

City of Memphis

TENNESSEE

A C WHARTON, JR.
MAYOR

March 24, 2011

The Honorable Harold Collins, Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Collins:

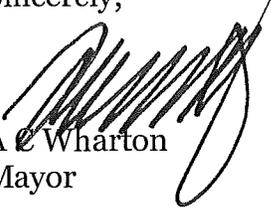
Subject to Council approval, it is my recommendation that:

Peter H. Warren

be appointed to the Public Art Oversight Committee with a term expiring August 31, 2012.

I have attached biographical information.

Sincerely,


A C Wharton
Mayor

ACW/lar

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

Public Art Oversight Committee
BOARD/COMMISSION

Name: Peter H. Warren Date of Birth: 3/7/77

Business Address: 1500 Union Ave. Phone: (901) 907-9521

E-Mail Address: peterhwarren@gmail.com

Profession/Employer: Architect/Project Manager, Askew Nixon Ferguson Architects

Education: Master of Architecture, University of Michigan, 2002; BA, Rhodes College 1999

Name of Spouse: Allison Warren Number of Children: 1

Home Address: 1565 Linden Ave. Phone: (901) 907-9521

City: Memphis State: TN Zip: 38104

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding counties are not considered). Yes or No

Professional Organization/Associations: Licensed Architect, State of TN; American Institute of Architects (AIA) member; U.S. Green Building Council (USGBC) Memphis Chapter member

Other Organizations/Associations: Central Gardens Neighborhood Assoc.

Other Interests: Architecture; Architectural Education (frequent guest juror at UoM Architecture Dept); Sustainable Architecture and Energy Efficiency; Adaptive Reuse of Existing Underutilized Buildings

1565 Linden Ave
Memphis, TN 38104

(901) 907-9521 (mobile)
(901) 722-3841 (home)
peterhwarren@gmail.com

Peter H. Warren, AIA, LEED AP BD+C

Education	1999 - 2002	University of Michigan, Master of Architecture (graduated <i>with Distinction</i>)
	1995 - 1999	Rhodes College, Bachelor of Arts (graduated <i>cum Laude</i>)
Professional Development & Licensure	2008	Architectural Registration, State of Tennessee (Active License #103844)
	2007	U.S. Green Building Council - LEED Accredited Professional (LEED AP)
	2004	Construction Specifications Institute (CSI) Certificate in Construction Document Technology

Professional Experience 2008 – present **Askew Nixon Ferguson Architects** **Memphis, TN**

Project Architect & Project Manager

FedEx Express Hub Main Screening Facility **Memphis, TN**

Project Description: Two new buildings at FedEx's Airport Hub connected by a 225-foot single span pedestrian bridge over five lanes of traffic. Total size is 40,000 SF at an estimated cost of \$14M. The facility will perform FAA screening of approximately 7,000 FedEx employees daily, and the office portion will house Hub Security headquarters. Construction scheduled for 2011-2012.

- Led project from the earliest conceptual design efforts, through design development, and the production of construction documents
- Supervised extensive consulting engineer coordination including civil, structural, mechanical, and electrical engineers
- LEED Project Administrator (ongoing supervision of the project's green building certification efforts)

Project Manager

Big River Engineering and Manufacturing **Memphis, TN**

Project Description: Remodel of an existing abandoned downtown warehouse (8,000 SF) to house a light industrial manufacturing facility and offices. Project completed 2009.

- Assisted with conceptual design, construction documents, and on site construction administration
- LEED Project Administrator - successfully achieved LEED Silver green building certification

Project Manager

MATA Operations and Maintenance Facility Feasibility Study **Memphis, TN**

Project Description: A 5-phase strategic planning study including assessment of the Memphis Area Transit Authority's existing facility, a search for and screening of potential new sites, and conceptual design of a new facility. Study completion expected in 2011.

- Extensive collaboration and coordination with a diverse study team including consulting engineers, real estate consulting firms, and transit design firm specialists
- Presentation of study findings in a public setting including to MATA's Board of Directors

Supporting Staff Architect

FedEx Express Hub 180K Package Sort Building **Memphis, TN**

Project Description: A new 130,000 SF building at FedEx's Airport Hub housing sort conveyors, loading stations, and offices. The design includes sustainable features like daylighting, high recycled content, and passive ventilation.

