



Memphis City Council Summary Sheet FY2012

- This Ordinance revises the Memphis, Tennessee, Code of Ordinances. Title 4 – Pension and Retirement System, Chapter 4-4-Definitions and Benefits Provisions, Chapter 4-28-1978 Benefit Plan. Article 3 – Retirement Benefits, and Chapter 4-28-1978 Benefit Plan. Article 4 – Death Benefits.
- Initiating Party: Finance Division and Human Resources Division.
- This Ordinance does not require a new contract or modification to an existing contract.
- No expenditure of funds is required under this Ordinance.

DRAFT

**An Ordinance to Amend Memphis, Tennessee
Code of Ordinances Title 4 – Pension and Retirement System,
So as to Modify the Pension Benefits Allowable Under the Ordinance**

WHEREAS, the City of Memphis Retirement System is a single employer public employee retirement system; and

WHEREAS, substantially all permanent full-time salaried employees of the City are required to participate in either of two contributory defined benefit pension plans- the 1948 Plan and the 1978 Plan (hereafter “the Plans”); and

WHEREAS, the Plans provide retirement benefits as well as death and disability benefits to participants of the Plans; and

WHEREAS, the City of Memphis Retirement System engages a qualified professional actuarial consultant to complete an annual actuarial valuation of the Plans; and

WHEREAS, the actuarial valuation report is used to determine the Plans’ funding status and the annual suggested contribution required to sustain the long-term viability of the Plans; and

WHEREAS, the most recent actuarial valuation report prepared by PricewaterhouseCoopers as of July 1, 2010 and dated November 2010 estimated the Plans’ unfunded liability at July 1, 2010 to be \$531 million and recommended a City contribution of \$80 million or 25.9% of covered payroll for the FY2011 Plan year’ and

WHEREAS, due to declining revenues and other ongoing financial obligations of the City it is not feasible for the City to fully fund the suggested contribution of \$80 million or 25.9% of covered payroll; and

WHEREAS, in order to protect the Plans’ actuarial soundness and ensure the long-term financial viability of the Plans it is necessary to amend the Code of Ordinances-Title 4- Pension and Retirement System, so as to reduce the pension benefits allowable under the Ordinances as follows:

Section 1. Be It Ordained, by the Council of the City of Memphis that Title 4- Pension and Retirement System, Code of Ordinances, City of Memphis, is hereby amended as follows:

(See red-line revised Pension and Retirement System Ordinance)

Section 2. Be It Further Ordained, that these changes to the City of Memphis Code of Ordinances, File 4-Pension and Retirement System shall become effective on October 1, 2011.

Section 3. Be It Further Ordained that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, Certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Myron Lowery, Chairman
Memphis City Council

ATTEST:

Patrice Thomas, Comptroller

Ordinance No. 5363

**AN ORDINANCE PROHIBITING UNFAIR
DISCRIMINATION IN CITY HIRING POLICIES
AGAINST PERSONS PREVIOUSLY CONVICTED**

WHEREAS, currently 8,915 persons reside in Shelby County who are either on probation or parole or some other form of early release; and

WHEREAS, background checks by employers have increased at record rates, with 80% of large employers in the U.S. now screening their workers for convictions; and

WHEREAS, formerly incarcerated people represent a group of job seekers, ready to contribute and add to the work force; and

WHEREAS, research shows that lack of employment is a significant cause of recidivism; with people who are employed proving significantly less likely to be re-arrested; and

WHEREAS, the removal of obstacles to employment for people with prior convictions increases public health and safety by providing economic and social opportunities to a large group of people living in the city; and

WHEREAS, the City of Memphis has an obligation to act as a model employer to promote within itself the employment of people with prior convictions and to promote this employment to the private and non-profit sectors; and

WHEREAS, it is the intent and purpose of this ordinance to assist the successful reintegration of formerly incarcerated people back into the community by removing barriers to gainful employment after their release from prison; and

WHEREAS, it is the intent and purpose of this ordinance to enhance the health and security of the community by assisting people with conviction histories to reintegrate into the community and to provide for their families and themselves; and

WHEREAS, it is the intent and purpose of this ordinance to ensure that the City of Memphis implements just and fair measures and practices when screening and identifying persons eligible for employment, regardless of whether they have had past convictions or arrests; and

WHEREAS, it is the intent and purpose of this ordinance to not have hiring policies that artificially limit the applicant pool by discouraging applicants with conviction histories from applying for city employment, which would undermine the City's goal to hire the best qualified applicants for City employment.

NOW, THEREFORE, BE IT ORDAINED that the City of Memphis Code of Ordinances be amended as follows:

SECTION 1. Definitions.

Applicant means any person considered for, or who requests to be considered for, employment by the City of Memphis.

