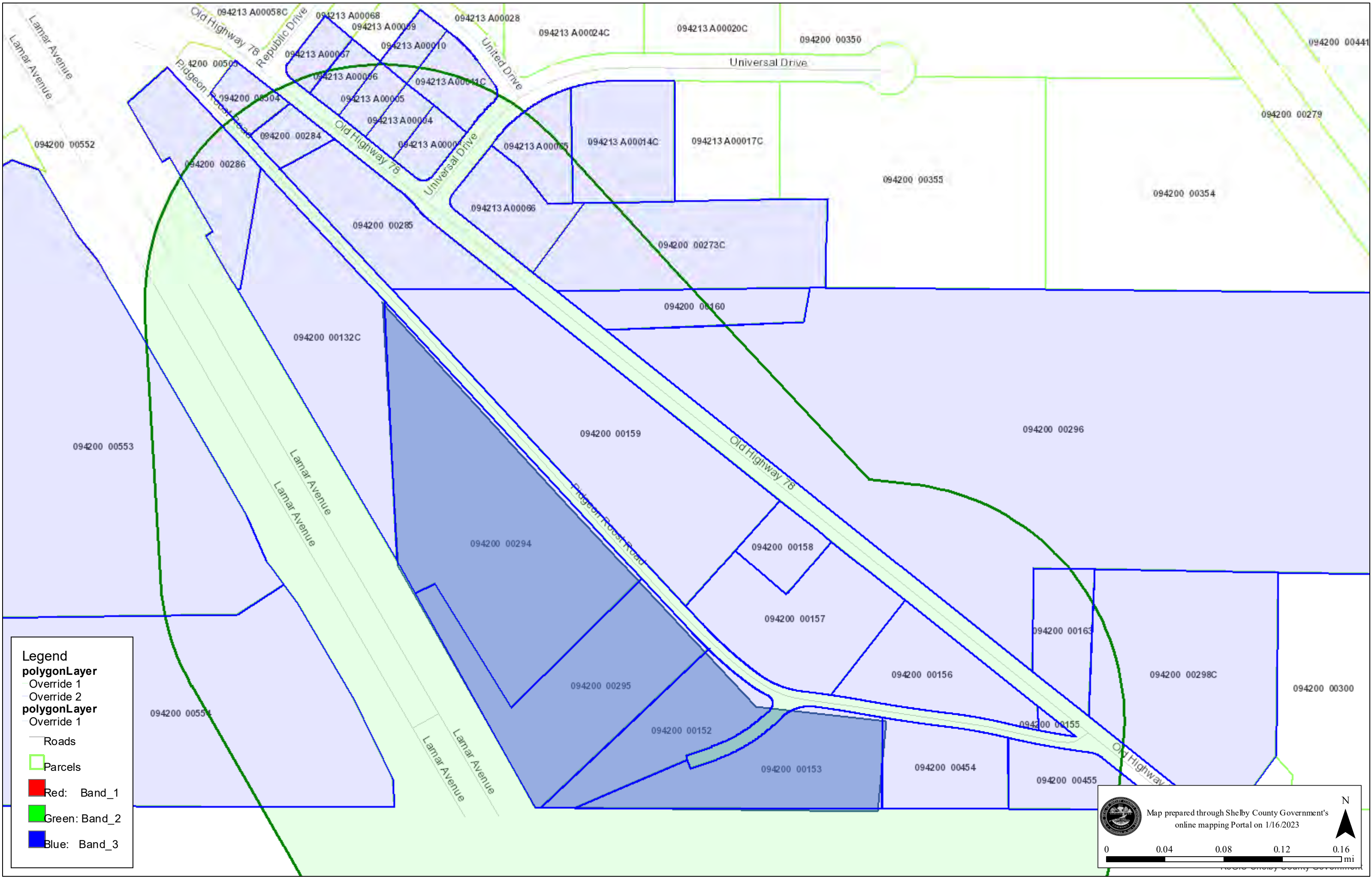
901-373-0380
(fax) 373-0370

www.SRCE-memphis.com



Being part of the David V. Couch property as recorded in Instrument Numbers 22134407 and 23003204 in Memphis, Tennessee and being more particularly described as follows:

Beginning at a point in the south line of Pidgeon Roost Road (ROW Varies), approximately 595 feet west of the west line of Old Highway 78 (ROW Varies); thence $S04^{\circ}20'53''E$ a distance of 280.86 feet to a point; thence $S83^{\circ}54'45''W$ a distance of 949.13 feet to a point in the east line of Highway 78/Lamar Avenue (ROW Varies); thence $N36^{\circ}27'02''W$ a distance of 54.97 feet to a point; thence $N42^{\circ}03'10''W$ a distance of 328.91 feet to a point; thence $N35^{\circ}44'00''W$ a distance of 488.01 feet to a point in the east line of the Michael Mace property as recorded in Instrument Number 19072807; thence $N05^{\circ}29'10''W$ a distance of 766.14 feet to a point in the said south line of Pidgeon Roost Road; thence $S48^{\circ}10'43''E$ a distance of 1366.47 feet to a point; thence $S50^{\circ}56'01''E$ a distance of 35.56 feet to a point; thence along a 450.00 foot radius curve to the left an arc distance of 101.72 feet (chord $S57^{\circ}24'33''E$ 101.50 feet) to a point; thence $S63^{\circ}53'05''E$ a distance of 70.42 feet to a point; thence along a 175.00 foot radius curve to the left an arc distance of 67.63 feet (chord $S74^{\circ}57'21''E$ 67.21 feet) to a point; thence $S83^{\circ}47'33''E$ a distance of 275.72 feet to the point of beginning and containing 21.413 acres of land more or less.



Legend

polygonLayer

- Override 1
- Override 2


polylineLayer

- Override 1

— Roads

□ Parcels

- Red: Band_1
- Green: Band_2
- Blue: Band_3



Map prepared through Shelby County Government's
online mapping Portal on 1/16/2023

0 0.04 0.08 0.12 0.16 mi

N

MCCOOL ANGELA AND EDWARD B MCCOOL
6355 RAGAN FARM DR #
MEMPHIS TN 38141

CANNON DAVID W SR IRREVOCABLE TRUST
5492 OLD HIGHWAY 78 #
MEMPHIS TN 38118

MISSISSIPPI MATERIALS CO
PO BOX 673 #
HORN LAKE MS 38637

LUMPKIN EDWIN B JR
100 METRO PKWY
PELHAM AL 35124

LUNATI TICER PARTNERSHIP
7170 STOUT RD #
GERMANTOWN TN 38138

COUCH DAVID V
9950 CENTER HILL RD #
COLLIERVILLE TN 38017

COUCH DAVID V
3218 CHAPEL WOODS CV
GERMANTOWN TN 38139

PURKEY CONSTANCE M (TR)
5571 UNIVERSAL DR #
MEMPHIS TN 38118

BUZZI UNICEM READY MIX LLC
1029 JOHN A DENIE DR #
MEMPHIS TN 38134

MACE MICHEAL G
3501 KNIGHT ARNOLD RD #
MEMPHIS TN 38118

SIMON PHILIP
5516 LAMAR AVE #
MEMPHIS TN 38118

COLE CALVIN AND VALLEENA C FAULKNER AND
3020 DARROW ST #
MEMPHIS TN 38118

COUCH PAMELA A
5591 PIDGEON ROOST RD #
MEMPHIS TN 38118

MITCHELL BROTHERS INVESTMENTS LLC
14875 NE TANGEN RD #
NEWBERG OR 97132

COUCH DAVID V
9950 CENTER HILL DR #
COLLIERVILLE TN 38017

COUCH PAMELA A
5601 PIDGEON ROOST RD #
MEMPHIS TN 38118

TRANSLAND HOLDINGS LLC
2947 WAGON CT #
SAINT CLOUD FL 34772

ALLEN DAVID S
5500 DAVIDSON RD #
MEMPHIS TN 38118

COLE PEARCE & DOROTHY
996 S WHITEHAVAN #
MEMPHIS TN 38116

LUNATI TICER PARTNERSHIP
7170 STOUT RD #
GERMANTOWN TN 38138

MACE MICHEAL G
3501 KNIGHT ARNOLD RD #
MEMPHIS TN 38118

COLE BOBBY
6680 CHERRY BARK DR #
MEMPHIS TN 38141

COUCH DAVID V
9950 CENTER HILL DR #
COLLIERVILLE TN 38017

CROW WILLIAM B & PAULA F
5500 DAVIDSON RD #
MEMPHIS TN 38118

SORO JUSTINE G TRUST
1771 MALONE RD #
NESBIT MS 38651

COUCH DAVID V
9950 CENTER HILL RD #
COLLIERVILLE TN 38017

WILLIAMS ROY S AND FRED L KERN
PO BOX 460069 #905
HOUSTON TX 77056

SORO JUSTINE G TRUST
1771 MALONE RD #
NESBIT MS 38651

LUMPKIN EDWIN B JR
100 METRO PKWY
PELHAM AL 35124

WILLIAMS ROY S AND FRED L KERN
PO BOX 460069 #905
HOUSTON TX 77056

178 LLC
9950 CENTER HILL RD
COLLIERVILLE TN 38017

178 LLC
9950 CENTER HILL RD
COLLIERVILLE TN 38017

YAWEH EXPRESS LLC
1121 POPLAR VIEW LN N #1
COLLIERVILLE TN 38017

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
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5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

David Couch
9950 Center Hill Rd.
Collierville, TN 38017

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Collierville, TN 38017

David Couch
9950 Center Hill Rd.
Collierville, TN 38017



Shelby County Tennessee
Willie F. Brooks, Jr.
Shelby County Register

As evidenced by the instrument number shown below, this document
has been recorded as a permanent record in the archives of the
Office of the Shelby County Register.

Prepared by and Return to:
Hugh H. Armistead, Attorney
Armistead Law, PLLC
8925 Goodman Road
Olive Branch, MS 38654
662-895-4844

Property Address:
5991-5601 Pidgeon Roost Road
Memphis, TN 38118

Tax Parcel Numbers:
094-2000-0-00294-0 and
094-2000-0-00295-0

New Property Owner/Send Tax Bills to:
David V. Couch
3218 Chapel Woods Cove
Germantown, TN 38139

WARRANTY DEED

THIS INSTRUMENT, made and entered into this the 14th day of December, 2022, by and

between

PAMELA ANN COUCH, of the first part,

and

DAVID V. COUCH, an unmarried man, of the second part,

WITNESSETH: That for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

TO HAVE AND TO HOLD the aforesaid real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part it heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the afore-described real estate; that it has a good right to sell and convey the same; that the same is unencumbered except for any and all subdivision restrictions, building lines and easements of record; **2023 City of Memphis and 2023 Shelby County Real Property Taxes** and all subsequent years, not yet due and payable; and that the title and quiet possession thereto they will warrant and forever defend against the lawful claims of all persons.

The said party of the first party does further hereby assign unto the party of the second party all of her right, title and interest in and to any leases of the subject property to the party of the second part.

By way of explanation, Pamela Ann Couch became the sole owner of the subject property via survivorship following the death of her husband, L. Don Couch, who passed away on July 21, 2002.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

IN TESTIMONY WHEREOF, the Grantor has executed this instrument, this the 14th day of December, 2022.


PAMELA ANN COUCH

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared **PAMELA ANN COUCH**, with whom I am personally acquainted, and who, upon oath, acknowledged that she executed the foregoing instrument for the purposes therein contained.

WITNESS my hand, at office, this 14th day of December, 2022.


NOTARY PUBLIC

My Commission Expires *



STATE OF MISSISSIPPI

COUNTY OF DESOTO

I hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this transfer is **FOUR HUNDRED THOUSAND AND 00/100 Dollars (\$400,000.00)**.



AFFIANT

Sworn to and subscribed before me this the 14th day of December, 2022.



NOTARY PUBLIC

My Commission Expires:



EXHIBIT "A"

Parcel I

Being the north part of Lot 1, J.B. Epps Subdivision, as shown on plat of record in Plat Book 60, Page 46, in the Register's Office of Shelby County, Tennessee, more particularly described as follows:

Beginning at a point in the centerline of Pidgeon-Roost Road and the north line of said subdivision; thence south 48 degrees 10 minutes 44 seconds East 624.89 feet along the centerline of Pidgeon-Roost Road to a point; thence south 43 degrees 13 minutes 12 seconds west 530.43 feet to a point in the east line of New Highway #78; thence north 35 degrees 44 minutes west along the east line of New Highway #78 a distance of 50.0 feet to a point; thence north 5 degrees 29 minutes 10 seconds west along the north line of said subdivision, 766.15 feet to the point of beginning. Said parcel contains 4.024 acres and is vacant.

Parcel II

Being the south portion of Lot 1 and the north part of Lot 2 of the J.B. Epps Subdivision, as shown on plat of record in Plat Book 60, Page 46, in said Register's Office, more particularly described as follows:

Beginning at a point in the centerline of Pidgeon-Roost Road 297.31 feet north of the south line of said subdivision; thence south 37 degrees 22 minutes 19 seconds west 570.91 feet to a point; thence north 34 degrees 6 minutes 31 seconds west 469.94 feet to a point; thence south 54 degrees 16 minutes east 83.41 feet to a point in the east line of New Highway #78; thence north 35 degrees 44 minutes west along the east line of New Highway #78 a distance of 28.33 feet to a point; thence north 43 degrees 13 minutes 12 seconds east a distance of 530.43 feet to a point in the centerline of Pidgeon-Roost Road; thence south 48 degrees 10 minutes 44 seconds east along the centerline of Pidgeon-Roost Road 444.27 feet to the point of beginning. Said parcel contains 5.536 acres.

Parcels I and II being the same property conveyed to L. Don Couch and wife, Pamela Ann Couch by Warranty Deed recorded in Instrument No. DA 9387 in the Register's Office of Shelby County, Tennessee.

Address: 5591 Pidgeon Roost Road, Memphis, TN 38118

APN: 094-2000-0-00294-0

Parcel III

Beginning at a point in the centerline of Pidgeon Roost Road at the northwest corner of the "Wiseman Tract" and running thence south 41 degrees 48 minutes 06 seconds west, 659.77 feet (Plat Call 631.02 feet) to a point in the northern right-of-way line of New Highway No. 78 (Lamar Avenue); thence with said right-of-way line north 42 degrees 03 minutes 10 seconds west 328.91 feet (Plat Call 343.0 feet) to a concrete right-of-way monument of an angle point in said right-of-way, said monument being at the centerline station 18 + 00; thence with said right-of-way north 35 degrees 44 minutes west 409.67 feet to an iron pipe; thence north 54 degrees 15 minutes east, 83.41 feet to an iron pipe; thence south 34 degrees 06 minutes 31 seconds east, 469.94 feet to an iron pipe; thence north 37 degrees 22 minutes 19 seconds east 570.91 feet to a point in the centerline of Pidgeon Roost Road; thence south 48 degrees 10 minutes 44 seconds east 297.31 feet to the point of beginning, containing 212,384.762 square feet or 4.875 acres, and being the same property described in Installment Land Contract recorded as Instrument No. DA 9493, in the Register's Office of Shelby County, Tennessee.

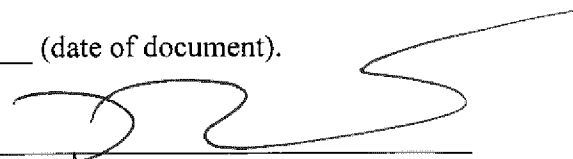
Being the same property conveyed to L. Don Couch and wife, Pamela Ann Couch by Quitclaim Deed recorded in Instrument No. GJ 9860 in the Register's Office of Shelby County, Tennessee.

Address: 5601 Pidgeon Roost Road, Memphis, TN

APN: 094-2000-0-00295-0

Tennessee Certification of Electronic Document

I, Rhett J. Armistead, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 12.14.2022 (date of document).



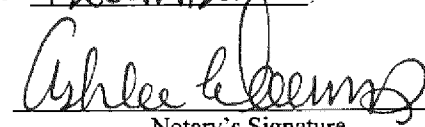
Affiant Signature

12.14.2022

Date

State of Mississippi
County of DeSoto

Sworn to and subscribed before me this 14th day of December, 2022.



Notary's Signature

MY COMMISSION EXPIRES: 10.18.2024

NOTARY'S SEAL





Shelby County Tennessee
Willie F. Brooks, Jr.
Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

23003204
01/11/2023 - 10:34:30 AM

4 PGS

LAKECIA 2535342-23003204

VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
EFILE FEE	2.00
TOTAL AMOUNT	24.00

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by and Return to:

**Hugh H. Armistead, Attorney
Armistead Law, PLLC
8925 Goodman Road
Olive Branch, MS 38654
662-895-4844**

New Property Owner/Send Tax Bills to:

**David V. Couch
9950 Center Hill Road
Collierville, TN 38017**

Property Address:

5641, 5671-5675 Pidgeon Roost, Memphis, Tennessee

Tax Parcel Numbers:

**TN: 094-2000-0-00152-0 and 094-2000-0-00153-0
MS: 1064-1800.0-00010.00**

QUITCLAIM DEED

**THIS INSTRUMENT, made and entered into this the 30th day of December, 2022, by and between
178, LLC, a Mississippi limited liability company,
of the first part,
and
David V. Couch, of the second part,**

WITNESSETH: That for and in consideration of **One and 00/100 DOLLARS (\$1.00)**, the said party of the first part does hereby bargain, sell, remise, release, quit claim and convey unto the said party of the second part all of their right, title and interest in and to the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, and in DeSoto County, Mississippi, to-wit:

Beginning at the Southeast corner of the Southwest Quarter of Section 18, Township 1 South, Range 6 West; thence proceed North 89 degrees 25 minutes 50 seconds West, along the southerly line of said Southwest Quarter, Section 18, a distance of 296.65 feet to a point in the easterly line of U.S. Highway 78; thence proceed along said easterly line of U.S. Highway 78 the following courses: North 30 degrees 32 minutes 22 seconds West a distance of 795.90 feet; North 21 degrees 17 minutes 25 seconds West a distance of 304.14 feet; North 31 degrees 09 minutes 25 seconds West, passing the Mississippi/Tennessee state line at 230.71 feet, a total distance of 285.68 feet to a point, said point being the southwesterly corner of Pamela Couch 4.86 acre tract (GJ 9860); thence proceed North 47 degrees 05 minutes 43 seconds East, along Pamela Couch's southerly line, a distance of 669.77 feet to a point in Pidgeon Roost Road; thence proceed along said Pidgeon Roost Road the following courses: South 45 degrees 38 minutes 24 seconds East a distance of 35.56 feet to a point of curvature, a curve to the left, having an angle of 12 degrees 57

minutes 05 seconds and a radius of 450.00 feet to a point of tangency; South 58 degrees 35 minutes 28 seconds East a distance of 70.42 feet to a point of curvature, a curve to the left, having an angle of 22 degrees 08 minutes 33 seconds and a radius of 175.00 feet, an arc distance of 76.63 feet to a point of tangency; South 78 degrees 29 minutes 56 seconds East a distance of 275.72 feet to a found railroad spike in the centerline of Pidgeon Roost Road; thence proceed South 00 degrees 56 minutes 44 seconds West, passing said state line at 287.57 feet, then along the Quarter Section line of said Section 18, a total distance of 1463.73 feet to the Point of Beginning.

Being the same property conveyed to 178, LLC by Warranty Deed dated May 12, 2021, and recorded as Instrument No. 21059459 in the Register's Office of Shelby County, Tennessee, and further recorded in Deed Book No. 958, at Page 85, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

BUT LESS AND EXCEPT 8.60 acres +/- located in DeSoto County, Mississippi conveyed to Capital Parking, LLC by Warranty Deed recorded in Deed Book 1000, at Page 499, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

IN TESTIMONY WHEREOF, the Grantor has executed this instrument, this the 30th day of December, 2022.

178, LLC,
A Mississippi limited liability company

BY: 

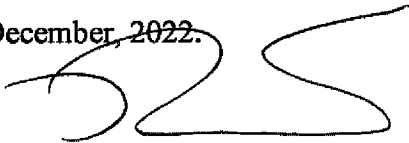
DAVID V. COUCH, Member

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared **DAVID V. COUCH**, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the **Member of 178, LLC, a Mississippi limited liability company**, the within named bargainor, and who acknowledged that he executed the within instrument for the purposes therein contained, being authorized so to do.

WITNESS my hand, at office, this 30th day of December, 2022.



NOTARY PUBLIC

My Commission Expires:

STATE OF MISSISSIPPI

COUNTY OF DESOTO

I hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for the transfer of that portion of the subject property lying in the State of Tennessee is ZERO AND 00/100 Dollars (\$0.00).



AFFIANT

Sworn to and subscribed before me this the 30th day of December, 2022.



NOTARY PUBLIC

My Commission Expires:



Tennessee Certification of Electronic Document

I, Rhett J. Armistead, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 12/30/2022 (date of document).

[Signature]
Affiant Signature

1.11.2023
Date

State of Mississippi

County of DeSoto

Sworn to and subscribed before me this 11th day of January, 2023.

[Signature]
Notary's Signature

MY COMMISSION EXPIRES: 10.18.2024

NOTARY'S SEAL



094213 A00004 - MCCOOL ANGELA AND EDWARD B MCCOOL
094200 00296 - LUMPKIN EDWIN B JR
094200 00155 - COUCH DAVID V
094200 00132C - MACE MICHEAL G
094200 00294 - COUCH PAMELA A
094200 00295 - COUCH PAMELA A
094200 00284 - COLE PEARCE & DOROTHY
094200 00504 - COLE BOBBY
094213 A00010 - SORO JUSTINE G TRUST
094213 A00011C - SORO JUSTINE G TRUST
094213 A00006 - CANNON DAVID W SR IRREVOCABLE TRUST
094213 A00005 - LUNATI TIGER PARTNERSHIP
094213 A00014C - PURKEY CONSTANCE M (TR)
094213 A00003 - SIMON PHILIP
094200 00273C - MITCHELL BROTHERS INVESTMENTS LLC
094200 00159 - TRANSLAND HOLDINGS LLC
094200 00160 - LUNATI TIGER PARTNERSHIP
094200 00158 - COUCH DAVID V
094200 00157 - COUCH DAVID V
094200 00163 - LUMPKIN EDWIN B JR
094200 00298C - MISSISSIPPI MATERIALS CO
094200 00156 - COUCH DAVID V
094200 00454 - BUZZI UNICEM READY MIX LLC
094200 00285 - COLE CALVIN AND VALLEENA C FAULKNER AND
094213 A00067 - COUCH DAVID V

094200 00554 - ALLEN DAVID S

094200 00286 - MACE MICHEAL G

094200 00553 - CROW WILLIAM B & PAULA F

094213 A00065 - WILLIAMS ROY S AND FRED L KERN

094213 A00066 - WILLIAMS ROY S AND FRED L KERN

094200 00152 - 178 LLC

094200 00153 - 178 LLC

094200 00455 - YAWEH EXPRESS LLC

ORDINANCE NO. _____

AN ORDINANCE TO REVISE AND CHANGE CERTAIN COUNCIL DISTRICTS AS A RESULT OF POPULATION CHANGES REFLECTED IN THE 2020 FEDERAL CENSUS SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICABLE

P R E A M B L E

WHEREAS, the Constitution of the United States requires each Council District be as equal in population as practicable in order to satisfy the “one-man, one vote” principle; and

WHEREAS, the Council adopted Ordinance No. 5833 effective August 23, 2022 to make said revisions and changes in the boundaries of all Council Districts to address the population changes in the 2020 United States Census Data results; and

WHEREAS, the Tennessee Code Annotated, Section 6-54-102 provides that municipalities may redistrict into new wards whenever, for proper reasons, they deem expedient to do so; the 2020 United States Census Data providing proper reasons; and

WHEREAS, the Council adopted a Resolution on October 18, 2022 to establish the 2022 Redistricting Committee to reapportion council districts to ensure council members represent substantially equal populations based upon the 2020 United States Census Data; and

WHEREAS, the 2022 Redistricting Committee has submitted its final recommendations for the redistricting plans for Council Districts of the City of Memphis to the Memphis City Council for consideration for the **next municipal election or the 2027 municipal election**.

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

Section 1. Redistricting Amendment. That the Council Districts 1 through 7, both inclusive, which are represented, by one council member each and multi-member Districts 8 and 9, which are composed of approximately one-half the total city's population and are each represented by three (3) council members elected by position, shall each be amended and reconstituted to include the following Wards and Precincts:

Districts 1 through 7 (City Wide Population)

District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
1	90,534	16,440	54,847	19,247	17,367	64,669	13,627	39,097	11,945	10,408
2	88,264	34,319	38,761	15,184	9,901	69,917	29,624	29,637	10,656	6,505
3	89,521	4,785	75,162	9,574	8,366	65,355	4,160	54,829	6,366	5,393
4	88,663	16,870	56,985	14,808	12,495	66,242	14,530	42,328	9,384	7,625
5	91,390	60,866	17,961	12,563	7,050	73,961	51,289	13,632	9,040	4,911
6	90,651	4,438	80,916	5,297	3,366	67,933	3,822	60,501	3,610	2,130
7	88,425	17,561	63,453	7,411	3,376	68,934	16,166	47,079	5,689	2,494
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

DISTRICT ONE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

- District 1**
- Voting Precincts**
- 501**
- 601**
- 602**
- 603**
- 604**
- 605**
- 606**
- 607**
- 608**
- 609**
- 703**
- 707**
- 709**
- 1301**

DISTRICT TWO shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 2

Voting Precincts
108
109
110
111
202
307
308
311
403
407
408
409
411
501
502
503
504
505
507
508
509
1202
1203
1204
1303

DISTRICT THREE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 3
Voting Precincts
905
907
908
911
1009
1010
1102
1104
1105
1106
1107
1108
1201
1202
1204
1205
1207
1208

DISTRICT FOUR shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 4
Voting Precincts
1001
1003
1004
1005
1007
1008
1101
1102
1103
1104
1304
1305
1308
1309

DISTRICT FIVE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 5
Voting Precincts
401
402
403
406
407
708
709
710
1301
1302
1303
1305
1306
1307
1308

DISTRICT SIX shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 6
Voting Precincts
808
809
810
811
812
901
902
903
904
905
906
909
910
911
1002
1003
1006
1007
1009
1010

DISTRICT SEVEN shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 7

Voting Precincts

104

105

701

702

703

704

705

706

708

801

802

803

804

805

806

807

808

809

Districts 8 & 9 (City Wide Population)

Super District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
8	315,824	39,677	241,496	34,651	26,551	236,978	34,601	179,355	23,022	16,560
9	311,624	115,602	146,589	49,433	35,370	240,033	98,617	107,748	33,668	22,906
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

DISTRICT EIGHT shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

Super District 8
Voting Precincts
104
601
603
604
605
606
607
701
702
703
704
705
706
707
801
802
803
804
805
806
807
808
809
810
811
812

901
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903
904
905
906
907
908
909
910
911
1001
1002
1003
1004
1006
1007
1008
1009
1010
1107
1301
1302

DRAFT

DISTRICT NINE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

Super District 9	
Voting Precincts	
108	
109	
110	
111	
202	
401	
402	
403	
404	
407	
408	
409	
412	
501	
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1311
1312

DRAFT

Wards and Precincts have been allocated between the various districts using the U.S. Census Bureau's block and ward/precinct data released by the U.S. Census Department to the Governor and General Assembly of the State of Tennessee. Such data may vary from the wards and precincts split or consolidated by the Shelby County Election Commission after the compilation of census data by the U.S. Census Bureau.

Reference is made to the Memphis Municipal Code, as amended, and to the Official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts One (1) through Nine (9), both inclusive. Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners of Shelby County, Tennessee, for ordinances and resolutions establishing precinct lines. A map describing said Districts, as amended, is hereby adopted, and is ordered to be filed with the Comptroller of the City of Memphis. Should there be discrepancies between the official U.S. census districts and the voting districts assigned by the Shelby County Election Commission and the text of this Ordinance using the Election Commission's descriptions of voting districts and precincts such discrepancies shall be resolved by the Election Commission by reference to the official map filed with the Comptroller of the City, which shall control.

Section 2. Nonconflicting-Conflicting Laws.

BE IT FURTHER ORDAINED, that all laws or ordinances of the City of Memphis, not in conflict with this Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section, or part of this ordinance shall be held or declared to be unconstitutional or 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 4. Effective Date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately after its adoption, the public welfare requiring it.

SPONSORS(S):

COUNCILWOMAN EASTER-THOMAS, DISTRICT 7

COUNCILMAN MARTAVIUS JONES, SUPER DISTRICT 8-3

**MARTAVIUS D. JONES
CHAIRMAN OF COUNCIL**

Attest:

VALERIE C. SNIPES
Deputy City Comptroller



City Council Item Routing Sheet

Division Police Services Committee PS Hearing Date April 2023

District _____ Super District _____

- Ordinance
- Resolution
- Grant Acceptance
- Budget Amendment
- Commendation
- Other:

Item Description:

Recommended Council Action:
Council Approval

Status of MWBE planned expenditures funding, if applicable:
N/A

Describe previous action taken by any other entity (i.e. board, commission, task force, council committee, etc.) and date of any action taken:

<p>Does this item require city expenditure? No</p> <p>\$ Amount <u>\$0</u></p> <p>\$ Revenue to be received _____</p>	<p>Source and Amount of Funds</p> <p>\$ Operating Budget</p> <p>\$ CIP Project</p> <p>\$ Federal/State/Other</p>
--	---

Approvals

Director _____ Date _____ Budget _____ **Chief Operating Officer**

Financial Officer _____ Date _____ Dept _____ Date _____

Legal Officer _____ Date _____ **Council Committee Chair**

_____ Date _____



1. Description of the Item (Resolution, Ordinance, etc.)
2. Initiating Party (e.g. Public Works, at request of City Council, etc.)
3. State whether this is a change to an existing ordinance or resolution, if applicable.
4. State whether this will impact specific council districts or super districts.
5. State whether this requires a new contract, or amends an existing contract, if applicable.
ther.
6. If applicable, please list the MWBE goal and any additional information needed
N/A



Ordinance to amend the Code of Ordinances of Memphis, Tennessee, Chapter 41 Wreckers or Towing Operators, to allow impounded vehicles to be stored on private storage lots

WHEREAS, the Vehicle Impound Storage Lot was acquired at 465 Klinke Avenue. The 12-acre lot was originally designed to store 1,800 vehicles; and

WHEREAS, according to the end of the 2022 impound lot records, the vehicle impound lot currently 2,993 vehicles; and

WHEREAS, according to impound lot records, the vehicle impound lot intakes more than 1000 vehicles; and

WHEREAS, the severe overcrowding at the vehicle impound lot has caused typography (structural and drainage) issues, and operational inefficiencies; and

WHEREAS, there are multiple adjudicative factors that impact the immediate release of vehicles, thus further exacerbating the current vehicle retention at the lot; and

WHEREAS, the revisions to the ordinance will enhance the efficiency of intake and release process; and

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that

Section 41-8. Stolen Vehicles/City Impound or Wrecker Storage Lot

When stolen vehicles are impounded by the Memphis Police Department and stored by the city on a wrecker company's storage lot or a municipally owned storage lot, the owner will be liable for the tow fees but will not be liable for storage fees if he reclaims his vehicle within five days after notification of the recovery and whereabouts of the vehicle. If the owner does not pick up the vehicle from the municipally owned lot within five days after notification of the recovery and whereabouts of the vehicle, the owner will be liable for all storage costs from the time the vehicle was first placed on the storage lot.

Section 41-11 (n)

If the owner or operator of a vehicle is not available and a wrecker has been summoned by a police officer as a result of because of a parking violation, an abandoned vehicle or is subject to towing pursuant to Code Enforcement, then the vehicle shall be towed to the wrecker company's storage lot or transported to the city impound lot.

Section 41-11 (h)

A towed vehicle shall not be stored more than a reasonable walking distance from the area where the towing and storage fee payments are received, however, this section shall not apply in instances where vehicle owners can pay online.

Section 41-26 (a)

Storage. No wrecker company shall hereafter be eligible to obtain a permit as a wrecker operator unless such operator shall have facilities for storage at the place from which its wreckers are to be operated sufficient for the storing of not less than 100 disabled motor vehicles.

Section 41-7 (b)

The storage of a vehicle by a wrecker operator on any municipally operated vehicle storage or impound lot shall be \$30.00 for each 24-hour period, or fraction thereof, after the first two hours of impoundment. All vehicles shall be towed to the city impound lot except vehicles that have been damaged in an accident and cannot be safely driven. Such vehicles shall be removed from the scene of the accident by a wrecker service owner or operator and towed to such wrecker owner or operator's private wrecker lot, provided that, such wrecker owner or operator has not been notified by the Memphis Police Department that the vehicle is needed for evidentiary or investigative purposes.

Sponsored by
Administration

Chairman
Martavius Jones

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

ONE ORIGINAL |
ONLY STAPLED |
TO DOCUMENTS |

Planning & Development
DIVISION

Planning & Zoning COMMITTEE: 4/25/2023

DATE

PUBLIC SESSION: 4/25/2023

DATE

ITEM (CHECK ONE)

ORDINANCE RESOLUTION REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located on the extreme northwest of the subject property located 0 Malone Road of approximately 3.18 acres. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Employment (EMP) Use District, known as case number Z 2023-005

CASE NUMBER: Z 2023-005

LOCATION: 0 Malone Road

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

OWNER/APPLICANT: Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC

REPRESENTATIVES: Josh Whitehead, Burch, Porter, & Johnson, PLLC

REQUEST: Rezoning of +/-3.18 acres from Conservation Agriculture (CA) to Employment (EMP)

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

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – April 25, 2023
Second reading – May 2, 2023
Third reading – May 16, 2023

PRIOR ACTION ON ITEM:

(1) APPROVAL - (1) APPROVED (2) DENIED
4/13/2023 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:

DATE POSITION

_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER
COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 2023-005

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EXTREME NORTHWEST OF THE SUBJECT PROPERTY LOCATED 0 MALONE ROAD OF APPROXIMATELY 3.18 ACRES. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-005

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 2023-005

LOCATION: 0 Malone Road

COUNCIL DISTRICT(S): District 3, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC

REPRESENTATIVE: Josh Whitehead, Burch, Porter, & Johnson, PLLC

REQUEST: Rezoning of +/-3.18 acres from Conservation Agriculture (CA) to Employment (EMP)

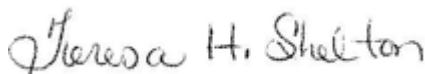
The following spoke in support of the application: None

The following spoke in opposition of the application: None

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

The motion passed by a unanimous vote of 7-0 on the consent agenda.