- Assisted with design and detailing of building's exterior envelope enclosure, including collaboration with engineers, wall and roof system vendors, and FM Global insurers
- LEED Project Administrator (ongoing supervision of the project's green building certification efforts)

Professional Experience (cont'd)	2005 - 2008	Tod Williams Billie Tsien Architects	New York, NY
		Project Manager	
		Exhibition Design: The Sculpture of Louise Nevelson	New York, NY
		<i>Description: Design of visitor circulation and architectural backdrops for a 4,000 SF gallery installation at the Jewish Museum on 5th Ave in New York.</i>	
		<ul style="list-style-type: none"> ▪ Supervised a tight project budget, fast installation schedule, as well as on-site construction ▪ Led close collaboration with the museum curator, graphic designers, and lighting consultant ▪ Performed extensive materials research for scrim fabric wall and ceiling systems 	
		Supporting Staff Architect	
		Tata Consultancy Services Banyan Park Campus	Mumbai, India
		<i>Project Description: Master planning and architectural design for 10 phased buildings totaling 600,000 SF for a new software development facility in India's largest city. The park-like setting and modern stone and concrete construction defy preconceptions of modern corporate architecture.</i>	
		<ul style="list-style-type: none"> ▪ Led the design documentation of geometrically complex forms including elliptical oculi (roof openings), sloping and chamfered site walls, sculptural architectural features, etc. ▪ Assisted in coordination of the local associate architect and engineering firm's drawings via web conferencing and on-site meetings in India ▪ Performed ongoing construction administration including shop drawing review ▪ Assisted with the design and construction oversight of full scale on-site stone and concrete mockups 	
Other Professional Experience	2004-2005	Jensen Yorba Lott Architects	Juneau, AK
	2003-2004	Unwin, Scheben, Korytna, and Huettl	Juneau, AK
	2002	PLY Architects	Ann Arbor, MI
Professional Organizations & Volunteer	2009 - 2010	U.S. Green Building Council Memphis Chapter Executive Steering Committee Member (2 years) Programs Committee Member and organizer of numerous events (2 years)	
	2009 - 2010	American Institute of Architects (Memphis Chapter) Chapter Member	
	2004	American Institute of Architects (Alaska Chapter) AIA State Design Awards Competition Organizer	
Academic & Speaking Engagements	2009-2011	Design Jury Critic - University of Memphis Regular visits as a guest juror on student reviews for the Department of Architecture	
	2010	Guest Speaker - MidSouth Planning and Zoning Institute Conference Delivered the presentation <i>The Shift To Green Building</i> describing emerging trends in sustainable design at annual University of Memphis event	
	2010	Guest Speaker - ASHRAE Memphis Chapter Monthly Meeting Delivered the presentation <i>Green Building</i> the local chapter of the American Society of Heating, Refrigerating and Air-Conditioning Engineers	
	2004	Design Jury Critic - Yale University School of Architecture Guest juror for final student design reviews, studio of Tod Williams and Billie Tsien	
Software & Professional Tools	Autodesk Revit and AutoCAD; Google Sketchup (3D modeling); Adobe Photoshop and InDesign; MS Office including Excel, Word, and PowerPoint; e-Spec (spec writing software); WebEx and GoToMeeting (web conferencing software); LEED Online (green building certification online user interface)		

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

Johnson, Krystal (City)	F/B	08-31-12	2yr. Term
Adrian Duran (City)	M/W	08-31-12	2yr. Term
Willis, Marc (City)	M/B	08-31-12	2yr. Term

Shea Flinn (City Council Liaison)



Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

- This resolution requests to amend the FY 2011 Operating Budget by transferring an allocation and appropriation of \$450,000.00 of the Human Resources' Division Operating Budget to cover a Request for Proposal for pre-employment medicals.
- This request is initiated by the Human Resources Division to execute an RFP for Pre-Employment Medicals and Physical for the expiration of the current contract
- This request would be an amendment to the FY2011 Adopted Budget Ordinance
- Upon approval of the transfer, a new contract will result from the RFP process.
- Yes, once the contract is put in place the cost to conduct pre-employment medicals and physicals for fire, police and general personnel will continue.