City means the City of Memphis or any division, department, agency or office thereof, unless specifically excluded by this section.

Conviction means any sentence arising from a plea or verdict of guilty, including a sentence of incarceration, a suspended sentence, a sentence of probation or a sentence of unconditional discharge.

Employment means any occupation, vocation, job, or work for pay, including temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay. Employment shall not, for the purposes of this section, include any sworn position.

“Relationship to the job” means the nature of criminal conduct for which the person was convicted has a direct and/or specific negative bearing on a person’s fitness or ability to perform one or more of the duties or responsibilities necessarily related to the employment sought.

“Otherwise Qualified” means any Applicant who meets all other criteria for a position or consideration for a position.

SECTION 2. Prohibitions Against Unfair Discrimination Against Persons Previously Convicted.

1. Except as otherwise dictated by state and federal law, the City shall not inquire about an Applicant’s conviction history until after it has been determined that the Applicant is otherwise qualified for the position. City job applications shall not contain a “box” or inquiry regarding a job applicant’s prior convictions. This does not apply to Police, Fire and Emergency Medical Services positions.
2. After an applicant has been identified as otherwise qualified for the position, the City will offer a conditional offer of employment to the applicant, pending a conviction history check by the Human Resources Division. Prior to conducting any conviction history check on an Applicant, the applicant will be required to complete a form listing any criminal history. Once the form has been received the City must provide a standard written notification to the Applicant advising: (a) that a conviction history check is going to take place, (b) that he or she will have the opportunity to rebut a decision by the City should it decide to retract the conditional offer of employment, and (c) what kinds of specific evidence the Applicant can present during this rebuttal.

3. If, as a result of a conviction history check, the City finds a valid reason to refuse, rescind, or revoke the offer of a position to an Applicant, then the City must immediately notify the Applicant of the potential adverse employment action, and provide the Applicant with a photocopy of the conviction history report with a highlight(s) of the particular conviction(s) that relates to the job's responsibilities, thus warranting a denial of employment.
 - (a) The Applicant or current employee shall have ten (10) business days, after receipt of notice and the photocopy of the conviction history report from the City, to respond to the City regarding the conviction history report. The City shall provide the Applicant with an opportunity to present information rebutting the accuracy and/or relevance of the conviction history report, including information pertaining to any of the factors listed in sub-paragraph (4). The City must review all information and documentation received from the Applicant prior to taking any final action as to whether to hire said Applicant.
4. In making a determination concerning a previous criminal conviction, the City shall consider the following factors:
 - (a) the nature of the crime and its relationship to the job for which the person has applied; and
 - (b) the information pertaining to the degree of rehabilitation of the convicted person; and
 - (c) the time elapsed since the conviction or release,
 - (d) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct;
 - (e) The age of the person at the time of occurrence of the criminal offense or offenses;
 - (f) The gravity of the offense(s);
 - (g) The public policy of this City, as expressed in this chapter, to encourage the employment of persons previously convicted of one or more criminal offenses.
5. In no case may records of conviction which have been erased be used, distributed or disseminated by the City or any of its agencies in connection with employment, except as dictated by law.

6. In order to prevent discrimination against municipal employees in accordance with federal guidelines, any information pertaining to an applicant or employee's record of conviction obtained by the Human Resources Division in conjunction with the hiring process shall remain confidential within that Division, and shall not be used, distributed or disseminated by the City or any of its agencies, to any other Division, entity, or individual, except as dictated by law.

SECTION 3. Severability.

If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

HAROLD B. COLLINS
Chairman

JANIS FULLILOVE
Council Member



Memphis City Council Summary Sheet

Resolution accepts and allocates Federal Transportation Planning Grant funds passed through Shelby County Government for transportation planning activities.

- This item is a resolution that accepts and allocates \$80,000.00 in additional Federal grant funds for City of Memphis transportation planning activities.
- The City of Memphis Division of Engineering has drafted this resolution and is recommending City Council approval.
- These funds are in addition to the previous year approvals of grant funds already approved for transportation planning.
- The additional funds were approved by the Metropolitan Planning Organization.
- Matching City of Memphis funds are "in-kind".