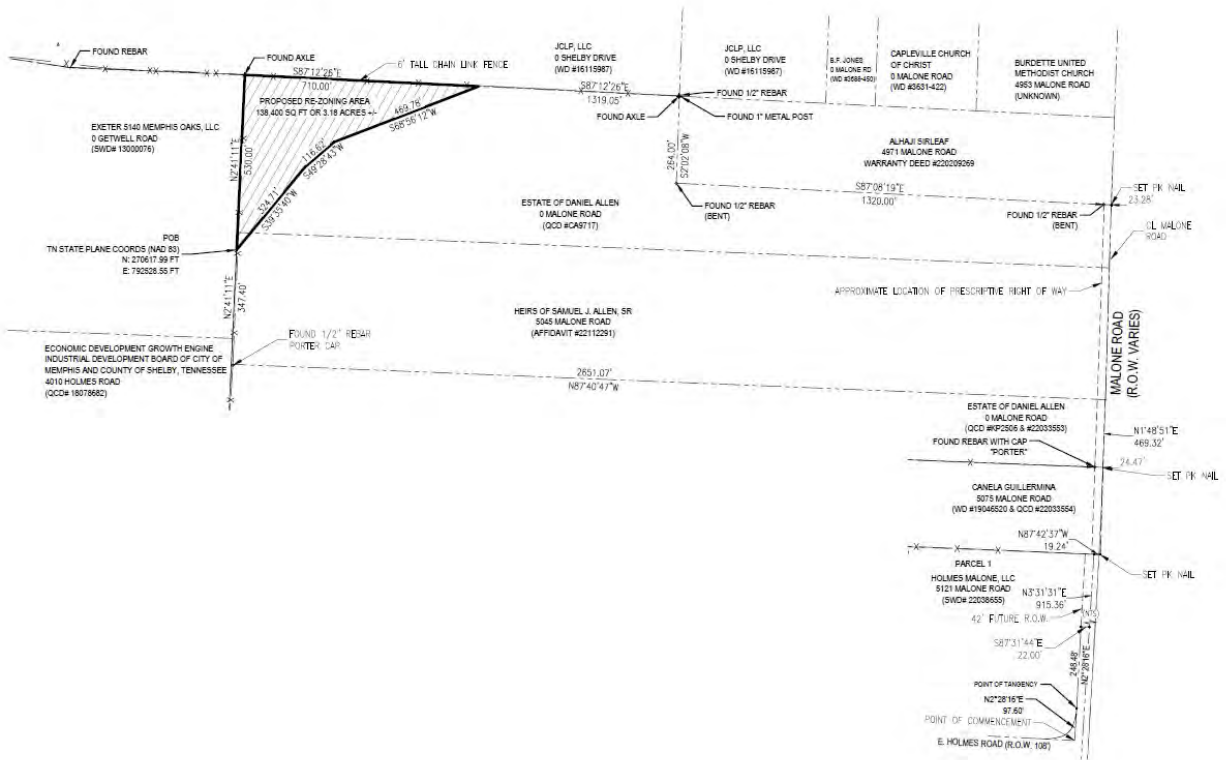
Respectfully,



Teresa H. Shelton
Municipal Planner
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

RE-ZONING EXHIB



ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED ON THE EXTREME NORTHWEST OF THE SUBJECT PROPERTY LOCATED 0 MALONE ROAD OF APPROXIMATELY 3.18 ACRES. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 2023-005

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 2023-005**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

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

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

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

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

PROPERTY DESCRIPTION OF AREA TO BE RE-ZONED
DESCRIPTION OF PART OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY PER AFFIDAVIT INSTRUMENT NO. 22112291 AND THE ESTATE OF DANIEL ALLEN PROPERTY PER QUIT CLAIM DEED INSTRUMENT NO. CA9717, ALL OF RECORD IN THE REGISTER'S OFFICE IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE

PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF TANGENT INTERSECTION OF THE NORTH LINE OF HOLMES ROAD (108 FEET WIDE AT THIS POINT) WITH THE WEST LINE OF MALONE ROAD (42 FEET WEST OF THE CENTERLINE OF MALONE ROAD AT THIS POINT); THENCE NORTH 02 DEGREES 28 MINUTES 16 SECONDS EAST-97.60 FEET ALONG THE WEST LINE OF MALONE ROAD TO THE POINT OF TANGENCY; THENCE CONTINUING NORTHWARDLY ALONG SAID SAME WEST LINE 248.48 FEET ALONG THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY PER SPECIAL WARRANTY DEED 22038655 TO A R.O.W. OFFSET POINT; THENCE SOUTH 87 DEGREES 31 MINUTES 44 SECONDS EAST-22.00 FEET TO A POINT IN THE PRESENT WEST LINE OF MALONE ROAD; THENCE NORTH 03 DEGREES 31 MINUTES 31 SECONDS EAST-915.36 FEET ALONG THE WEST LINE OF MALONE ROAD AND THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY TO A POINT BEING THE NORTH EAST CORNER OF SAID HOLMES PROPERTY AND IN THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY (WD INST. NO. 19046520 AND QCD INST. NO. 22033554, S.C.R.O.); THENCE SOUTH 87 DEGREES 42 MINUTES 37 SECONDS EAST-19.24 FEET ALONG THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY TO AN OFFSET POINT IN THE CURRENT CENTER LINE OF MALONE ROAD; THENCE NORTH 1 DEGREE 48 MINUTES 51 SECONDS EAST-469.32 FEET ALONG THE CENTER OF MALONE ROAD AND ALONG THE EAST LINE OF SAID GUILLERMINA PROPERTY AND THE EAST LINE OF THE ESTATE OF DANIEL ALLEN PROPERTY (QCD INST. NO. KP2506 AND INST. NO. 22033553, S.C.R.O.) TO A POINT BEING THE NORTHEAST CORNER OF SAID ESTATE OF DANIEL ALLEN PROPERTY; THENCE (LEAVING MALONE ROAD) NORTH 87 DEGREES 40 MINUTES 47 SECONDS WEST-2651.07 FEET ALONG THE NORTH LINE OF THE SAID ESTATE OF DANIEL ALLEN PROPERTY AND THE SOUTH LINE OF THE HEIRS OF SAMUEL J ALLEN, SR PROPERTY (AFFADAVIT NO. 22112291, S.C.R.O.) TO A POINT IN THE EAST LINE OF THE ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY (QCD INST. NO. 18078682, S.C.R.O.); THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST-347.40 FEET ALONG THE WEST LINE OF THE ESTATE OF DANIEL ALLEN AND THE HEIRS OF SAMUEL J ALLEN, SR PROPERTIES, BEING THE EAST LINE OF THE SAID ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY AND THEN ALONG THE EAST LINE OF THE EXETER 5140 MEMPHIS OAKS, LLC PROPERTY (SWD INST. NO. 13000076, S.C.R.O.) TO A POINT BEING POINT OF BEGINNING AND BEING FURTHER LOCATED AT TENNESSEE STATE PLANE COORDINATES (NAD 83) NORTH 270617.99 FEET AND EAST 792528.55 FEET;

THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST – 530.00 FEET ALONG THE EAST LINE OF SAID “EXETER” PROPERTY TO A FOUND AXLE IN THE SOUTH LINE OF THE JCLP, LLC PROPERTY (WD INST. NO. 16115987);

THENCE SOUTH 87 DEGREES 12 MINUTES 26 SECONDS EAST – 710.00 FEET ALONG THE SOUTH LINE OF THE JCLP, LLC PROPERTY TO A POINT;

THENCE, LEAVING SAID BOUNDARY LINE, SOUTH 68 DEGREES 56 MINUTES 12 SECONDS WEST – 469.78 FEET ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;

THENCE SOUTH 49 DEGREES 28 MINUTES 43 SECONDS WEST – 116.62 FEET

ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;

THENCE SOUTH 39 DEGREES 35 MINUTES 40 SECONDS WEST – 324.71 FEET ACROSS PART OF THE ESTATE OF DANIEL ALLEN PROPERTY AND A PORTION OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY TO THE POINT OF BEGINNING.

CONTAINING 138,400 SQUARE FEET OR 3.18 ACRES, MORE OR LESS.

ALL COORDINATES ARE TENNESSEE STATE PLANE (NAD 83).

NOTE: THE PURPOSE OF THIS DESCRIPTION IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

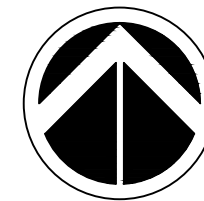
SECTION 3:

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.

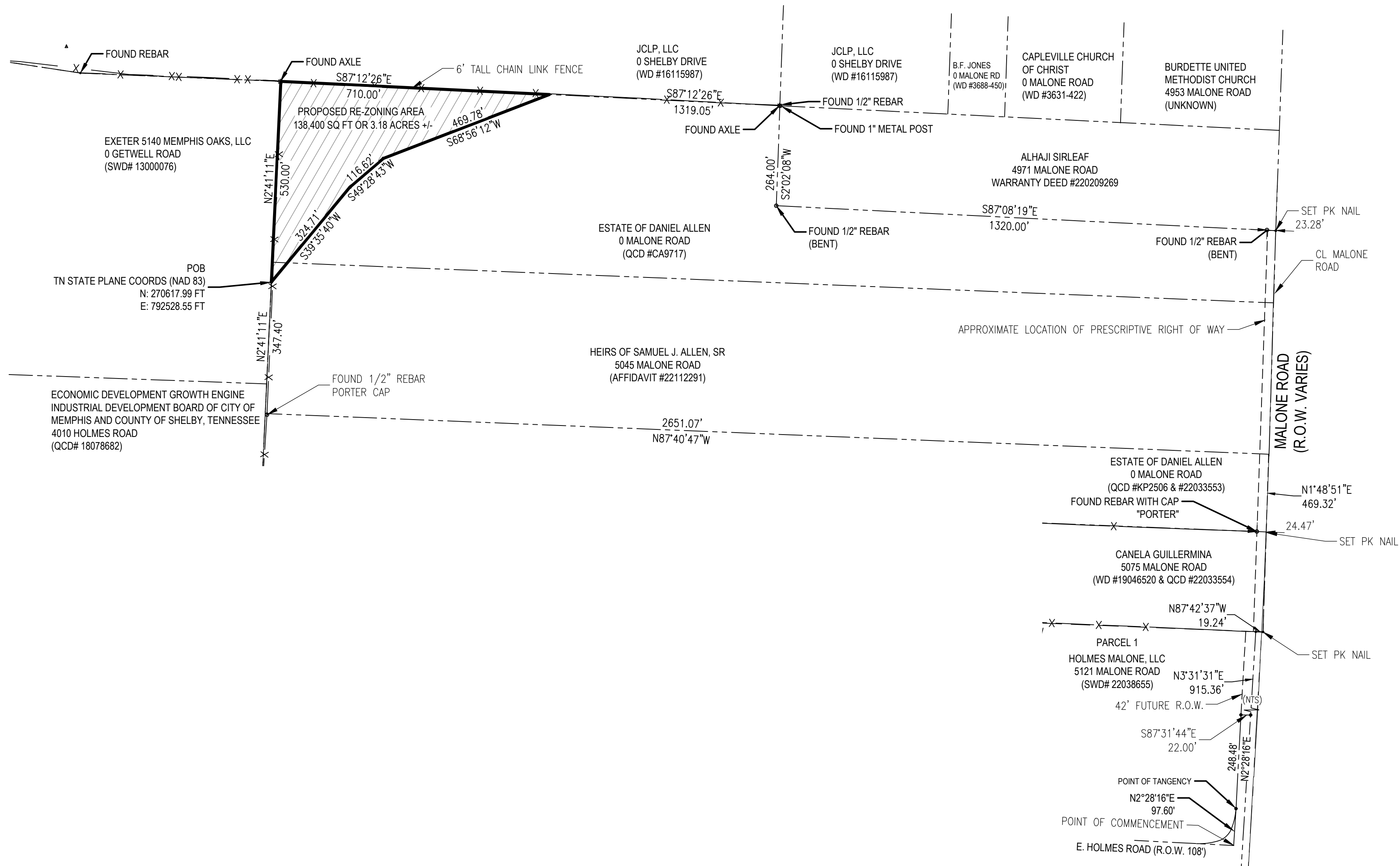
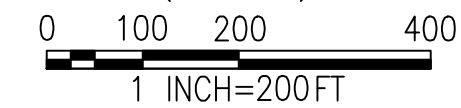
ATTEST:

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

//: ATTACHMENTS



TN GRID NORTH
(NAD 83)



NOTE: THE PURPOSE OF THIS EXHIBIT IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.



Pickering
Pickering Firm, Inc.
Facility Design • Civil Engineering • Surveying
• Transportation • Natural / Water Resources
6363 Poplar Avenue, Suite 300
Memphis, TN 38119
901.726.0810

RE-ZONING EXHIBIT		
PART OF THE ESTATE OF DANIEL ALLEN PROPERTY & THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY		
	AREA: 3.18 ACRES	
DATE: FEBRUARY 21, 2023	SCALE: 1" = 200'	SHEET 1 OF 1

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, _____ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

CASE NUMBER: Z 2023-005
LOCATION: 0 Malone Road
COUNCIL DISTRICTS: District 3 and Super District 8 – Positions 1, 2, and 3
OWNER/APPLICANT: Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC
REPRESENTATIVE: Josh Whitehead, Burch, Porter, & Johnson, PLLC
REQUEST: Rezoning of +/-3.18 acres from Conservation Agriculture (CA) to Employment (EMP)
RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, _____, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis’ website.

THIS THE _____, _____

MARTAVIOUS JONES
CHAIRMAN OF COUNCIL

ATTEST:

WALTER PERSON
CITY COMPTROLLER

TO BE PUBLISHED:

IMPORT AUTO SERVICE INC
2562 JACKSON AVE
MEMPHIS TN 38108

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

PITTMAN DENNIS AND TONI PITTMAN
P O BOX 820903 #
MEMPHIS TN 38182

N BINGHAM STREET INVESTMENTS LLC
13701 W JEWELL AVE #200-28
LAKEWOOD CO 80228

ARMSTRONG COTTRELL
2840 CHURCHILL ST #
MEMPHIS TN 38118

CITY OF MEMPHIS
2666 JACKSON AVE #
MEMPHIS TN 38108

MEMPHIS PROPERTY GROUP LLC
310 BARRY RD #
HOLLY SPRINGS MS 38635

SCOTT LONNIE
PO BOX 221102 ST #
MEMPHIS TN 38112

SHELBY COUNTY TAX SALE 16.03
PO BOX 2751 #
MEMPHIS TN 38101

B AND H PLUS INC
24 WATERS EDGE CV #
ATOKA TN 38004

BCP PROPERTIES (PSO)
P O BOX 383287 #
GERMANTOWN TN 38183

US SPRINT COMMUNICATIONS CO LTD PSO
PO BOX 8490 #
KANSAS CITY MO 64114

MARTINEZ RICARDO L & ROSA I
2631 JACKSON AVE #
MEMPHIS TN 38108

BALLARD MONROE JR
735 N PARKWAY #
MEMPHIS TN 38105

SYED HANIYYAH
2618 JACKSON AVE #
MEMPHIS TN 38108

JCM HOLDING LLC
2718 PERSHING AVE #
MEMPHIS TN 38112

HILLIARD ARTHUR I
2561 OGDEN AVE #
MEMPHIS TN 38112

FOSTER EDNA T
2601 LIBERTY AVE #
MEMPHIS TN 38108

JCM HOLDING LLC
2718 PERSHING AVE #
MEMPHIS TN 38112

SNIPES LATRICE M
1349 TUTWILER AVE #
MEMPHIS TN 38107

SANCHEZ EVELIN X V
860 BINGHAM DR #
MEMPHIS TN 38108

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

WHITE LATOYA
3382 WOODS LN #
SOUTHAVEN MS 38672

SHELBY COUNTY TAX SALE 13.02
PO BOX 2751 #
MEMPHIS TN 38101

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

HARRIS MARSHALL PAMELA M AND JENNIFER J
5824 LYNNFIELD CV #
MEMPHIS TN 38119

PARKS TONY J
1065 W MONTEBELLO CIR #
CORDOVA TN 38018

HAZLETT SHERLY A
2614 OGDEN AVE #
MEMPHIS TN 38112

ADAMS SOLOMON & VANESSA T
994 STONEWALL #
MEMPHIS TN 38107

SHELBY COUNTY TAX SALE 13.02
PO BOX 2751 #
MEMPHIS TN 38101

RUSHMORE REI LLC
2746 LONGSHADOW LN #
CORDOVA TN 38016

MCKINNEY FLOYD AND WAYNE MCKINNEY AND
2546 LYNDAL AVE #
MEMPHIS TN 38112

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

IRAHETA LORVIN A B
2667 JACKSON AVE #
MEMPHIS TN 38108

HUNT WILLIE J & JUANITA J
2552 LYNDAL AVE #
MEMPHIS TN 38112

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

SHELBY COUNTY TAX SALE 16.02
PO BOX 2751 #
MEMPHIS TN 38101

CARTER JERRY H AND DEBBIE CARTER PRIOR
3438 FAXON AVE #
MEMPHIS TN 38122

GONZALEZ JUAN C & FLOR D GARCIA
424 REGIS CV
CORDOVA TN 38018

REDEEMERS GROUP INC
3955 WHITEBROOK DR #
MEMPHIS TN 38118

SMITH SHIRLEY A
2562 LYNDAL AVE #
MEMPHIS TN 38112

COLEMAN LINDA & VERA M
2590 OGDEN AVE #
MEMPHIS TN 38112

MARTINEZ RICARDO & ROSA
2631 JACKSON AVE #
MEMPHIS TN 38108

JOHNSON HARRY L & MAMMIE L
2551 LYNDAL AVE #
MEMPHIS TN 38112

MCNELL SAMUEL F
PSC 103 BOX 2479 ST #
APO AE 9603

UNION REALTY COMPANY GP
PO BOX 3661 #
MEMPHIS TN 38173

REED MICHAEL E
PO BOX 751164 #
MEMPHIS TN 38175

HILLIARD JACQUELINE Y
2556 OGDEN AVE #
MEMPHIS TN 38112

JONES BARBARA
884 N HIGHLAND ST #
MEMPHIS TN 38122

CARIHIL MANAGEMENT INC
PO BOX 80403 #
MEMPHIS TN 38108

CHISM SIDNEY JR
776 N BINGHAM ST #
MEMPHIS TN 38112

THARP JAMES H
4385 POPLAR AVE #
MEMPHIS TN 38117

CITY OF MEMPHIS LG & W
125 N MAIN ST #
MEMPHIS TN 38103

PITTMAN WILLIE L & EMMA J
2593 OGDEN AVE #
MEMPHIS TN 38112

THARP JAMES H
4385 POPLAR AVE #2ND
MEMPHIS TN 38117

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

PITTMAN STACY
3084 WADE ST #
MEMPHIS TN 38128

BLIGHT AUTHORITY OF MEMPHIS INC
480 DR ML KING JR AVE
MEMPHIS TN 38126

HARRIS ROSIE L
2622 OGDEN #
MEMPHIS TN 38112

ROBERTSON ROBBIE
775 LOS ANGELES ST #
MEMPHIS TN 38112

BALLARD MONROE JR
735 N PARKWAY #
MEMPHIS TN 38105

SNIPES BRIAN S
2604 FELIX AVE #
MEMPHIS TN 38111

HARDING EUNICE P
2579 JACKSON AVE #
MEMPHIS TN 38108

JAMES LEROY & HENRIETTA
2354 ROZELLE ST #
MEMPHIS TN 38114

DUNN VAUDINE
760 N BINGHAM ST #
MEMPHIS TN 38122

MIRACLES FOR YOUTH LLC
32850 S ELK DR #
STEAMBOAT SPRINGS CO 80487

JONES SHARLINA AND ROBERT BURNS
140 HABITAT CV #
ROSSVILLE TN 38066

ALEXANDER MICHAEL & LUCILLE
755 N BINGHAM ST #
MEMPHIS TN 38112

VALLEJOS TOMAS AND NANCY ALVAREZ (RS)
2418 CABLE AVE
MEMPHIS TN 38114

M AND J TRUST (TR)
PO BOX 751164 #
MEMPHIS TN 38175

DUNN BONNIE F AND VAUDINE DUNN
760 N BINGHAM ST #
MEMPHIS TN 38112

SAVAGE CARTER J
120 SCENIC CT #
FAYETTEVILLE GA 30215

DOWERY GARRY
650 AYERS ST #
MEMPHIS TN 38107

RIVERA MANUEL
3535 KRUGER RD #
MEMPHIS TN 38108

SAGER JAMES E AND CHARLENE D EDWARDS
2589 JACKSON AVE #
MEMPHIS TN 38108

MEMPHIS SOCIAL HOUSING L P

VOLUNTEER BUYERS GP
111 S HIGHLAND #179
MEMPHIS TN 38111

SRIVY
875 W POPLAR AVE #23-232
COLLIERVILLE TN 38017

WHITE LATOYA
3382 WOODS LN #
SOUTHAVEN MS 38672

RODRIGUEZ JUAN G
756 LOS ANGELES ST #
MEMPHIS TN 38112

SRIVY
875 W POPLAR AVE #23-232
COLLIERVILLE TN 38017

GIBSON NANCY
766 N BINGHAM ST #
MEMPHIS TN 38112

GRACE CHURCH OF GOD IN CHRIST
982 MEAGHER ST #
MEMPHIS TN 38108

FILSINGER MANFRED
1241 GHERALD ST #
MEMPHIS TN 38122

CUMMINS INC
500 JACKSON ST #
COLUMBUS IN 47201

DIESEL RECON CO
P O BOX 3005 M/C 60113 #
COLUMBUS IN 47202

SAGER JAMES
2589 JACKSON AVE #
MEMPHIS TN 38108

MCCOVEY DENISE
13419 ANDY ST #
CERRITOS CA 90703

A PARENT'S CHOICE LEARNING ACADEMY LLC
2614 JACKSON AVE #
MEMPHIS TN 38108

RACTHAN GROUP LLC
387 SUZANNE PEAK CT #
HENDERSON NV 89012

LEGACY REALTY & HOLDINGS INC
3426 S PERKINS RD #
MEMPHIS TN 38118

TLC PROPERTIES INC
1600 CENTURY CENTER #104
BARTLETT TN 38134

ROSS CLARENCE & AZALE S
3048 WADE ST #
MEMPHIS TN 38128

TLC PROPERTIES INC
1600 CENTURY CENTER #104
BARTLETT TN 38134

WOODS CURTISTINE
800 COLUMBIA ST #
MEMPHIS TN 38112

OXFORD AND GRAHAM CORP
16720 STUEBNER AIRLINE RD #133
SPRING TX 77379

JOYNER DENNIS
794 COLUMBIA ST #
MEMPHIS TN 38112

OXFORD AND GRAHAM CORP
16720 STEUBNER AIRLINE RD #133
SPRING TX 77379

GILLUM RICHARD E & OLETHIA
788 COLUMBIA ST #
MEMPHIS TN 38112

HUBBARD LOUIS
782 COLUMBIA ST #
MEMPHIS TN 38112

MORENO MOISES B
778 COLUMBIA ST
MEMPHIS TN 38112

NELSON ELIZEBEATH
2619 LIBERTY AVE #
MEMPHIS TN 38108

WEATHERINGTON A J JR & BONNIE
120 E SWAN ST #224
CENTERVILLE TN 37033

OXFORD AND GRAHAM CORP
16720 STUEBNER AIRLINE RD #133
SPRING TX 77379

052056 00027C - IMPORT AUTO SERVICE INC
052056 00023 - N BINGHAM STREET INVESTMENTS LLC
052056 00024 - MEMPHIS PROPERTY GROUP LLC
052051 00004 - B AND H PLUS INC
052051 00003 - MARTINEZ RICARDO L & ROSA I
052052 00005 - JCM HOLDING LLC
052052 00003 - JCM HOLDING LLC
052051 00023 - BLIGHT AUTHORITY OF MEMPHIS INC
052051 00024 - BLIGHT AUTHORITY OF MEMPHIS INC
052051 00029 - HAZLETT SHERLY A
052051 00031 - BLIGHT AUTHORITY OF MEMPHIS INC
052030 00008 - ARMSTRONG COTTRELL
052051 00022 - SCOTT LONNIE
052048 00002 - BCP PROPERTIES (PSO)
052049 00002 - BALLARD MONROE JR
052031 00008 - HILLIARD ARTHUR I
052031 00011 - SNIPES LATRICE M
052049 00005 - WHITE LATOYA
052051 00019 - HARRIS MARSHALL PAMELA M AND JENNIFER J
052048 00006 - ADAMS SOLOMON & VANESSA T
052048 00007 - PITTMAN DENNIS AND TONI PITTMAN
052058 00024 - CITY OF MEMPHIS
052058 00062 - SHELBY COUNTY TAX SALE 16.03
052058 00065C - US SPRINT COMMUNICATIONS CO LTD PSO
052058 00072C - SYED HANIYYAH

052058 00077 - FOSTER EDNA T
052058 00080 - SANCHEZ EVELIN X V
052058 00068 - SHELBY COUNTY TAX SALE 13.02
052026 00038C - PARKS TONY J
052058 00071 - SHELBY COUNTY TAX SALE 13.02
052058 00079 - RUSHMORE REI LLC
052051 00005 - IRAHETA LORVIN A B
052058 00076 - SHELBY COUNTY TAX SALE 16.02
052058 00078 - REDEEMERS GROUP INC
052051 00002 - MARTINEZ RICARDO & ROSA
052051 00001 - UNION REALTY COMPANY GP
052029 00002 - JONES BARBARA
052029 00003 - THARP JAMES H
052029 00004 - THARP JAMES H
052051 00032C - BLIGHT AUTHORITY OF MEMPHIS INC
052029 00008 - MCKINNEY FLOYD AND WAYNE MCKINNEY AND
052029 00007 - HUNT WILLIE J & JUANITA J
052029 00006 - CARTER JERRY H AND DEBBIE CARTER PRIOR
052029 00005 - SMITH SHIRLEY A
052030 00005 - JOHNSON HARRY L & MAMMIE L
052030 00006 - REED MICHAEL E
052030 00007 - CARIHIL MANAGEMENT INC
052051 00025 - CITY OF MEMPHIS LG & W
052051 00026 - BLIGHT AUTHORITY OF MEMPHIS INC
052051 00027 - HARRIS ROSIE L

052051 00028 - BLIGHT AUTHORITY OF MEMPHIS INC
052051 00030 - BLIGHT AUTHORITY OF MEMPHIS INC
052050 00006 - GONZALEZ JUAN C & FLOR D GARCIA
052050 00007 - COLEMAN LINDA & VERA M
052030 00010 - MCNELL SAMUEL F
052030 00009 - HILLIARD JACQUELINE Y
052048 00001 - CHISM SIDNEY JR
052049 00019 - PITTMAN WILLIE L & EMMA J
052049 00018 - PITTMAN STACY
052048 00003 - ROBERTSON ROBBIE
052049 00003 - BALLARD MONROE JR
052031 00009 - JAMES LEROY & HENRIETTA
052048 00019 - JONES SHARLINA AND ROBERT BURNS
052031 00010 - M AND J TRUST (TR)
052051 00021 - DOWERY GARRY
052048 00004 - MEMPHIS SOCIAL HOUSING L P
052049 00004 - WHITE LATOYA
052048 00018 - GIBSON NANCY
052051 00020 - CUMMINS INC
052049 00017 - MCCOVEY DENISE
052031 00012 - SNIPES BRIAN S
052048 00017 - DUNN VAUDINE
052049 00006 - ALEXANDER MICHAEL & LUCILLE
052048 00016 - DUNN BONNIE F AND VAUDINE DUNN
052051 00018 - RIVERA MANUEL

052049 00015 - VOLUNTEER BUYERS GP
052051 00017 - RODRIGUEZ JUAN G
052048 00015 - GRACE CHURCH OF GOD IN CHRIST
052051 00006C - DIESEL RECON CO
052058 00074C - A PARENT'S CHOICE LEARNING ACADEMY LLC
052050 00002 - HARDING EUNICE P
052050 00016 - MIRACLES FOR YOUTH LLC
052050 00008 - VALLEJOS TOMAS AND NANCY ALVAREZ (RS)
052050 00009 - SAVAGE CARTER J
052050 00004 - SAGER JAMES E AND CHARLENE D EDWARDS
052050 00003 - SRIVY
052050 00019 - SRIVY
052050 00001 - FILSINGER MANFRED
052050 00005 - SAGER JAMES
052050 00018 - RACTHAN GROUP LLC
052050 00017 - LEGACY REALTY & HOLDINGS INC
052050 00015 - ROSS CLARENCE & AZALE S
052050 00014 - WOODS CURTISTINE
052050 00013 - JOYNER DENNIS
052050 00012 - GILLUM RICHARD E & OLETHIA
052050 00011 - HUBBARD LOUIS
052050 00010 - MORENO MOISES B
052058 00069C - NELSON ELIZEBEATH
052058 00081 - WEATHERINGTON A J JR & BONNIE
052049 00007 - OXFORD AND GRAHAM CORP

052058 00063 - TLC PROPERTIES INC

052058 00064 - TLC PROPERTIES INC

052048 00005 - OXFORD AND GRAHAM CORP

052049 00016 - OXFORD AND GRAHAM CORP

AGENDA ITEM: 28

CASE NUMBER: Z 2023-005 **L.U.C.B. MEETING:** April 13, 2023

LOCATION: 0 Malone Rd

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

OWNER/APPLICANT: Allen Daniel(Estate of)/Josh Whitehead, Burch, Porter, & Johnson, PLLC

REPRESENTATIVE: Josh Whitehead, Burch, Porter, & Johnson, PLLC

REQUEST: Rezoning of 3.18-acre property from CA, Conservation Agriculture, to EMP, Employment.

AREA: +/-3.18 acres

EXISTING ZONING: Conservation Agriculture (CA)

CONCLUSIONS

1. The request is to rezone 3.18 acres from Conservation Agriculture (CA) to Employment (EMP).
2. The underlying purpose of this application is a reclassification of 3.18 located to the extreme northwest of the subject property.
3. Staff finds the request is consistent with the Council of the City of Memphis and County Commission approved Memphis Airport Area Land Use Study Final Report (1992) and is an appropriate zoning district for the area that is compatible with the surrounding land uses.
4. The subject property is vacant at this time.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage: Malone Road +/-166.3 curvilinear feet
Zoning Atlas Page: 2540
Parcel ID: 094100 00311 and 094100 00312
Area: +/-3.18 acres
Existing Zoning: Conservation Agriculture (CA) and Employment (EMP)
Requested Zoning: Employment (EMP)

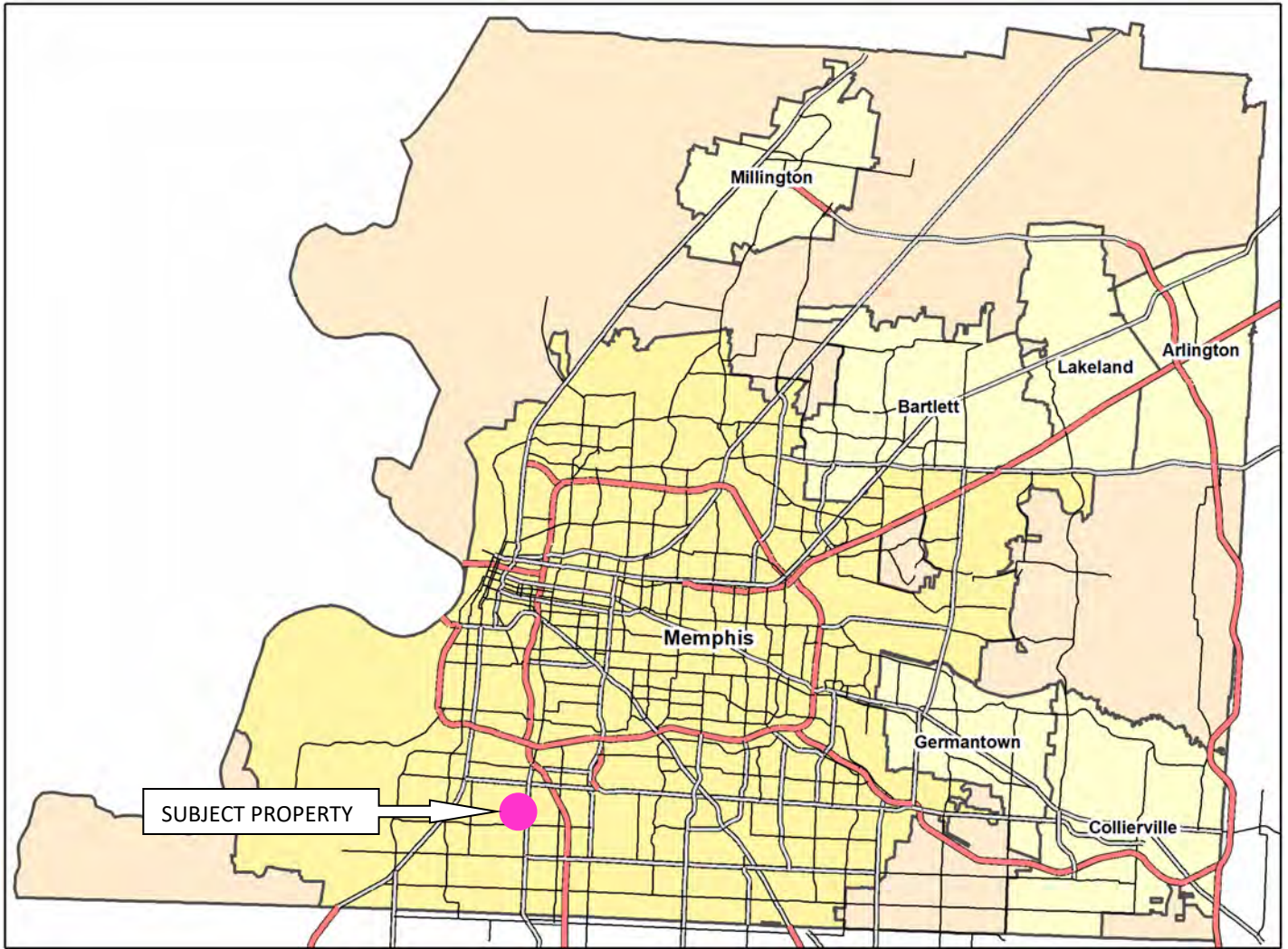
NEIGHBORHOOD MEETING

Not required, zoning change is in compliance with the Memphis Airport Area Land Use Study.