RESOLUTION

WHEREAS, the Council of the City of Memphis approved the FY 2011 Operating Budget Appropriation Ordinance 5360 on June 8, 2010; and

WHEREAS, it has become necessary to amend the FY 2011 Operating Budget by transferring an allocation and appropriation of \$450,000.00 of the Human Resources' Division Operating Budget to cover a Request for Proposal for pre-employment medicals.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Memphis that the FY 2011 Operating Budget be and is hereby amended by the following:

From: Human Resources- Testing & Recruiting
(0111-180701-052528) Misc. Professional Svcs. \$450,000.00

To: Human Resources- Recruitment & Selection
(0111-180301-052528) Misc. Professional Svcs. \$450,000.00



Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)
Resolution approves plan to hold referendum for employees who are not covered by Medicare.
2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)
Personnel/Finance
3. State whether this is a change to an existing ordinance or resolution, if applicable.
Change to current retirement plan.
4. State whether this requires a new contract, or amends an existing contract, if applicable.
Yes modification to existing plan
5. State whether this requires an expenditure of funds/requires a budget amendment.
Yes \$5.0 million.

RESOLUTION
CITY COUNCIL
CITY OF MEMPHIS, TENNESSEE

WHEREAS, the State of Tennessee Old Age and Survivors Insurance Agency has established procedures in accordance with Section 218 of the Social Security Act, as adopted by the State of Tennessee (the "Tennessee Section 218 Agreement"), and Tenn. Code Ann. §8-38-101 *et seq.*, whereby eligible members of a retirement system in a political subdivision of the State of Tennessee may obtain Hospital Insurance-Medicare Only Coverage ("Medicare-Only (HI) Coverage"); and

WHEREAS, the City of Memphis, a political subdivision of the State of Tennessee (the "City), maintains the City of Memphis Retirement System (the "Retirement System") for its eligible officers and employees; and

WHEREAS, the City desires to offer Medicare-Only (HI) Coverage to its eligible officers and employees who participate in the Retirement System, in accordance with the following resolutions; and

WHEREAS, City Council desires to approve the City's conduct of a Medicare Referendum Process for a Divided Vote Medicare Referendum as set forth below;

NOW, THEREFORE, BE IT RESOLVED:

1. That pursuant to the Medicare Referendum Process for a Divided Vote Medicare Referendum as set forth in the Tennessee Section 218 Agreement, the City extend to eligible City officers and employees (officers and employees whose date of hire is prior to April 1, 1986 and who currently are not covered by Medicare-Only (HI) Coverage) the opportunity to elect to be covered by and participate in Medicare-Only (HI) Coverage;
2. That in pursuance of the above, the City request the State of Tennessee Old Age & Survivors Insurance Agency, or its designee (the "OASI Agency") to conduct a Divided Vote Medicare Referendum, under Section 218(d)(6)(c) of the Social Security Act, for eligible City officers and employees (officers and employees whose date of hire is prior to April 1, 1986 and who currently are not covered by Medicare-Only (HI) Coverage);
3. That the City participate with the OASI Agency in the conduct of the Divided Vote Medicare Referendum to be conducted pursuant to applicable state and federal laws and regulations for the purpose of allowing eligible officers and employees the option to obtain the Medicare-Only Coverage;
4. That for those eligible officers and employees who elect affirmatively in the Divided Vote Medicare Referendum to participate in Medicare-Only (HI) Coverage, the

effective date of such participation be the earliest date permitted by the Tennessee Section 218 Agreement (the "Effective Date");