RESOLUTION

WHEREAS, the City of Memphis Division of Engineering has received Federal grant funds in the amount of Fifty Thousand Dollars (\$80,000.00) through Shelby County Government; and

WHEREAS, these funds will be used to pay for personnel services for transportation planning for the Metropolitan Planning Organization; and

WHEREAS, these funds will be matched with a 20% in-kind services from the Engineering Division; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2012 Operating Budget to establish funds for the Transportation Planning Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Eighty Thousand Dollars (\$80,000.00) for the Transportation Planning Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Transportation Planning Grant funds in the amount of Eighty Thousand Dollars (\$80,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED that the Fiscal Year 2012 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Transportation Planning Grant as follows:

Revenue

Shelby County Government	\$80,000.00
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Expenditures

Full Time Salaries	\$80,000.00
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Memphis City Council Summary Sheet Instructions

Resolution for FY12 Public Works CIP Street Lighting

- This resolution is for the fiscal year 2012 CIP and funds the roadway lighting maintenance costs for street lights along the interstate system within the City of Memphis limits.
- This is part of the yearly CIP budget process whereby Public Works receives funding from the CIP for street lighting costs associated with the interstate system inside the City of Memphis limits.
- This has no impact to any current ordinance or resolution.
- This resolution requires no contracts nor amends an existing contract.
- This resolution provides \$700,000 in funding from the FY12 CIP budget, for the maintenance costs of the Interstate street lighting system located within the City of Memphis limits.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved Street Lighting, project number PW01093 as part of the Public Works Fiscal Year 2012 Capital Improvement Budget; and

WHEREAS, funds are needed to reimburse Memphis Light, Gas and Water Division for costs incurred in connection with servicing, replacing, and removing expressway street light poles; and

WHEREAS, it is necessary to transfer an allocation of \$700,000.00 funded by G.O. Bonds - General from Street Lighting, project number PW01093 to FY12 Street Lighting, project number PW01236 to reimburse Memphis Light, Gas and Water Division for costs incurred in connection with servicing, replacing, and removing expressway street light poles; and

WHEREAS, it is necessary to appropriate \$700,000.00 funded by G.O. Bonds – General for FY12 Street Lighting, project number PW01236.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2012 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$700,000.00 funded by G.O. Bonds - General from Street Lighting, project number PW01093 to FY12 Street Lighting, project number PW01236 to reimburse Memphis Light, Gas and Water Division for costs incurred in connection with servicing, replacing, and removing expressway street light poles.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$700,000.00 funded by G.O. Bonds – General chargeable to the Fiscal Year 2012 Capital Improvement Budget and credited as follows:

Project Title:	FY12 Street Lighting
Project Number	PW01236
Amount:	\$700,000.00



Memphis City Council Summary Sheet Instructions

Resolution for FY12 CIP Street Resurfacing recoveries for Public Works, Street Maintenance

- This resolution is for the fiscal year 2012 CIP and funds the in house paving operations performed by the Street Maintenance department.
- This is part on yearly CIP budget process whereby Public Works, Street Maintenance receives funding from CIP in order to pave City streets using City forces and equipment.
- This has no impact to any current ordinance or resolution.
- This resolution indirectly funds several contracts as the funds recovered by the CIP allow Street Maintenance to purchase the various materials used to produce asphalt for paving. These materials are generally bid and purchased under contracts.
- This resolution recovers \$6,500,000 from the FY12 CIP budget, providing funding for Street Maintenance personnel as well as materials and supplies.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved Asphalt Paving, project number PW01040 as part of the Fiscal Year 2012 Capital Improvement Budget; and

WHEREAS, \$6,500,000.00 is needed for paving done by City employees and for materials purchased; and

WHEREAS, expenses will be inter-fund billed from the General Fund to FY12 Asphalt Paving, project number PW01235; and

WHEREAS, it is necessary to transfer an allocation of \$6,500,000.00 funded by GO Bonds – General from Asphalt Paving PW01040 to FY12 Asphalt Paving; project number PW01235 for paving done by City employees and for materials purchased; and

WHEREAS, it is necessary to appropriate \$6,500,000.00 funded by GO Bonds - General for FY12 Asphalt Paving, project number PW01235.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2012 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$6,500,000.00 funded by G O Bonds - General from Asphalt Paving, project number PW01040 to FY12 Asphalt Paving, project number PW01235 for paving done by City employees and for materials purchased.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$6,500,000.00 in G O Bonds - General chargeable to the Fiscal Year 2012 Capital Improvement Budget and credited as follows:

Project Title:	FY12 Asphalt Paving
Project Number:	PW01235
Amount:	\$6,500,000.00

Resolution

WHEREAS, the unrelenting spring storms have caused some of the greatest flooding seen since 1937 in the Mississippi Delta region – spanning from northeast Missouri to the Gulf of Mexico; and

WHEREAS, an estimated 3.6 to 6.8 million acres have been inundated as a result of snowmelt, rainfall and flooding resulting in massive crop losses and destruction of an entire growing season on some of the nation's most productive farmland; and

WHEREAS, the fiscal implications of the 2011 floods to farmers have been devastating – an estimated \$250 million in Mississippi, more than \$300 million in two Missouri cities alone and more than a half billion dollars in planted rice, soybean, corn and other crops across the Delta region; and