PUBLIC NOTICE

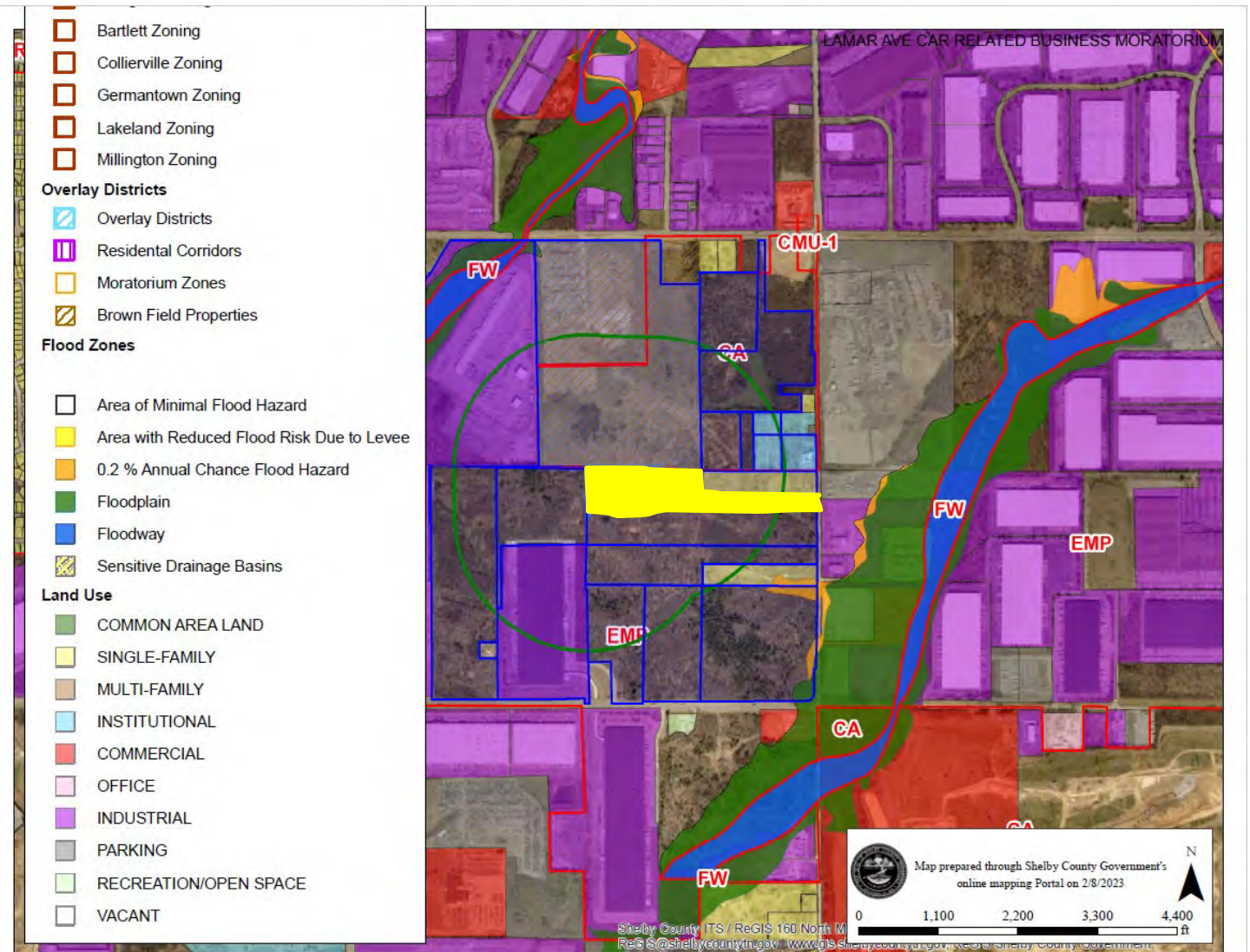
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 20 notices were mailed on March 23, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle

VICINITY MAP



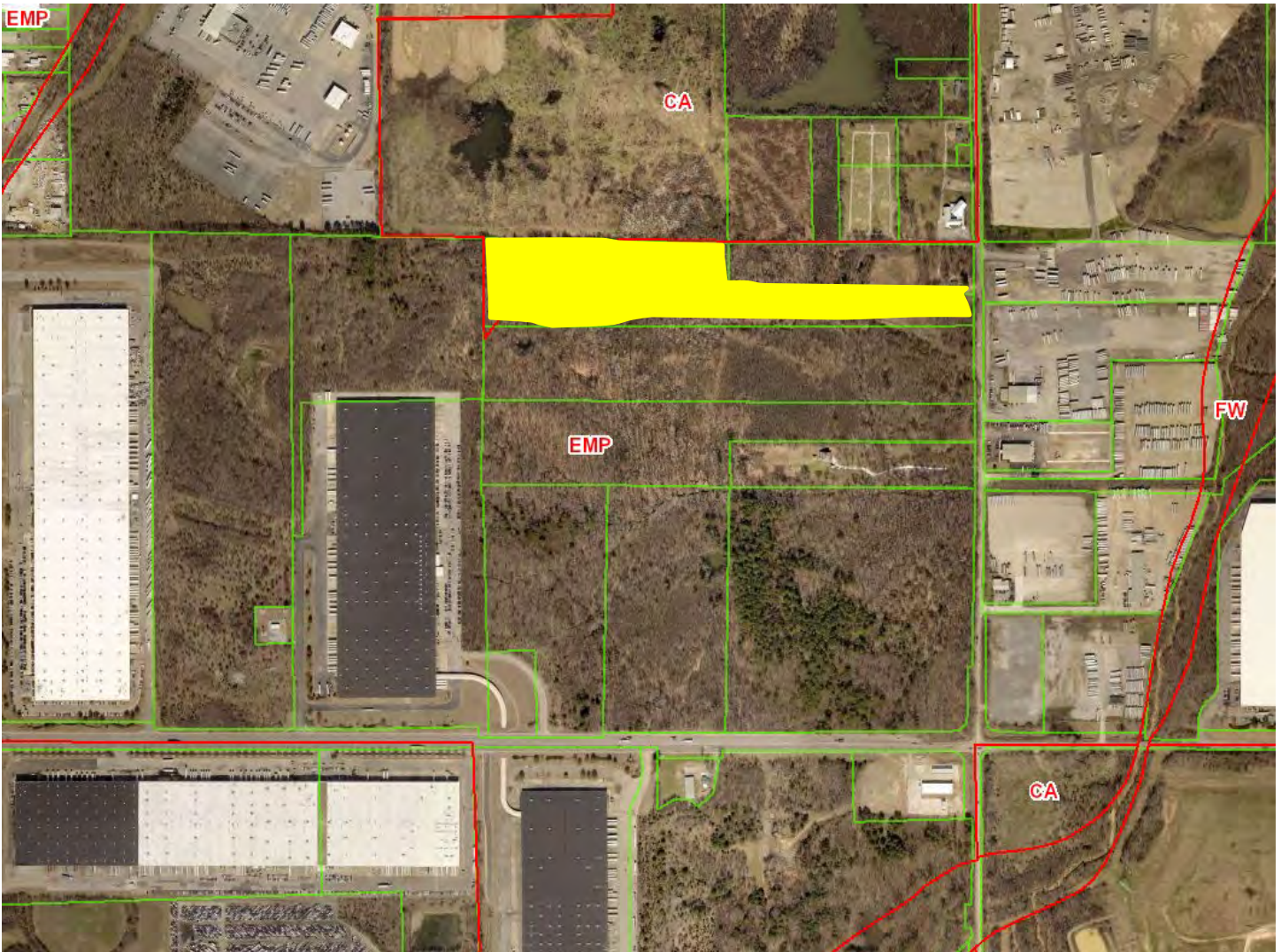
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Conservation Agriculture (CA) and Employment (EMP)

Surrounding Zoning

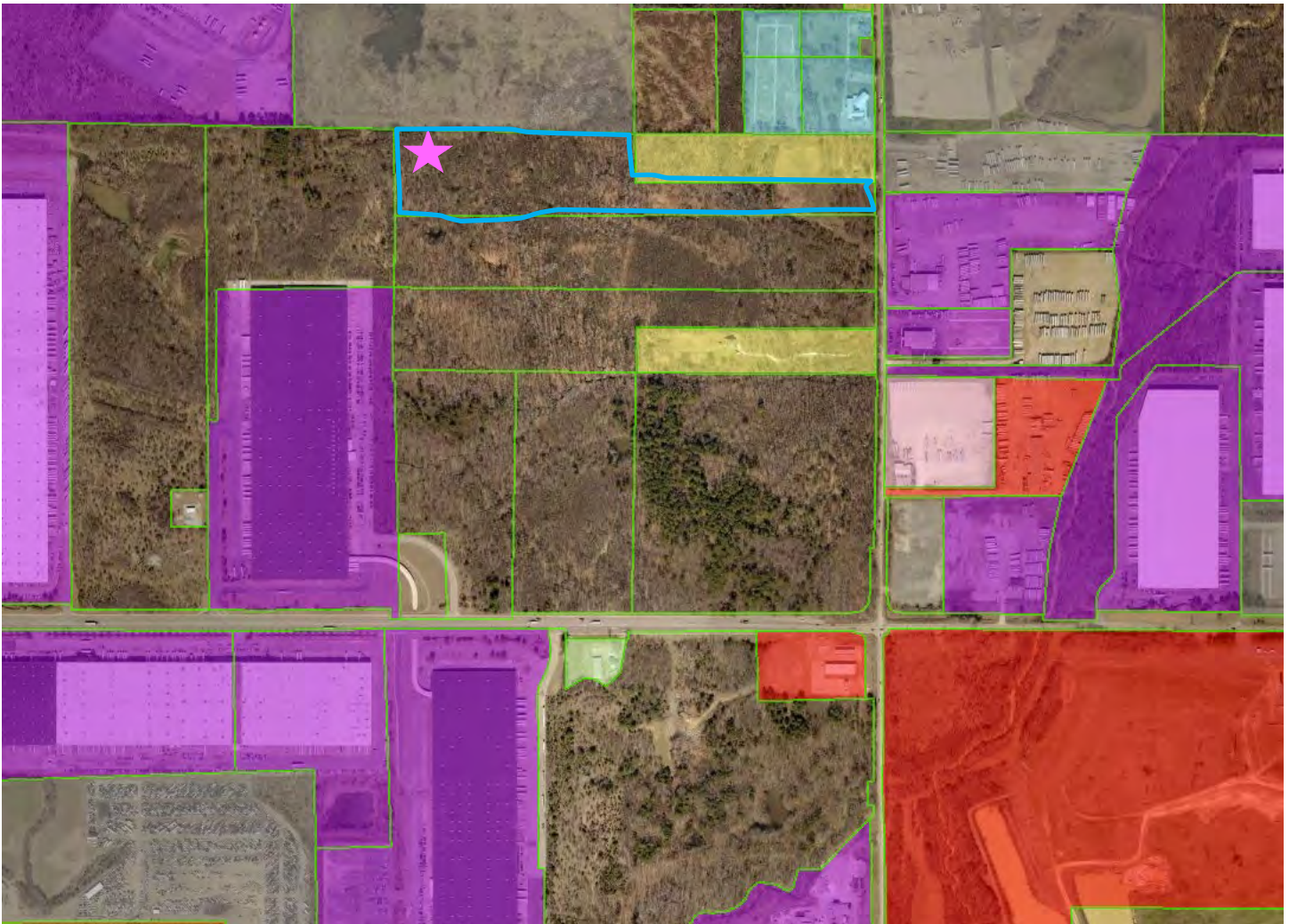
North: CA

East: FW










South: EMP

West: EMP

LAND USE MAP



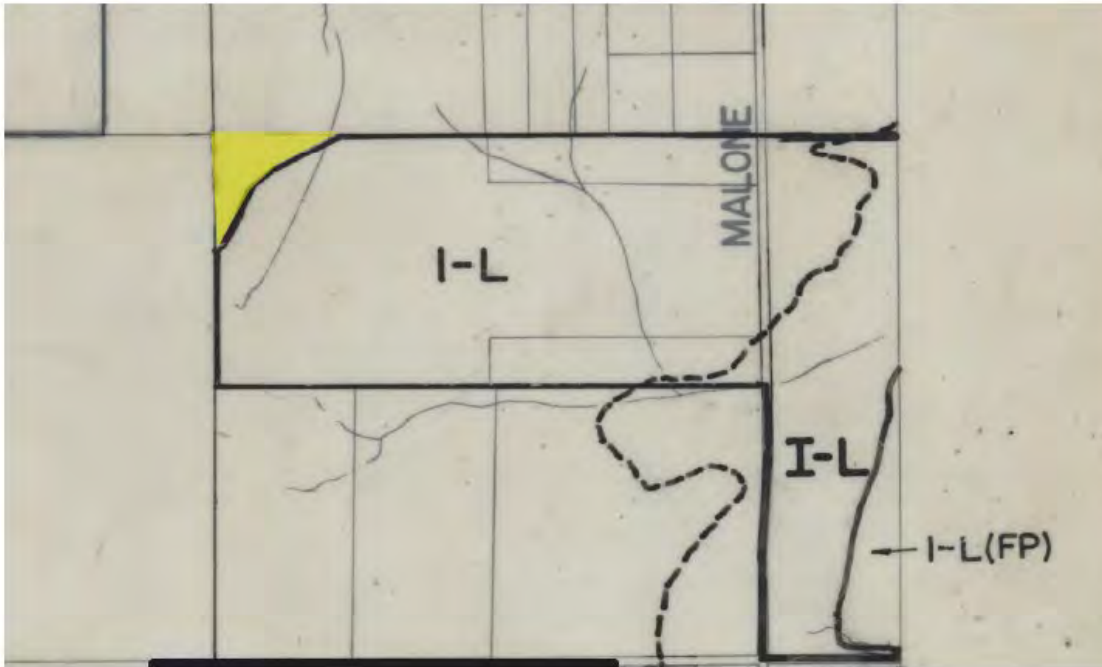
LandUse

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

Subject property outlined in electric blue and indicated by pink star

EXCERPT FROM 1980 ZONING ATLAS

EXHIBIT A: Excerpt from the 1980 Zoning Atlas (subject area highlighted in yellow; I-L is the former designation of what is now known as the EMP zoning district)

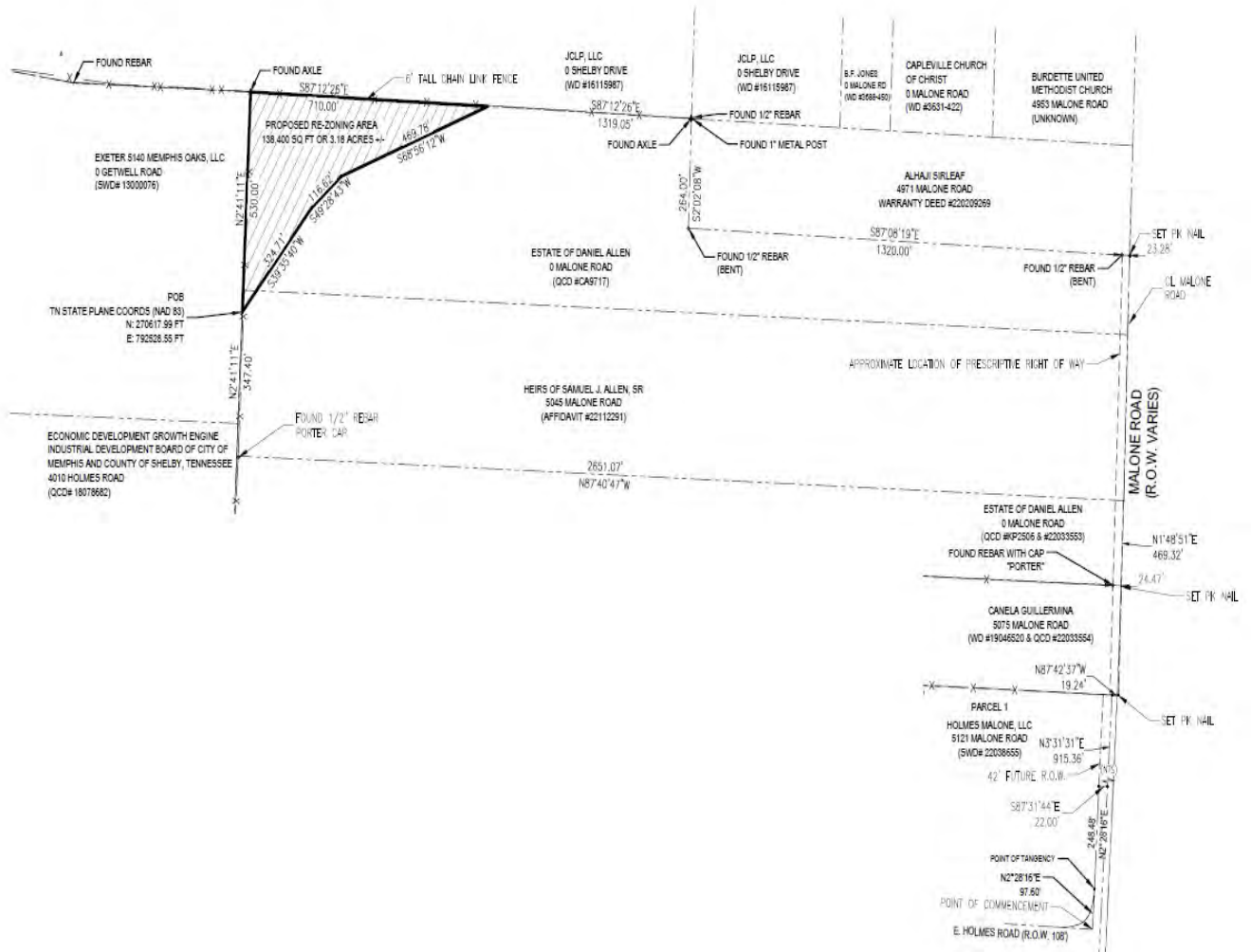


EXCERPT FROM THE MEMPHIS 3.0 GENERAL PLAN

EXHIBIT B: Excerpt from the Memphis 3.0 General Plan (subject area, identified with arrow, designated for “Industrial Flex”)



RE-ZONING EXHIBIT



STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is to rezone 3.18 acres from Conservation Agriculture (CA) to Employment (EMP).

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);

9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;

9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The subject property is +/-20.25 acres and comprised of two parcels located at 0 Malone Road. The site is currently zoned both Employment (EMP) and Conservation Agriculture (CA) and it is vacant land. There is 3.18 acres that is currently located to the extreme northwest corner of the subject property that is zoned Conservation Agriculture (CA). The remaining of the subject property is zoned Employment.

Memphis Airport Area Land Use Study Final Report

The Memphis Airport Area Land Use Study Final Report was adopted by Council of the City of Memphis in August of 1992 and by the Shelby County Commission in June 1992. This report indicates that residential uses are inappropriate for the area in which the subject property lies. The plan indicates Planned Business Park would be more appropriate, however, this is a zoning category that was never codified. Staff believes the Employment District is consistent with this plans recommendation and an appropriate zoning district for the area that is compatible with the surrounding land uses in which the subject property lies.

Conclusions

The request is to rezone 3.18 acres from Conservation Agriculture (CA) to Employment (EMP).

The underlying purpose of this application is a reclassification of 3.18 located to the extreme northwest of the subject property.

Staff finds the request is consistent with the Council of the City of Memphis and County Commission approved Memphis Airport Area Land Use Study Final Report (1992) and is an appropriate zoning district for the area that is compatible with the surrounding land uses.

The subject property is vacant at this time.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

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

- | | |
|---|-----------------------|
| City/County Engineer: | No comments received. |
| City/County Fire Division: | No comments received. |
| 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: | No comments received. |
| Office of Comprehensive Planning: | No comments received. |

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: February 23, 2023

Record Number: Z 2023-005

Expiration Date:

Record Name: Memphis Oaks rezoning

Description of Work: Rezoning of 3.18-acre property from CA, Conservation Agriculture, to EMP, Employment.

Parent Record Number:

Address:

0 MALONE RD, MEMPHIS, TN 38118

Owner Information

Primary	Owner Name
Y	ALLEN DANIEL (ESTATE OF)

Owner Address
4283 TURTLE CV, MEMPHIS, TN 38141

Owner Phone

Parcel Information

094100 00311

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner	Brett Ragsdale
Date of Meeting	02/15/2023
Pre-application Meeting Type	Email

GENERAL INFORMATION

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No
 Have you held a neighborhood meeting? No
 If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No
 Case Layer BOA1954-096-CO
 Class R
 Downtown Fire District No
 Historic District -
 Land Use VACANT
 Municipality -
 Overlay/Special Purpose District -
 Zoning EMP
 State Route -
 Lot -
 Subdivision -
 Planned Development District -
 Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

Property Parcel Number: 094100 00312

Contact Information

Name JOSH WHITEHEAD Contact Type APPLICANT

Address

Phone

(901)524-5127

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1450854	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	02/23/2023
1451196	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	02/24/2023

Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00

Payment Information

Payment Amount \$1,000.00 Method of Payment Check

LETTER OF INTENT



Josh Whitehead
Senior Attorney
Direct: 901.524.5127
jwhitehead@bpjlaw.com

LAW OFFICES
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103
Phone: 901.524.5000
Fax: 901.524.5024
bpjlaw.com

February 23, 2023

Brett Ragsdale, AIA
Zoning Administrator
Memphis and Shelby County
Division of Planning and Development

Mary W. Sharp and
Members
Memphis and Shelby County
Land Use Control Board

Dear Mr. Ragsdale and Madam Chair:

On behalf of PDC TN/FL LPIV, LLC, I am pleased to submit this application for the rezoning of approximately 3.18 acres located in the center of the block bounded by Shelby Drive on the north, Malone Road on the east, Holmes Road on the south and Getwell Road on the west.

The subject 3.18 acres represents the extreme northwest corners of two tax parcels that are both located in two different zoning districts. The 3.18 acres is currently located in the CA, Conservation Agriculture, zoning district, while the balance of the tax parcels (Parcel IDs 094100 00311 and 094100 00312) are located in the EMP, Employment, zoning district. This may be a result of a lot line shift that occurred at some point in the past, as this unusual zoning boundary has existed for at least 40+ years (see Exhibit A, excerpt from the 1980 Zoning Atlas).

This request involves the reclassification of the 3.18 acres described above from the CA district to the EMP district, which is 1) supported by Memphis 3.0 (see Exhibit B, excerpt from the Memphis 3.0 General Plan), 2) will establish a single zoning district for the subject tax parcels and 3) will match the zoning of abutting properties to the east, south and west and the zoning of property approximately 1200 feet to the north of the subject property.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Whitehead", written over a light blue horizontal line.

Josh Whitehead

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Maxim Brown, being duly sworn, depose and say that at 9:30 am/pm on the 14 day of March, 2023, I posted 1 Public Notice Sign(s) pertaining to Case No. 223-05 at Malone Road providing notice of a Public Hearing before the (check one):

- Land Use Control Board
- Board of Adjustment
- Memphis City Council
- Shelby County Board of Commissioners

for consideration of a proposed land use action, a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

3-14-2023
Date

Subscribed and sworn to before me this 14th day of March, 2023.

Catherine Crawford
Notary Public

My commission expires: 7-1-23



My Comm. Exp. 7-1-2023

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 17, 2023

Allen Daniel (Estate of)
4283 Turtle Cv.
Memphis, TN 38141

Sent via electronic mail to: jwhitehead@bpjlaw.com

Case Number: Z 23-005
LUCB Recommendation: Approval

Dear applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at 0 Malone Road – Parcel #'s 094100 00311 and 094100 00312 of 3.18 acres from Conservation Agriculture (CA) to Employment (EMP) located to the extreme northwest of the subject property.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. 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 teresa.shelton@memphistn.gov.

Respectfully,



Teresa H. Shelton
Municipal Planner

Letter to Applicant

Z 23-005

Land Use and Development Services
Division of Planning and Development

Cc: Josh Whitehead, Burch, Porter, & Johnson, PLLC
File



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Y ALLEN DANIEL (ESTATE OF)

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Parcel Information

094100 00311

Data Fields

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Name of DPD Planner

Brett Ragsdale

Date of Meeting

02/15/2023

Pre-application Meeting Type

Email

GENERAL INFORMATION

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning Letter? No

Have you held a neighborhood meeting? No
If yes, please provide additional information -

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Case Layer BOA1954-096-CO
Class R
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Name JOSH WHITEHEAD Contact Type APPLICANT

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(901)524-5127

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Payment Amount \$1,000.00 Method of Payment Check

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

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

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

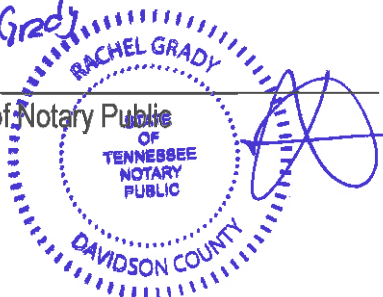
I, Whit Hamilton, state that I have read the definition of "Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

(Whitfield Hamilton, partner of PDC TN/FL LP IV, LLC, a Delaware Limited Liability Company)

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 0 Malone Road
and further identified by Assessor's Parcel Number Part of Parcels 094100 00311 and 094100 00312,
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 23rd day of February in the year of 2023.

Rachel Grady
Signature of Notary Public 

My Commission Expires
January 11, 2026

My Commission Expires



Josh Whitehead
Senior Attorney
Direct: 901.524.5127
jwhitehead@bpjlaw.com

LAW OFFICES
Burch, Porter & Johnson, PLLC
130 North Court Avenue
Memphis, TN 38103
Phone: 901.524.5000
Fax: 901.524.5024
bpjlaw.com

February 23, 2023

Brett Ragsdale, AIA
Zoning Administrator
Memphis and Shelby County
Division of Planning and Development

Mary W. Sharp and
Members
Memphis and Shelby County
Land Use Control Board

Dear Mr. Ragsdale and Madam Chair:

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Thank you for your consideration of this matter.

Very truly yours,

Josh Whitehead

EXHIBIT A: Excerpt from the 1980 Zoning Atlas (subject area highlighted in yellow; I-L is the former designation of what is now known as the EMP zoning district)

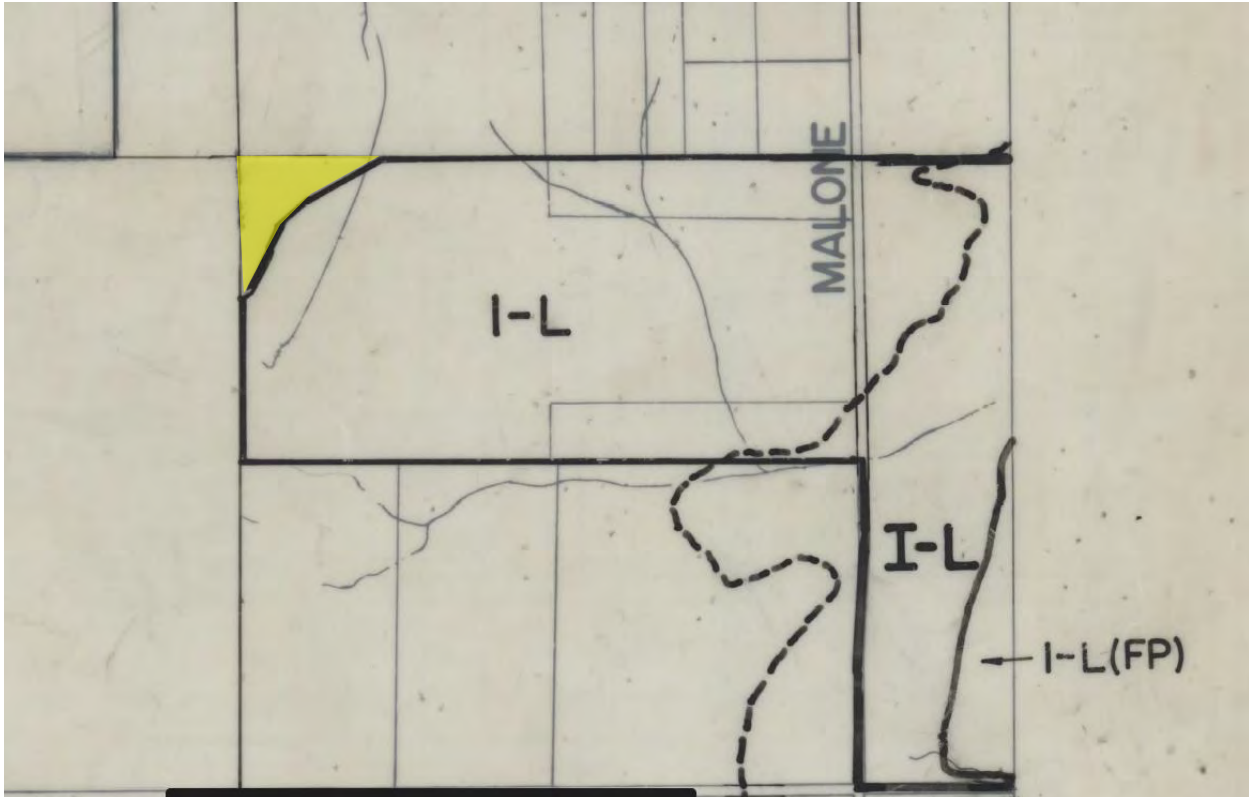
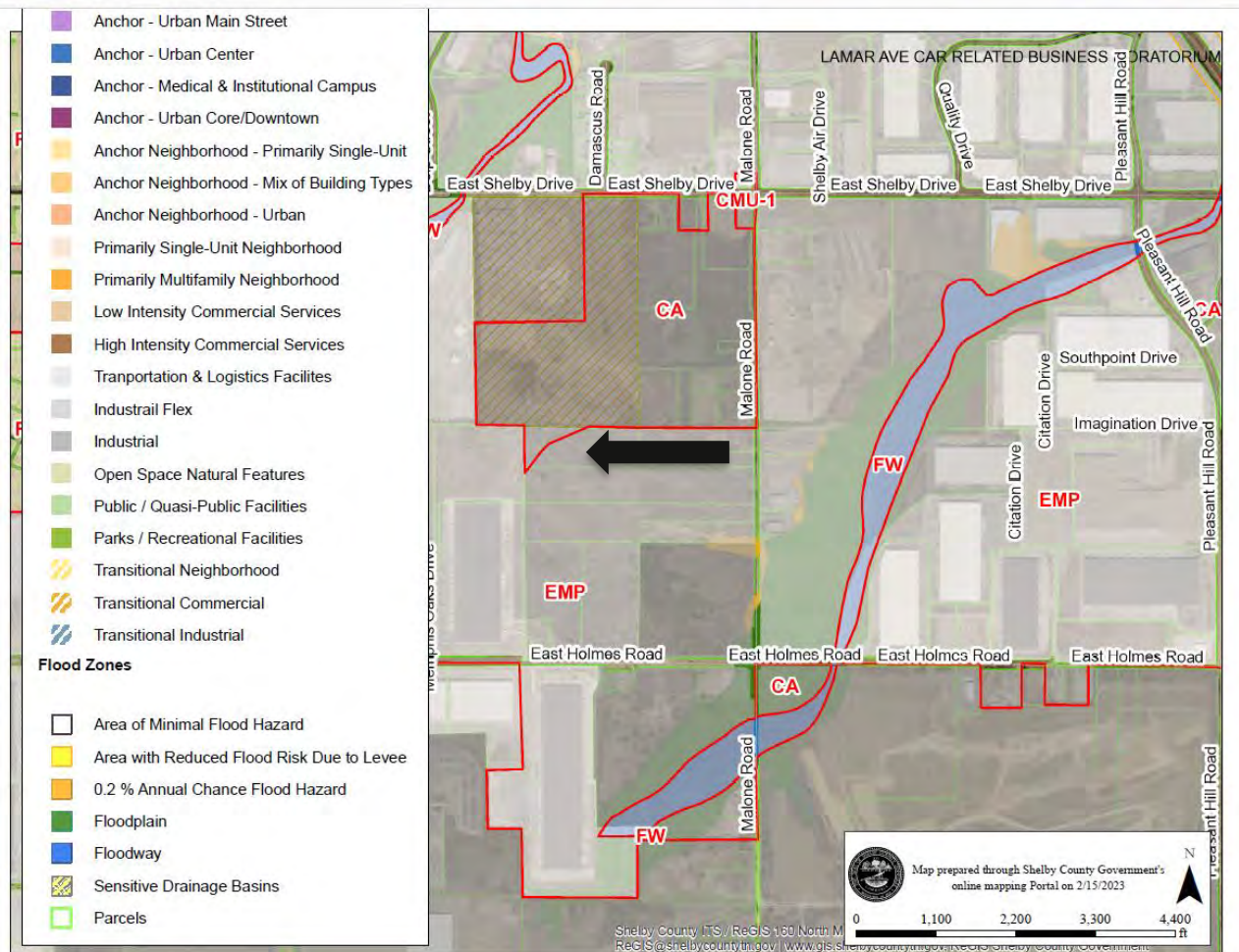
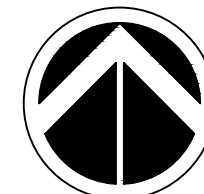
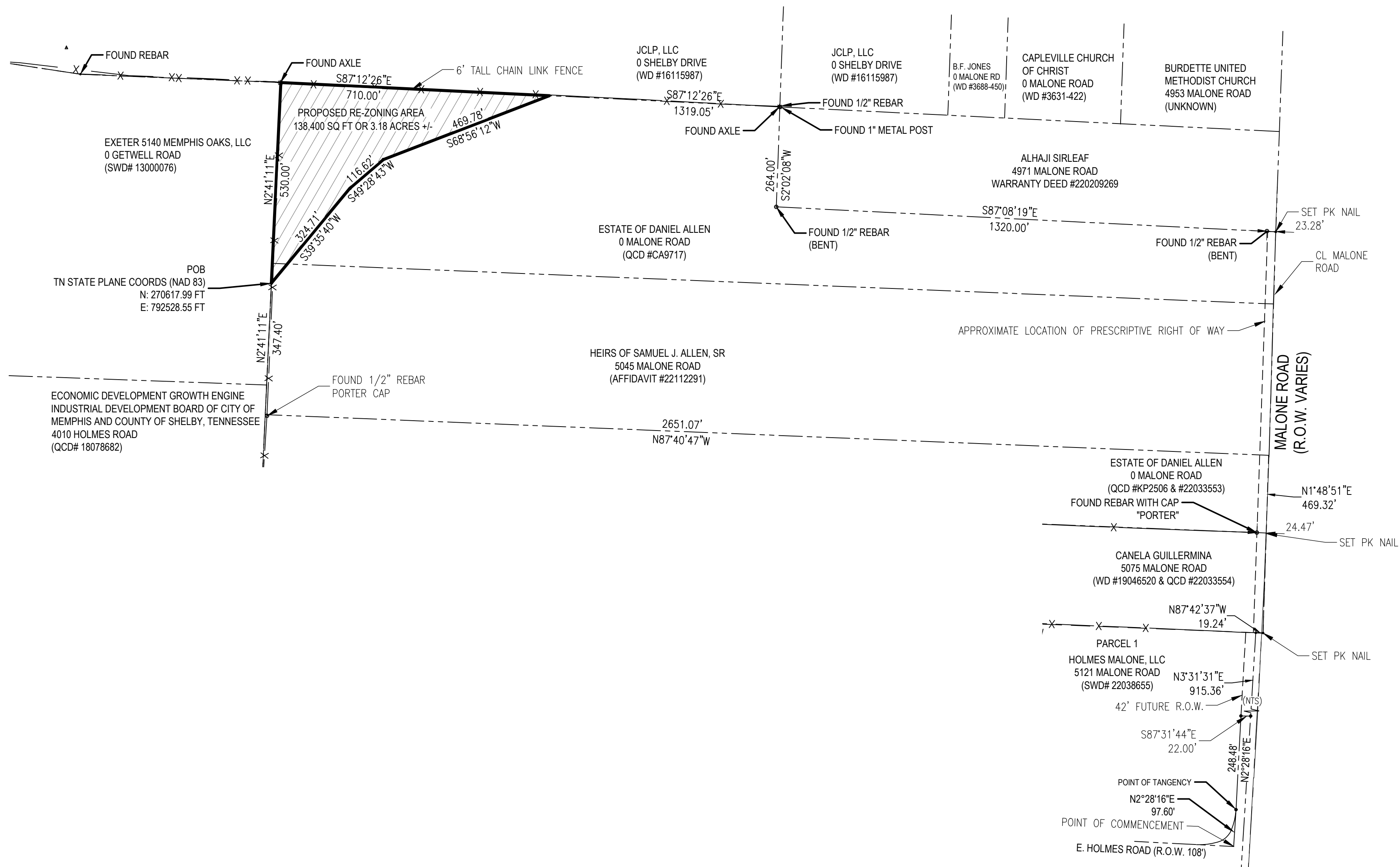
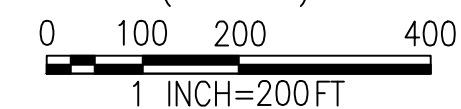


EXHIBIT B: Excerpt from the Memphis 3.0 General Plan (subject area, identified with arrow, designated for “Industrial Flex”)





TN GRID NORTH
(NAD 83)



NOTE: THE PURPOSE OF THIS EXHIBIT IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.