5. That for those eligible officers and employees who elect affirmatively in the Divided Vote Medicare Referendum to participate in Medicare-Only (HI) Coverage, the City, by signature of the City Mayor, enter into a Section 218 Agreement with the OASI Agency (the "City Section 218 Medicare-Only Coverage Agreement") to effectuate the results of the Divided Vote Medicare Referendum;
6. That for those eligible officers and employees who elect affirmatively in the Divided Vote Medicare Referendum to participate in Medicare-Only (HI) Coverage, that to the extent permitted by law the City pay the cost of coverage, both the employer portion of the Medicare tax (currently 1.45% of covered wages) and the employee's portion of the Medicare tax (currently 1.45% of covered wages) for the period beginning with the Effective Date and ending on the date of the first payroll following the date the City and the OASI Agency enter into the City Section 218 Medicare-Only Coverage Agreement (or if later, then the earliest date following such first payroll date that occurs within an administratively reasonable time for the City's payroll system to initiate employee withholding for the employee's portion of the Medicare tax (currently 1.45% of covered wages)(the "Payroll Withholding Date") and remit such payments to the Internal Revenue Service in accordance with applicable federal laws and regulations;
7. That effective the Payroll Withholding Date and thereafter, in order to collect the officer and employee portion of the Medicare tax from the officer and employee's wages in accordance with applicable law the City make such adjustments to its payroll system as required to provide for withholding from officer and employee wages of those eligible officers and employees who elect in the Divided Vote Medicare Referendum to participate in Medicare-Only (HI) Coverage, and remit such withholding to the Internal Revenue Service in accordance with applicable federal laws and regulations;
8. That the City maintain such records, enter into such agreements and documents, including without limitation the issuance of Form W-2 or other income notices to the extent required by applicable law to eligible officers and employees who elect in the Divided Vote Referendum to participate in Medicare-Only (HI) Coverage, submit such reports, and take such other and further actions as required or necessary to effectuate this resolution and the results of the Divided Vote Medicare Referendum.

This Resolution is hereby adopted this ___ day of _____, 20__ (the "Adoption Date") and shall take effect and be in full force from and after the Adoption Date.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND TITLE 6, BUSINESS LICENSES AND REGULATIONS, CHAPTER 6-20 – DANCES AND DANCE HALLS – OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE

WHEREAS, the citizens of Memphis have fundamental rights to the greatest protection of their welfare and safety, and the democratic process should allow them to maintain the highest quality of life possible; and

WHEREAS, the Memphis City Council has studied possible modifications to the Dance Hall Permit Ordinance to ensure its consistency with other city ordinances and to evaluate possible penalties and remedies available to the City in the event of a violation of the Dance Hall Permit Ordinance.

NOW, THEREFORE,

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

That Title 6, Business Licenses and Regulations, Chapter 6-20 – Dances and Dance Halls - of the Code of Ordinances of Memphis, Tennessee be and is hereby amended as follows:

Article 1 - General Provisions

Sec. 6-20-1- Definitions.

As used in this chapter, the following terms shall have the indicated meaning:

"Adult cabaret" means an establishment that features as a principal use of its business, entertainers, waiters, or bartenders who expose to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material, including swim suits, lingerie, or latex covering. "Adult cabaret" includes a commercial establishment that features entertainment of an erotic nature, including exotic dancers, strippers, male or female impersonators, or similar entertainers.

"Adult entertainment" means any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, that has as a principal or predominant theme, emphasis, or portion of such performance, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.

"Adult-oriented establishment" includes, but is not limited to, an adult bookstore, adult motion picture theater, adult mini-motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna; further, "adult-oriented establishment" means any premises to which the public patrons or members are invited or admitted and that are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment

to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. "Adult-oriented establishment" further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import.

"Club" means any bona fide nonprofit society, association of persons or corporation, organized for civic, fraternal, social or charitable purposes, or for any purpose not a business or commercial purpose, which owns, rents or operates a place or building for the accommodation of its members and their invited guests, when such place or premises, or any part thereof, is used for dancing by members of the club or their invited guests.

"Dance hall operator" means the person who conducts, manages, maintains or controls, either directly or indirectly, any public dance hall as defined in this section.

"Person" means any person, copartnership, corporation, firm, or other association or organization which conducts or holds a public dance in a public dance hall as defined in this section.