WHEREAS, the value of the agricultural products and the large agribusiness industry that has developed in the Mississippi River basin produces 92 percent of the nation's agricultural exports, 78 percent of the world's exports in feed grains and soybeans, and most of the livestock and hogs produced nationally; and

WHEREAS, 60 percent of all grain exported from the United States is shipped via the Mississippi River from ports throughout the region, down to the Port of New Orleans and the Port of South Louisiana; and

WHEREAS, the Mississippi River and Tributaries Project, the nation's first comprehensive flood control and navigation act, provides protection for more than 5 million people that live in the Lower Mississippi Valley and since its creation in 1928, has saved many lives, communities and billions of dollars in property; and

WHEREAS, the Mississippi River and Tributaries Project is one of the most successful civil works projects and one of the wisest investments our country has made, protecting more than \$200 billion worth of assets; and

WHEREAS, beyond its flood control protection, the Mississippi River and Tributaries Project provides benefits crucial to the Lower Mississippi Valley region, including stable drinking water supplies, power generation, navigation and commerce, economic development and recreation; and

WHEREAS, the navigation features of the Mississippi River and Tributaries Project is a crucial piece of our nation's commerce and economic activity, helping to increase waterborne commerce on the Mississippi River from 30 million tons in 1940 to nearly 500 million tons today; and

WHEREAS, as a result of the historic 2011 floods, the Mississippi River and Tributaries Project has been significantly compromised; and

WHEREAS, failing to implement a systematic approach, experiencing a failure in the system or failing to restore the system in time for the next high-water event would be devastating to our nation's economy and quality of life; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that Congress has the power to quickly supply funding to the Corps of Engineers and other federal and state agencies so that those devastated by this year's flooding can rebuild and restore their lives and livelihood.

BE IT FURTHER RESOLVED that the Memphis City Council supports the passage of an emergency supplemental appropriations bill that provides the federal funding needed for the Mississippi River and Tributaries Project.

Jim Strickland , Councilman



Memphis City Council Summary Sheet

Resolution for Wolf River Greenway – Phase 3, CIP PK07012

- This item is a Resolution seeking Council approval for Park Services to move forward with the low bid in the amount of \$1,557,300.00 and, with contingency, a total of \$1,636,974.00 in expenditures from Contract Construction, funded by G.O. Bonds – General and chargeable to the Fiscal Year 2011 Capital Improvement Budget, for the construction of the Wolf River Greenway – Phase 3, located between Shady Grove Road and Kirby Parkway, adjacent to Humphrey’s Blvd.
- The initiating party is the Division of Park Services.
- This Resolution does not change any existing Ordinance nor Resolution.
- This Resolution will require a new construction contract.
- This Resolution will require an expenditure of \$1,636,974.00 in Contract Construction, funded by G. O. Bonds – General in Greenway Improvements, CIP Project Number PK07012, for the construction of the Wolf River Greenway – Phase 3.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include *Greenway Improvements*, CIP Project Number PK07012, as part of the Fiscal Year 2011 Capital Improvement Budget; and

WHEREAS, on June 21, 2011 the Council approved an appropriation of \$1,424,000.00 in "Contract Construction" in PK07012 for the construction of the *Wolf River Greenway – Phase 3*, located between Shady Grove Road and Kirby Parkway, adjacent to Humphreys Boulevard; and

WHEREAS, the Council requested that the Division of Park Services return to the Council after receiving bids for the project for review purposes; and

WHEREAS, bids were received on June 17, 2011 for the construction of the *Wolf River Greenway – Phase 3*, with the lowest and best complying bidder of four (4) bidders being ***Wagner General Contractors, Inc.*** in the amount of \$1,557,300.00; and

WHEREAS, it is necessary to encumber \$1,636,974.00 in appropriations in Contract Construction, funded by G.O. Bonds - General in *Greenway Improvements*, CIP Project Number PK07012, for the following:

Bid amount:	\$1,557,300.00
Contingency amount:	\$79,674.00
	=====
TOTAL CONTRACT AMOUNT:	\$1,636,974.00

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Division of Park Services may move forward with the low bid in the amount of \$1,557,300.00 and, with contingency, a total of \$1,636,974.00 in expenditures from Contract Construction, funded by G. O. Bonds – General and chargeable to the Fiscal Year 2011 Capital Improvement Budget, for the construction of the *Wolf River Greenway – Phase 3*.