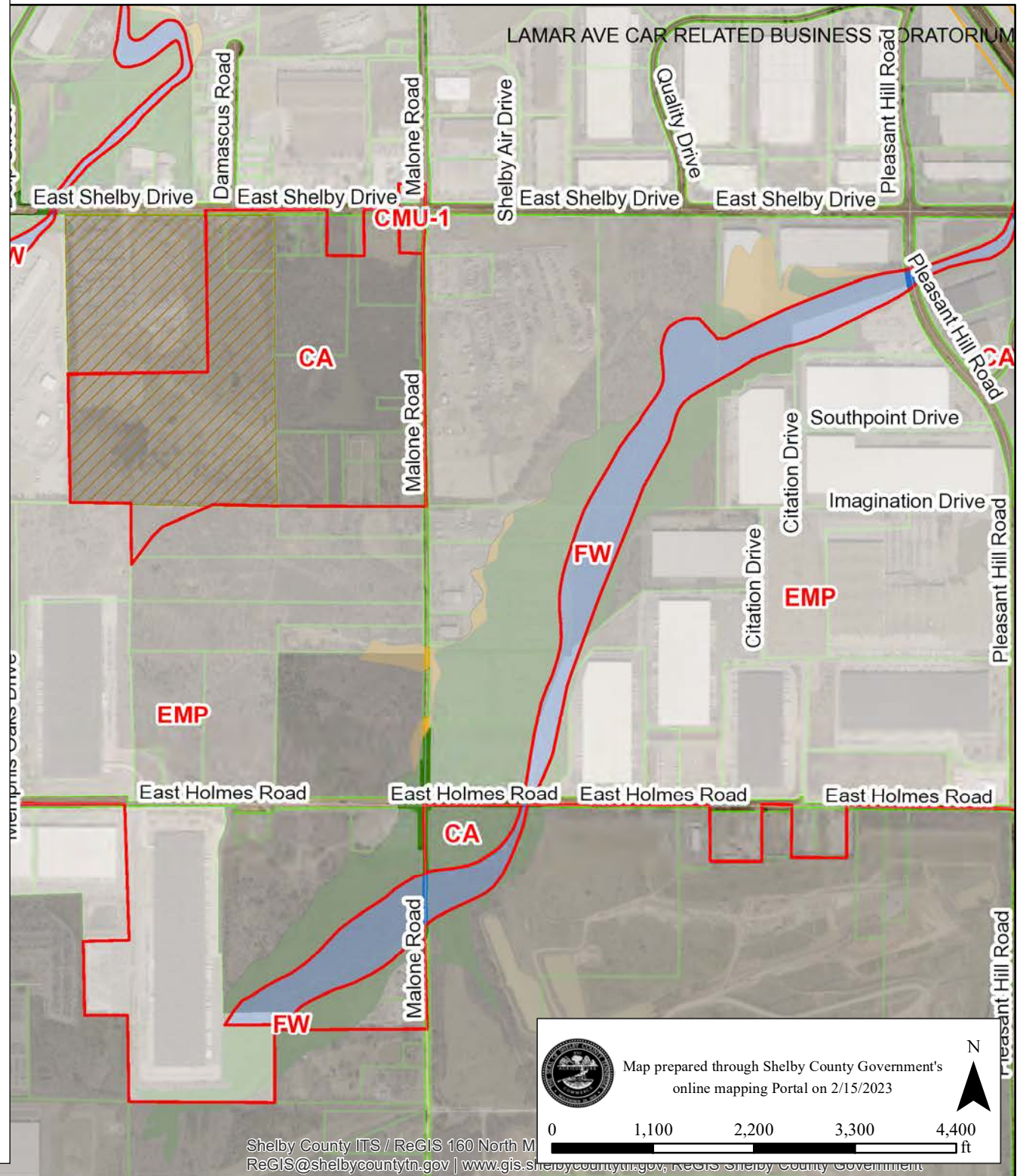
Pickering
 Pickering Firm, Inc.
 Facility Design • Civil Engineering • Surveying
 •Transportation • Naural / Water Resources
 6363 Poplar Avenue, Suite 300
 Memphis, TN 38119
 901.726.0810

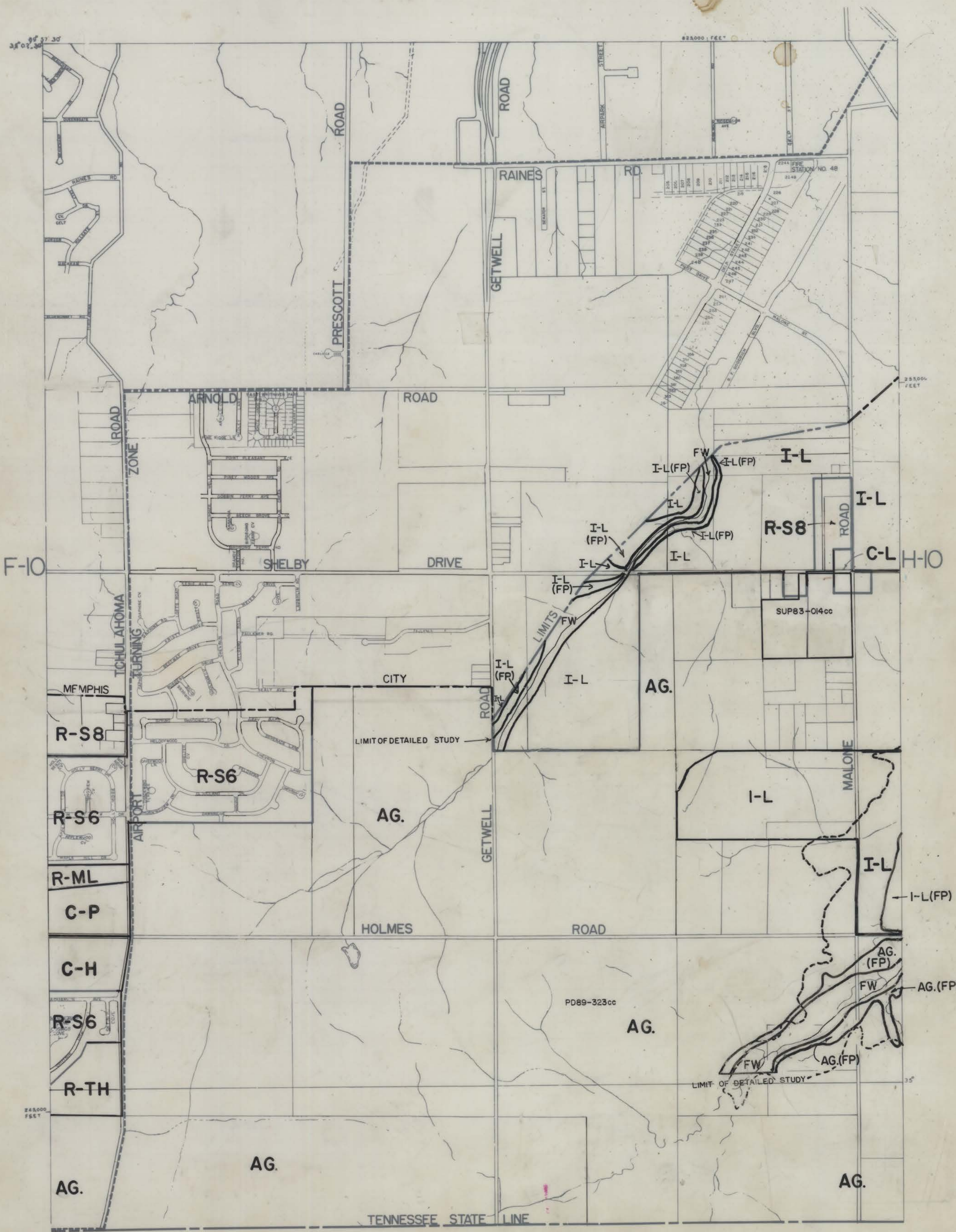
RE-ZONING EXHIBIT		
PART OF THE ESTATE OF DANIEL ALLEN PROPERTY & THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY		
	AREA: 3.18 ACRES	
DATE: FEBRUARY 21, 2023	SCALE: 1" = 200'	SHEET 1 OF 1

- Anchor - Urban Main Street
- Anchor - Urban Center
- Anchor - Medical & Institutional Campus
- Anchor - Urban Core/Downtown
- Anchor Neighborhood - Primarily Single-Unit
- Anchor Neighborhood - Mix of Building Types
- Anchor Neighborhood - Urban
- Primarily Single-Unit Neighborhood
- Primarily Multifamily Neighborhood
- Low Intensity Commercial Services
- High Intensity Commercial Services
- Transportation & Logistics Facilities
- Industriail Flex
- Industrial
- Open Space Natural Features
- Public / Quasi-Public Facilities
- Parks / Recreational Facilities
- Transitional Neighborhood
- Transitional Commercial
- Transitional Industrial

Flood Zones

- Area of Minimal Flood Hazard
- Area with Reduced Flood Risk Due to Levee
- 0.2 % Annual Chance Flood Hazard
- Floodplain
- Floodway
- Sensitive Drainage Basins
- Parcels





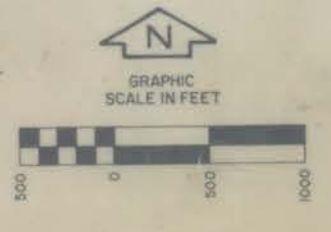
ANNUAL REVISIONS The following schedule correctly reflects all of the zoning map amendments that have been adopted by the County Board of Commissioners during the calendar year indicated.

Year	Director of Planning	Year	Director of Planning
1977	[Signature]	1978	[Signature]

We hereby certify that this map was adopted in joint session on the Zoning District Map for the City-County Five-Mile Zone by the Council of the City of Memphis and Board of Commissioners of Shelby County on 10/16/78 and is effective on 1/1/79.

Robert Tamboli
 COUNTY COMMISSIONER

Dorothy G. Beard
 COUNTY CLERK



Prepared By
 MEMPHIS AND SHELBY COUNTY
 OFFICE OF PLANNING AND DEVELOPMENT

PROPERTY DESCRIPTION OF AREA TO BE RE-ZONED

DESCRIPTION OF PART OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY PER AFFIDAVIT INSTRUMENT NO. 22112291 AND THE ESTATE OF DANIEL ALLEN PROPERTY PER QUIT CLAIM DEED INSTRUMENT NO. CA9717, ALL OF RECORD IN THE REGISTER'S OFFICE IN THE CITY OF MEMPHIS, SHELBY COUNTY, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF TANGENT INTERSECTION OF THE NORTH LINE OF HOLMES ROAD (108 FEET WIDE AT THIS POINT) WITH THE WEST LINE OF MALONE ROAD (42 FEET WEST OF THE CENTERLINE OF MALONE ROAD AT THIS POINT); THENCE NORTH 02 DEGREES 28 MINUTES 16 SECONDS EAST-97.60 FEET ALONG THE WEST LINE OF MALONE ROAD TO THE POINT OF TANGENCY; THENCE CONTINUING NORTHWARDLY ALONG SAID SAME WEST LINE 248.48 FEET ALONG THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY PER SPECIAL WARRANTY DEED 22038655 TO A R.O.W. OFFSET POINT; THENCE SOUTH 87 DEGREES 31 MINUTES 44 SECONDS EAST-22.00 FEET TO A POINT IN THE PRESENT WEST LINE OF MALONE ROAD; THENCE NORTH 03 DEGREES 31 MINUTES 31 SECONDS EAST-915.36 FEET ALONG THE WEST LINE OF MALONE ROAD AND THE EAST LINE OF THE HOLMES MALONE, LLC PROPERTY TO A POINT BEING THE NORTH EAST CORNER OF SAID HOLMES PROPERTY AND IN THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY (WD INST. NO. 19046520 AND QCD INST. NO. 22033554, S.C.R.O.); THENCE SOUTH 87 DEGREES 42 MINUTES 37 SECONDS EAST-19.24 FEET ALONG THE SOUTH LINE OF THE CANELA GUILLERMINA PROPERTY TO AN OFFSET POINT IN THE CURRENT CENTER LINE OF MALONE ROAD; THENCE NORTH 1 DEGREE 48 MINUTES 51 SECONDS EAST-469.32 FEET ALONG THE CENTER OF MALONE ROAD AND ALONG THE EAST LINE OF SAID GUILLERMINA PROPERTY AND THE EAST LINE OF THE ESTATE OF DANIEL ALLEN PROPERTY (QCD INST. NO. KP2506 AND INST. NO. 22033553, S.C.R.O.) TO A POINT BEING THE NORTHEAST CORNER OF SAID ESTATE OF DANIEL ALLEN PROPERTY; THENCE (LEAVING MALONE ROAD) NORTH 87 DEGREES 40 MINUTES 47 SECONDS WEST-2651.07 FEET ALONG THE NORTH LINE OF THE SAID ESTATE OF DANIEL ALLEN PROPERTY AND THE SOUTH LINE OF THE HEIRS OF SAMUEL J ALLEN, SR PROPERTY (AFFADAVIT NO. 22112291, S.C.R.O.) TO A POINT IN THE EAST LINE OF THE ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY (QCD INST. NO. 18078682, S.C.R.O.); THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST-347.40 FEET ALONG THE WEST LINE OF THE ESTATE OF DANIEL ALLEN AND THE HEIRS OF SAMUEL J ALLEN, SR PROPERTIES, BEING THE EAST LINE OF THE SAID ECONOMIC DEVELOPMENT GROWTH ENGINE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF MEMPHIS AND SHELBY COUNTY OF TENNESSEE PROPERTY AND THEN ALONG THE EAST LINE OF THE EXETER 5140 MEMPHIS OAKS, LLC PROPERTY (SWD INST. NO. 13000076, S.C.R.O.) TO A POINT BEING POINT OF BEGINNING AND BEING FURTHER LOCATED AT TENNESSEE STATE PLANE COORDINATES (NAD 83) NORTH 270617.99 FEET AND EAST 792528.55 FEET;

THENCE NORTH 02 DEGREES 41 MINUTES 11 SECONDS EAST – 530.00 FEET ALONG THE EAST LINE OF SAID “EXETER” PROPERTY TO A FOUND AXLE IN THE SOUTH LINE OF THE JCLP, LLC PROPERTY (WD INST. NO. 16115987);

THENCE SOUTH 87 DEGREES 12 MINUTES 26 SECONDS EAST – 710.00 FEET ALONG THE SOUTH LINE OF THE JCLP, LLC PROPERTY TO A POINT;

THENCE, LEAVING SAID BOUNDARY LINE, SOUTH 68 DEGREES 56 MINUTES 12 SECONDS WEST – 469.78 FEET ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;

THENCE SOUTH 49 DEGREES 28 MINUTES 43 SECONDS WEST – 116.62 FEET ACROSS THE ESTATE OF DANIEL ALLEN PROPERTY TO AN ANGLE POINT;

THENCE SOUTH 39 DEGREES 35 MINUTES 40 SECONDS WEST – 324.71 FEET ACROSS PART OF THE ESTATE OF DANIEL ALLEN PROPERTY AND A PORTION OF THE HEIRS OF SAMUEL J. ALLEN, SR PROPERTY TO THE POINT OF BEGINNING.





CONTAINING 138,400 SQUARE FEET OR 3.18 ACRES, MORE OR LESS.

ALL COORDINATES ARE TENNESSEE STATE PLANE (NAD 83).







NOTE: THE PURPOSE OF THIS DESCRIPTION IS FOR RE-ZONING PURPOSES ONLY AND THE MEMPHIS & SHELBY COUNTY ZONING MAP WAS USED FOR SCALING THE DISTANCES AND ESTABLISHING THE GEOMETRY.

-  Bartlett Zoning
-  Collierville Zoning
-  Germantown Zoning
-  Lakeland Zoning
-  Millington Zoning











Overlay Districts

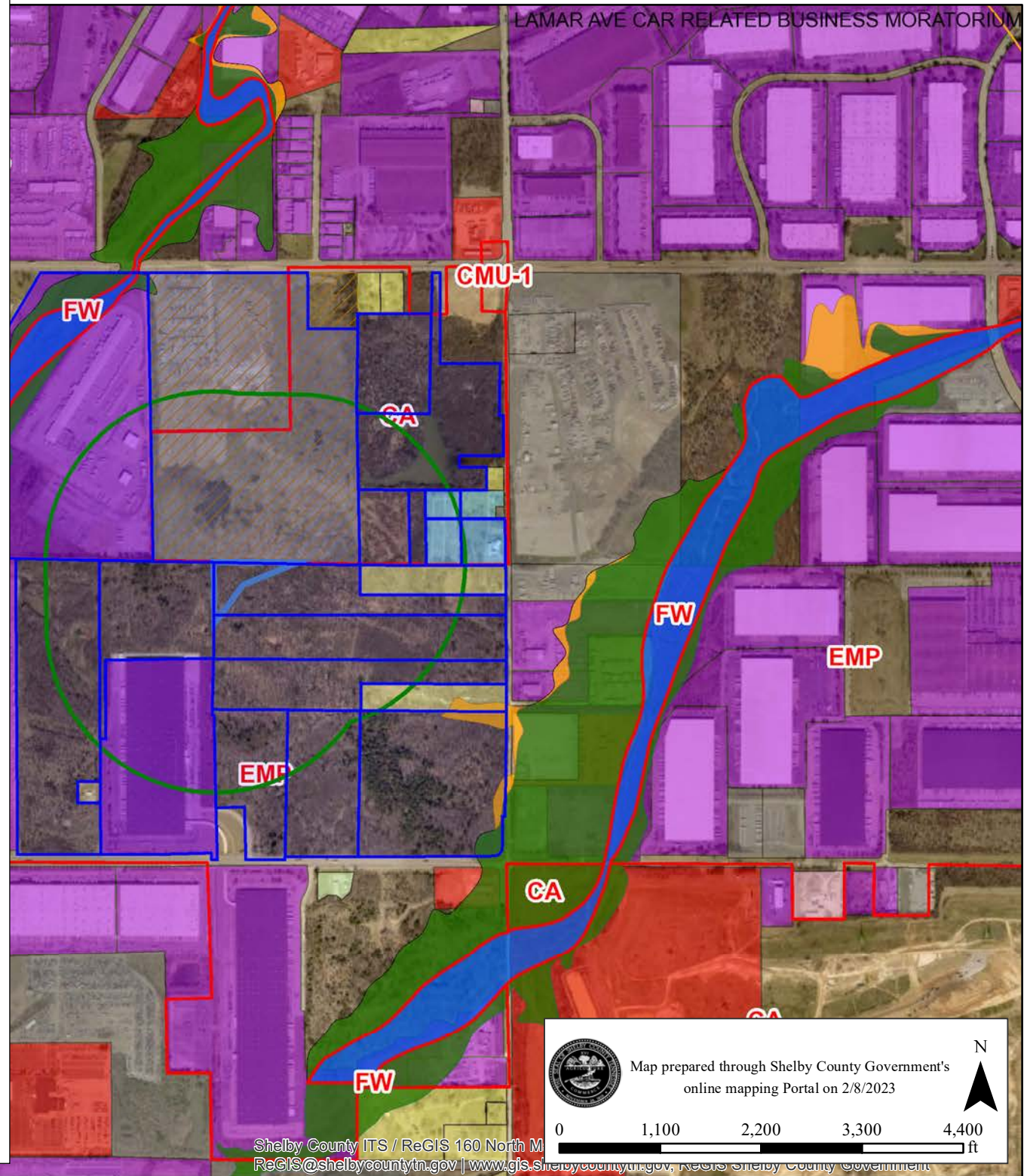
-  Overlay Districts
-  Residential Corridors
-  Moratorium Zones
-  Brown Field Properties


Flood Zones

-  Area of Minimal Flood Hazard
-  Area with Reduced Flood Risk Due to Levee
-  0.2 % Annual Chance Flood Hazard
-  Floodplain
-  Floodway
-  Sensitive Drainage Basins

Land Use

-  COMMON AREA LAND
-  SINGLE-FAMILY
-  MULTI-FAMILY
-  INSTITUTIONAL
-  COMMERCIAL
-  OFFICE
-  INDUSTRIAL
-  PARKING
-  RECREATION/OPEN SPACE
-  VACANT




 Map prepared through Shelby County Government's online mapping Portal on 2/8/2023

0 1,100 2,200 3,300 4,400
 ft

N

094100 00313 - ALLEN DANIEL
094100 00035C - JCLP LLC
094100 00039 - BURDETTE UNITED METHODIST CHURCH TRS
094100 00312 - ALLEN DANIEL C JR AND CARL A ALLEN AND
094100 00031 - MEMPHIS OAKS LAND HOLDINGS LPIV LLC
094100 00034 - ALLEN SAMUEL AND MARTHA A JACKSON AND
094100 00037 - JONES B F TR
094100 00042 - CAPLEVILLE CHURCH OF CHRIST
094100 00311 - ALLEN DANIEL
094100 00038 - CAPLEVILLE CHURCH OF CHRIST
094100 00047C - JCLP LLC
094100 00100 - BRIDGEFORTH GRADY AND HERBERT WILLIAMS
094100 00321 - GALAXY DEVELOPMENT CORP
094100 00085C - RLIF CENTRAL LLC
094100 00032 - CANELA GUILLERMINA
094100 00178 - MEMPHIS OAKS LAND HOLDINGS LPIV LLC
094100 00094C - MEMPHIS OAKS LAND HOLDINGS LPIV LLC
094100 00179 - ECONOMIC DEV GROWTH ENGINE INDUSTRIAL
094100 00309 - MEMPHIS OAKS LAND HOLDINGS LPIV LLC
094100 00310 - EXTER 5140 MEMPHIS OAKS LLC

ALLEN DANIEL
4971 MALONE RD #
MEMPHIS TN 38118

JCLP LLC
2505 FARRISVIEW RD #
MEMPHIS TN 38118

JCLP LLC
2505 FARRISVIEW RD #
MEMPHIS TN 38118

BRIDGEFORTH GRADY AND HERBERT WILLIAMS
4225 E SHELBY DR #
MEMPHIS TN 38118

BURDETTE UNITED METHODIST CHURCH TRS
4953 MALONE RD #
MEMPHIS TN 38118

GALAXY DEVELOPMENT CORP
6987 ESTACADA WAY S
CORDOVA TN 38018

ALLEN DANIEL C JR AND CARL A ALLEN AND
4971 MALONE RD #
MEMPHIS TN 38118

RLIF CENTRAL LLC
201 WEST ST #200
ANNAPOLIS MD 21401

MEMPHIS OAKS LAND HOLDINGS LPIV LLC
8775 FOLSOM BLVD #
SACRAMENTO CA 95826

CANELA GUILLERMINA
1151 HIGHWAY 51 N #14
NESBIT MS 38651

ALLEN SAMUEL AND MARTHA A JACKSON AND
4971 MALONE RD #
MEMPHIS TN 38118

MEMPHIS OAKS LAND HOLDINGS LPIV LLC
35 MUSIC SQ E #301
NASHVILLE TN 37203

JONES B F TR
24569 NORWOOD DR W
SOUTHFIELD MI 48075

MEMPHIS OAKS LAND HOLDINGS LPIV LLC
35 MUSIC SQ E #301
NASHVILLE TN 37203

CAPLEVILLE CHURCH OF CHRIST
GENERAL DELIVERY #
MEMPHIS TN 38101

ECONOMIC DEV GROWTH ENGINE INDUSTRIAL
100 PEABODY PL #1100
MEMPHIS TN 38103

ALLEN DANIEL
4971 MALONE RD #
MEMPHIS TN 38118

MEMPHIS OAKS LAND HOLDINGS LPIV LLC
35 MUSIC SQ E #301
NASHVILLE TN 37203

CAPLEVILLE CHURCH OF CHRIST
GENERAL DELIVERY #
MEMPHIS TN 38101

EXTER 5140 MEMPHIS OAKS LLC
101 W ELM ST #600
CONSHOHOCKEN PA 19428

TOTAL 20

2

COMPLIMENTS OF
STEWART TITLE COMPANY OF MEMPHIS

This Instrument Prepared by:
TIM J. THOMPSON, ATTORNEY
140 North Third Street
Memphis, TN 38103

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That CARL A. ALLEN
for and in consideration of TEN DOLLARS (\$10.00) AND LOVE AND AFFECTION DOLLARS
do hereby bargain, sell, remise, release, quit claim and convey unto DANIEL ALLEN, JR.
the following described real estate located in City of Memphis County of Shelby, State of Tennessee, to wit:

Part of the north half of the southeast quarter of Section 10, Township 1, Range 7 West in the Second Civil District of Shelby County, Tennessee and being more particularly described as follows:

Beginning at a point in Malone Road, said point being 858 feet southwardly from the northeast corner of the southeast quarter of Section 10, Township 1, Range 7 West; thence southwardly along said Mlaone Road a distance of 198 feet to a point; thence westwardly 1320 feet to a point; thence southwardly 264.0 feet to a point; thence westwardly 1320.0 feet to a point; thence northwardly 462.0 feet to a point; thence eastwardly 2640.0 feet to a point of beginning.

PROPERTY ADDRESS: 4971 Malone Road, Memphis, TN 38118.

I (We) do hereby quit claim the title herein conveyed against the lawful claims of all persons claiming the same by, through or under me (us), but not further or otherwise.

IN TESTIMONY WHEREOF, I (We) have executed this instrument this 3 day of January 1994

Carl A. Allen
CARL A. ALLEN

STATE OF TENNESSEE, COUNTY OF SHELBY

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared CARL A. ALLEN

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as HIS free act and deed.

WITNESS my hand and Notarial Seal at office this 3 day of January 1994

[Signature]
Notary Public

My commission expires 2-9-94

PROPERTY KNOWN AS: 4971 Malone Road, Memphis, TN 38118

MAIL TAX NOTICE TO: 4971 Malone Road, Memphis, TN 38118

I, OR WE, hereby swear or affirm that to the best of affiants knowledge, information, and belief, the actual consideration for this transfer is \$10.00 and love and affection.

Carl A. Allen
AFFIANT

Parcel No.
D025300033
PROPERTY OWNER'S ADDRESS
DANIEL ALLEN JR
4971 Malone Rd
MEMPHIS TN 38118

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3 DAY OF January 1994

[Signature]
NOTARY PUBLIC



K P 2 5 0 6

10/20/2000-11:47:25

Title Transfer: Quit Claim Deed	13
D/C: 0 - GENE REVER	
TRANSFER VALUATION	10.00
TN MORTGAGE TAX	N / A
TN TRANSFER TAX	N / A
RECORDING FEE	0.00
OP FEE	2.00
REGISTER'S FEE	N / A
WALK THRU FEE	0.00
TOTAL AMOUNT	12.00
PAGE COUNT: 2	PAGE ADDED: No
GROUP ID: X00017032T	
STATE of TENNESSEE, COUNTY of SHELBY Joe M. Reyes, REGISTER	

QC 1000



Shelby County Tennessee

Willie F. Brooks Jr

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.



22112291

10/06/2022 - 10:19:12 AM

2 PGS	
LAQUITA 2500619 - 22112291	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	10.00
DP FEE	2.00
REGISTER'S FEE	0.00
TOTAL AMOUNT	12.00

WILLIE F. BROOKS JR
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

Prepared by Lorna J. Reynolds
1602 Coolhurst Ave
Sherwood Ar 72120

AFFIDAVIT OF HEIRSHIP

I, George M. Jones, Sr., swear under oath that I have personal knowledge of the matters stated in this Affidavit and am not an heir of Samuel J. Allen, Sr., decedent. I reside at 9432 Journey Drive, Sherwood, Arkansas, 72120, Pulaski County.

I was married to Vertice A. Jones, daughter of Samuel J. Allen, Sr. until her death on November 16, 2005. The Decedent, Samuel J. Allen, Sr. died June 9, 1989 in Memphis, Tennessee, Shelby County with no will. At the time of Mr. Allen's death he was a widower with eight surviving children and one child that preceded him in death. Mr. Allen's children inherited twenty-four acres (Parcel #094100 00312) of sixty-four acres of property as described:

Part of the North Half of the Southeast Quarter of Section 10, Township 1, Range 7 West in the Second Civil District of Shelby County, Tennessee. Beginning at a point in Malone Road said point being 4.00 chains south of the northeast corner of the southeast quarter of Section 10, Township 1, Range 7 West, thence south with Malone Road 12.00 chains to a point; thence west 20.00 chains to a point; thence south 4.00 chains to a point; thence west with the south line of the northwest quarter of the southeast quarter of Section 10, Township 1, Range 7 West, 20.00 chains to a point; thence north with the West line of the southeast quarter of Section 10, Township 1, Range 7 West 20.00 chains to the northwest corner of said southeast quarter of Section 10, Township 1, Range 7 west; thence east with the north line of the southeast quarter of Section 10, Township 1, Range 7 West, 20.00 chains to a point; thence south 4.00 chains to a point; thence east 20.00 chains to the point of beginning and containing 64.00 acres of land.

All of Mr. Allen's children have now passed away with surviving heirs to the land as described above. The names of those heirs to the best of my knowledge and belief as grandchildren of Samuel J. Allen, Sr. are listed below and are entitled to inherit the twenty-four acres (Parcel #094100 00312):

- | | | | |
|----------------------|----------------------|---------------------|-------------------|
| Debra Brooks | Lloyd Rhodes | Alvin Rhodes | Phyllis Franklin |
| Reginald Rhodes | Adrian Rhodes | Alecia Oldham | Bryan Rhodes |
| Ardath Campbell | Gavin White | Maleka Isom | Karen Thompson |
| James E. Allen, Jr. | Rita Myles | Dorothy Allen | Kenny Allen |
| Sheila Allen | Cheryl Sizemore | Moses E. Allen, Jr. | Paula Gandy |
| Cleshea Macklin | Leroy Anderson | Jacqueline Anderson | Donald Anderson |
| Floyd Anderson | Donald R. Allen, Jr. | Kara Allen | Lorna J. Reynolds |
| George M. Jones, Jr. | Robbyn Jones | | |

AFFIANT: George M. Jones, Sr 10/4/2022
Signature Date

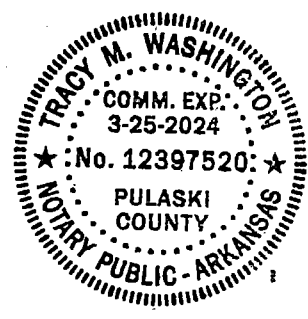
George M. Jones, Sr 501-231-1297
Printed Name Telephone Number

Subscribed and sworn to be this 4th day of October, 2022.

Tracy M. Washington Notary Public Signature

Tracy M. Washington Notary Public Printed Name

My Commission expires: 3-25-2024



Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a purchase order to Engineered Sealing Components for electric smart meters in the amount of \$1,052,702.16.

2. Additional Information

The electric smart meters are designed to measure electricity used in units of kilowatt hours. The kilowatt hours used are visible at the meter and communicated to our mesh network by the communication board in the meter.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023, approved the purchase of electric smart meters and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2023 fiscal year budget; and

WHEREAS, the electric smart meters are designed to measure electricity used in units of kilowatt hours. The kilowatt hours used are visible at the meter and communicated to our mesh network by the communication board in the meter; and

WHEREAS, bids were opened on October 5, 2022. Notice to Bidders was advertised. Nineteen (19) bids were solicited and four (4) bids were received with the lowest and best complying bidder being the firm of Engineered Sealing Components. This award complies with all applicable laws and policies; and

Now THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved a purchase order for electric smart meters from Engineered Sealing Components for the sum of \$1,052,702.16 chargeable to the MLGW 2023 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Engineered Sealing Components for electric smart meters in the amount of \$1,052,702.16.

The electric smart meters are designed to measure electricity used in units of kilowatt hours. The kilowatt hours used are visible at the meter and communicated to our mesh network by the communication board in the meter.

Bids were opened on October 5, 2022. Notice to Bidders was advertised. Nineteen (19) bids were solicited and four (4) bids were received with the lowest and best complying bidder being the firm of Engineered Sealing Components. This award complies with all applicable laws and policies.

The 2023 budgeted amount for Customer Metering and Billing is \$1,922,000.00; the amount spent to date is \$75,191.00; leaving a balance of \$1,846,809.00; of which \$1,052,702.16 will be spent on this purchase order in 2023; leaving a balance of \$794,106.84 after award; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Engineered Sealing Components is approved for furnishing:

5,000 – Meter electric, Honeywell designation No. ZHCW4A00004, 1PH 240V 3W CL 200 W/AMR 3W1PAMR, form 2S, 240 V single phase, 3-wire class 200 solid state demand meter REXU with EA-LAN, with no test

links; all in accordance with MLGW Specification dated March 24, 2022;

500 - Meter electric, Honeywell designation No. ZH5W3A00004, 3PH 120V 3W CL 200 24BKW, form 12S, 120V, 3-wire, class 200, single-phase solid-state meter REXU with EA-LAN; all in accordance with MLGW Specification dated March 30, 2022;

288 – Meter electric, Honeywell designation No. ZD3210PHOLM, 3PH 120V 4W CL20 31AMR, for 9S, 120V class 20, 4 wire, polyphase solid-state demand meter A3 with EA LAN A3RALNQ, 128K memory; all in accordance with MLGW Specification dated March 24, 2022;

288 – Meter electric, Honeywell designation No. ZHCY4000004, 1PH 240V 3W CL320 with AMR 3W1PHDAMR, form 2 240V, single-phase 3-wire class 320 solid state demand meter REXU with EA LAN, with no test links; all in accordance with MLGW Specification dated March 24, 2022;

192 – Meter electric, Honeywell designation No. ZD3310PHOLM 3PH 120V 4W CL200 34AMR, form 16S, 120V, class 200 4--wire, polyphase solid-state demand meter A3 with EA LAN-A3RALNQ, 128K memory all in accordance with MLGW specifications dated March 24, 2022.

Totaling \$1,052,702.16; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm; delivery in 22 weeks; terms net 30 days.

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 12th day of April 20 23 at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 1 to Contract No. 12352, Smith Driving to Smith System, Incorporated, to expand the contract scope and increase the current contract value in the funded amount of \$202,000.00.

2. Additional Information

The project scope is to allow Smith System, Incorporated, as a sole source provider, to provide defensive driving training techniques to MLGW employees.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023 approved Change No. 1 to Contract No. 12352, Smith Driving to Smith System, Incorporated to expand the scope and increase the current contract value in the funded amount of \$202,000.00, and is now recommending to the Council of the City of Memphis that it approves said change as approved; and

WHEREAS, the project scope is to allow Smith System, Incorporated, as a sole source provider, to provide defensive driving training techniques to MLGW employees. This change is to expand the scope of the contract to include training of four (4) Safety Specialists to be Driver Trainers and to add Driver Trainer refresher courses for three (3) Safety Specialists. In addition, this change is to increase the current contract value in the funded amount of \$202,000.00. The cost of the project is \$248,489.00 with no increase in rates; of which \$74,495.00 will be absorbed in the current contract value and \$28,006.00 is included as contingency funds for inflation and any unforeseen circumstances. The term of the contract will remain for the period covering March 23, 2022 through March 22, 2024. MLGW is requesting approval of this change, which can only be provided by Smith System, Incorporated due to the continuity of operations already established with the company. This sole source change complies with all applicable laws and policies. The new contract value is \$502,000.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12352, Smith Driving to Smith System, Incorporated to expand the scope and increase the current contract value in the funded amount of \$202,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, the approval of Change No. 1 to Contract No. 12352, Smith Driving to Smith System, Incorporated, to expand the contract scope and increase the current contract value in the funded amount of \$202,000.00.

The project scope is to allow Smith System, Incorporated, as a sole source provider, to provide defensive driving training techniques to MLGW employees. This change is to expand the scope of the contract to include training of four (4) Safety Specialists to be Driver Trainers and to add Driver Trainer refresher courses for three (3) Safety Specialists. In addition, this change is to increase the current contract value in the funded amount of \$202,000.00. The cost of the project is \$248,489.00 with no increase in rates; of which \$74,495.00 will be absorbed in the current contract value and \$28,006.00 is included as contingency funds for inflation and any unforeseen circumstances. The term of the contract will remain for the period covering March 23, 2022 through March 22, 2024. MLGW is requesting approval of this change, which can only be provided by Smith System, Incorporated due to the continuity of operations already established with the company. This sole source change complies with all applicable laws and policies. The new contract value is \$502,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12352, Smith Driving to Smith System, Incorporated to expand the scope and increase the current contract value in the funded amount of \$202,000.00, as outlined in the above preamble, is approved; and further

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 17th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12188, Gas Leak Survey with Heath Consultants, Inc. to ratify and renew the current contract in the funded amount of \$1,200,000.00.

2. Additional Information

The project scope is to furnish supervision, labor, transportation, and equipment to perform a gas leak survey of MLGW's natural gas facilities throughout Memphis and Shelby County, Tennessee as per 49 CFR Part 192 subpart "M" and MLGW's General Operating and Maintenance procedures for the natural gas system.

RESOLUTION

WHEREAS, the board of Light, Gas and Water Commissioners in their meeting of April 12, 2023 approved Change No. 2 to Contract No. 12188, Gas Leak Survey with Heath Consultants, Inc. to ratify and renew the current contract in the funded amount of \$1,200,000.00, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation, and equipment to perform a gas leak survey of MLGW's natural gas facilities throughout Memphis and Shelby County, Tennessee as per 49 CFR Part 192 subpart "M" and MLGW's General Operating and Maintenance procedures for the natural gas system. This change is to ratify and renew the current contract for the second of four (4) annual renewal terms for the period covering April 1, 2023 through March 31, 2024 in the amount of \$1,200,000.00, with no increase in rates from the previous renewal term. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$3,462,034.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12188, Gas Leak Survey with Heath Consultants, Inc. to ratify and renew the current contract in the funded amount of \$1,200,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12188, Gas Leak Survey with Heath Consultants, Inc. to ratify and renew the current contract in the funded amount of \$1,200,000.00.

The project scope is to furnish supervision, labor, transportation, and equipment to perform a gas leak survey of MLGW's natural gas facilities throughout Memphis and Shelby County, Tennessee as per 49 CFR Part 192 subpart "M" and MLGW's General Operating and Maintenance procedures for the natural gas system. This change is to ratify and renew the current contract for the second of four (4) annual renewal terms for the period covering April 1, 2023 through March 31, 2024 in the amount of \$1,200,000.00, with no increase in rates from the previous renewal term. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$3,462,034.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12188, Gas Leak Survey with Heath Consultants, Inc. to ratify and renew the current contract in the funded amount of \$1,200,000.00, as outlined in the above preamble, is approved; and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 12th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12401 (solicited under Contract No. 12346), MLGW Utility Relocations for Street Improvement Project (Water) to Fisher & Arnold, Incorporated, in the funded amount not-to-exceed \$500,000.00.

2. Additional Information

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of water distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023, awarded Contract No. 12401 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Water**) to Fisher & Arnold, Incorporated in the funded amount not-to-exceed \$500,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of water distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT; and

WHEREAS, the Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Water Division, Fisher & Arnold, Incorporated**, in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated using the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of No. 12401 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project **(Water)** to Fisher & Arnold, Incorporated in the funded amount not-to-exceed \$500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, that it awards Contract No. 12401 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Water**) to Fisher & Arnold, Incorporated, in the funded amount not-to-exceed \$500,000.00.

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of water distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

The Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Water Division, Fisher & Arnold, Incorporated** in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated using the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. No. 12401 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Water**) to Fisher & Arnold, Incorporated in the funded amount not-to-exceed \$500,000.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 12th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12400 (solicited under Contract No. 12346), MLGW Utility Relocations for Street Improvement Project (Gas) to Barge Design Solutions, Incorporated, in the funded amount not-to-exceed \$500,000.00.

2. Additional Information

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of gas distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023, awarded Contract No. 12400 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Gas**) to Barge Design Solutions, Incorporated in the funded amount not-to-exceed \$500,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of gas distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT; and

WHEREAS, the Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Gas Division, Barge Design Solutions, Incorporated** in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated on the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12400 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Gas**) to Barge Design Solutions, Incorporated in the funded amount not-to-exceed \$500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, that it awards Contract No. 12400 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Gas**) to Barge Design Solutions, Incorporated, in the funded amount not-to-exceed \$500,000.00.