"Public dance" means any dance to which the public generally gains admission, either with the payment of a fee directly or indirectly, or without payment of a fee, but the term "public dance" shall not include the following:

1. "Private dance" means any dance given at a private home or residence, admission to which is restricted to invited guests, and from which the general public is excluded; any dance given or conducted by a club whose purposes or primary activities do not include the arrangement or holding of dances and where the attendance is restricted to the members of such club and their invited guests, and from which the general public is excluded; any dance given or conducted by a corporation, or other organization or person whose purpose or primary activities do not include the arrangement or holding of dances and where the attendance is restricted to the members of such corporation or other organization and their invited guests, and from which the general public is excluded; and any dance given or conducted by public or private schools or churches for the students or members thereof, or their invited guests, and from which the general public is excluded.
2. "Public agency dance" means any dance which is given or conducted by the state, the county, the city or any political subdivision or public agency or instrumentality thereof.
3. "Dancing school classes" means any dance held or conducted by any dancing school or academy which gives instruction in dancing for hire.
4. "Commercial premises" means a commercial establishment whose principal business is other than public dancing and upon which premises no alcoholic beverages are sold or permitted.

"Public dance hall" means any room, place, space or building, enclosed or unenclosed, where a public dance is held or conducted.

Sec. 6-20-2- Prohibitions.

It is unlawful for any person or dance hall operator, by itself or himself or herself, directly or indirectly, or by any servant, agent or employee, on the premises at which a public dance is being held or conducted to:

- A. Operate as an adult cabaret, adult-oriented establishment or permit adult entertainment as defined herein;
- B. Permit any disorderly conduct as defined in Section 10-8-2 of this code, or any lewd or indecent conduct as defined in Section 10-8-2 of this code;
- C. Permit any known prostitute, male or female, procurer or vagrant to come and remain upon the premises at which a public dance is being held or conducted;
- D. Permit intoxicated persons to dance or loiter on the premises at which a public dance is being held or conducted;
- E. Permit the public dance hall employees to dance with or accept any direct compensation from the patrons;
- F. Permit any person who has not attained the age of eighteen (18) years to attend or remain at any public dance where alcohol is being consumed unless such person is accompanied by the parent or legal guardian of such person, and it is unlawful for any person to represent himself or herself to have reached the age of eighteen (18) years in order to attend or remain at any public dance where alcohol is being consumed when such person in fact is under eighteen (18) years of age; it is also unlawful for any person to falsely represent himself or herself to be the parent or guardian of any person in order that such person may attend or remain in any public dance hall;
- G. Permit any person under the age of eighteen (18) years of age to be employed in any capacity in a public dance hall; provided that, the provisions of this section relative to employment shall not apply to minors under the age of eighteen (18) years of age who are under contract to provide entertainment in the field of music or vocal entertainment; and shall not apply to minors under age of eighteen (18) years of age who are under contract to provide entertainment in the field of choreography. Such minors must have the written consent of their parents or guardians sworn to before a notary public. The owner or operator shall keep the written consent on file at all times during the employment of such minor, and the same shall be available for inspection by officers of the police services division. A duplicate of such written consent shall be forwarded to the director of police services of the city. The provisions herein shall not apply to disorderly or disreputable persons. Provisions of this subsection shall be in effect only during the actual hours of business;
- H. Fail to furnish proper ventilation and separate and sufficient toilet facilities for each sex;
- I. Fail to provide and maintain throughout the part of the dance hall premises used for dancing a minimum of two candlepower light measured at a level five feet above the floor;
- J. Deny free access and entrance into the dance hall at all times to police and fire officers when on official duty;
- K. Violate any other laws, ordinances, health and fire regulations, or building code requirements which may be applicable to the operation or regulation of the public dance hall.

Article 2 - Dance Hall Permit

Sec. 6-20-4- Required.

- A. It is unlawful for any person or dance hall operator to hold or conduct any public dance, or to operate any public dance hall within the city, until such dance hall, or other place in which such public dance may be held, shall first have been duly registered as a public dance hall with, and approved by, the city treasurer, and a permit shall have been issued by the city treasurer, or his or her designee, for the operation of such public dance hall or the holding of such public dance;
- B. A permit may be issued only for one (1) dance hall located at a fixed and certain place. Any person, partnership or corporation that desires to operate more than one (1) dance hall must have a permit for each.