**AN ORDINANCE TO AMEND, CHAPTER 39 OF THE CITY OF
MEMPHIS CODE OF ORDINANCES SO AS TO ESTABLISH
THE MEMPHIS TRANSPORTATION COMMISSION**

WHEREAS, The City of Memphis is responsible for issuing permits and certificates of public convenience and necessity regulating all taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, courtesy cars and their drivers operating on the streets of Memphis; and

WHEREAS, The City of Memphis, has established rules and regulations on the proper and safe operation of horse carriages within the City of Memphis, and the humane treatment of the animals employed; and

WHEREAS, The City of Memphis, to promote public safety, has established rules and regulations designed to facilitate and provide for emergency towing services upon the streets, alleys, roads, highways, and thoroughfares within the City of Memphis, including the regulation and control of parking; and

WHEREAS, citizens, visitors and tourists have issued numerous complaints to city administrators of pricing abuses committed by taxicab drivers, shuttle services, limousines and horse carriage operators and other vehicles for hire; and

WHEREAS, citizens, visitors and tourists have been victims of pricing abuses and property damages resulting from predatory towing practices of licensed and unlicensed wrecker services and towing services operating within the City of Memphis; and

WHEREAS, City officials have received repeated complaints from citizens, vehicle for hire industry representatives, and professional drivers, citing the existence and operation of unlicensed, non-permitted vehicles for hire, commonly known as "gypsy-cabs" and predatory towing; and

WHEREAS, City officials have issued ordinance violations to various vehicles for hire and wreckers or towing services operating within the corporate limits of the city without certificates of convenience and necessity, or permits from the City; and

WHEREAS, due to the growth of these industries within the city, and the corresponding increase in reported violations of city ordinances, the need exists to form a board to approve, monitor and maintain non-judicial oversight of the aforementioned transportation industries operating within the city; and

WHEREAS, the City Council of the City of Memphis has the authority under City Ordinance, (Article 8 section 57, and Article 40, sections 353 and 354), to establish and assign commissions and boards.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 39 is hereby amended to create Article IV which shall read as follows:

Section 39-240. Memphis Transportation Commission Established

There is hereby created and established a transportation commission to be known as the Memphis Transportation Commission.

Section 39-241. Purpose

The Memphis Transportation Commission shall serve as the regulatory body for all taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, tow trucks, wreckers and their drivers operating on the streets of Memphis.

Section 39-242. Membership

A. The Memphis Transportation Commission shall consist of five voting members.

B. Each member shall be appointed upon recommendation of the mayor with approval by the city council. These members shall be residents of Memphis and shall hold office for a term of two calendar years and thereafter until their successors are appointed and qualified. A term shall commence on the date of approval of such appointee by the city council. No member shall serve more than two (2) consecutive two-year terms. Members shall serve without compensation. In the event of a vacancy in such appointed members, whether by reason of expiration of term, resignation, death or other cause, the Transportation Commission shall recommend a successor who shall be appointed by the Mayor with approval of the city council to fill such unexpired term or terms.

C. Three members of the Commission shall represent the following organizations:

1. Memphis Convention and Visitors Bureau
2. Memphis International Airport
3. Memphis Area Hotel and Lodging Association

D. The chairperson of the commission shall be elected by the commission from among its own membership to serve for a term of one year with the right of succession at the option of the commission. The City of Memphis Permits Administrator shall serve as the Commission's Executive

Secretary. The commission shall have the power to appoint such other officers as determined by the members of the commission.

Section 39-243. Meetings – Quorum – Records

A. The commission shall conduct regular meetings at such time and place as the commission may fix by resolution. Such meetings will be open to the public with proper public notification.

B. The Commission may hold special meetings when the chairperson determines the need for such meetings. Three (3) members of the commission present for the meeting shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept of the proceedings. Written notice of any special meeting of the commission shall be given to the members at least twenty-four (24) hours prior to the date set for the meeting.

Section 39-244. Powers – Functions

A. Powers. The commission shall have all powers necessary and requisite to effectuate the purposes of the commission, and is empowered to make such rules procedures and regulations, not inconsistent with federal and state law and city ordinances as may be necessary or proper in the performance of its duties.

B. Functions shall include, but not be limited to:

1. Administer and enforce the Commission's written rules, procedures and regulations.
2. Review, issue, alter, deny, suspend or revoke all applications for permits and/or certificates of public convenience and necessity under this chapter relative to taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, tow trucks, wreckers and their drivers operating on the streets of Memphis.
3. Conduct public hearings and make final decision on violations, complaints or issues relative to the operation of taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, tow trucks, courtesy cars, wreckers and their drivers.
4. Maintain a close liaison with all city divisions and relevant transportation organizations including, but not limited to, law division, general services, police services, community enhancement, finance, Memphis Area Transit Authority, Memphis Convention and Visitors Bureau & Memphis-Shelby County Airport Authority on issues pertaining to the aforementioned transportation industries.
5. Assess penalties and fees for violations of vehicles for hire and related transportation ordinances.