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of gas distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

The Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Gas Division, Barge Design Solutions, Incorporated** in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated on the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12400 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Gas**) to Barge Design Solutions, Incorporated in the funded amount not-to-exceed \$500,000.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 12th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12405 (solicited under Contract No. 12346), MLGW Utility Relocations for Street Improvement Project (Water) to Gresham Smith in the funded amount not-to-exceed \$500,000.00.

2. Additional Information

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of water distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023, awarded Contract No. 12405 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Water**) to Gresham Smith in the funded amount not-to-exceed \$500,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of water distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT; and

WHEREAS, the Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Water Division, Gresham Smith**, in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated on the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. This award complies will all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12405 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Water**) to Gresham Smith in the funded amount not-to-exceed \$500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, that it awards Contract No. 12405 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Water**) to Gresham Smith in the funded amount not-to-exceed \$500,000.00.

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of water distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

The Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Water Division, Gresham Smith**, in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated on the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12405 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Water**) to Gresham Smith in the funded amount not-to-exceed \$500,000.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special- meeting held on 12th day of April 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12404 (solicited under Contract No. 12346), MLGW Utility Relocations for Street Improvement Project (Gas) to Gresham Smith in the funded amount not-to-exceed \$500,000.00.

2. Additional Information

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of gas distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023, awarded Contract No. 12404 (*Solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Gas**) to Gresham Smith in the funded amount not-to-exceed \$500,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of gas distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT; and

WHEREAS, the Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Gas Division, Gresham Smith**, in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated on the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12404, (*Solicited under Contract No. 12346*) MLGW Utility Relocations for Street Improvement Project (**Gas**) to Gresham Smith, in the funded amount not-to-exceed \$500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, that it awards Contract No. 12404 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Gas**) to Gresham Smith in the funded amount not-to-exceed \$500,000.00.

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of gas distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

The Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Gas Division, Gresham Smith** in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated on the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12404 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Gas**) to Gresham Smith in the funded amount not-to-exceed \$500,000.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~regular~~-special meeting held on 12th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No.12399 (solicited under Contract No. 12346), MLGW Utility Relocations for Street Improvement Project (Electric) to Gresham Smith, in the funded amount not-to-exceed \$500,000.00.

2. Additional Information

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of electric distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023, awarded Contract No. 12399 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Electric**) to Gresham Smith in the funded amount not-to-exceed \$500,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of electric distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT; and

WHEREAS, the Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the two (2) most qualified firms for the **Electric Division, Gresham Smith** in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated on the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12399 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Electric**) to Gresham Smith in the funded amount not-to-exceed \$500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, that it awards Contract No. 12399 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Electric**) to Gresham Smith, in the funded amount not-to-exceed \$500,000.00.

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of electric distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

The Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the two (2) most qualified firms for the **Electric Division, Gresham Smith** in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated on the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12399 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Electric**) to Gresham Smith in the funded amount not-to-exceed \$500,000.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 12th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12053, Local Dial Tone Services with AT&T to renew the current contract in the funded amount of \$172,735.00.

2. Additional Information

The project scope is to provide local dial tone services for seven (7) MLGW facilities and provide a diverse route trunk group for System Operations located at 2425 Covington Pike to avoid a single point of failure.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023 approved Change No. 2 to Contract No. 12053, Local Dial Tone Services with AT&T to renew the current contract in the funded amount of \$172,735.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide local dial tone services for seven (7) MLGW facilities and provide a diverse route trunk group for System Operations located at 2425 Covington Pike to avoid a single point of failure. This change is to renew the current contract for the second and final annual renewal term covering the period September 17, 2023 through September 16, 2024 in the amount of \$157,032 with no increase in rates from the previous renewal term. MLGW is also requesting contingency funds in the amount of \$15,703.00 for any unforeseen circumstance that may occur. The total funded amount of this renewal is \$172,032.00. This renewal complies with all applicable laws and policies. The new contract value is \$660,679.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12053, Local Dial Tone Services with AT&T to renew the current contract in the funded amount of \$172,735.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12053, Local Dial Tone Services with AT&T to renew the current contract in the funded amount of \$172,735.00.

The project scope is to provide local dial tone services for seven (7) MLGW facilities and provide a diverse route trunk group for System Operations located at 2425 Covington Pike to avoid a single point of failure. This change is to renew the current contract for the second and final annual renewal term covering the period September 17, 2023 through September 16, 2024 in the amount of \$157,032 with no increase in rates from the previous renewal term. MLGW is also requesting contingency funds in the amount of \$15,703.00 for any unforeseen circumstance that may occur. The total funded amount of this renewal is \$172,032.00. This renewal complies with all applicable laws and policies. The new contract value is \$660,679.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12053, Local Dial Tone Services with AT&T to renew the current contract in the funded amount of \$172,735.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 12th day of April 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12403 (solicited under Contract No. 12346), MLGW Utility Relocations for Street Improvement Project (Water) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00.

2. Additional Information

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of water distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023, awarded Contract No. 12403 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Water**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of water distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT; and

WHEREAS, the Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Water Division, Allen & Hoshall, Incorporated**, in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated using the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12403 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Water**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, that it awards Contract No. 12403 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Water**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00.

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of water distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

The Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Water Division, Allen & Hoshall, Incorporated**, in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated using the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12403 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Water**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 12th day of April 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12402 (solicited under Contract No. 12346), MLGW Utility Relocations for Street Improvement Project (Gas) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00.

2. Additional Information

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of gas distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023, awarded Contract No. 12402 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Gas**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of gas distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT; and

WHEREAS, the Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Gas Division, Allen & Hoshall, Incorporated** in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated on the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12402 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Gas**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, that it awards Contract No. 12402 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Gas**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00.

The project scope is to furnish supervision, labor, transportation, equipment, and material to provide design and project administration for design and relocation of gas distribution facilities affected by Tennessee Department of Transportation (TDOT) construction activities on an as-needed basis at MLGW. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

The Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the three (3) most qualified firms for the **Gas Division, Allen & Hoshall, Incorporated** in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated on the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12402 (*solicited under Contract No. 12346*), MLGW Utility Relocations for Street Improvement Project (**Gas**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~-special-~~ meeting held on 12th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12346, MLGW Utility Relocations for Street Improvement Project (Electric) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00.

2. Additional Information

The project scope is to provide professional design engineering services to design and engineer the relocation of MLGW's electric distribution facilities. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023, awarded Contract No. 12346, MLGW Utility Relocations for Street Improvement Project (**Electric**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to provide professional design engineering services to design and engineer the relocation of MLGW's electric distribution facilities. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT; and

WHEREAS, the request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the two (2) most qualified firms for the **Electric Division, Allen & Hoshall, Incorporated**, in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated using the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies will all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12346, MLGW Utility Relocations for Street Improvement Project (**Electric**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, that it awards Contract No. 12346, MLGW Utility Relocations for Street Improvement Project (**Electric**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00.

The project scope is to provide professional design engineering services to design and engineer the relocation of MLGW's electric distribution facilities. These relocations are due to street improvement projects. Projects can be initiated by the City of Memphis, Shelby County, local municipalities, and/or TDOT.

The Request for Qualifications was advertised using MLGW's On-Line Bid Notification System on June 20, 2022. MLGW solicited (11) firms and received five (5) qualifications on July 21, 2022. Using an evaluation-based process, this contract is being awarded to one (1) of the two (2) most qualified firms for the **Electric Division, Allen & Hoshall, Incorporated**, in the not-to-exceed amount of \$500,000.00. Qualifications were evaluated using the following criteria: 1) Capabilities, Experience, & Past Performance Related to Utility Relocate Design; 2) Key Personnel; and 3) Ability to accomplish work and Firm's location. Under Chapter-86 statute for utility relocations, TDOT will reimburse MLGW for 100% of the engineering consultant costs related to eligible projects. The term of this contract is for one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12346, MLGW Utility Relocations for Street Improvement Project (**Electric**) to Allen & Hoshall, Incorporated in the funded amount not-to-exceed \$500,000.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 12th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 1 to Contract No. 12286, MLGW Utility Payment Centers with FirsTech, Incorporated to renew the current contract in the funded amount of \$297,009.00.

2. Additional Information

The project scope is to provide authorized pay agents in Memphis and Shelby County, Tennessee to accept, process, and transmit MLGW customers' utility bill payments for credit to customer accounts and deposit to banks (cash, check, or money order).

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023, approved Change No. 1 to Contract No. 12286, MLGW Utility Payment Centers to FirsTech, Incorporated to renew the current contract in the funded amount of \$297,009.00.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide authorized pay agents in Memphis and Shelby County, Tennessee to accept, process, and transmit MLGW customers' utility bill payments for credit to customer accounts and deposit to banks (cash, check, or money order). This change is to renew the current contract for the first of four (4) annual renewal terms for the period covering May 15, 2023 through May 14, 2024 in the funded amount of \$297,009.00, with no increase in rates from the initial award. This renewal complies with all applicable laws and policies. The new contract value is \$607,009.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12286, MLGW Utility Payment Centers to FirsTech, Incorporated to renew the current contract in the funded amount of \$297,009.00.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12286, MLGW Utility Payment Centers with FirsTech, Incorporated to renew the current contract in the funded amount of \$297,009.00.

The project scope is to provide authorized pay agents in Memphis and Shelby County, Tennessee to accept, process, and transmit MLGW customers' utility bill payments for credit to customer accounts and deposit to banks (cash, check, or money order). This change is to renew the current contract for the first of four (4) annual renewal terms for the period covering May 15, 2023 through May 14, 2024 in the funded amount of \$297,009.00, with no increase in rates from the initial award. This renewal complies with all applicable laws and policies. The new contract value is \$607,009.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12286, MLGW Utility Payment Centers with FirsTech, Incorporated to renew the current contract in the funded amount of \$297,009.00, as outlined in the above preamble, is approved; and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~regular~~ ^{special} meeting held on 12th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 4 to Contract No. 12060, DOT Drug and Alcohol Testing with Mid-South Drug Testing, Incorporated to renew the current contract in the funded amount of \$125,000.00.

2. Additional Information

The project scope is to furnish supervision, materials, labor, and transportation to collect and transport urine specimens to a certified laboratory, perform laboratory analysis of specimens and provide re-testing associated with storage and record keeping. These functions are in accordance with the Department of Transportation (DOT) Drug Testing Guidelines, 49 CFR Part 199 and Part 40, both current and as amended.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 12, 2023 approved Change No. 4 to Contract No. 12060, DOT Drug and Alcohol Testing with Mid-South Drug Testing, Incorporated to renew the current contract in the funded amount of \$125,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to furnish supervision, materials, labor, and transportation to collect and transport urine specimens to a certified laboratory, perform laboratory analysis of specimens and provide re-testing associated with storage and record keeping. These functions are in accordance with the Department of Transportation (DOT) Drug Testing Guidelines, 49 CFR Part 199 and Part 40, both current and as amended. This change is to renew the current contract for the fourth and final annual renewal term covering the period September 15, 2023 through September 14, 2024, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$625,000.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 4 to Contract No. 12060, DOT Drug and Alcohol Testing with Mid-South Drug Testing, Incorporated to renew the current contract in the funded amount of \$125,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 4 to Contract No. 12060, DOT Drug and Alcohol Testing with Mid-South Drug Testing, Incorporated to renew the current contract in the funded amount of \$125,000.00.

The project scope is to furnish supervision, materials, labor, and transportation to collect and transport urine specimens to a certified laboratory, perform laboratory analysis of specimens and provide re-testing associated with storage and record keeping. These functions are in accordance with the Department of Transportation (DOT) Drug Testing Guidelines, 49 CFR Part 199 and Part 40, both current and as amended. This change is to renew the current contract for the fourth and final annual renewal term covering the period September 15, 2023 through September 14, 2024, with no increase in rates from the previous term. This renewal complies with all applicable laws and policies. The new contract value is \$625,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 4 to Contract No. 12060, DOT Drug and Alcohol Testing with Mid-South Drug Testing, Incorporated to renew the current contract in the funded amount of \$125,000.00, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 12th day of April 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving the law firm of Glankler Brown, PCCC, to be employed on an as needed basis at the following hourly rates: Partners/Members - \$300 - \$350; Associates - \$225 - \$300; and Paralegal/Assistants - \$175 - 220.

CITY COUNCIL RESOLUTION

WHEREAS, on April 12, 2023, the Acting Vice President and General Counsel recommended to the Board of Light, Gas and Water Commissioners, that the law firm of Glankler Brown, PLLC, be employed on an as needed basis at the following new hourly rates effective February 1, 2023:

Partners/Members	-	\$300.00 - \$350.00
Associates	-	\$225.00 - \$300.00
Paralegals	-	\$175.00 - \$220.00

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that MLGW is authorized to employ the law firm of Glankler Brown, PLLC, on an "as needed" basis at the new hourly rates set forth in the foregoing preamble with an effective date of February 1, 2023.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

WHEREAS, the Acting Vice President and General Counsel submitted for approval to the Board of Light, Gas and Water Commissioners an amended rate schedule for the law firm of Glankler Brown, PLLC, for legal services rendered concerning legal matters uniquely related to the utility industry.

WHEREAS, the Acting Vice President and General Counsel recommends that the law firm of Glankler Brown, PLLC, be employed on an "as needed" basis at the following hourly rates, effective February 1, 2023:

Partners/Members	-	\$300.00 - \$350.00
Associates	-	\$225.00 - \$300.00
Paralegals/Assistants	-	\$175.00 - \$220.00

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

THAT, subject to the consent and approval of the Council of the City of Memphis the firm of Glankler Brown, PLLC, be employed on an "as needed" basis at the new hourly rates set forth in the foregoing preamble with an effective date of February 1, 2023.

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 12th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving the law firm of Harris, Shelton, Hanover, Walsh, PLLC, to be employed on an as needed basis at the following hourly rates: Partners/Members - \$300 - \$350; Associates - \$200 - \$250.

CITY COUNCIL RESOLUTION

WHEREAS, on April 12, 2023, the Acting Vice President and General Counsel recommended to the Board of Light, Gas and Water Commissioners, that the hourly rates for work performed by the law firm of Harris, Shelton, Hanover, Walsh, PLLC, be increased to the following rates:

Partners/Members	-	\$300.00 - \$350.00
Associates	-	\$200.00 - \$250.00

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that MLGW is authorized to employ the law firm of Harris, Shelton, Hanover, Walsh, PLLC, on an "as needed" basis at the new hourly rates set forth in the foregoing preamble.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 12, 2023

WHEREAS, the Acting Vice President and General Counsel submitted for approval to the Board of Light, Gas & Water, an amended rate schedule for the law firm of Harris, Shelton, Hanover, Walsh, PLLC, for legal services rendered concerning legal matters uniquely related to the utility industry.

WHEREAS, the Acting Vice President and General Counsel recommends that the law firm of Glankler Brown, PLLC, be employed on an "as needed" basis at the following hourly rates:

Partners/Members	-	\$300.00 - \$350.00
Associates	-	\$200.00 - \$250.00

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

THAT, subject to the consent and approval of the Council of the City of Memphis the firm of Harris, Shelton, Hanover, Walsh, PLLC, be employed on an "as needed" basis at the hourly rates set forth in the foregoing preamble.

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 12th day of APR. 2023 at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 4 to Contract No. 12043, Property & Boiler Insurance with FM Global to renew the current contract in the funded amount, based on approved rates, not-to-exceed \$2,905,827.00.

2. Additional Information

The project scope is to provide MLGW with property and casualty insurance for MLGW to mitigate risks pertinent to MLGW's Electric Substations, Water Pumping Stations, Buildings and Structures, boiler, and Liquefied Natural Gas facilities.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 19, 2023, approved Change No. 4 to Contract No. 12043, Property & Boiler Insurance with FM Global to renew the current contract in the funded amount, based on approved rates, not-to-exceed \$2,905,827.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide MLGW with property and casualty insurance for MLGW to mitigate risks pertinent to MLGW's Electric Substations, Water Pumping Stations, Buildings and Structures, property, boiler, and Liquefied Natural Gas facilities. This change is to renew the current contract for the fourth and final annual renewal term covering the period June 1, 2023 through May 31, 2024 in the funded amount, based on approved rates, not-to-exceed \$2,905,827.00. The Total Insured Value (TIV) increased by 10.6%, the insured value was \$1,085,359,688.00 in 2022 and it has increased to \$1,200,934,158.00 in 2023. Subsequently, there is a 4.5% increase in rates from the previous term for the insurance premium due to inflationary construction costs, heightened reinsurance pressures and possible catastrophe capacity constriction. This renewal complies with all applicable laws and policies. The new contract value is \$10,586,860.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 4 to Contract No. 12043, Property & Boiler Insurance with FM Global to renew the current contract in the funded amount, based on approved rates, not-to-exceed \$2,905,827.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 19, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 4 to Contract No. 12043, Property & Boiler Insurance with FM Global to renew the current contract in the funded amount, based on approved rates, not-to-exceed \$2,905,827.00.

The project scope is to provide MLGW with property and casualty insurance for MLGW to mitigate risks pertinent to MLGW's Electric Substations, Water Pumping Stations, Buildings and Structures, boiler, and Liquefied Natural Gas facilities. This change is to renew the current contract for the fourth and final annual renewal term covering the period June 1, 2023 through May 31, 2024 in the funded amount, based on approved rates, not-to-exceed \$2,905,827.00. The Total Insured Value (TIV) increased by 10.6%, the insured value was \$1,085,359,688.00 in 2022 and it has increased to \$1,200,934,158.00 in 2023. Subsequently, there is a 4.5% increase in rates from the previous term for the insurance premium due to inflationary construction costs, heightened reinsurance pressures and possible catastrophe capacity constriction. This renewal complies with all applicable laws and policies. The new contract value is \$10,586,860.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 4 to Contract No. 12043, Property & Boiler Insurance with FM Global to renew the current contract in the funded amount, based on approved rates, not-to-exceed \$2,905,827.00 as outlined in the above preamble, is approved; and further

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular ~~special~~ meeting held on 19th day of April, 2023 at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount equal to approved contract licensing limit by Tennessee State Board for Licensing Contractors (Not to exceed \$10,000,000.00 for this renewal period).

2. Additional Information

The project scope is to furnish all supervision, labor, equipment, tools, supplies, transportation of equipment, labor, and materials to construct, test, commission and maintain MLGW Electric Substation facilities as directed by MLGW throughout Memphis and Shelby County, Tennessee.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 19, 2023 approved Change No. 2 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to to renew the current contract in the funded amount of \$10,000,000.00, and is now recommending to the Council of the City of Memphis that it approves said change as approved; and

WHEREAS, the project scope is to furnish all supervision, labor, equipment, tools, supplies, transportation of equipment, labor, and materials to construct, test, commission and maintain the MLGW Electric Substation facilities as directed by MLGW throughout Memphis and Shelby County, Tennessee. This change is to renew the current contract for the first of four (4) annual renewal terms for the period covering June 1, 2023 through May 31, 2024 in the funded amount of \$10,000,000.00. The total requested amount is based on the estimated cost for the projected workload for planned projects. In addition, there is a 6% increase in labor rates that is consistent with the US Bureau of Labor Statistics and the Consumer Price Index (CPI). This renewal complies with all applicable laws and policies. The new contract value is \$12,500,000.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount of \$10,000,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 19, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount of \$10,000,000.00

The project scope is to furnish all supervision, labor, equipment, tools, supplies, transportation of equipment, labor, and materials to construct, test, commission and maintain MLGW Electric Substation facilities as directed by MLGW throughout Memphis and Shelby County, Tennessee. This change is to renew the current contract for the first of four (4) annual renewal terms for the period covering June 1, 2023 through May 31, 2024 in the funded amount of \$10,000,000.00. The total requested amount is based on the estimated cost for the projected workload for planned projects. In addition, there is a 6% increase in labor rates that is consistent with the US Bureau of Labor Statistics and the Consumer Price Index (CPI). This renewal complies with all applicable laws and policies. The new contract value is \$12,500,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount of \$10,000,000.00, as outlined in the above preamble, is approved; and further

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 19th day of April, 2023 at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a purchase order to Global Power Components for a switchgear in the amount of \$1,999,712.00.

2. Additional Information

The switchgear is an addition to the existing switchgear at Dunlap Street Substation 76 including the associated reactors, enclosures, and walkway between them. This project is funded by the City of Memphis as part of the Pinch District Utility Project.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 19, 2023, approved the purchase of a switchgear and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2023 fiscal year budget and subsequent budget years as approved; and

WHEREAS, the switchgear is an addition to the existing switchgear at Dunlap Street Substation 76 including the associated reactors, enclosures, and walkway between them. This project is funded by the City of Memphis as part of the Pinch District Utility Project; and

WHEREAS, bids were opened on February 15, 2023. Notice to Bidders was advertised. Eight bids were solicited and three bids were received with the lowest and best complying bidder being the firm of Global Power Components. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved a purchase order for switchgear from Global Power Components in the sum of \$1,199,827.20 chargeable to the MLGW 2023 fiscal year budget and \$799,884.80 chargeable to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 19, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Global Power Components for a switchgear in the amount of \$1,999,712.00.

The switchgear is an addition to the existing switchgear at Dunlap Street Substation 76 including the associated reactors, enclosures, and walkway between them. This project is funded by the City of Memphis as part of the Pinch District Utility Project.

Bids were opened on February 15, 2023. Notice to Bidders was advertised. Eight bids were solicited, and three bids were received with the lowest and best complying bidder being the firm of Global Power Components. This award complies with all applicable laws and policies.

The 2023 budgeted amount for Substation Construction and Maintenance is \$21,022,015.00; the amount spent to date is \$1,226,671.90; leaving a balance of \$19,795,343.10; of which \$1,199,827.20 will be spent on this purchase order in 2023; leaving a balance of \$18,595,515.90 after award; the remaining balance of \$799,884.80 to be spent in subsequent budget years as approved; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Global Power Components is approved for furnishing:

1 – Metal-Clad Switchgear addition for (Substation 76); 15kV, 3000 A, 50 kAIC; all in accordance with MLGW Specification dated September 1, 2022;

Total award is \$1,999,712.00; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm; delivery in 45 – 53 weeks, ARO; terms net 30 days.

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 19th day of April 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a purchase order to Automotive Tool Group for three-phase bypass recloser switches in the amount of \$1,388,400.00.

2. Additional Information

The three-phase bypass recloser switches are needed in the event a recloser fails, the bypass switch can be closed off and the isolation switches can be opened to completely isolate the recloser device. The bypass switch also gives a line crew visible indication that the recloser is out of service to allow the line crew to safely work on the line around a recloser.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 19, 2023 approved the purchase of three-phase bypass recloser switches and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2023 fiscal year budget; and

WHEREAS, the three-phase bypass recloser switches are needed in the event a recloser fails, the bypass switch can be closed off and the isolation switches can be opened to completely isolate the recloser device. The bypass switch also gives a line crew visible indication that the recloser is out of service to allow the line crew to safely work on the line around a recloser; and

WHEREAS, bids were opened on February 22, 2023. Notice to Bidders was advertised. Sixteen bids were solicited, and seven bids were received with the most responsive bidder in accordance with MLGW's Local Bidding Preference policy being the firm of Automotive Tool Group. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of three-phase bypass recloser switches from Automotive Tool Group in the amount of \$971,880.00 chargeable to the MLGW 2023 fiscal year budget and the remaining balance of \$416,520.00 chargeable to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 19, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Automotive Tool Group in the amount of \$1,388,400.00 for three-phase bypass recloser switches.

The three-phase bypass recloser switches are needed in the event a recloser fails, the bypass switch can be closed off and the isolation switches can be opened to completely isolate the recloser device. The bypass switch also gives a line crew visible indication that the recloser is out of service to allow the line crew to safely work on the line around a recloser.

Bids were opened on February 22, 2023. Notice to Bidders was advertised. Sixteen bids were solicited, and seven bids were received with the most responsive bidder in accordance with MLGW's Local Bidding Preference policy being the firm of Automotive Tool Group. This award complies with all applicable laws and policies.

The 2023 budgeted amount for Electric - Line Reconstruction is \$5,250,000.00; the amount spent to date is \$126,986.95; leaving a balance of \$5,123,013.05; of which \$971,880.00 will be spent on this purchase order in 2023; leaving a balance of \$416,520.00 to be charged to subsequent years as approved; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of purchase order to Automotive Tool Group is approved for furnishing:

400 - Switches, three-phase recloser bypass, 23KV, 900 AMP, 150KV BIL, minimum 40,000 AMP.

The total award amount is \$1,388,400.00; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm; delivery within 9 to 10 weeks; terms net 30 days.

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 19th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a purchase order to Dobbs Peterbilt for the purchase of six-yard and ten-yard dump trucks in the amount of \$463,674.00.

2. Additional Information

This purchase is for six-yard and ten-yard dump body trucks which will be used to maintain the electric, gas and water systems and for various customer service functions throughout Shelby County, Tennessee. This equipment will replace existing equipment that will be retired from service based on age and operational ability to meet work needs.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 19, 2023 approved the purchase of six-yard and ten-yard dump trucks and is now recommending to the Council of the City of Memphis that it approves said purchase; and

WHEREAS, this purchase is for six-yard and ten-yard dump body trucks which will be used to maintain the electric, gas and water systems and for various customer service functions throughout Shelby County, Tennessee. This equipment will replace existing equipment that will be retired from service based on age and operational ability to meet work needs; and

WHEREAS, bids were opened on February 22, 2023. Notice to Bidders was advertised. Seven bids were solicited and three bids were received with the lowest and best complying bidder being the firm of Dobbs Peterbilt. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of one, six-yard, and two, ten-yard dump trucks from Dobbs Peterbilt for the sum of \$463,674.00. Due to the delivery time funds for this equipment will be requested for carry over to the 2024 budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 19, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Dobbs Peterbilt in the amount of \$463,674.00 for the purchase of six-yard and ten-yard dump trucks.

This purchase is for six-yard and ten-yard dump body trucks which will be used to maintain the electric, gas and water systems and for various customer service functions throughout Shelby County, Tennessee. This equipment will replace existing equipment that will be retired from service based on age and operational ability to meet work needs.

Bids were opened on February 22, 2023. Notice to Bidders was advertised. Seven bids were solicited and three bids were received with the lowest and best complying bidder being the firm of Dobbs Peterbilt. This award complies with all applicable laws and policies.

The 2023 budgeted amount for Vehicle Acquisition and Training is \$8,796,000.00; the amount spent to date is \$1,387,194.00; leaving a balance of \$7,408,806.00 available; of which \$463,674.00 has been requested for carryover to the 2024 budget due to delivery time of the dump trucks; leaving a balance of \$6,945,132.00 after award; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of purchase order to Dobbs Peterbilt is approved for furnishing:

1 - Dump truck, six-yard with high 'n slide tailgate; single axle dump truck with six-yard water level dump body with curbside swing gate;

2 - Dump trucks, ten-yard; tandem axle dump truck with ten-yard water level dump body;

Totaling \$463,674.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; price being firm; delivery by January 31, 2024; terms net 30 days.

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 ~~regular~~-special meeting held on 19th day of April 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12409, Trash Removal Services to BFI Waste Services, LLC dba Republic Services of Memphis in the funded amount of \$348,232.32.

2. Additional Information

The project scope is to furnish all supervision, labor, transportation, and equipment to provide dumpsters at various MLGW properties for non-hazardous waste materials and trash disposal by the same Contractor in strict accordance as outlined in the Contract Documents and Specifications.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of April 19, 2023 awarded Contract No. 12409, Trash Removal Services to BFI Waste Services, LLC dba Republic Services of Memphis in the funded amount of \$348,232.32 and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish all supervision, labor, transportation, and equipment to provide dumpsters at various MLGW properties for non-hazardous waste materials and trash disposal by the same Contractor in strict accordance as outlined in the Contract Documents and Specifications; and

WHEREAS, the Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on October 19, 2022. MLGW solicited 15 bids; and received two (2) bids on January 31, 2023. The lowest bid received was from BFI Waste Services, LLC dba Republic Services of Memphis in the funded amount of \$348,232.32. The term of this contract is one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12409, Trash Removal Services to BFI Waste Services, LLC dba Republic Services of Memphis in the funded amount of \$348,232.32.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
April 19, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12409, Trash Removal Services to BFI Waste Services, LLC dba Republic Services of Memphis in the funded amount of \$348,232.32.

The project scope is to furnish all supervision, labor, transportation, and equipment to provide dumpsters at various MLGW properties for non-hazardous waste materials and trash disposal by the same Contractor in strict accordance as outlined in the Contract Documents and Specifications.

The Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on October 19, 2022. MLGW solicited 15 bids; and received two (2) bids on January 31, 2023. The lowest bid received was from BFI Waste Services, LLC dba Republic Services of Memphis in the funded amount of \$348,232.32. The term of this contract is one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12409, Trash Removal Services to BFI Waste Services, LLC dba Republic Services of Memphis in the funded amount of \$348,232.32, as outlined in the foregoing preamble, is approved and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 19th day of April, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

City of Memphis



JIM STRICKLAND
MAYOR

TENNESSEE

April 18, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

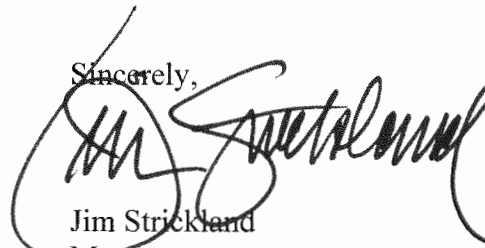
Subject to Council approval, I hereby recommend that:

Michael Winter

be appointed to the Memphis Landmarks Commission with a term expiration date of October 31, 2026.

I have attached biographical information.

Sincerely,



Jim Strickland
Mayor

JSS/sss

Cc: Council Members

LANDMARKS COMMISSION

9 Member Board

5 Year Term

Oath of Office Required

Grants or denies a certificate of appropriateness of applications for permits for construction, alteration, repair, rehabilitation, relocation or demolition of any building, structure or other improve to real estate situated within the 16 historic districts that have been established by the Memphis City Council. Empowered to request detailed construction plans and related data for thorough review of proposal. No construction, alteration, repair, etc. of any building, structure or other improvement to real property situated within a historic district or zone shall be performed without the issuance of a certificate of appropriateness.

		Term ends:
Joy Doss	F/B	08-31-24
Joyce Cox	F/B	06-30-23
Felicia Boyd	F/B	08-13-22
Vacancy	M/W	10-31-21
Joyce Selena Love	F/Hi	07-24-25
Brown Gill	M/W	07-14-25
Mario Walker	M/B	07-14-25
Cyndy Grivich Tucker	F/W	08-31-24
Natasha Strong	F/B	05-26-23
Margot Payne	F/W	07-14-25

Update 11/17/22



JIM STRICKLAND
MAYOR

TENNESSEE

April 18, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Kate Roberts

be appointed to the Public Art Oversight Committee with a term expiration date of August 31, 2024.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

PUBLIC ART OVERSIGHT COMMITTEE

7 Member Board

2 Year Term

(3) City Appointments

(2) Urban Art Committee Appointments

(1) Urban Art Executive Director or designee and

(1) City Councilperson

The purpose of the Public Art Program is to provide a dedicated funding source for art enhancements to be implemented in selected city capital improvement projects constructed by the City or with City funds, and to provide, through the Urban Art Commission Public Art Oversight Committee.

		Term ends:
Vacancy	F/W	08-31-22
Vacancy	F/B	08-31-20
Yvonne Jones	F/B	08-31-24

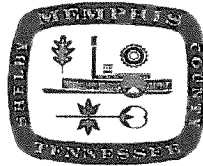
Urban Art Commission Appointees

Fogelman, Robert, Chairperson

Edwards, Elizabeth I.

Perkins, Beverly

2023 Council Liaison: JB Smiley, Jr.



Memphis City Council Summary Sheet

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

AN ORDINANCE TO AMEND TITLE 6, CHAPTER 92 OF THE CODE OF ORDINANCES FOR THE CITY OF MEMPHIS, TO EXTEND THE SUNSET CLAUSE FOR THE EQUAL BUSINESS OPPORTUNITY PROGRAM

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

ADMINISTRATION

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

CHANGE TO AN EXISTING ORDINANCE

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

This will impact all council districts and super districts.

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

This does not require a new contract.

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

There are no MWBE goals associated with this Resolution.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 6, CHAPTER 92 OF THE CODE OF ORDINANCES FOR THE CITY OF MEMPHIS, TO EXTEND THE SUNSET CLAUSE FOR THE EQUAL BUSINESS OPPORTUNITY PROGRAM

WHEREAS, a study of available data, including data maintained by the City of Memphis and other public agencies, data gathered from a survey of businesses in the Memphis MSA, and other commercially available data regarding the economic opportunities available to businesses in the Memphis MSA was conducted by Griffin and Strong, P.C. in 2016, concluding in the City of Memphis Minority and Women Business Enterprise Program Disparity Study and Legal Analysis (the "Disparity Study");

WHEREAS, the Memphis City Council passed an amendment to Ordinance No. 5662 in 2017 to implement the Equal Business Opportunity Program, consistent with certain findings based on the Disparity Study, legal analysis report and other data relative to the business opportunities available to Minority and Women Businesses in the Memphis Metropolitan Statistical Area (MSA);

WHEREAS, pursuant to Memphis City Code Section Title 6, Chapter 92, Section 7(R)(3), the Equal Opportunity Program contains a sunset clause, which was originally June 30, 2021, but was amended on June 21, 2021, pursuant to Ordinance 5787, to extend the sunset clause by two (2) years as follows: "This chapter shall sunset on June 30, 2023, unless prior to such date the city council, after conducting public hearings, finds that the purposes of this chapter have not yet been achieved, in which case it may extend the effective period of this chapter for an additional five years";

WHEREAS, the sunset clause operates as a mechanism to facilitate a periodic review process to assess and support the need for the Equal Business Opportunity program; and

WHEREAS, the City seeks to continue the Equal Business Opportunity programming, and has retained Griffin and Strong, P.C. to perform and to conduct a new Disparity Study as part of its periodic review process to assess the continued need for the Equal Business Opportunity program; and

WHEREAS, Griffin and Strong has begun work on the new Disparity Study but will not be able to complete its review and analysis prior to the expiration of the sunset clause;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the sunset clause set forth in Section 6-92-7(R)(3) be extended for a period of one (1) year to June 30, 2024 and that Section 6-92-7(R)(3) of the Code of Ordinances be repealed and deleted in its entirety and the following be inserted in lieu thereof:

"This chapter shall sunset on June 30, 2024, unless prior to such date the city council, after conducting public hearings, finds that the purposes of this chapter have not yet been achieved, in which case it may extend the effective period of this chapter for an additional five years."

Sponsor: Administration

Ordinance No. _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, CHAPTER 2-16., CITY REAL PROPERTY MANAGEMENT, TO REQUIRE THAT ANY CONTRACTS FOR THE EXTERIOR MODIFICATION OF CITY-OWNED PROPERTY THAT IS LEASED TO ANY UNAFFILIATED NONPROFIT ORGANIZATION, WITH A COST IN EXCESS OF \$3,000,000, BE PRESENTED TO THE MEMPHIS CITY COUNCIL FOR APPROVAL

WHEREAS, the Memphis City Council is committed to the growth and development of the City of Memphis, and maintains its support of the continuous improvement and maintenance of City-owned properties; and

WHEREAS, the Memphis City Council recognizes that its commitment to the City's growth includes the responsibility to consider the needs of the properties and residents that surround such developments; and

WHEREAS, the Memphis City Council understands that improvements to any City-owned property will affect the surrounding areas, and wants to ensure that such improvements are made known to the local residents and are done in consideration of the needs and desires of that community; and

WHEREAS, Chapter 2-6- 1. of the Code of Ordinances of the City of Memphis grants the Memphis City Council with the power to authorize contracts entered into by the Mayor; and

WHEREAS, the Memphis City Council seeks to utilize that authority to require that contracts for the modification or improvement of the exterior of City-owned property that is leased to any nonprofit entity that is unaffiliated with the City of Memphis receive prior authorization from the Council when the cost of the improvement or modification is in excess of \$3,000,000.

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

Section 1. Chapter 2-16., City Real Property Management, of the Code of Ordinances is hereby amended to add the following provision:

Sec. 2-16-3. Improvement or Modification to City-owned Property.

A. Property Leased to Nonprofit Entities

Any real property that is owned by the City of Memphis that has been leased to, or is otherwise occupied by, a nonprofit organization that is not affiliated with the City of Memphis, or is not under the sole supervision and control of the Mayor, shall not enter into an agreement regarding the improvement or modification to the exterior of such land, building, or facility without prior

authorization of the Memphis City Council if the cost associated therewith is in excess of three million (\$3,000,000) dollars.