Section 39-245. Purchases

The transportation commission is authorized to purchase all necessary stationery, printing and supplies through the purchasing agent of the city.

Section 39-246. Payment of Expenses—Annual Financial Statement

All expenses of the transportation commission shall be paid out of the general funds of the city, pursuant to an annual appropriation by ordinance, and it shall be the duty of the commission to prepare and submit to the director of finance and administration a statement of its expenditures for the previous year and an estimate of its current year's operating cost.

Section 39-247. Oath

Each member of the transportation commission shall take an oath to faithfully perform the duties imposed upon him without fear or favor, and in full accordance with the constitution and laws of the state and the ordinances of the city.

Secs. 39-248 - 39-255. Reserved.

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

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

Myron Lowery
Council Chairman

Attest:

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND TITLE 6 – BUSINESS LICENSES AND REGULATIONS
- CHAPTER 6-88 – WRECKERS AND TOWING OPERATORS, SECTION 6-88-15 –
PRIVATE PROPERTY TOW AUTHORIZATION
FORMERLY CHAPTER 41 – WRECKERS OR TOWING OPERATOR – OF THE
CODE OF ORDINANCES OF MEMPHIS, TENNESSEE**

WHEREAS, the Memphis City Council strives to ensure our laws clear, current and relevant to keep our citizens safe and best serve our business community, assisting them in operating in accord with the laws contained within the Tennessee Code Annotated and the Code of Ordinances of Memphis, Tennessee; and

WHEREAS the Council wishes to better regulate the wrecker and towing industry to conform to present day conditions and to provide for the protection of the public interest as it relates to the towing of vehicles without the consent of the owner.

NOW, THEREFORE,

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

That Title 6, Business Licenses and Regulations - Chapter 6-88 – Wreckers and Towing Operators, Section 6-88-15 – Private Property Tow Authorization – formerly Chapter 41 – Wreckers and Towing Operator - of the Code of Ordinances, is hereby amended number the current provision as (a) and add (b) to read as follows:

- (b) The owner or person in lawful possession of private property, including an apartment complex or condominium association, may cause the removal of a vehicle parked on the property in compliance with applicable law, however there must be displayed, in plain view at all entrances to the property, a sign not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency and the name and telephone number of each towing company that is a party to a written general towing authorization agreement with the owner or person in lawful possession of the property. The sign may also indicate that a citation may also be issued for the violation.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are

held unconstitutional or void, the remained of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on the later of: after it is 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.

KEMP CONRAD
Memphis City Council

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CHAPTER 4 – ALCOHOLIC BEVERAGE, ARTICLE I.
IN GENERAL, SECTION 7 – SALE TO CERTAIN PERSONS PROHIBITED,
DRINKING IN OR ON PREMISES OF RETAIL LIQUOR STORES PROHIBITED,
PENALTY – OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE**

WHEREAS, it is in the best interest of the City of Memphis to encourage and promote responsible sale and consumption of alcoholic beverages within the boundaries of our City; and

WHEREAS, the Memphis City Council strives to ensure our laws clear, current and relevant to keep our citizens safe and best serve our business community, assisting them in operating in accord with the laws contained within the Tennessee Code Annotated and the Code of Ordinances of Memphis, Tennessee.

NOW, THEREFORE,

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

That Chapter 4 – Alcoholic Beverages, Article I, In General, Section 4-7 (b) of the Code of Ordinances, is hereby amended to read as follows:

Sec. 4-7 – Sale to certain persons prohibited – Drinking in or on premises of retail liquor stores prohibited – Penalty.

- (b) No retailer shall sell any alcoholic beverages to a person know to be a minor *and no person under the age of twenty-one (21) years old is allowed in a retail liquor store unless accompanied by a parent, legal guardian or spouse.*

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

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE
CITY OF MEMPHIS**, that this ordinance shall take effect on the later of: after it is 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.

KEMP CONRAD
Memphis City Council

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller



Memphis City Council Summary Sheet

AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE III OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO EXEMPT CERTAIN VEHICLES FROM THE OPEN CONTAINER LAW

- This item is an ordinance to allow passengers in vehicles that operate as party buses or limousines to consume alcoholic beverages or beer .
- The Council passed the open container law pursuant to T.C.A. 55-10-416. It was brought to the attention of Councilman Morrison that the law adversely impacted specific businesses.
- This is an amendment to an ordinance.
- No contracts, expenditure of funds, or budget amendments are required.

**AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE III OF THE CITY OF MEMPHIS
CODE OF ORDINANCES TO EXEMPT CERTAIN VEHICLES FROM
THE OPEN CONTAINER LAW**

WHEREAS, the Memphis City Council exercised its authority to enact new traffic ordinances based on Tennessee Code Annotated 55-10-416 (c), which authorizes a municipality by ordinance, to prohibit the passengers in a motor vehicle from consuming or possessing an alcoholic beverage or beer in an open container during the operation of the vehicle by its driver and impose penalties for violation of the ordinance; and

WHEREAS, there are certain businesses that operate vehicles for entertainment purposes where patrons would consume alcoholic beverages or beer in an open container during the operation of said vehicle; and

WHEREAS, it is not the intention of the Memphis City Council to restrict or hinder businesses that offer this kind of service via party buses or limousines.

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

SECTION 1. That Chapter 21, Article III is hereby amended to add the following:

Sec. 21-134.5. Open container law.

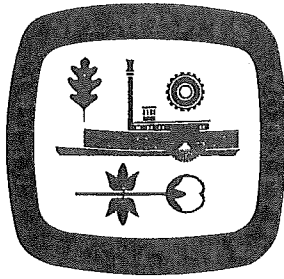
(D) This section shall not apply to passengers in commercial vehicles used as party buses or limousines.

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

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

Bill Morrison
Councilman

Myron Lowery
Chairman



Resolution agreeing to amend the Joint Economic and Community Development Board Interlocal Agreement of which Memphis is a part.

- This item is a resolution agreeing to allow the Shelby County Suburban Chambers Alliance to have a board member on the Joint Economic and Community Development Board (JECDB).
- The current membership of the JECDB are the units of local governments of Shelby County, Arlington, Bartlett, Collierville, Germantown, Lakeland, and Millington, the Greater Memphis Chamber of Commerce, and a private landowner (John Charles Wilson).
- These bodies signed an Interlocal Agreement in the 2004-2005 time periods to be a part of the JECDB.
- The JECDB was established to provide a mechanism and forum for promoting ongoing cooperation and planning among local governments in Shelby County.
- All original signatory bodies are required to agree on amendments to the existing Interlocal Agreement.
- At the June 17, 2011 Shelby County JECDB meeting there was a unanimous vote from the JECDB to add a representative of the Shelby County Suburban Chambers Alliance to the JECDB.
- No expenditures of funds are required.
- The Memphis and Shelby County Office of Economic Development provides administrative support to the JECDB.

A RESOLUTION AMENDING THE INTERLOCAL AGREEMENT THAT ESTABLISHED THE JOINT ECONOMIC AND COMMUNITY DEVELOPMENT BOARD OF SHELBY COUNTY IN ORDER TO ADD AN ELEVENTH MEMBER TO THE BOARD

WHEREAS, The Memphis City Council approved an inter-local agreement between Memphis and Shelby County, Arlington, Bartlett, Collierville, Germantown, Lakeland, and Millington, creating the Joint Economic and Community Development Board of Shelby County, Tennessee; and

WHEREAS, Pursuant to state law; specifically, Tennessee Code Annotated § 6-58-114 (c), the final makeup of that board is to be determined by the inter-local agreement; and

WHEREAS, Section XIII of the inter-local agreement specifies that the agreement may be amended by the legislative bodies of the participating governments; and

WHEREAS, all parties to the agreement desire to amend the inter-local agreement by adding an eleventh membership position, to-wit, a member of the private sector selected by the Shelby County Chambers Alliance; and

WHEREAS, it is therefore necessary pursuant to state law and Section XIII of the inter-local agreement for all parties to amend the inter-local agreement in order to provide for the eleventh membership post;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, That the inter-local agreement approved by this Council that created the Joint Economic and Community Development Board of Shelby County, Tennessee, is hereby amended as follows:

Section 1. By adding the following language to section III, Membership of the Board:

#11. A Member of the Private Sector selected by the Executive Directors of the Shelby County Chambers Alliance.

Section 2. By deleting the current section IV (2), and replacing it with the following language:

2. Membership Positions 9, 10, and 11, shall serve four (4) year terms. The Executive Committee of the Memphis Regional Chamber Board of Directors (hereinafter Memphis Chamber) shall select a representative every four years for Membership Position 9. The Shelby County Mayor shall select a representative for Position 10 for a four year term. The Executive Directors of the Shelby County Chambers Alliance shall select a representative for Position 11 for a term of four years.

Section 3. Membership Position 11 shall begin service immediately upon the effective date of this amendment, and shall serve until December 31, 2014, as if appointed in the middle of

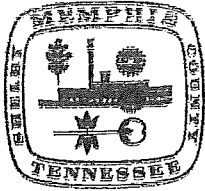
an existing term. The holder of Position 11 may be re-appointed as provided in the inter-local agreement.

BE IT FURTHER RESOLVED, That this agreement shall become effective upon its approval by the legislative bodies of all the participating governments, as provided in Sections XIII and XV of the inter-local agreement.