Such proposed agreements for modification or improvement shall be brought before the Memphis City Council for authorization within a reasonable time, as determined by the City Council.

Section 2. 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 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.

Sponsors:
Martavius Jones
Edmund Ford, Sr.
Cheyenne Johnson
Rhonda Logan
Jana Swearngen-Washington
Dr. Jeff Warren

Chairman:
Martavius Jones

Ordinance No. _____

**ORDINANCE RENAMING SOUTH SECOND STREET BETWEEN BEALE STREET
AND G.E. PATTERSON AVENUE AS REP. BARBARA COOPER STREET**

WHEREAS, the process for naming and renaming streets and other thoroughfares within the City of Memphis has been established by Chapters 2 and 12 of the City of Memphis Code of Ordinances; and

WHEREAS, the Memphis City Council possesses naming powers when the City acquires any street or other thoroughfare by purchase or dedication, per Section 12-16-2 of the City of Memphis Code of Ordinances; and

WHEREAS, under *Tennessee Code Annotated*, Section 7-86-127, “unless expressly provided otherwise by law, the authority to name public and private roads and streets, including roads and streets located within residential developments, and to assign property numbers relating to the roads and streets, is exclusively vested in the legislative bodies of ... municipalities within their incorporated boundaries;” and

WHEREAS, the Memphis City Council, on September 1, 2020, by Ordinance No. 5759 duly passed, amended the City of Memphis Code of Ordinances thereby vesting street, park, and public place/property name change powers in the Memphis City Council; and

WHEREAS, upon review, the Memphis City Council now seeks to exercise its naming authority under Chapters 2 and 12 of the City of Memphis Code of Ordinances to honor the life and legacy of Tennessee State Representative Barbara Cooper - a Memphis native, educator, and civil rights activist; Rep. Cooper represented the 86th District for 26 years.

NOW THEREFORE BE IT RESOLVED, that South Second Street between Beale Street and G.E. Patterson Avenue be officially renamed “Rep. Barbara Cooper Street.”

BE IT FURTHER RESOLVED, that the City Engineer is requested to affix suitable signs officially designating this public road, effective with the passage of this ordinance.

Sponsored by:
Edmund Ford, Sr.

SUPPLEMENTAL ADOPTING ORDINANCE
SUBSTITUTE ORDINANCE NO. 5843

***An Ordinance Supplementing and Amending the 2021 Memphis
Municipal Code of Ordinances of the City of Memphis,
Tennessee relative to Animals and Horse Drawn Carriages;
Providing for the Repeal of Certain Ordinances Not
Included herein; and Providing when such Amendments to the
Code and this Ordinance Shall Become Effective***

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

WHEREAS, on February 15, 2022 the Council adopted a new Code of Ordinances, consisting of Titles 1 through 15, each inclusive, and the errata thereto, as the "2021 Code of Ordinances, City of Memphis, Tennessee" (the "2021 Code").

WHEREAS, due to the volume of ordinances to be considered and codified and the need to provide clear guidance to the City and its citizens, the City Attorney and the Council's Attorney the City Attorney and the Council's Attorney have only presented for codification two (2) Titles, namely "Title 1-General Provisions" and "Title 4-Pension and Retirement System.

WHEREAS, the Council has delegated to the City Attorney and the Council's Attorney the responsibility of making a thorough review of new and amending ordinances

adopted by the Council since September 1, 1985 for the purpose of producing for adoption by the City Council a new Official Code of Ordinances that accurately reflects the state of law of the City as of the date(s) of adoption by the City Council.

WHEREAS, the City Attorney and the Council's Attorney have been authorized and directed to periodically provide for adoption by the Council of supplementary codification ordinances to supplement the codification approved in Ordinance No. 5669.

WHEREAS, the Council desires to supplement the 2021 Code by adopting and codifying Titles 6-Business Licenses and Regulations and Title 8-Animals.

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

Section 1. A Supplement to the 2021 Code of Ordinances, consisting of specific chapters in Titles 6 and 8, each inclusive, and the errata thereto, is hereby adopted and enacted. The specific chapters in Titles 6 and 8 relating to Horse Drawn Carriages and Animals as proposed for adoption are attached hereto and incorporated herein by reference.

Section 2. Upon adoption of this Supplemental Ordinance the titles and chapters of the 2021 Code so approved hereby shall supersede and replace all then existing general and permanent ordinances of the City to the extent included in such codified titles and chapters or to the extent such ordinances are inconsistent with the provisions of the titles and chapters so codified.

Section 3. All provisions of the Titles and Chapters of this Supplement to the 2021 Code adopted and codified by this ordinance shall be in full force and effect from and after this ordinance becomes effective, and all conflicting codes, provisions, chapters, sections, paragraphs and sentences of ordinances of a general and permanent nature in existence or enacted on final passage on or before the effective date of this ordinance, and not included in the 2021 Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this Ordinance.

Section 5. the codification of any ordinances pursuant to the Adopting Ordinance and this Supplemental Adopting Ordinance are required by the City's Charter to be recorded in a well-bound book kept by the City Comptroller.

Section 6. Any such codified ordinances as maintained by the City Comptroller may be relied on by the City or any person and may be read in evidence in any court of this State, unless there is a bona fide dispute as to the meaning of any such ordinance being consistent with the Council's intent. In any such case, the City Attorney shall present such ordinance(s) to the Council for a determination of the consistency of the ordinance(s) with the Council's intent as appearing in the record of its proceedings and for any further action that the Council deems appropriate in accordance with its authority under City Charter § 361.

Section 7. Three (3) copies of the 2021 Code, as supplemented hereby, shall be kept on file in the office of the comptroller preserved in loose-leaf form, or in such other form as the comptroller may consider most expedient. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the official publication of the 2021 Code and supplements as approved by the Council. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the unofficial republication of the 2021 Code and supplements as approved by the Council in electronic format.

Section 8. It shall be the express duty of the comptroller or someone authorized by him or her to insert in such copies and in their designated places all amendments or ordinances which the council has specifically codified and approved, from time to time, to be to made a part of the 2021 Code when the same have been printed or reprinted in page form, and to extract from such copies all provisions which may be from time to time repealed by the Council. Such copies shall be available for inspection in accordance with law by all persons desiring to examine the same.

Section 9. The provisions the 2021 Code as approved by the Council or any copy thereof which purports to be

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

Section 10. The provisions the 2021 Code as approved by the Council, or any copy thereof which purports to be published by authority of the City of Memphis, may be read and accepted in evidence in any court in this State without further proof of its passage.

Section 11. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 12. Severability. The provisions of this Ordinance are hereby declared to be severable. If any of the sections, amendments, provisions, sentences, clauses, phrases, or parts hereof are held

unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 13. Effective Date. The provisions of this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR:
Carlisle

MARTAVIUS JONES
CHAIRMAN

Title 6 - BUSINESS LICENSES AND REGULATIONS

CHAPTER 1 HORSE-DRAWN CARRIAGES

DEFINITIONS

Sec. 6-1-1. Definitions.

POWERS OF DIRECTOR—REGULATIONS

Sec. 6-1-2. Rules and regulations of the director of police services relative to horse-drawn carriages.

Sec. 6-1-3. City treasurer—Powers; appeal of decisions.

Sec. 6-1-4. Duty of City Directors to enforce chapter.

Sec. 6-1-5. Certificate required; exceptions.

CERTIFICATION REQUIREMENTS

Sec. 6-1-6. Application for certificate.

Sec. 6-1-7. Standards for issuance of certificate.

Sec. 6-1-8. Certificate issued to owner only.

Sec. 6-1-9. Fee.

Sec. 6-1-10. Business license.

Sec. 6-1-11. Insurance.

Sec. 6-1-12. Business to be conducted by certificate holder; agreement with drivers.

Sec. 6-1-13. Increase in number of carriages after issuance; enlargement of authority.

Sec. 6-1-14. Replacement of vehicles.

Sec. 6-1-15. Accident reports.

Sec. 6-1-16. Assignment or transfer of certificates.

Sec. 6-1-17. Expiration and renewal of the certificate.

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TITLE 6 – BUSINESS LICNESES AND REGULATIONS

CHAPTER 1. HORSE-DRAWN CARRIAGES

DEFINITIONS

Sec. 6-1-1. Definitions.

The following words and phrases when used in this chapter shall have the meaning as set out herein:

Certificate means a certificate of public convenience and necessity issued by the director of police services authorizing the holder hereof to conduct a horse-drawn carriage for hire business in the city.

Carriage means a horse-drawn carriage regularly used in the business of carrying passengers for a fare whether or not on a fixed route.

Director of animal services means the director of animal services of the city, or his or her authorized designee.

Director of police services means the director of police services of the city, or his or her authorized designee.

Driver shall be held to include every person in actual charge of the operation of a horse-drawn carriage.

Driver's permit means the permission granted by the director of police services to a person to drive a horse-drawn carriage for hire upon the streets of the city.

For hire means agreement to transport a person or persons for a fare.

Holder means a person to whom a certificate of public convenience and necessity has been issued.

Horse means any animal of the genus equus.

Owner means the person who has proved to the director of police services that he or she is the legal owner of the horse-drawn carriage.

Inspector shall be a Memphis police officer and/or any person designated by the Director of Animal Services, who has been authorized and instructed to watch and observe the conduct of holders of certificate of public convenience and necessity, drivers and licensed equines operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector(s) will order or take appropriate action.

Person includes an individual, a corporation or other legal entity, a partnership, or any unincorporated association. Person must be a resident of the State of Tennessee or member of corporation recognized in Tennessee.

Stable means any place, establishment or facility where one or more horses are housed or maintained.

Stand. A horse-drawn carriage for hire stand is a place where the city engineer in concert with director of police services has authorized a holder of a certification of public convenience and necessity to park horse-drawn carriage for hire out of service awaiting a passenger.

Sticker means identifying sticker issued by the Memphis police department on authority of director of police services, to be displayed on rear of horse-drawn carriage next to identification plate. Sticker to be issued annually with certificate of convenience and necessity.

Veterinarian means a person licensed to practice veterinary medicine.

Work. A horse is considered working when it is out of the stable and at its carriage stand or place where it regularly picks up passengers. Work ends when the horse leaves its stand to go to the stable.

(Code 1985, § 39-71; Ord. No. 4227, § 1, 11-2-1993)

POWERS OF DIRECTOR—REGULATIONS

Sec. 6-1-2. Rules and regulations of the director of police services relative to horse-drawn carriages.

The director of police services is authorized and directed to make and enforce such additional rules and regulations, not in conflict with the provisions of this chapter, as the director may deem proper to regulate the operation of horse-drawn carriages for hire under a certificate issued pursuant to this chapter, provided that no regulation shall be made or enforced in conflict with this chapter or any other city ordinance.

(Code 1985, § 39-102; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-3. City treasurer—Powers; appeal of decisions.

- A. The city treasurer is vested with full and complete authority to issue, alter, deny, suspend or revoke certificates of public convenience and necessity and permits for drivers, as herein provided, and is further vested with the full and complete authority, duty and responsibility to carry into effect the provisions of this chapter. The city treasurer may designate an officer to render rulings or take all other actions herein granted to the city treasurer, as indicated by the city treasurer.
- B. The city treasurer or the city treasurer's designee shall conduct hearings on those matters requiring same. Decisions of the designee may be appealed by the applicant, the certificate holder, or driver within ten days after the decision affecting the person, by filing a written appeal with the city treasurer. The city treasurer may rule after a review of the record or may set a hearing as soon as practicable. Ten days' notice of a public hearing stating the time and place of the public hearing and the express terms or an informative summary of the subject matter of the public hearing provided for herein shall be given by publication in some newspaper published in the city, the cost thereof to be paid by the applicant or certificate holder.

C. An applicant, driver or certificate holder aggrieved by any final order or determination of the city treasurer in regard to the issuance, denial, suspension or revocation of that person's certificate or permit under this chapter may, within ten days after such denial, file with the comptroller a petition for review of the action of the city treasurer in denying the application, and it shall then be the duty of the city council to hold a public hearing and either grant or deny the application. In all such cases any interested party or holder of a certificate of necessity and convenience shall have a right to be heard; provided, further, that, in any such appeal to the city council, the decision of the city treasurer shall be prima facie correct.

(Code 1985, § 39-103; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-4. Duty of City Directors to enforce chapter.

The director of police services and/or the director of animal services or their respective designees (“Inspectors”) are authorized and are instructed to monitor the conduct of holders of certificates of a public convenience and necessity, drivers and licensed equines operating under this chapter. Upon discovering a violation of the provisions of this chapter, an Inspector shall take appropriate action. Any vehicle for hire may be inspected at the discretion of an Inspector at any time or location. Vehicles may be inspected for cosmetics, safety requirements, and are to include permits and license required to be held by the driver or any other inspection deemed necessary by an Inspector.

(Code 1985, § 39-104; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-5. Certificate required; exceptions.

A. No person shall operate or permit a horse-drawn carriage owned or controlled by him or her to be operated as a passenger vehicle for hire upon the streets of the city without first having obtained a certificate of public convenience and necessity from the director of police services.

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- B. This section shall not apply to passenger vehicles for hire operated under the jurisdiction of the public service commission of the state, or otherwise exempted.
- C. No more than 50 carriages may be permitted to operate upon the streets of Memphis and the permit office shall accept no applications for additional carriages once this maximum has been permitted. Other pending applications shall be dismissed upon the issuance of the 50th permit. Should the number of permitted carriages drop below the maximum allowed, applications will be considered in the order in which they are filed at the permit office.

(Code 1985, § 39-105; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002)

CERTIFICATION REQUIREMENTS

Sec. 6-1-6. Application for certificate.

- A. Any person, partnership or corporation desiring to secure a certificate of public convenience and necessity shall make application and pay a \$100.00 application fee to the city treasurer. The notarized application shall be filed with and dated by the city treasurer or his or her designee.
- B. The application for a certificate shall be upon a form provided by the city treasurer, or his or her designee. An applicant for a certificate, including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business, shall furnish the following information:
1. Name and address including all aliases;
 2. Written proof that the individual is at least 18 years of age;
 3. All residential addresses of the applicant for the past five years;
 4. The trade name under which the applicant proposes to do business;

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5. The business, occupation or employment of the applicant for five years immediately preceding the date of application;
 6. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant or, if a corporation, against any officer, director or shareholder as listed above or, if a partnership, any partner or limited partner, or any other person who is interested directly in the ownership or operation of the business;
 7. All criminal statute, whether federal or state, or city ordinance violations for which conviction, forfeiture of bond or pleading of nolo contendere has occurred, except minor traffic violations;
 8. Fingerprints and two color portrait photographs at least two inches by two inches of the applicant. The city permits office will provide fingerprints and photographs of applicant;
 9. The address of the premises from which the vehicle for hire business is to be conducted and the address wherein the vehicles are to be stored and/or serviced;
 10. If the applicant is a corporation, the name of the corporation and the date and state of incorporation, the name and address of the registered agent, and the names and addresses of all shareholders, as required above, officers and directors of the corporation;
 11. The experience and/or the qualifications of the applicant to operate a horse-drawn carriage for hire service;
 12. A showing that the public convenience and necessity requires the granting of the certificate;
 13. The number of horse-drawn carriages to be put into service at the time of application, the location of private property stands, and the size and seating capacity of each carriage;
 14. Whether applicant operates any other vehicles under this chapter;
 15. A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

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- C. Within ten days, or a reasonable time thereafter of receiving the results of the investigation conducted by the division of police services, the director of police services shall fix a time and a place for a public hearing on the application and notice shall be given as provided in section 6-1-3(B). All documents relative to the public hearing shall be available for inspection prior to the hearing. Any interested person may file a statement in support of or in opposition to the issuance of a certificate, and/or may offer testimony at the hearing.
- D. Failure or refusal of the applicant to give any information relevant to the investigation of the applicant or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or the applicant's refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that the applicant is ineligible for such certificate and shall be grounds for denial thereof by the director.

(Code 1985, § 39-106; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 12, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-7. Standards for issuance of certificate.

The city treasurer may issue a certificate of public convenience and necessity if an applicant meets the following standards:

- A. The applicant's financial status shall be such that the applicant shall be capable of operating the horse-drawn carriage for hire service during the time the certificate shall remain in effect.
- B. The public convenience and necessity requires the granting of a certificate in that the applicant has shown:
1. The support of potential customers of the service;
 2. The uniqueness of the services offered, if possible;
 3. That the service would not disrupt local traffic conditions.
- C. If the applicant is an individual:
1. The applicant shall be at least 18 years of age.

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2. The applicant shall not have an outstanding unpaid final judgment.
 3. The applicant shall not have been convicted of, forfeited bond or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, prostitution, assignation, obscenity, or any crime of a sexual nature in any jurisdiction within five years immediately preceding the date of application.
 4. The applicant shall not have been found to have violated this chapter within five years immediately preceding the date of application.

D. If the applicant is a corporation:

1. All officers and directors shall be at least 18 years of age.
2. No officer, director or stockholder required to be named under section 6-1-6 shall have outstanding unpaid final judgments.
3. No officer, director or stockholder required to be named under section 6-1-6 shall have been convicted of, forfeited bond or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, assignation, prostitution, obscenity, or any crime of a sexual nature in any jurisdiction within five years immediately preceding the date of application.
4. No officer, director or stockholder required to be named under section 6-1-6 shall have been found to have violated this chapter within five years immediately preceding the date of application.

E. If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:

1. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.

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2. The managing experience in the operation of a horse-drawn carriage business or in related endeavors.
 3. No person having a financial interest in the partnership, joint venture or other type of organization shall have outstanding unpaid final judgments.
 4. No person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of, forfeited bond or pleaded nolo contendere to a felony or any crime of moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, prostitution, assignation, obscenity or any crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.
 5. No person having a financial interest in the partnership, joint venture or other type of partner or manager shall have organization shall have been found to have violated this chapter within five years immediately preceding the date of the application.

(Code 1985, § 39-107; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-8. Certificate issued to owner only.

No certificate shall be granted under this chapter to any person unless the person is the owner of the horse-drawn carriage(s). The owner of a horse-drawn carriage must prove ownership to the city treasurer or his or her designee. The owner shall have a permanent number engraved or embossed on the chassis of the horse-drawn carriage. The owner will furnish photographs of the carriage(s) and notarized statements listing the self imposed serial number(s) to the city treasurer.

(Code 1985, § 39-108; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-9. Fee.

Certificates of convenience and necessity of horse-drawn carriages shall expire at midnight every March 31st, unless a timely and complete renewal is filed prior to that date. Such a timely and complete renewal shall serve to extend the permit until final action on the renewal request is taken by the department. When a certificate is issued, and at each renewal thereof, a fee for each carriage in use shall be paid to the city treasurer to defray the cost of administration of this chapter. The fee shall be as follows:

- A. For permits good for the period of April 1, 2003 until March 31, 2004: \$55.00.
- B. For permits good for the period of April 1, 2004 until March 31, 2005: \$65.00.
- C. For permits good for the period of April 2, 2005 until March 31, 2006, and every year thereafter: \$75.00.
- D. For any certificate or permit issued or amended after October 1 of any year, the fee shall be half the annual fee charged that year for each vehicle in use.

(Code 1985, § 39-109; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-10. Business license.

- A. Each carriage company must have a current business license.
- B. Each carriage company must maintain an emergency telephone number where the owner or manager may be contacted in case of emergency.

(Code 1985, § 39-110; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-11. Insurance.

No certificate of public convenience and necessity shall be issued unless the applicant provides to the city treasurer proof of financial responsibility by a written policy of liability insurance coverage as follows:

- A. Not less than \$100,000.00 in limited liability per occurrence;
- B. Not less than \$300,000.00 in public liability per occurrence;
- C. Not less than \$50,000.00 in property damages per occurrence.

(Code 1985, § 39-111; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-12. Business to be conducted by certificate holder; agreement with drivers.

The business of every horse-drawn carriage for hire shall be carried on by the person to whom the certificate is issued under this chapter. The holder of the certificate may enter into agreements with drivers fixing percentages of receipts to be turned over to the holder of the certificate for the daily use of such carriage paying salaries to drivers, or drivers may rent the horse-drawn carriage for hire for a specific sum of money. A driver may be the conditional vendor or lessor of a carriage as long as the certificate holder is the owner as defined in section 6-1-1. Any arrangement contracted between the holder of a certificate and the driver shall not relieve the holder of the certificate from any liability and damages to third parties. A sample copy of all such agreements shall be kept on file with the city treasurer.

(Code 1985, § 39-112; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-13. Increase in number of carriages after issuance; enlargement of authority.

A certificate holder shall not increase the number of horse-drawn carriages for hire operated pursuant to the certificate without receiving

the approval of the city treasurer or the city treasurer's designee. The city treasurer or the city treasurer's designee shall approve or disapprove such request on the basis of economic need of the certificate holder, need of public for additional service, and other factors listed in section 6-1-7(B). If the request is denied, the city treasurer or the city treasurer's designee shall advise the certificate holder in writing of the reasons for such action. In no event shall the number of permitted horse-drawn carriages be more than 50. At no time shall the level exceed two-thirds ownership of one certificate holder. If the certificate holder requests a hearing within ten days of receipt of notification of denial, a public hearing shall be held as provided in section 6-1-3(B).

(Code 1985, § 39-113; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-14. Replacement of vehicles.

- A. In case any carriage covered by a certificate is retired by the owner because it is worn out or so damaged as not to be worth of repair, or is burned or otherwise destroyed, the certificate holder shall advise the designee of the city treasurer in writing of the circumstances of the retirement. The certificate holder shall deposit with the designee of the city treasurer proof of ownership of the replacement carriage.
- B. The certificate holder must, if vehicles are discarded, sold, returned or otherwise disposed of, give notice to the city treasurer of such action whether or not the vehicle is replaced and return identification sticker to city treasurer.

(Code 1985, § 39-114; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-15. Accident reports.

Reports of accidents in which any horse-drawn carriage for hire may be involved shall be promptly made to the police services division in accordance with the provisions of chapters 2-28 through 2-36. The certificate holder and the driver shall each have responsibility for filing

a copy of the report with the city treasurer. Upon the happening of any accident or collision, the certificate holder shall forthwith have the passenger vehicle for hire involved therein removed from service until properly repaired.

(Code 1985, § 39-115; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-16. Assignment or transfer of certificates.

No certificate of public convenience and necessity may be sold, assigned, mortgaged, transferred or alienated.

(Code 1985, § 39-116; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-17. Expiration and renewal of the certificate.

A certificate issued under this chapter shall expire March 31 of each year at midnight and shall be renewed at the existing level of vehicles as long as the standards for the initial issuance are met. Applications for renewals shall be made by March 10 of each year, by which time all fees for the succeeding year shall have been paid. If the request for renewal is denied, the city treasurer or the city treasurer's designee shall advise the applicant in writing of the reasons for such denial. If the applicant requests a hearing within ten days of notification of denial, a public hearing shall be held as provided in section 6-1-3(B).

(Code 1985, § 39-117; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-18. Fines, suspension and revocation of certificates.

A. A certificate issued under the provisions of this chapter may be suspended or revoked by the city treasurer or the city treasurer's designee after a public hearing, except as provided in section 6-1-3(C). Notice, public access to documents, and conduct of hearing shall conform with the provisions of section 6-1-3(B) except that written notice shall be sent by registered U.S. mail to the subject certificate holder by the date of publication.

B. A certificate issued under the provisions of this chapter may be subject to a penalty fine of no more than \$50.00, suspension or revocation by the director of police services or the director's designee, upon findings at the public hearing that the holder of the certificate has:

1. Violated any provisions of this chapter;
2. Discontinued operation for more than 30 days;
3. Would no longer be eligible for issuance of the certificate.

C. A certificate holder shall have the right to appeal the ruling of the city treasurer or the city treasurer's designee revoking or suspending the certificate in the same manner as provided for appeals of the decision under section 6-1-3(C).

(Code 1985, § 39-118; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-19. Horse-drawn carriage stands—Use by other vehicles prohibited.

A. Private or other vehicles for hire shall not at any time occupy the space upon the streets that have been established as horse-drawn carriage stands. Horse-drawn carriage stands shall at all times be restricted to a minimum distance of 100 feet from the threshold of any establishment or enterprise whose main business is the serving of restaurant clientele or food serving processes, unless the restaurant owner gives his or her consent that a horse-drawn carriage may be located within the 100 feet minimum distance from its threshold, and all the written consents to go to the city's department of engineering.

B. Horse-drawn carriage for hire stands shall be designated by the city engineer in concert with the city treasurer. If in the judgment of the city engineer the establishment of a horse-drawn carriage for hire stand will not interfere with nor present a hazard to the traffic on the street where such stand is sought to be established, the city engineer shall erect or cause to be erected the necessary official signs and markings to designate the stand. The city engineer shall

forward a copy of his or her approval of the stands to the city treasurer.

- C. A holder of a certificate of convenience and necessity may request additional stands through the permit office of the Memphis Police Department or the city engineer. It is unlawful for any person to remove, alter or deface any sign or other marking so installed. Additional markings on the standards shall be approved by the city engineer.
- D. All horse-drawn carriage for hire stands are to be available for the use of all horse-drawn carriages for hire operating within the city on the basis of the driver of the first carriage for hire arriving at a vacant stand having the right to occupy such stand; however, the city treasurer may designate certain stands for a particular class of vehicles for hire only, such as: taxicab, horse-drawn carriage, etc. It is expressly provided that passengers may select any horse-drawn carriage for hire at such stands regardless of the horse-drawn carriage's position in the line at such stand and that no certificate holder may monopolize any stand.
- E. While in service, the operator of a horse-drawn carriage for hire may park the carriage at any legal parking space. When a carriage is parked upon a metered space, the operator shall pay the appropriate fee. If the carriage is so large that more than one metered space is occupied, the driver shall pay the meter(s) for all spaces fully or partially occupied. This provision shall not prevent the operator of a horse-drawn carriage for hire from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. While parking for this designated purpose upon a metered space, the driver shall pay the appropriate fee. While parked at any parking space, subsections G and H of this section and section 6-1-45 shall apply.
- F. No person other than the holder of a horse-drawn carriage for hire certificate of convenience and necessity, his or her agent, or employees, shall occupy a designated horse-drawn carriage for hire stand, except that the driver of a passenger vehicle may temporarily

stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any passenger vehicle for hire entering or about to enter the stand or stop.

G. Carriage companies shall keep horse-drawn carriage stands clean, free of manure and urine at all times. Urine shall be diluted with water or water with disinfectant as it occurs.

H. Water for the horses shall be available at all times.

(Code 1985, § 39-119; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

DRIVERS AND CONDUCTORS

Sec. 6-1-20. Vehicle drivers.

No person shall operate a horse-drawn carriage for hire upon the streets of the city, and no certificate holder who owns or controls a horse-drawn carriage for hire shall permit it to be so driven, and no passenger vehicle licensed by the city shall be so driven at any time for hire, unless the driver of the vehicle for hire shall have first obtained and shall have a current and properly updated passenger vehicle for hire driver's permit which has been approved by the city treasurer and issued by the city treasurer, or his or her designee.

(Code 1985, § 39-120; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-21. Application for a driver's permit.

A. Permits required by this article shall be applied for, in person and in writing, on such forms as the city treasurer may prescribe, which forms shall show that:

1. The applicant has obtained a valid driver's license pursuant to the provisions of T.C.A. chapter 7, title 59;
2. The experience of the applicant in working with horses;

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3. All criminal statutes, whether federal or state, or city ordinance violations for which conviction, forfeiture of bond or pleading of nolo contendere has occurred, including motor vehicle and traffic violations;
 4. Such other information as the city treasurer may require.
- B. Such application shall be accompanied by two photographs as provided by the city permits office, one of which shall be attached to the permit, if issued, and one to be retained in the files of the city treasurer with the application for the permit.
- C. Such application shall be accompanied by:
1. A statement form, provided by a physician licensed to practice in the State of Tennessee, dated within 30 days of the application, indicating the length of time which the physician has treated the applicant, showing the applicant is not disabled by reason of defect of sight, hearing, body or limb, from safely operating a horse-drawn carriage and indicating any and all physical and mental conditions for which treatment has been rendered within the last year and for which treatment continues to be rendered;
 2. Statements of at least three reputable residents of the city who are personally acquainted with the applicant who will state their knowledge of the good reputation, honesty and general good character of the applicant, and include their name, address and home or work telephone number;
 3. A statement from a holder of a certificate of public convenience and necessity indicating that the applicant shall be affiliated with the certificate holder upon issuance of the permit.
- D. Permits shall remain the property of the city treasurer and may be canceled, revoked or suspended at any time and will be surrendered on demand.

(Code 1985, § 39-121; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-22. Application for a carriage driver's training permit.

A training permit will be issued for new and potential carriage drivers good for 14 days. During this period, the driver is required at all times to drive or ride with a designated trainer and permitted carriage driver. The fee for the trainer's permit shall be half that of regular carriage drivers and will go towards the cost of a full carriage driver's permit. If the trainee does not make full application after 14 days, the permit shall be null and void and the applicant must begin the process again.

(Code 1985, § 39-121.1; Ord. No. 4941, 5-7-2002)

Sec. 6-1-23. Applicant to fill out identification questionnaire and be fingerprinted.

Each applicant applying for a permit shall appear before the city treasurer or his or her designee to complete an identification questionnaire on a form to be provided, and be fingerprinted.

(Code 1985, § 39-122; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-24. Investigation; issuance; not to issue to certain persons.

- A. Before issuing a permit under this article, the city treasurer or the city treasurer's designee shall investigate the facts set out in the application and shall not grant such permit to any person who, in the opinion of the city treasurer, after investigation, is not physically or morally fit to drive or operate a horse-drawn carriage for hire in the city.
- B. No driver's permit shall be issued to any applicant who has been convicted of, forfeited bail or pleaded nolo contendere to a felony or any crime, involving moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, prostitution, assignation, obscenity or any crime of a sexual nature in any jurisdiction, or been an inmate of reform school or penitentiary as a result of a conviction

for a felony, within five years prior to his or her application for such permit.

- C. The city treasurer may refuse to issue a permit to any applicant whose police record shows numerous convictions for public drunkenness, driving under the influence of intoxicants/drugs, repeated moving traffic violations, or any other good and just cause which, in the opinion of the city treasurer, would be inimical to the public health or safety.
- D. No permit shall be issued unless the applicant is at least 18 years of age.
- E. It shall be the duty of the city treasurer to issue a permit to any person applying therefor, showing compliance with the provisions of this chapter.

(Code 1985, § 39-123; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-25. Notification of arrest or indictment.

The holder of a driver's permit shall advise the city treasurer immediately of all charges, arrests and indictments, including those for public drunkenness and driving under the influence of intoxicants. The city treasurer may suspend a driver's permit for five days prior to a hearing pursuant to section 6-1-31, if the driver is arrested, charged or indicted for any violation of city, state or federal laws. It shall also be the responsibility of the certificate holder with which the driver is affiliated to notify the city treasurer of the charges, arrests or indictments. Failure to do so may result in suspension or revocation of the permit and/or of the certificate.

(Code 1985, § 39-124; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-26. Notification of company change of driver.

At the time a permit is issued, the driver must register with the division of police services the name of the horse-drawn carriage for hire certificate holder with which the driver intends to be affiliated and the

division of police services will have stamped on the permit the name of the horse-drawn carriage for hire certificate holder specified by the driver. If at any time a driver wishes to change affiliations, the driver must register the change with the division of police services, and a fee of \$10.00 will be charged to defray administrative cost. Failure to advise the director of any such changes may result in suspension or revocation of the permit. It shall be the responsibility of the holder of the certificate of public convenience and necessity to notify the city treasurer when affiliation with a driver is discontinued and any holder which allows a driver to operate a vehicle for hire without a proper and complete permit may have its certificate suspended or revoked. The holder of the certificate of public convenience and necessity must supply in writing to the permits office, the correct address of each driver currently affiliated with the certificate holder.

(Code 1985, § 39-125; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-27. Permit fee.

Each applicant for a permit under the provisions of this article shall pay to the city treasurer a fee of \$30.00 at the time of the filing of the application to cover the cost of drug screening, physical and driver's safety classes. For the renewal of such permit, the applicant shall pay a fee of \$25.00. To replace a lost, destroyed or stolen permit that is current, the fee shall be \$20.00.

(Code 1985, § 39-126; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-28. Form, size, design and contents.

A permit issued under this chapter shall be in card form, of such size and design as may be prescribed by the city treasurer which shall bear on its face a photograph of the driver, the number of the permit, the expiration date thereof the company with which the driver is affiliated, and such other information as the city treasurer may require.

(Code 1985, § 39-127; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-29. Possession of permit.

The original permit issued under this chapter, containing a photograph and other data on the driver shall at all times be in the possession of the driver of the horse-drawn carriage for hire operated by such driver, to be shown to the passenger or a police officer on demand, while such horse-drawn carriage for hire is under the direction or control of such driver.

(Code 1985, § 39-128; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-30. Expiration and renewal.

- A. A permit issued under this chapter shall expire at midnight on the anniversary of the birth date of the permit holder each calendar year.
- B. If the driver wishes that his or her permit be renewed, he or she shall furnish the city treasurer, or his or her designee, in person, the following information at least one month prior to his or her permit expiration:
 - 1. An affidavit signed by the driver indicating no medical or physical disabilities were suffered during the previous year;
 - 2. A statement from a holder of a certificate of public convenience and necessity indicating that the driver is a current driver for the certificate holder.
- C. Every three years, a driver shall submit, at the time of renewal, a certificate completed by a physician licensed in the State of Tennessee and including that physician's license number, indicating the length of time which the physician has treated the driver, showing the driver is not disabled by reason of defect of sight, hearing, body or limb from safely operating a horse-drawn carriage and indicating any and all physical and mental conditions for which treatment has been rendered within the previous three years and those for which the driver continues to receive treatment.

(Code 1985, § 39-129; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-31. Fines, suspension and revocation of permit.

- A. The city treasurer is given the authority to fine a penalty fee of no more than \$50.00 to suspend or revoke any driver's permit issued under this chapter for a driver's failure to comply with the provisions of this chapter or the rules and regulations specified by the city treasurer.
- B. The city treasurer shall notify a driver of the violations with which he or she is charged and his or her right to a hearing before the city treasurer or the city treasurer's designee, at which time the driver shall have an opportunity to present evidence; provided, however, that the city treasurer or the city treasurer's designee may suspend a permit for five working days prior to a hearing, with a hearing to be held within that period of time, if, in the judgment of the city treasurer or the city treasurer's designee, the public health and safety requires. At such hearing, the city treasurer or the city treasurer's designee is authorized to further suspend or revoke a driver's permit.

(Code 1985, § 39-130; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-1. Unauthorized use of permit; defacing or removing permit.

- A. The city treasurer or the city treasurer's designee may suspend or revoke the permit of any driver for allowing any other person to use the permit granted to the driver, for the purpose of operating a passenger vehicle for hire or for any other reason.
- B. The city treasurer or the city treasurer's designee may suspend or revoke the permit of any driver who defaces, removes, or obliterates any official entry made upon the permit.

(Code 1985, § 34-131; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-33. Standards of appearance and conduct of drivers.

- A. No driver shall engage in selling alcoholic beverages, any controlled substance, or solicit business from any house of ill repute or any person known to be of ill repute use his or her vehicle for any purpose other than the transporting of passengers except as provided for driver trainees. Passengers may possess alcoholic beverages.
- B. Drivers shall not engage in abusive language, including, but not limited to, cursing, verbal insults or derogatory comments in the presence of passengers, potential or engaged, or staff members of regulating authorities.
- C. While on duty, drivers shall not be under the influence nor engage in the consumption of intoxicants, including, but not limited to, beer and other alcoholic beverages or controlled substances. Any driver charged with driving while intoxicated may have his or her permit immediately suspended as provided in section 6-1-31.
- D. Drivers must present an acceptable appearance, including clean, neat wearing apparel not in need of repair. Hats may be worn. No shirt may be worn displaying an offensive logo. No halter-tops or tank shirts may be worn. Shorts may be worn but must be knee length or no more than three inches above the knee. Shoes, excluding sandal type shoes, must be worn at all times while serving the public. General appearance must be one of neatness and cleanliness.

(Code 1985, § 39-11; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002)

Sec. 6-1-34. Total passengers in vehicle; carrying passengers on driver's seat prohibited.

No driver shall permit more persons to be carried in a horse-drawn carriage for hire as passengers than the seating capacity. A child in arms shall not be counted as a passenger.

(Code 1985, § 39-133; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-35. Consent required for horse-drawn carriage driver to pick up additional passengers.

No driver of a horse-drawn carriage shall carry any person other than the original passenger(s) by whom he or she has been engaged, without the consent of the original passenger(s), unless it is a driver trainee or other company employee.

(Code 1985, § 39-134; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-36. Drivers not to work more than 12 hours out of 24.

- A. No driver shall work more than a maximum of 12 hours in the aggregate of any 24-hour period, and such driver shall not begin to drive until he or she has had at least eight consecutive hours of rest.
- B. It is the duty of the certificate holder in conjunction with the driver to meet these requirements.

(Code 1985, § 39-135; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-37. Solicitation of passengers by drivers; drivers to remain in or near carriage.

- A. No horse-drawn carriage for hire driver shall solicit passengers for a horse-drawn carriage for hire, except when sitting in the driver's seat of such carriage for hire or while standing immediately adjacent to the carriage. The driver of any horse-drawn carriage for hire shall remain in the driver's seat or immediately adjacent to the carriage at all times when such carriage is upon public streets, provided further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of the carriage.
- B. No horse-drawn carriage for hire driver shall solicit patronage in a loud or annoying tone of voice, or by sign, or in any manner annoying any person, or to obstruct the movement of any person or follow any person for the purpose of soliciting patronage.

(Code 1985, § 39-136; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-38. Drivers of horse-drawn carriages.

- A. A driver of a horse-drawn carriage must properly guide the animal and carriage and must properly control the animal and carriage at all times, and:
- B. Must have valid driver's license.
- C. Must obey all traffic laws/rules.
- D. Drivers must be permitted.

(Code 1985, § 39-137; Ord. No. 4227, § 1, 11-2-1993)

VEHICLES

Sec. 6-1-39. Carriage safety equipment.

- A. Prior to the use and operation of any horse-drawn carriage for hire under the provisions of this chapter, the carriage shall be thoroughly examined and inspected by an Inspector and found to comply with this section's requirements. If, at any time, the horse-drawn carriage for hire is found by an Inspector not to comply with the following requirements, the horse-drawn carriage for hire shall not be allowed to be operated on the streets, alleys and public ways of the city until and unless the inspector finds the carriage meets these requirements.
- B. Every carriage operating on the streets, alleys and public ways of the city shall at all times be equipped with all safety equipment and any other requirements in respect to safety as is required by the laws of the state or this Code and all such regulations as may be issued by the city treasurer.
- C. Every horse-drawn carriage for hire operating on the streets, alleys and public ways of the city shall at all times be in a safe and suitable condition for such use and shall have the following:
 - 1. Every horse-drawn carriage shall be equipped with lights clearly visible from the front and rear. One light housing shall be attached to the left side of the carriage and one light housing

shall be attached to the right side of the carriage. The light housings may be of the type that illuminate from the front and rear simultaneously. Viewed from the rear, the lens must be red. Viewed from the front, the lens may be clear or amber. The light(s) must be capable of displaying a light visible 500 feet to the rear and 500 feet to the rear of such vehicle under ordinary atmospheric conditions and such light shall be displayed during the period from one-half hour after sunset to one-half hour before sunrise and at all other times when there is not sufficient light to render clearly discernible any person on the road or highway at a distance of 200 feet ahead of such vehicle.

2. Each carriage shall be equipped with electric turn signals.
3. No company shall use a carriage not equipped with brakes.
4. Each carriage shall be equipped with a slow-moving vehicle emblem to be attached to the rear of the vehicle.
5. Each company is encouraged to use reflective material wherever appropriate on carriages, harness and horse forelimbs.
6. Carriages must be properly lubricated and wheels must spin freely.
7. Each carriage should be equipped with a device to catch horse manure and prevent it from falling on the pavement; all missed droppings should be cleaned up at the end of each trip.
8. Each carriage shall be maintained in a safe and sanitary condition.
9. No horse-drawn carriage may carry more passengers than it was originally intended.
10. Each company shall conduct regular safety inspections of their vehicles. No vehicle shall be allowed into service that has lights, brakes or other safety features that are inoperable. Radio equipped or cellular phone equipped carriages are encouraged.
11. Four-wheel carriages should be equipped with fifth wheel or cut under turning mechanisms on the front axle.

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12. Any other requirements in respect to safety as is required by the laws of the state or this Code and all regulations as may be issued by the city treasurer.
 13. Obey all traffic laws of city and state.
 14. Identifying stickers.
 15. Name of company.

(Code 1985, § 39-138; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

Sec. 6-1-40. Television equipment.

No television set shall be installed or portable model television operated in any horse-drawn carriage.

(Code 1985, § 39-139; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-41. Horse-drawn carriage maintenance.

- A. Every horse-drawn carriage for hire operated in the city shall be kept in a clean and sanitary condition and in such condition of repair as may be reasonably necessary to provide for the safety of the public and for continuation in satisfactory operation.
- B. It is the joint responsibility of the certificate holder and of the driver to maintain the appearance and safety of the horse-drawn carriage for hire and equipment and failure to comply may result in the suspension or revocation of the certificate for public convenience and necessity and/or of the driver's permit.
- C. All carriages are subject to an annual inspection by the permits/license inspector for safe mechanical conditions, with all safety equipment remaining intact and operative.
- D. Any carriage involved in an accident is required to be inspected by the permits/license inspector before going back into service.

(Code 1985, § 39-140; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002).

Driver shall be held to include every person in actual charge of the operation of a horse-drawn carriage.

LICENSING AND CARE OF ANIMALS

Sec. 6-1-42. Licensing of Equines-Powers of Director of Animal Services

A. General

1. As set forth in this chapter every person or business operating a horse-drawn carriage for hire business in the City is required to obtain and maintain a valid certificate of public convenience and necessity (“Certificate”) and every driver of a horse-drawn carriage for hire is required to obtain and maintain a valid Driver’s Permit.
2. Every Certificate Holder is also required to obtain and maintain a valid license for every equine to be used in the horse-drawn carriage for hire business as provided in this section (“Equine License”).
3. The director of animal services shall have authority over the licensing of equines and the enforcement of the provisions of this chapter regarding the care of animals used in the horse-drawn carriage for hire business to promote the health, safety, and well-being of the licensed equines. Compliance with all provisions of this chapter is a continuing condition of every Certificate, Driver’s Permit and Equine License.
4. A driver shall allow the inspection of their horse and/or carriage by an Inspector at any time while they are on public streets. This includes during a trip in which they have been hired if a safety issue is suspected.
5. Holders and Drivers shall be responsible for any violation under this article where it is shown such person had knowledge of the violation, or should have had knowledge of the violation, and made no attempt to prevent it from occurring.

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6. Nothing in the chapter shall preclude the director of animal services or their designees from enforcing all local, state, and/or federal animal cruelty laws.

B. Before any animal is brought into service by the certificate holder, the certificate holder shall obtain an Equine License from the director of animal services, which may be issued only after the equine has been examined by a Tennessee licensed veterinarian who provides service in Shelby County, Tennessee and a listed telephone number. The veterinarian shall certify to the director of animal services in writing that the animal meets all qualification criteria set forth herein after in this section, and that certification shall be presented to the director of animal services for approval prior to issuance of an Equine License for the equine by the City of Memphis. The veterinarian shall provide the following as proof of certification:

1. A veterinary record of a microchip placed in the neck along the nuchal ligament just under the mane.
2. A copy of the animal's veterinary records with the most recent exam being dated no more than 30 days prior to the animal being brought into service.
3. A copy of a negative Coggin's Test.

C. No licensed equine shall be permitted to pull any carriage unless the animal is in good health and meets at least the following requirements:

1. Must be a gelding or mare
2. Must be at least three (3) years old and no greater than twenty (20) years old
3. Must weigh at least one thousand two hundred (1,200) pounds to pull up to eight people, including the driver, as a single puller, and must weigh at least 1,500 pounds to pull a carriage capable of holding up to 30 people and shall only pull such a carriage in a team of two such animals.

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4. Must be of such stamina and in such physical condition, as determined by a veterinarian, to perform the required equine-drawn carriage tasks without any undue stress and effort.

D. The following shall deem a licensed equine unfit for use:

1. Lameness of any kind;
2. Open sores or wounds caused or likely to be irritated by the bearing surfaces of harness, bridle or girths;
3. Signs of emaciation, dehydration or exhaustion;
4. Loose shoes or no shoes; or
5. Uncontrollable behavior.

E. An equine required to be licensed pursuant to this section which fails to meet any of the above criteria may be declared unfit for service and may be ordered removed from work by the director of animal services or his or her designee if the director of animal services or his or her designee determines that removal of the equine is necessary for health and safety reasons or as an immediate protection to the equine or the public. An equine for which such an order has been issued shall not be returned to work until such time as the equine is re-examined and a veterinarian licensed by the State of Tennessee certifies in writing that the equine is fit to return to work using the criteria set forth in this chapter.

F. Should a carriage horse be permanently removed from service, it shall be sold or disposed of in a humane manner.

(Code 1985, § 39-141; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

Sec. 6-1-43 Proper Care of Licensed Equines

A. An equine required to be licensed pursuant to this article must receive the following routine veterinary care to remain compliant with this chapter:

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1. A full soundness exam every six (6) months by a veterinarian licensed by the state of Tennessee
 2. Treatment for internal parasites or fecal floatation egg counts every four (4) months under the direction of a veterinarian licensed by the State of Tennessee, and treatment for external parasites whenever they are found to be present.
 3. Hoof trimming and shoes reset every six (6) to eight (8) weeks using caulks or borium to prevent slippage and rubber shoes or pads to prevent concussion injuries; shoes shall be shod in a manner approved by the director of animal services and shall have non-skid base surfaces.
- B. A preventative vaccination/ veterinary record affirming these standards are met shall be maintained by certificate holder and must be available for inspection on demand by the director of animal services or their designee, to include:
1. Current license of the equine being used;
 2. Current picture of the equine;
 3. Current health certificate of the equine;
 4. The equine's body condition score, certified every six (6) months by a veterinarian licensed by the State of Tennessee; and
 5. Description and location of any other identifying characteristics, marks and brands of the equine.
- C. The animal must be kept clean, especially those areas in contact with the harness or other tack, as well as groomed daily when in service and must not have fungus, dandruff or a poor or dirty coat.
- D. Each animal must be fed at least twice daily and shall have access to forage and feed in the amount to keep appropriate body condition score. The forage and feed shall be kept clean, fresh and must be of good quality.
- E. Each animal must have accessible potable drinking water provided in the stable at all times.

F. An animal shall be properly exercised when not working.

G. Holders and drivers shall ensure that each equine is offered potable drinking water in an appropriate container after every fare.

Sec. 6-1-44. Conditions of Use of Licensed Equines.

A. A Licensed Equine shall not be worked under any of the following conditions:

1. Pulling a carriage at a speed faster than a slow trot;
2. Pulling a carriage at top speed for more than thirty (30) minutes;
3. With equipment causing an impairment of vision other than normal blinders;
4. Any condition which will impair the good health and physical condition of the animal or that subjects the animal to cruel or harassing treatment.
5. Pulling a carriage that has music or other amplified sound played above 85 dB, or at any level below that which causes the animal distress.
6. Pulling a carriage on a public highway, path or street during conditions which are determined by the director of animal services or their designee to pose a threat to the health, safety or well-being of the equine, passengers, or general public.
7. If conditions develop while an equine is being worked, said equine shall be returned without delay to the stable by the most direct route and, if the threat posed is an immediate one, then the return of the equine to the stable shall be by equine trailer.

B. Shifts

1. Holders and drivers shall ensure that any licensed equine does not work more than eight (8) hours in a 24-hour period as reflected by pulling fares in the logbook. Carriages may be in service for up to ten (10) hours so long as no more than eight (8) of the ten (10)

hours are active pulling fares. An equine must have least a fourteen (14) continuous hour rest period within each twenty-four (24) hour period. Equines shall be considered as working if the equine is pulling a carriage that is being presented to the public as a carriage for hire.

2. Certificate Holders and Drivers shall provide equines a minimum ten (10) minute rest period between fares in excess of one (1) hour. Certificate Holders and Drivers shall provide equines a reasonable rest period between fares less than one (1) hour.
3. Certificate Holders shall keep a current log in each stable showing each equine's use. A Certificate Holder shall keep on the premises of the stable where the Licensed Equines are kept a consecutive daily record of the movements of each Licensed Equine, including driver's name and identification number, equine's identification number, vehicle identification tag number, and a daily manifest on each equine. Such records shall be made available, at any reasonable time, for inspection by the director of animal services or his or her designee.
4. If a Licensed Equine must return to the stables due to inclement weather or equipment replacement, it may return to operation to complete the same shift but may not extend that shift beyond ten (10) hours from the start of the shift.

C. Weather.

1. Certificate Holders shall check the temperature for the City of Memphis every thirty (30) minutes while they have carriages in service and document in the daily record for horses in service that day. This verification shall be done by using a reputable weather website. If the temperature is at or above 95° Fahrenheit or at or below 32° Fahrenheit, animals may not be put into service and shall not be outside of the barns or stables.
2. All Certificate Holders and Drivers shall work their horses only when safe weather conditions exist. Special attention and discretion should be used during periods of snow, ice, heavy

rain, high humidity, or extreme wind chill. Proper shoes should be used during icy conditions.

3. Should the director of animal services determine that special circumstances exist which would jeopardize the safety of the a Licensed Equine, such as a significant weather event or other environmental problems, the director may order the temporary suspension of the operation of all horse-drawn carriages for hire until such time as the special circumstances no longer exist.

(Code 1985, § 39-142; Ord. No. 4227, § 1, 11-2-1993)

Sec. 6-1-45. Equipment

A. Certificate Holders and Drivers shall ensure that pads and other pieces of tack are kept clean and in a safe and serviceable condition. No Licensed Equine will be worked with a harness or bit that is not approved by a qualified and approved veterinarian.

1. The harness must be oiled and cleaned to be soft at all times.
2. The harness shall be properly fitted and maintained. Wire, sisal, rope, rusty chains or other substandard additions to the harness are prohibited.
3. The harness shall be examined every 6 months by a veterinarian licensed by the state of Tennessee.

B. The use of whips is prohibited except in situations presenting imminent danger to human or equine safety. Certificate Holders and Drivers are restricted to the use of a “buggy” style whip at times of imminent danger. All other whip styles are prohibited in all situations.

C. Equines licensed under this chapter will be fitted with a diaper or proper collection bag for animal droppings.

1. A Driver shall empty the horse’s diaper prior to the beginning of each trip for hire.

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2. A Driver shall not allow excrement to drop from the equine's diaper and will ensure that the diaper bag is properly fastened to the equine as outlined by the manufacturer's instructions.
 3. It shall be the responsibility of the Certificate Holder to take the necessary steps to keep all streets, alleys, sidewalks, and other public ways of the city cleared of animal droppings.

D. Each Driver shall dilute horse urine with a deodorizing, non-toxic liquid right away. The driver shall not impede traffic while doing so and if necessary, shall clean up any missed urine at the end of each trip.

(Code 1985, § 39-143; Ord. No. 4227, § 1, 11-2-1993); (Code 1985, § 39-144; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002)

Sec. 6-1-46. Stalls and stables.

- A. Stables for housing of equines and carriages shall comply with all zoning laws and ordinances of the city of Memphis and Shelby County and shall be no less than one hundred (100) feet from any dwelling.
- B. Such facilities shall conform to all health and sanitation regulations and shall be open for inspection by the director of animal services and their designees at all reasonable times, with or without prior notice.
- C. All stables used for housing horses shall be well lighted and ventilated.
- D. Foot hazards and sharp surfaces will not be permitted in any area or building where the Licensed Equines may be injured by such hazards and surfaces.
- E. All stables shall have standing stalls of sufficient dimensions to allow each equine to enter, stand, turn around, and lie down in a natural manner, and protect from adverse weather. The stalls shall be enclosed on all four (4) sides and shall have a solid exterior wall and a solid roof free of leaks.

F. Tie stalls shall be a minimum of 46 feet by ten feet. Horses that are not turned out daily should not be kept in tie stalls.

G. Stables and stalls shall be clean and dry. Sufficient bedding of straw, shavings, or other suitable material shall be furnished and changed as often as necessary to maintain the stables and stalls in a clean and dry condition. Bedding for concrete floors shall consist of at least six (6) inches of materials. Bedding for clay, dirt or rubber base floor shall consist of at least three (3) inches of materials.

H. A pest control program shall be used to control flies and other insects.

I. All interior and exterior areas of the stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse and excrement.

J. There shall be no smoking at any time in stables.

(Code 1985, § 39-146; Ord. No. 4227, § 1, 11-2-1993)

(Code 1985, § 39-147; Ord. No. 4227, § 1, 11-2-1993)

(Ord. No. 5421, § 1, 11-1-2011)

Title 8 - ANIMALS¹

CHAPTER 8-1. SCOPE OF CHAPTER AND DEFINITIONS

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Chapter 8-4 LIVESTOCK & FOWL

Sec. 8-4-1. Neglect of Livestock and Fowl

¹Charter reference(s)—Authority of city council to regulate animals and fowl within the city, § 854.
State law reference(s)—Animals, TENN. CODE ANN. § 44-2-101 et seq.

- Sec. 8-4-2. Running at-large of Livestock and Fowl
- Sec. 8-4-3. Keeping of Livestock Within 1,000 feet of Residence or Business
- Sec. 8-4-4. Killing Birds
- Sec. 8-4-5. Unlawful to Sell Fowl as Pets or Novelties
- Chapter 8-5. MEMPHIS ANIMAL SERVICES
- Sec. 8-5-1. Establishment and Supervision
- Sec. 8-5-2. Business Hours
- Sec. 8-5-3. Badges, Uniforms and Police Power of Animal Services Officers
- Sec. 8-5-4. Resisting or Interfering with Animal Shelter Employee
- Sec. 8-5-5. Aid and Assistance by Police
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CHAPTER 8-1. SCOPE OF CHAPTER AND DEFINITIONS

Section 8-1-1 Scope of Chapter

Conduct which is in violation of this Chapter shall constitute an ordinance offense for which a summons may be issued.

This title does not bar, suspend, or otherwise affect any right or liability for damages, penalty, forfeiture, or other remedy authorized by law to be recovered or enforced for a criminal offense as set forth in Title 39 of Tennessee Code Annotated, or in a civil suit for conduct that the state criminal code defines as an offense, and the civil injury is not merged into the offense.

Sec. 8-1-2. – Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them herein, except when the context requires otherwise:

Abandonment means an animal that has not been provided adequate conditions as defined in this chapter, and whose owner failed to respond within 24 hours to an official notice left by animal services officers at the location where the dog is kept.

Adequate care shall include but not be limited to current vaccinations and/or medical treatment for illness, injury, disease, excessive parasitism, or any malformations; regular grooming to prevent matting which could lead to disease or injury; and nail clipping so no toenail grows long enough to penetrate the paw or affect the normal position of the paw.

Adequate conditions shall include but not be limited to adequate care, food, shelter, general maintenance, and water as defined in this section.

Adequate food means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily dietary requirements for the condition and size of the animal. Adequate food may be impacted by the environment in which the animal is kept and must be taken into account by the owner/custodian. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding is in accordance with accepted agricultural or veterinarian practices. Food stored outside must be kept in sealed containers to prevent vermin from accessing it.

Adequate shelter means a four-sided ventilated structure in good repair with an entrance on one side, a roof, and a solid floor and allows the dog to remain reasonably dry and maintain normal body temperature. The dimensions of the entrance and structure shall allow each dog present to enter, stand, turn around, and lie down in a natural manner, whether in the same structure or by providing multiple structures, and protect the dog from adverse weather and direct sunlight. During cold weather, the structure must contain bedding material that is sufficient to promote the retention of body heat and during summer months a separate natural or artificial shaded area must be available outside the structure and accessible by the dog. “Adequate shelter” does not include the space under buildings, decks, steps, or open crates and carriers designed for temporary housing unless modified to meet the requirements of this section. The shelter shall be cleaned regularly enough so as not to force the animal to stand, sit or lie in bodily waste. The enclosure in which the structure is located must be of a square footage sufficient to allow the dog to defecate at one end and lie at least twice its length away at the other end of the enclosure.

Adequate water means potable water provided continuously and changed out no less than once daily. The animal must have uninhibited access to the water. Adequate water may be impacted by environment

in which the animal is kept and must be taken into account by the owner/custodian.

Animal means a domesticated living creature or species of life different from man or plants or a wild creature previously captured and domesticated.

Animal services officer means any person assisting the animal services director authorized to impound animals and issue ordinance summons.

Animal services director means a person in charge of the city's animal services division, as designated by the Mayor, and hereafter referred to as "director."

Bite Scale means a standardized measurement tool used for determining the severity of a bite inflicted on a human or animal based on the physical damage the bite causes to the victim.

Cat means any animal of the domestic feline family.

Community cat means a cat that lives outdoors, is unowned/semi-owned, and free-roaming typically in a colony. Behavior is not an indicator of community cats as they can be friendly or "feral"(unsocialized). An ear-tip is an indicator that the cat is a community cat and has been sterilized.

Companion animal means domesticated animals kept in or near the household for the primary purpose of companionship for members of the household and/or companionship for other such animals. This includes dogs, cats, rabbits, guinea pigs, hamsters, domesticated rats, domesticated mice, ferrets, birds, reptiles, amphibians, invertebrates, and any other species that a reasonable person would consider to be a pet.

Competent person means any person 18 years old or older, who is able to comprehend and understand the nature of their responsibility, and has sufficient ability, mentally and physically, to handle any particular animal he or she may take charge of or have in their control.

Cruelty shall be defined in accordance with Tenn. Code Ann. § 39-14-202.

Dangerous dog for the purposes of this ordinance means any dog which:

- a. attacks and bites a person, animal or community cat without provocation, causing serious illness, injury or death including but not limited to a major fracture, muscle tears, or lacerations requiring multiple sutures or corrective or cosmetic surgery;
- b. any dog previously declared dangerous in a court of law;
- c. any dog owned or harbored for the purpose of dog fighting, to include animals bred for this purpose;
- d. any dog that has committed a bite that scores at least a level 3 or higher on a nationally recognized bite scale as defined herein and been found at-large twice;
- e. any dog that has bitten twice with at least one of the bites scoring a level 3 or higher on a nationally recognized bite scale as defined herein.

Dog means any animal of the canine family.

Ear tip means a procedure to remove the distal one-quarter of a cat's left ear for identification purposes and done under anesthesia during a sterilization surgery.

Employee means any person employed by the city under the management of the city's animal services division.

Fee schedule means fees charged for any services requiring payment at animal services, which shall be approved by the animal services director and authorized by passage of a resolution by the council. A current copy of the fee schedule shall be posted on the city of Memphis' website and in a conspicuous place in the Memphis Animal Services facility.

Fertile/unaltered animal means an animal which can produce offspring.

Fowl means any domesticated or undomesticated chickens, ducks, geese, turkeys, or other such birds as may be so designated by the director of the city's animal services division.

General Maintenance means adequate care, conditions, food, shelter and water as defined by this chapter and encompasses all reasonable measures to promote the health and safety of the animal.

Gross Neglect means a conscious and voluntary disregard for adequate conditions as defined herein, which is likely to cause foreseeable grave injury or harm to a companion animal. Gross neglect is conduct that a reasonable person would consider extreme when compared with ordinary neglect or mere failure to provide adequate conditions.

Guard dog means any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog. Subject to the regulations set forth herein, nothing shall prohibit or limit a person's right to possess a dog for protection to their person or property. No person shall use a dog as a weapon or to threaten or harass other persons or animals.

Humane trap means a cage equipped with a trap door which, when tripped, locks an animal or fowl within the structure unharmed.

Inclement weather conditions shall mean rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures, or any

environmental condition sufficient to threaten the health and/or safety of a companion animal.

Livestock means animals such as cattle, cows, swine, sheep, horses, mules, goats, or any animal designated as such by the director of the city's animal services division.

Ordinance summons means a written order to appear in court for alleged violations of any part of this chapter, issued by an animal services officer.

Owner means any person, partnership or corporation owning an animal; or any person who feeds, shelters, or harbors an animal or permits it to remain on the person's property. If any dog is found on the premises of any person for a period of ten days or more, it shall be prima facie evidence that such dog belongs to the occupant of such residence. Any person keeping or harboring a dog for (10) consecutive days shall, for the purpose of this chapter, be declared to be the owner thereof, and liable for violations of this title. If the animal is owned by a person under the age of 18 that person's parent or guardian shall be liable.

Properly Fitted Collar or Harness means a band of material specifically designed to be placed around the neck of a dog or a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog that is:

- a. appropriately sized for the dog based on the dog's measurements and body weight;
- b. does not choke the dog or impede the dog's normal breathing or swallowing; and
not cause pain or injury to the dog.

Provocation, regarding a dangerous dog means and includes trespass on property, teasing and release of the dog from its restraint, an attempt to

injure the dog or the dog's owner or the individual in possession thereof or other such actions. Entry on property by persons with actual or implied permission of the owner or occupant, including a postal service employee or other authorized government or service employee, shall not in and of itself be characterized as provocation. Provocation can also include actions by another animal which justifiably incited the attack. The burden of proof as to provocation shall be with the owner of the dog.

Restraint means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Severe injury means any physical injury that results in broken bones, multiple punctures, or disfiguring lacerations, requiring sutures or cosmetic surgery.

Shelter-Neuter-Release (SNR)/Trap-Neuter-Release (TNR) means stray, owned or unowned, cats who are brought into the custody of the shelter, spayed/neutered, ear-tipped, vaccinated, and returned to location of pick-up.

Steel trap means a contraption which, when engaged, locks an animal or fowl in place by applying pressure against any part of its body.

Sterile/altered animal means an animal which has been surgically rendered incapable of producing offspring.

Unprovoked attack means an attack in which an animal without provocation as defined herein attacks or bites a human being or another animal.

Chapter 8-2.- ANIMALS GENERALLY

Sec. 8-2-1. - Trapping Animals

It is unlawful for any person to set or bait any steel leg-trap or other contrivance which would maim, mutilate or seriously injure any animal, excluding animals commonly referred to as vermin.

Sec. 8-2-2. - Striking or hitting an animal with a moving vehicle

It is unlawful for any person driving a vehicle to strike or hit any animal upon a public right-of-way or any public property without stopping and assisting the animal, or in the alternative notifying Memphis Animal Services or the Memphis Police Department immediately, excluding animals commonly referred to as vermin as contemplated in Code of Ordinances Title 9 Health & Safety.

Sec. 8-2-3. - Disposal of Animals

No person shall leave or throw into any stream or river, nor leave exposed or bury the body, or any part thereof, of any animal, nor shall the same be kept where it may be dangerous to the life or detrimental to the health of any person. The sanitation services division of the city shall be promptly notified by the owner/discoverer of any deceased animal and where it is located. The animal will be scanned for a microchip, animal services notified if a microchip or other identifying information is found, the deceased animal will then be removed and disposed of in a sanitary manner.

Sec. 8-2-4. - Roadside sale of animals prohibited

A. It shall be unlawful for any person, firm or corporation to attempt to sell, exchange, trade, barter, lease, rent, donate or display for a commercial purpose any animal on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized.

B. This section shall not apply to any city animal shelter or nonprofit organization founded for the purpose of providing humane

sanctuary or shelter for abandoned or unwanted animals pursuant to TENN. CODE ANN. § 39-14-210 or any dealer licensed to sell at a flea market pursuant to TENN. CODE ANN. § 44-17-101 et seq.

C. This section shall not be construed to prohibit the sale of certain animals by those engaged in the business of selling the same for consumption and who have obtained the appropriate licenses or permits to conduct such activity.

D. This section shall not be construed to prohibit a properly licensed for-profit store from selling or donating any animals on the walkway or parking lot immediately adjacent to such store's physical address.

E. The sale, exchange, trade, barter, lease, rent, donation or display for a commercial purpose in violation of this section shall constitute for each animal a separate violation and be punishable by a fine in accordance with an amount allowed under state law for city ordinance violations.

F. Upon issuance of an ordinance summons for a violation of this section, the violator must immediately discontinue the activity.

Sec. 8-2-5. – Kennel Licenses

A. Persons desiring to operate a commercial kennel where dogs and/or cats are owned, bred and/or held for sale must have an active kennel license issued by Memphis Animal Services to operate.

B. Prior to moving any animals into the facility, the person must submit a request to Memphis Animal Services for a kennel inspection via the online inspection request form available on the city's website.

C. Within 30 days of receipt of the request the requester will be notified when their inspection will occur.

- D. At the time of inspection, an Animal Services officer will inspect the facility for adequate care and conditions and determine the maximum capacity of the facility.
- E. Once the inspection is complete, the owner must show proof of inspection in-person at Memphis Animal Services to purchase a kennel license in accordance with the current fee schedule as defined in this chapter.
- F. Persons holding an active kennel license shall not be required to pay the license fee prescribed in § 8-3-2, provided they can produce evidence that all dogs and cats on the property 12 weeks and older have been vaccinated for rabies and such vaccinations are current.
- G. A kennel license is valid for one year, beginning during the month of purchase and expiring during the same month of the following year, and thereafter purchased annually on the same basis. Renewals require a reinspection to verify capacity/ conditions at the facility and must be requested at least 30 days prior to the expiration of the existing license. No license is transferable.

Chapter 8-3.- DOGS & CATS

Sec. 8-3-1. - Animal Neglect and Animal Cruelty

- A. Pursuant to this chapter, animal services may impound any animal suffering from gross neglect as detailed herein or animal cruelty.
- B. Any person who shall, voluntarily or by necessity, take custody of any animal, on any property, shelter, or other place, shall supply to that animal adequate care, conditions, food, shelter, and water as defined in § 8-1-2 of this chapter.
- C. Owners/custodians shall not allow any companion animal that is pregnant, nursing, or less than six months old to remain outdoors

during inclement weather conditions unless such animal is accompanied by a custodian, keeper, or handler. In the event of extreme weather, as determined by the director of animal services, the owner/custodian must make alternate housing arrangements to ensure the health and safety of the pet if the provided shelter does not offer adequate protection from heat or cold exposure.

D. Inhumane transport of animals. No person shall carry or cause to be carried in or upon any vehicle or other conveyance, any creature in a cruel, inhumane, or unsafe manner. Whenever any person in violation of this section is taken into custody by an officer, the officer may take charge of such vehicle or other conveyance and its contents and deposit the same in some safe place of custody. Any necessary expense incurred for taking charge of and keeping and sustaining the vehicle or other conveyance and its contents shall be paid before the vehicle or other conveyance can be recovered.

E. Abandonment of dogs. No person may intentionally, knowingly, recklessly or with criminal negligence leave a dog at a location without providing adequate care as defined in this section, release a dog they have taken into their custody to run at-large, or tether the pet to a structure they do not own with the intent of abandonment. This includes dogs abandoned on the property of an animal shelter, veterinary clinic or any commercial or residential property.

F. If the Animal Services Director or an Animal Services Officer determines that evidence exists that any person has committed acts of animal neglect or cruelty knowingly, willfully or with gross neglect for the welfare of the animal, then misdemeanor or felony cruelty charges will be issued by the Memphis Police Department, in addition to any summons for an ordinance violation of this Chapter.

Sec. 8-3-2. - Dog license tags required / Cat Vaccination required

- A. Dogs—Licensing and vaccination. It is unlawful for any person to own, have, harbor, keep or to cause or permit to be harbored, or kept in the city, any dog three months old or over, unless a current city license tag has been issued for such dog, subject to the exceptions provided in § 8-2-5(F). Prior to the issuance of a city dog license tag, the animal must receive a vaccination for rabies, or the owner of the animal must provide evidence that such animal has been so vaccinated and such vaccination is still current. In addition to the cost of the rabies vaccination, a city dog license tag shall be required for a 12-month period, beginning during the month of purchase, and expiring during the same month of the following year, and a license must thereafter be purchased annually on the same basis, in advance of such expiration date. Fees vary based on whether the animal is fertile or sterile, in accordance with the city's current fee schedule as defined in this chapter.
1. No license is transferrable.
 2. A city dog license tag may be purchased from the veterinarian at the time of vaccination or can be purchased at Memphis Animal Services.
 3. If the license is purchased from a veterinary clinic, the veterinarian issuing the license may collect an agent's fee of \$1.00 for this service.
 4. If the license is purchased from a non-veterinarian source, such as Memphis Animal Services, the purchaser shall exhibit records from a licensed veterinarian, describing and identifying the animal and certifying its sterility, to pay the proper license fee. No license is transferable.
 5. In the event a dog tag or license is lost, stolen or unavoidably mutilated, or damaged, the owner may apply for a duplicate

license and tag. After investigation and upon payment of a fee in accordance with the city's current fee schedule as defined in this chapter, the director may, at their discretion, issue a duplicate license and tag.

- B. Cats—Vaccination. It is unlawful for any person to own, have, harbor, keep or to cause or permit to be harbored, or kept in the city, any cat three months old or over, unless such person holds a current certificate of rabies vaccination for each such animal, subject to the exceptions provided in § 8-2-5(F).
- C. The provisions of this section regarding licensing shall not apply to nonresidents traveling through the city or if the animal is staying temporarily for a period of less than 30 days.

Sec. 8-3-3. - Mandatory Spaying & Neutering of Cats & Dogs

No person shall own, harbor, or keep within the city a dog or cat which has not been spayed or neutered. It is a defense to prosecution under this section that:

1. The animal is under six (6) months old;
2. A licensed veterinarian has certified within the past year that the dog or cat should not be spayed or neutered for health reasons or is permanently infertile;
3. The animal is being held for adoption by animal services or an animal welfare organization with an active 501(c)3;
4. The dog is documented as having been appropriately trained and actually being used by public safety agencies for law enforcement or search & rescue activities, or such dogs designated as breeding stock for law enforcement or search & rescue by an appropriate agency or organization and approved by the director of animal services;

5. The dog is designated by an appropriate agency or organization as breeding stock for service dogs such as guide dogs, hearing dogs, assistance dogs, seizure alert dogs, or social/therapy dogs, and approved by the director of animal services;
6. The dog is appropriately trained and actually being used for herding of other animals, or as a livestock guardian dog, hunting dog, or such dogs designated as breeding stock for these functions by an appropriate agency or organization and approved by the director of animal services;
7. The dog or cat is registered with a purebred dog or cat club, approved by the director of animal services, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life-threatening health problems common to the breed.
8. The owner produces to the court proof of sterilization from a licensed veterinarian showing the dog or cat was sterilized at the time the summons was issued, or not later than 30 days after the summons was issued; or
9. The owner holds a valid fertile permit under § 8-3-4.

Sec. 8-3-4. – Fertile Permit

- A. Owners of fertile pets and not qualifying for any of the exemptions listed in § 8-3-3 must purchase a fertile permit in person during regular business hours from the division of animal services in accordance with the current fee schedule as defined in this chapter.
- B. A separate permit is required for each unsterilized dog or cat. Each permit authorizes the whelping of no more than one litter per female in any 12-month period and no more than one litter per domestic household in any 12-month period.
- C. The dog or cat must follow the vaccination requirements as defined in the Sec. 8-3-2 of this chapter to be eligible for a fertile permit.

- D. The dog or cat must be microchipped to be eligible for a fertile permit.
- E. Animals impounded for violation of this chapter are not eligible for a fertile permit purchase at the time the animal is reclaimed at Animal Services and must be spayed/neutered before leaving the facility unless another exemption defined in this chapter is met.
- F. The director shall revoke a fertile permit if animal services determines that the permittee:
 - 1. Failed to comply with any provision of this chapter;
 - 2. Allows the offspring of a permitted dog or cat to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight weeks old and have been vaccinated against common diseases;
 - 3. Intentionally made a false statement as to a material matter to obtain a fertile permit.

Sec. 8-3-5. -Mandatory Microchipping

- A. The owner or custodian of any dog or cat must have the animal implanted with a registered microchip before the animal is six (6) months old or within thirty (30) after acquired if over six (6) months.
- B. A dog or cat is exempt from this requirement if the dog or cat is determined in writing to be medically unsuitable for microchipping by a licensed veterinarian.
- C. The owner or custodian of a dog or cat shall maintain current registration with a microchip registration company.
 - 1. The owner or custodian shall update contact information, including new address or telephone number with the microchip registration company within thirty (30) days of the change in contact information.

2. After any change in ownership of a registered dog or cat, the initial owner or custodian shall be responsible for notifying the microchip registration company of a change in ownership within thirty (30) days of transfer to the new owner. The new owner or custodian shall be responsible for re-registering the microchip to have the registration information transferred to the new owner's or custodian's name within thirty (30) days after the change in ownership and for maintaining current contact information as described herein.

D. It is a violation of this ordinance for any owner or custodian to fail to microchip or maintain current registration as described herein.