BE IT FURTHER RESOLVED, That the provisions of this Resolution are severable, and that any portion declared unlawful shall not affect the viability of the remaining portions.

Myron Lowery
Council Chairman

Attest: _____
Comptroller



Memphis City Council Summary Sheet

- This item is a resolution to appropriate \$1,400,000.00 in GO Bonds to CD01033-MHA/Dixie Homes Revitalization (Construction) to commence with necessary onsite construction.
- The initiating party is the Division of Housing and Community Development and Memphis Housing Authority (HOPE VI Dept).
- This is not a change to an existing ordinance or resolution.
- Resolution will require a new contract to commence with the fourth phase of development as part of the Dixie Homes HOPE VI Redevelopment Project (CD01033).
- Resolution will require an expenditure of Capital Improvement funds (CIP).

RESOLUTION

WHEREAS, in partnership with the City of Memphis, the Memphis Housing Authority and its competitively selected development partners, McCormack Baron Salazar(MBS) and Community Capital, Inc. (CC) are continuing with the City's mission to develop quality affordable housing for low and moderate income families, as part of the Dixie Homes HOPE VI Redevelopment Project; and

WHEREAS, the Dixie Homes site has been renamed and as the HOPE VI Project will be developed in multiple phases under two main components: Legends Park, a 374 on-site rental housing community on the former Dixie Homes Public Housing Development site; and McKinley Park, an off-site 30 unit affordable homeownership community developed on an 8.6 vacant parcel formerly part of the Cleaborn Homes Public Housing Development; and

WHEREAS, planned redevelopment activities will consist of the development of 404 family rental apartments and for-sale affordable homes; development of retail/residential use buildings; installation of public improvements; and related activities to support the successful development of these components; and

WHEREAS, significant progress has been made toward implementation of Legends Park/McKinley Park activities, and as the Memphis Housing Authority and MBS/CC are preparing for execution of evidentiary documents for the second phase of development activity; and

WHEREAS, in accordance with the HOPE VI Revitalization Plan, the fourth phase of development is ready to commence for the senior housing rental component consisting of the construction of a three story elevator apartment building containing 81 low to moderate income rental units, and as funds are necessary to begin on-site construction, infrastructure improvements, site preparation/grading engineering design work and related activities; offsite land acquisition; and

WHEREAS, the Memphis Housing Authority (Dixie Homes Initiative, Project Number CD01033) was allocated \$14,500,000 from the FY 2007, 2008, 2009, 2010, and 2011 Capital

Improvement Budgets and those funds have been encumbered to fund the aforementioned activities in the targeted area; and

WHEREAS, the Memphis City Council has also approved the FY 2012 Capital Improvement Budget which included an allocation of \$1,400,000 for the Memphis Housing Authority Dixie Homes Initiative, Project Number CD01033 to provide additional funding for the aforementioned activities in the targeted area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$1,400,000 funded by G.O. Bonds-General chargeable to the FY 2012 Capital Improvement Budget and credited as follows:

Project Title:	MHA-Legends Park (Dixie Homes)
Project Number:	CD01033
Contract Construction:	\$1,400,000



Memphis City Council Summary Sheet

Resolution to amend the FY 2012 O&M Budget

- Resolution amends the budget by restoring 4.6% salary reduction and Death Benefits for retirees and include actual savings from layoffs
- Resolution changes existing ordinance
- Sponsored by Council members Brown, Fullilove and Halbert

CITY COUNCIL RESOLUTION

Whereas, City employees are the foundation of offering and maintaining outstanding City services; and

Whereas, on June 21, 2011, the Memphis City Council adopted FY 2012 budget containing the Administration's proposals that included a furlough strategy to eliminate 12 paid holidays which are historically received by city employees; and

Whereas, on June 28 the Administration submitted a letter to City of Memphis Employees informing them that effective July 1, 2011, the City will institute a temporary wage reduction in in the amount of 4.6% to city employees' salaries, thus affecting pensions; and

Whereas, it was not the Council's intention to approve a 4.6% salary cut.

Now, Therefore, Be It Resolved that the Memphis City Council amends the FY 2012 O&M Budget to restore the 4.6% salary reduction for a total of \$16.9 million.

Be It Further Resolved that the Administration provide the total actual savings from layoffs versus the proposed \$9 million and an explanation for any differences.

Be It Further Resolved that the Council requests the Administration to restore the Death Benefits for retirees.

Be It Further Resolved that the \$16.9 million for employee salaries shall be funded via the reserves in lieu of the \$13 million for the Solid Waste Employee Voluntary Retirement program.

Council Member
Joe Brown

Co-Sponsors
Janis Fullilove
Wanda Halbert