E. It is a defense to prosecution under this section that:

1. The animal owner is a non-resident of this city or has been a resident of this city for fewer than thirty (30) days;
2. The animal is abandoned or lost and the temporary custodian possessed the dog or cat for fewer than thirty (30) days; or
3. The owner produces to the court proof of microchipping from a licensed veterinarian showing the dog or cat was microchipped at the time the summons was issued, or not later than 30 days after the summons was issued.

F. Memphis Animal Services shall be authorized to provide funds, if available, to defray the cost of microchipping any dog or cat for any owner that cannot afford the cost thereof.

Sec. 8-3-6. - Dogs Running at-large

A. Generally. Dog owners or custodians shall always keep animals on a leash or other suitable restraint (as defined in subpart C) or confined by a fence on their property or, with permission, the private property of another. Dogs shall be restrained to prevent the animal from being at-large; biting; harassing any person engaged in a lawful act; interfering with the use of public or private property; or violation of

any other section of this code. Unless confined by a fence or other suitable restraint, no animal shall be permitted to run at-large on the property of the owner or custodian of such animal.

B. Walking Dog on a Leash. Any person walking a dog on public property including sidewalks, or on the private property of others, must always keep the dog on a leash and under physical control. Physical control means the ability to restrain the movement of the dog. The leash must be kept in good condition, of sufficient strength to prevent breaking under pressure; and of material generally resistant to chewing or gnawing by an animal. The length of a leash must be sufficient to always control the dog from harassing pedestrians or other animals.

C. Methods of Restraint.

1. *Dog restrained by traditional fencing.* To prevent the dogs from escaping fencing must be in good condition and maintained, of recognized construction methods, and of adequate size for the number and size of dogs. Entry or exit gates must be properly secured by a latching or locking mechanism. Fences should be at least 2½ times the height of the animal it is intended to restrain. The height of the dog is measured at the dog's shoulder when the dog is standing on four legs. If should a dog escapes from a fence, either by climbing or digging, additional fencing height, kennels, or other restraint methods may be required. Fencing must be sufficient to make an in-heat female dog inaccessible to any male dog and prevent the female dog from running at-large. Existing fencing, regardless of height, will be considered acceptable means of restraint unless and until a written and verified complaint is filed with Memphis Animal Services.

2. *Dogs restrained by invisible fencing.* As an alternative to traditional fencing, tie-outs or overhead cable runs, a dog may be

restrained with invisible fencing properly set up and maintained. The following conditions must be met:

- a. The system must be rated for use by dogs, installed according to manufacturer's instructions, and properly maintained.
 - b. The dog must receive training regarding the boundaries of the fencing.
 - c. The fencing must be sufficient to make an in-heat female dog inaccessible to any male dog and prevent the female dog from running at-large.
 - d. Two warning signs of a minimum six inches by eight inches (6"x8") visible from the public sidewalks and public streets or driveways must be placed on the fenced yard. The signs must include the following: "Dog is contained by electronic device" or similar wording, the name, logo/trademark, address and telephone number of either the company that installed the system or the company that maintains the system.
3. *Dog restrained by tethering.* As an alternative to fencing, dogs may be restrained by tether. No person shall allow any dog restrained by tether to remain outside and unattended unless ALL of the following conditions are satisfied:
- a. The tether is not unreasonably heavy in proportion to the weight of the animal.
 - b. A swivel is located at both ends of the tether and the tether is free of tangles.
 - c. The collar or harness on the animal to which the swivel is attached is a properly fitted collar or harness as defined in this chapter. The collar must be made of a material which poses no risk of lacerations. Choke and pinch collars are not permitted on tethered dogs.
 - d. The tether is not less than 10 feet in length.

- e. At all times, the animal has access to water, shelter, dry ground free of standing water and animal waste, and access to adequate food.
- f. The animal is at least 3 months old and has a current rabies vaccination with its tag visibly displayed.
- g. The animal is not sick or injured.
- h. If used, pulley, running line, or trolley systems are installed according to manufacturer's instructions and do not pose a safety risk to the dog.
- i. If there are multiple animals, each animal must be tethered separately.
- j. The tethering device shall allow the tethered dog to lie down comfortably in all positions of tether.
- k. Dogs restrained by tie-outs or overhead cable runs must be spayed or neutered, even if otherwise subject to any exemption in this chapter.

D. *Exemptions*

- 1. Dogs employed as police, service, therapy and search and/or rescue dogs are exempt from the requirements of this section while used in their working capacity or while engaged in a training program with a recognized organization or government agency that regularly trains dogs for such use.
- 2. Dogs off-leash in areas designated for such use by departments of city government, or on grounds under their jurisdiction, and dogs engaged in conformation, competition, or performance related events on public or private property.

E. *Prima Facie Evidence.* If a dog is found running at-large by animal services employees, the incident shall constitute prima facie evidence that current restraint methods are inadequate. The owner shall be required to correct any conditions that permitted the dog to run-at-large or provide such additional restraints as necessary to secure and maintain the restraint of the dog.

Sec. 8-3-7. - Defecation by Dogs or Cats

- A. It is unlawful for any owner/custodian of any dog or cat to fail to promptly remove and dispose in a sanitary manner of feces left by a dog or cat on property, public or private, other than the premises of the owner or custodian of such dog or cat.
- B. Persons owning pet dogs or service dogs, such as seeing eye dogs, who are legally blind or confined to a wheelchair and thereby physically incapable of disposing of feces left by their animal, are exempt from this law.

Sec. 8-3-8. - Guard Dogs

It is unlawful for any person to place or maintain guard dogs in any area of the city for the protection of persons or property unless the following provisions are met:

1. The guard dog shall be confined, or the guard dog shall always be under the absolute control of a custodian when not confined by way of lead or leash.
2. The owner or other persons in control of the premises upon which the guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or 50 feet, whichever is less, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached 24 hours a day.
3. The above provisions shall not be applicable to dogs used in law enforcement by federal, state, or local law enforcement agencies.

Sec. 8-3-9. - Examination for Rabies

A. If any dog or cat has bitten any person and breaks the skin or is suspected of being infected with rabies, it shall be the duty of the owner or custodian to notify Memphis Animal Services within twenty-four (24) hours of the bite, and to quarantine the pet for a ten (10) day period. The animal shall be restricted to a building, pen, or other escape-proof enclosure and monitored for signs of rabies. Signs and symptoms of rabies can be found in the National Rabies Compendium on the Centers for Disease Control and Prevention website available at www.cdc.gov.

B. *Quarantine*

1. Within twenty-four (24) hours of the bite incident or first indication of rabies, the owner/custodian must contact Memphis Animal Services to provide proof of current rabies vaccination and to begin quarantine process at home or at a licensed veterinary clinic.
2. The owner/custodian must provide secure containment for the animal during the quarantine. If on day eleven (11) the pet is exhibiting symptoms consistent with rabies, the owner must present the pet to a licensed veterinarian for examination. Written certification from the examining veterinarian of negative rabies status shall be provided to Memphis Animal Services within twenty-four (24) hours of receipt from veterinarian.
3. The owner/custodian must complete all documents provided by Memphis Animal Services to fulfill compliance requirements for this section.
4. At the end of the quarantine period and no later than thirty (30) days of the bite incident, the animal must provide proof of or, if not previously, be fitted with a microchip implant and

spayed/neutered even if otherwise subject to any exemption in this chapter.

C. Special Circumstances

1. The director of Memphis Animal Services may order the quarantine completed at the MAS facility if the attack resulted in a severe bite, mauling, and/or human death, the animal has a history of running at-large, or the animal is not properly confined by the owner during the quarantine period.
2. Any stray, unowned, or apparently abandoned animal that bites a human being will be held for ten days. At the end of the ten-day holding period, the animal may be euthanized in an expeditious and humane manner. Any animal determined to have been involved in a bite incident and held for less than ten days shall be tested at the state laboratory for rabies.

Sec. 8-3-10. - Dangerous Dogs; Determination of Dangerous Dog

A. If an animal services officer initially determines that a dog should be classified as dangerous as defined in this chapter or under Tennessee Code Annotated § 44-17-120 (a), notification will be sent to the owner or other responsible party. A mandatory ordinance summons shall be issued to the owner/custodian by the animal services officer citing the code section violated and setting a date to appear in a court of competent jurisdiction for a determination. Any decision of the court shall be final, subject to appeal to a higher court of competent jurisdiction.

1. In the alternative a petition may be filed by Memphis Animal Services with the general sessions court, pursuant to TENN. CODE ANN. § 44-17-120 (b), for a disposition order for the dangerous dogs or dogs causing death or serious bodily injury to humans or other animals.

2. If the owner does not appear before the court within five (5) days of the receipt of notice and show cause why the dog should not be destroyed, then the order shall issue and the dog shall be destroyed.
- B. Upon receipt of summons, the owner/custodian shall place their pet into a secure boarding facility until a final decision is issued by a judge. The owner/custodian has following options for secure boarding:
1. Upon payment of security bond to Memphis Animal Services according to the current fee schedule as defined in this chapter, the owner/custodian may board the dog at a licensed veterinary clinic at the owner/custodian's sole expense. The veterinary clinic must confirm in writing to the animal shelter director that the animal will be boarded in a private, licensed veterinary clinic. The purpose of the security bond is to insure compliance pending all court appearances.
 2. Alternately, without a security bond and at the owner/custodian's request and sole expense, the dog may be kept at Memphis Animal Services. The owner shall pay the daily boarding rate for each day or fraction thereof the dog remains at the shelter in accordance with the current fee schedule as defined in this chapter. The owner must pay for thirty (30) days of care in advance. After the initial payment and until the court authorizes the release of the animal, the owner/custodian must pay the charge in advance, keeping the account ahead thirty (30) days.
 3. Alternately, the owner/custodian may elect to surrender the dog to Animal Services with a signed document requesting the dog be euthanized.

4. All payments to Memphis Animal Services must be made within ten (10) days of issuance of the summons or within twenty-four (24) hours of the defendant's initial court appearance whichever comes later. If the bond or boarding fees are not paid as required in this section, the animal shall be deemed forfeited.

5. After the satisfaction of fees, fines, and/or court-ordered payments, overpayments shall be returned to the owner/custodian within a reasonable time after of the final disposition of the case.

C. Failure of an owner to respond to the ordinance summons shall result in the animal being declared a dangerous dog by operation of law. The owner/custodian is deemed to have waived all rights to a hearing on the dog's classification. The animal shall be surrendered to Memphis Animal Services immediately or it shall be impounded. A show cause notice shall be issued requiring the owner/custodian to appear before the court within five (5) days to show cause why the dog should not be euthanized. The show cause hearing is solely for determination of the issue of euthanasia. Failure to appear or show cause will result in entry of a final surrender and disposition order permitting the dog to be euthanized.

Sec. 8-3-11. - Dangerous Dogs; Duty of Owner of Dangerous Dog

Upon conviction, a court of competent jurisdiction may order the defendant to:

A. Enroll, attend, and complete an approved animal behavior modification at the owner/custodian's expense.

B. Registration and Tag.

1. Within thirty (30) days after an animal is classified as dangerous, the owner of the animal must obtain a dangerous

dog tag for the animal from Memphis Animal Services. The tag shall be worn by the dog at all times and renewed annually. The animal services director, or their designee, is only authorized to issue such tags and renewals to persons who are at least eighteen (18) years old and who present to the animal services director, or their designee, sufficient evidence of:

- a. A current certificate of rabies vaccination for the animal;
- b. A proper enclosure to confine a dangerous animal and the posting at all entry points of the premises a clearly visible warning sign of a dangerous animal on the property or premises which reads:

Warning
Dangerous Dog on Premises

- c. Proof that the dog has been spayed/neutered and microchipped;
- d. Proof of a current public liability insurance policy or a bond of not less than fifty thousand dollars (\$50,000.00) insuring the owner of the animal for any damages, whether arising from personal injury or otherwise, which may be caused by the dangerous animal. Such policy must provide for thirty (30) days' notice to the City of Memphis Animal Services prior to cancellation or expiration of the policy. In the event such liability insurance or bond is canceled, lapses, or for any other reason becomes unenforceable, the owner shall be in violation of the provisions of this chapter and title;
- e. Payment in accordance with the current fee schedule as defined in this chapter for the issuance of a dangerous dog tag.

2. If the owner/custodian does not obtain a dangerous dog tag within thirty (30) days or fails to comply with any of the conditions listed herein, the classified dog shall be forfeited and must be immediately surrendered to Memphis Animal Services or shall be impounded by an animal services officer.
3. The owner/custodian shall immediately notify the appropriate animal control authority when an animal that has been classified as dangerous:
 - a. Is running at-large or unconfined;
 - b. Has bitten a human being;
 - c. Is sold, given away, or dies; prior to a dangerous animal being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority; any new owner residing in the city must comply with all the requirements of this chapter and title without further order of the court.
 - d. Is moved to another address.

B. Confinement outdoors.

1. All dangerous dogs shall be confined in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in this section.
2. Such pen, kennel or structure shall be at least 20 feet from any street or sidewalk, ten feet from any property line and must have secure sides and a secure top to the structure.
3. Such structures must be locked with a key or combination lock when any animal is within the structure.
4. Such structure must have a secure concrete bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet.

5. All structures erected to house dangerous animals must be a minimum of six feet by ten feet (6'x10') enclosure and comply with all zoning and building regulations of the City.
 6. All such structures must meet the definition of adequate shelter as defined in this chapter and must be inspected and approved by Memphis Animal Services.
- D. *Confinement indoors.* No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building of its own volition. In addition, no such animal may be kept in a house or structure when any unbarred window is open or when any screened window or screen door is the only obstacle preventing the animal from exiting the structure.
- E. *Leash and muzzle.*
1. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed with a substantial restraint no longer than four feet in length.
 2. No person shall permit a dangerous animal to be kept on rope or other type of leash outside of its kennel or pen unless a competent person at least 18 years old is in physical control of the restraint.
 3. Such animal may not be leashed to inanimate objects.
 4. All dangerous animals on a leash outside the animal's kennel must be muzzled to prevent such animal from biting persons or other animals. The muzzle should not cause injury to the animal or interfere with its vision or breathing but shall prevent it from biting any person.

- F. Any dog charged as dangerous, notwithstanding a later finding of not guilty, must be fitted with a microchip implant and spayed/neutered within thirty (30) days of the biting incident with no exceptions.

Chapter 8-4 - LIVESTOCK & FOWL

Sec. 8-4-1. – Neglect of Livestock and Fowl

No livestock or fowl shall be kept or confined where the water, shelter, ventilation, and food are not sufficient and wholesome for the preservation of its health and safe condition. No animal or fowl shall be kept in such place or condition as to become a nuisance either because of odor or contagious disease.

Sec. 8-4-2. - Running at-large of Livestock and Fowl

It is unlawful for any person in charge of any animal defined in this chapter as livestock to permit it to run at-large upon any street, alley or unenclosed lot within the city.

Sec. 8-4-3. - Keeping of Livestock Within 1,000 feet of Residence or Business

No person shall keep livestock within one thousand feet (1,000') of any residence or place of business in the city without a permit to do so from the health officer. The health officer shall issue permits only when the keeping of such animals in the yard or buildings, and under the circumstances set forth in the application for the permit, shall not injuriously affect the public's health. Domesticated pigs or other livestock that meet the definition of companion animal in this chapter are exempt from this provision.

Sec. 8-4-4. - Killing Birds

- A. The killing or attempting to kill any bird, other than domestic fowl, within the limits of the city, is prohibited, except as hereafter provided.
- B. For control purposes and to alleviate public distress, and to promote public health, owners of private residential property and public commercial property are authorized to destroy or otherwise remove pigeons and/or birds located within the boundaries of their property, and to dispose of them in accordance with sanitation services procedures. In addition, such property owners may contract with pest control companies properly licensed and bonded by the state for the removal and disposition of pigeons or birds from their property. Such pest control companies shall dispose of such pigeons and/or birds in accordance with sanitation services procedures.
- C. Whenever a homing pigeon bearing a ring or seamless leg-band with its registered number stamped thereon, or any protected wild bird, is found among pigeons trapped under this section, the same shall immediately be released from custody.
- D. This section shall not be construed to permit the use of firearms to destroy pigeons and birds, and such use is expressly prohibited.

Sec. 8-4-5. - Unlawful to Sell Fowl as Pets or Novelties

- A. It is unlawful for any person, firm, or corporation to display, sell, offer for sale, barter, or give away chicks or ducklings as pets or novelties. It shall further be unlawful for any person, firm or corporation to dye, color or otherwise artificially treat any animal or fowl.
- B. This section shall not be construed to prohibit the display or sale of natural chicks, ducklings, or other fowl by those engaged in the business of selling the same to be raised for food purposes.

Chapter 8-5. - MEMPHIS ANIMAL SERVICES

Sec. 8-5-1. - Establishment and Supervision

Memphis Animal Services is established under the Executive Division of the city of Memphis. The operation and management of such service center shall be under the supervision of the director of Animal Services.

Sec. 8-5-2. - Business Hours

Memphis Animal Services shall post in a conspicuous and prominent location at the shelter and on the shelter's website the business hours as designated by the animal services director, subject to concurrence by the Chief Operating Officer of the city of Memphis.

Sec. 8-5-3. - Badges, Uniforms and Police Power of Animal Services Officers

- A. Animal Services officers shall wear badges and uniforms identifying them as such and shall have the necessary police powers for the enforcement of this chapter. Animal Services officers shall have the authority to issue ordinance summonses related to violations of this chapter or state law summons for such violations.
- B. Pursuant to Tennessee Code Annotated § 39-14-207(a), an animal services officer, who has a reasonable belief that an animal inside a home, fenced in yard, behind a locked gate, or in a vehicle has been without necessary food and water for more than twelve (12) successive hours, may, as often as necessary, enter any place in which any animal is so confined, and to supply it with necessary food and water for as long as it remains so confined. That person shall not be liable for such entry to any person in any legal action, and the reasonable cost of the food and water may be collected from the owner or keeper of the animal. The animal shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

- C. If an animal services officer who has a reasonable belief that an animal inside a home, fenced in yard, behind a locked gate, or in a vehicle needs emergency care, or that there is an imminent threat to the life or welfare of an animal behind one of these barriers, the officer may make entry to any place in which any animal is so confined for the purpose of taking temporary custody of the animal but only after obtaining a warrant, except that a warrant shall not be required if the animal services officer has a good faith belief that the animal has a medical condition or injury of such a nature that the failure to render immediate care would reasonably likely result in the animal's imminent death and otherwise complies with Tennessee Code Annotated § 39-14-215.
- D. Any animal that is found to be injured, diseased, suffering from the elements or malnourished and abandoned as defined in this chapter may be taken into temporary custody by an animal services officer.
- E. Upon taking temporary custody of any animal under this section, the animal services officer shall attempt to contact the owner of the animal and shall seek emergency veterinary care for the animal, if necessary, as soon as available. The officer shall leave notification of temporary custody at the location the animal was found or at the registered address of the owner if the owner cannot be reached. The owner of the animal is responsible for any costs of providing care to the animal.

Sec. 8-5-4. - Resisting or Interfering with Animal Shelter Employee

It is unlawful for any person to resist or interfere with an animal services employee in the performance of their duties.

Sec. 8-5-5. - Aid and Assistance by Police

It shall be the duty of all police officers to render any assistance necessary.

Sec. 8-5-6. – Enforcement; Issuance of Ordinance Summons

Any ordinance summons issued pursuant to this chapter shall be left with the offender and shall provide information related to the offense charged and the time and place when such offender is to appear in court. Failure of the offender to appear in court shall result in a default judgment against the offender in an amount allowed under state law for city ordinance violations, and/or a warrant issued in accordance with Tenn. Code Ann. § 7-63-204.

Sec. 8-5-7. – Enforcement; Limitation on Action for Violations

A. No action shall be commenced by the city in any court for the purpose of enforcing any violation of animal violation sections of the Code of the city after one year from the commission of the offense.

For this section a court action shall be deemed to be commenced:

1. Upon the issuance of an ordinance summons to the offender;
2. Upon the arrest of the offender; or
3. Upon the issuance of an arrest or bench warrant for the offender.

B. A summons may be served by:

1. Personal service on the offender; or
2. Registered or certified mail, addressee only, return receipt requested.

Sec. 8-5-8. – Enforcement; Dismissal or Entering Nolle Prosequi Not Prohibited

Nothing herein shall prevent the city through the city attorney's office from dismissing or entering a nolle prosequi of any ordinance summons in open court. Such ordinance summons shall be dismissed if it shall be determined that the summons was issued to a nonresident and is deemed uncollectible; there is a lack of proof; or for such other valid reason as stated to the court.

Sec. 8-5-9. – Enforcement; Violation-Penalty

A person in violation of any part of this chapter is guilty of a city ordinance violation. Upon conviction, a court of competent jurisdiction may order the defendant to:

1. Pay fines in accordance with an amount allowed under state law for city ordinance violations. Each day that any violation of this chapter continues may constitute a separate offense.
2. Be precluded from owning, harboring, or having custody or control of companion animals permanently, or for a period that the court deems reasonable.
3. Participate in available animal cruelty prevention programs and educational programs or both.
4. Undergo a behavioral health evaluation and comply with any recommendations resulting from the evaluation.
5. Forfeit to Memphis Animal Services animals that are the basis of conviction.
6. Sterilize the companion animals. Sterilization is mandatory upon a second violation.
7. Payment of all costs and expenses of enforcement of this ordinance, including veterinary treatment and care, and feeding and housing of animals surrendered or forfeited under this ordinance.
 - a. Failure to pay any portion of fees and costs shall result in a lien upon the property of the owner subject to the City ordinance and State law.

- b. Liens shall be enforced by attachment proceedings in any court of competent jurisdiction and payment made directly to Memphis Animal Services.

Sec. 8-5-10. – Impoundment and Redemption of Cats

A. Impoundment

1. *First Impoundment.* Any non-community cat found running at large, abandoned or subject to neglect, cruelty or any of the conditions described Section 8-5-3 or is not in compliance with any other provision of this Chapter may be apprehended and impounded in the city animal shelter, and the owner notified, if known. If such cat has any ownership identification (tag, microchip, etc.), it shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment of reclaim fees for impound and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and the animal may be designated for disposition by the animal shelter director or their designee. If no ownership identification exists, the cat can be deemed a community cat and the seventy-two (72) hour stray hold does not apply. If the cat is deemed a community cat and is not in need of medical attention, it shall be sterilized, ear-tipped, and returned to the location it was found. If the cat is less than twelve (12) weeks old and no ownership identification exists, the kitten can be immediately placed for adoption, and a seventy-two (72) hour stray hold does not apply.
2. *Second Impoundment.* Should a cat belonging to the same owner be picked up for a second time within two years of the date of the first offense, the owner may redeem and repossess the cat upon payment of reclaim fees for 2nd impound and boarding in accordance with the current fee schedule as defined in this

chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.

3. *Third Impoundment.* Should a cat belonging to the same owner be picked up for a third time within three years of the date of the first offense, the owner may redeem and repossess the cat upon payment of reclaim fees for 3rd impound and boarding in accordance with the current fee schedule as defined in this chapter. The owner also must receive a summons for animal neglect as defined in this chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.

B. *Fees and Costs.* Impoundment fees for any cat confiscated and held pending a court ruling for violations of § 8-3-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, et seq.) must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

C. *Sterilization.* Any unaltered cat that is not eligible for an exemption to the mandatory spay/neuter ordinance as defined in this chapter will be altered before discharge from Memphis Animal Services. Exemption 1 (under six (6) months old) of the mandatory spay/neuter ordinance does not apply for cats brought into the shelter, if a licensed veterinarian determines the cat is of sufficient age and weight to proceed with sterilization. A fertile permit cannot be purchased after a lawful impound occurs.

D. *Microchip Implant.* Before release into the owner's custody, the director of animal services is authorized to have a veterinarian humanely implant any animal lawfully impounded with an electronic microchip that will allow the animal to be positively identified.

Sec. 8-5-11. – Impoundment and Redemption of Dogs

A. Impoundment

1. *First Impoundment.* Any dog found running at large, abandoned or subject to neglect, cruelty or any of the conditions described Section 8-5-3 or is not in compliance with any other provision of this Chapter shall be apprehended and impounded in the city animal shelter, and the owner notified, if known, except in cases where an owner is readily available or when exigent circumstances exist preventing the animal services officer from impounding the dog. Such dog shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment for, or presentation of, a current license therefor, and payment of reclaim fees for impound and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and the animal may be designated for disposition by the animal shelter director or their designee. If the dog is less than 12 weeks old and no ownership identification exists, the puppy can be immediately placed for adoption, and a seventy-two (72) hour stray hold does not apply.

2. *Second Impoundment.* Should a dog belonging to the same owner be picked up for a second time within two years of the date of the first offense, the owner may redeem and repossess the dog upon presentation of a current license thereof and payment of reclaim fees for 2nd impound and boarding in accordance with the current fee schedule as defined in this chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.

3. *Third Impoundment.* Should a dog belonging to the same owner be picked up for a third time within three years of the date of the first offense, the owner may redeem and repossess the dog upon payment of reclaim fees for 3rd impound and boarding in accordance with the current fee schedule as defined in this chapter. The owner also must receive a summons for dog running at-large as defined in this chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.

B. *Fees and Costs.* Impoundment fees for any dog confiscated and held pending a court ruling for violations of § 8-3-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, *et seq.*) must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset

for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

C. *Sterilization.* Any unaltered dog that is not eligible for an exemption to the mandatory spay/neuter ordinance as defined in this chapter will be altered before discharge from Memphis Animal Services, and a fertile permit cannot be purchased after a lawful impound occurs. Additionally, exemption 1 of the mandatory spay/neuter ordinance does not apply for dogs brought into the shelter, if a licensed veterinarian determines the dog is of sufficient age and weight to proceed with sterilization.

D. *Microchip Implant.* Before release into the owner's custody, the director of animal services is authorized to have a veterinarian humanely implant any animal lawfully impounded with an electronic microchip that will allow the animal to be positively identified.

Sec. 8-5-12. – Impoundment, Redemption and Disposition of Livestock

A. Livestock found running at-large in violation of this chapter may be apprehended and placed into the animal shelter. Such livestock shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment of reclaim fees for impound, trailering fees, and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and may be designated for disposition by the animal shelter director or their designee.

B. Impoundment fees for any livestock confiscated and held pending a court ruling for violations of § 8-4-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, et seq.)

must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

Sec. 8-5-13. – Impoundment, Redemption and Disposition of Fowl

- A. Fowl found running at-large in violation of this chapter may be apprehended and placed into the animal shelter. Such fowl shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment of reclaim fees for impound and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and may be designated for disposition by the animal shelter director or their designee.
- B. Impoundment fees for any animal confiscated and held pending a court ruling for violations of 8-4-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, et seq.) must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the

court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

- C. The director of animal services, or designated staff member, is authorized to waive fees related to reclamation on a case-by-case basis.

Sec. 8-5-14. – Adoption of Animals

Once an animal becomes the property of Memphis Animal Services by any method described in this chapter, the animal may be adopted in accordance with current adoption policies as enacted by the director of animal services, and upon payment of an adoption fee, licensing fee and fees for any other service supplied by Memphis Animal Services in connection with such animal. Each unaltered dog and/or cat will be sterilized by the shelter veterinarian prior to leaving the shelter, unless it is determined by the director of animal services that the pet should not be altered. Any individual taking an unaltered dog or cat from the shelter must comply with applicable ordinances and policies relating to unsterilized animals. If it is determined that a former owner of an animal is applying for adoption, such former owner may only regain

ownership or possession by payment of redemption fees set forth in the current fee schedule as defined in this chapter.

Sec. 8-5-15. – Euthanasia of abandoned or neglected animals

The director of animal services, or their designee, may lawfully euthanize immediately, or cause to be euthanized immediately, any animal that is legally the property of the City of Memphis, or that is suffering, and euthanasia will end that suffering.

Sec. 8-5-16. – Animal Services Advisory Committee

There is hereby created the animal services advisory committee, consisting of seven citizens of the city, who shall be appointed by the mayor, subject to approval of the city council, for a term of two years or until their successors are appointed and qualified, and who shall serve without compensation, or oath. The director of animal services shall be an ex officio member of such committee.

- A. Chairperson & Secretary. The chairperson and the secretary of the animal services advisory committee shall be designated by the mayor when making appointments to the committee.
- B. Rules and Regulations. The animal services advisory committee shall have the power to make rules and regulations for the conduct of its business. Such committee shall meet as prescribed by its rules, and upon call of its chairperson.
- C. Powers & Duties. The animal services advisory committee shall:
 - 1. Provide guidance and support to the director of animal services based on each individual committee member's area of expertise.
 - 2. Serve as community liaisons for animal services, helping spread messaging regarding quality pet ownership and how to access resources through MAS.

3. Support and advocate for progressive animal control and sheltering programming to keep Memphis in alignment with national best practices.

Sponsored by
Administration

Chairman
Martavius Jones

RESOLUTION TO AMEND THE MEMPHIS CITY COUNCIL COMMUNITY GRANT PROGRAM FOR FY24

WHEREAS, the Memphis City Council desires to promote community programming and improve neighborhoods; and

WHEREAS, Tenn. Code Annotated § 6-64-111, empowers the Memphis City Council to appropriate funds for the financial aid of nonprofit organizations working to promote the general welfare of Memphis residents; and

WHEREAS, nonprofit organizations and citizens work together to meet the needs of Memphians in need by extending the reach of City of Memphis Services; and

WHEREAS, The Memphis City Council recognizes nonprofit agencies as valued partners in the continuing efforts to improve the lives of Memphians; and

WHEREAS, it is important to the members of the Memphis City Council to prioritize funding specialized programs congruent with the needs of the City, the Memphis City Council will be cognizant of financial requests that exceed more than thirty percent of their total operating budget; and

WHEREAS, the Memphis City Council seeks to create a transparent process for the publication, application, and selection process for deserving nonprofit organizations within our City; and

WHEREAS, government grants are funded by tax dollars, so stringent compliance and reporting measures will be in place to ensure the money is well-spent.

NOW, THEREFORE BE IT RESOLVED, that the Memphis City Council does hereby create the Memphis City Council Community Grant Program for Fiscal Year 2024 (“FY24”) (July 1, 2023 – June 30, 2024), establishing a policy for meeting the needs of citizens and nonprofit requests for financial assistance as set forth below:

Budget Hearings

Nonprofit Organizations and Agencies working to improve the general welfare of citizens will have the opportunity to apply to the Memphis City Council Community Grant Program. The funding decisions of the Memphis City Council are final and subject to the availability of funds.

Eligibility

All applicants shall be a tax exempt 501(c)(3) organization, with an official address listed within the City of Memphis, that has been in operation under its tax-exempt status for two years prior to the application. The organization must provide proof of current programming and successful track record in providing the services for which they are requesting funding within the City of Memphis. The nonprofit organization’s program should address one of the following City of Memphis priorities: Crime and Drug Prevention, Youth Empowerment, Economic Development, and Poverty. The organizations must be in compliance with State requirements and show proof of current certification status. The funds shall only be used for public use and cannot be used for political activities, to support any election or campaign or political party; or to support any group or activity that discriminates based on race, color, religion, sex, national origin, disability, or age. The Memphis City Council will not award funding in an amount that exceeds more than thirty (30%) percent of an organization’s expenses or revenues, whichever amount is higher, as reported on the most recently filed and accepted IRS form 990EZ, 990-N, and 990.

Application

All agencies requesting funding shall submit a complete application and presentation. Proof of nonprofit status and financial information must be submitted with an application along with a presentation that further clarifies the goals the organization intends to accomplish with their requested funds.

Only applications submitted during the application period will be considered for a Memphis City Council Community Grant for FY24.

Applications and presentations shall be submitted online using a link on the Memphis City Council website.

Applications will be available June 12-July 17, 2023. All completed applications must be submitted and received by Monday, July 17, 2023 at 11:59 p.m.

Late or incomplete applications will not be submitted to Council Members for consideration for an FY24 grant. Organizations that submit a late or incomplete application must wait until the start of the FY25 Memphis City Council Community Grant Program to submit a new application to receive funding.

Application Review

All applications will be reviewed by the Memphis City Council staff. The staff will review applications to ensure all eligibility criteria are met. The staff shall then submit the list of qualified agencies for City Council Review during FY24 Budget Hearings. All applicants must submit **either** an IRS 501(c)(3) Determination Letter **or** a Certificate of Existence from the Tennessee Secretary of State, the organization's most recently filed and accepted IRS Form 990EZ, 990-N, or 990, the IRS Form W-9, and a complete presentation, using the template provided by the City Council at the time of application submission. The IRS filing submitted must be from tax year(s) 2020 to the most recent tax year in order to be accepted.

The name of the organization listed on all documents and IRS filings must match the applicant's name. **If the applicant's name does not match the organization identified on the Charitable Organizations filing, including all IRS documentation and/or any documentation from the Secretary of State, the application will not be considered.** The staff will evaluate applications and presentations to ensure all applications are complete, address a public need, show proof of current nonprofit status, and a demonstrated history of community involvement. Priority will be given to first-time applicants.

All documentation will be reviewed and verified through the IRS website <https://www.irs.gov/charities-non-profits/annual-filing-and-forms>

If any information contained in the application does not match the information provided to the IRS, the application will be null and void, and the applicant may not re-apply until the next fiscal year (FY2025).

Budget Presentation

Upon request, applicants may be asked to present before Council Members. First-time applicants are required to conduct a presentation before the Memphis City Council upon request by a Council Member in order to be eligible for a grant award.

All agencies presenting before the Budget Committee during the FY24 Budget Hearings will have an allotted time to make a budget presentation. The completed presentation template, submitted with the application, shall be used during the presentation. The template will include space to provide current contact information, how the requested funds will be used to enhance the quality of life for citizens, and financial reporting documents.

Grant Disbursement

All grant award recipients must submit a final grant report to the Memphis City Council and City of Memphis Finance Division by **May 1, 2024**. This report shall include an accounting of funds spent, proof of public use, and current nonprofit status.

Failure to submit a final grant report that is approved by the City of Memphis Finance Division will disqualify an organization from submitting an application for a City Council grant for the next 3 fiscal years (FY25, FY26, and FY27). The City of Memphis Finance Division may also request that the funds awarded to the recipient be returned to the City of Memphis.

Any approved applications for grant funds will be included in the FY24 Budget. All grant recipients are required to comply with the guidelines set forth by the City of Memphis Finance Office. **Failure to comply with the guidelines required by the Finance Division may result in forfeiture of the grant award.** Every grant recipient must accept the funds and complete an agreement with the City of Memphis Finance Division.

THEREFORE, BE IT FURTHER RESOLVED that the Memphis City Council, as a whole, will distribute the \$3,250,000 in grant funding during FY24 from the Community Initiatives Grants line item included in the Administration FY24 Budget Proposal, and each Council Member shall allocate at least seventy-five (75%) percent of his or her allotted funds by August 8, 2023; the remaining twenty-five (25%) percent must be allocated by November 7, 2023, to ensure adequate time for disbursement before the end of the calendar year and submission of the final grant report before the end of the fiscal year.

BE IT FURTHER RESOLVED that all allocations must take place by resolution on the following meeting dates: August 8th, September 12th, and November 7th of 2023, to reduce the quantity of resolutions over the course of the year.

BE IT FURTHER RESOLVED that, in the event there is a City Council vacancy, the interim Council Member may only allocate one-twelfth (1/12) per month of the funding balance that is available for that specific district, to be allocated based upon the time the individual will be filling the vacancy.

Sponsor:

Martavius Jones

Resolution requesting the City Attorney to provide an opinion on the City of Memphis Charter's residency requirement for candidates for Memphis City Council and Mayor

WHEREAS, the Memphis City Council is committed to using its platform to ensure elections are fair and transparent, particularly as it relates to the requirements for municipal elections; and

WHEREAS, in light of the current dispute regarding the residency requirement, there is an apparent need for clarity so that the people of Memphis, and potential candidates, understand the requirements for being elected to such positions; and

WHEREAS, the Council recognizes that ambiguity exists in the city's charter; the City Council is currently undertaking legislative action to cure such ambiguity regarding the residency requirement for members of the Memphis City Council and the Mayor; and

WHEREAS, the legislative action that is in process will not address the ambiguity as it relates to the upcoming municipal election; as such, it is the intent of the Council to provide an opportunity for the public to hear an opinion from a legal professional as it pertains to this issue.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby requests that the City of Memphis' Chief Legal Officer, Jennifer Sink, provide an opinion on the residency requirements for prospective candidates for Memphis City Council and Mayoral candidates, as stipulated in the city's charter.

Sponsor:
Martavius Jones