Sec. 6-20-5- Application.

Any person or dance hall operator, as defined in this chapter, desiring to obtain a public dance hall permit as required by this chapter shall file a sworn written application with the director of police services at least seventy-two (72) hours prior to the date on which such permit is desired. Such application shall be made on forms approved by the director of police services and shall include the following information:

- A. Name, age, address and telephone number of each person or operator, copartnership, firm, corporation, or other association or organization desiring to conduct such public dance or public dance hall;
- B. Name to be used by applicant;
- C. Location by street and number of the place, space or building and room or floor, and the size of such room or space which is proposed to be used for such purpose;
- D. If the applicant is an individual, a statement that he or she has not been convicted of a felony, or of a misdemeanor involving moral turpitude, within five years prior to the date of making the application;
- E. If the applicant is a firm, association or partnership, all of the information described in subsection D of this section as to each individual composing the firm, association, or partnership;
- F. If the applicant is a corporation, a statement that the applicant is organized and chartered under the corporation laws of the state applicable to such corporation, or, if a foreign corporation, if such a corporation has complied with the laws of the state applicable to such corporation, and the same information with reference to the operator or person in charge of the operation of the public dance hall desired to be conducted as is prescribed in subsection D of this section, and, in addition thereto, a statement as to the names of stockholders in the corporation, and the percentage of the corporation's outstanding stock owned by each;
- G. The business license history of the applicant; whether such applicant, in previously operating in this or any other county, city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subject to such action of suspension or revocation during the previous five (5) years;
- H. Previous occupation or employment of the applicant for a period of two years next preceding the filing of his or her application;

- I. Any other information reasonably deemed necessary by the director of police services to determine whether the applicant qualifies for the issuance of the permit;
- J. A statement by the applicant that the applicant is familiar with the provisions of this part and is in compliance with this part.

Failure or refusal of the applicant to give any information relevant to the investigation of the application, 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 part constitutes an admission by the applicant that the applicant is ineligible for such permit and shall be grounds for denial of the permit.

Sec. 6-20-6-Qualifications of applicants.

- A. All applicants for dance hall permits must be at least twenty-one (21) years of age and shall not have been convicted of a felony or of a crime involving moral turpitude within five years next preceding the filing of the application;
- B. The director of police services or his or her designated representative is empowered to conduct investigations of persons engaged in the operation of any dance hall and inspect the permit of the operators and establishment for compliance. Refusal of an operation or establishment to allow inspections shall be grounds for revocation, suspension or refusal to issue licenses provided by this part.
- C. Upon receipt of a public dance hall permit application, the body or entity that permits operators may:
 1. Conduct a criminal conviction record check through such computer terminals available to it or other means of access to criminal convictions that are maintained by the county, city or other political subdivision, the Tennessee bureau of investigation and the federal bureau of investigation;
 2. Forward the applicant's fingerprints to the Tennessee bureau of investigation, which shall verify the identity of the applicant and shall conduct its own criminal conviction record check itself and forward the results of that investigation to the requesting county, city or other political subdivision;
 3. If no disqualifying criminal conviction is identified by the city or by the Tennessee bureau of investigation, the Tennessee bureau of investigation shall forward a set of the applicant's fingerprints to the federal bureau of investigation for verification of the applicant's identity and request the federal bureau of investigation to conduct a criminal conviction record check investigation using the fingerprints.

Sec. 6-20-7-Inspection before issuance.

- A. No public dance hall permit shall be issued unless the applicant certifies that the applicant has satisfied the rules, regulations and provisions of the applicable zoning requirements in the city and has submitted a zoning letter issued by the Memphis and Shelby County Office of Construction Code Enforcement. Any zoning requirement shall be in addition to and not an alternative to any requirement of this part;
- B. Before any public dance hall permit shall be issued by the director of police services, such director of police services shall cause an investigation of the premises at which the proposed public dance is to be held by the city and county department of health, the fire services division, and the chief building inspector, to determine whether or not such premises comply with the laws of the state, of the city, and this chapter, the fire

regulations, and the zoning ordinance and building code. Such officers shall, in their respective capacities, note their approval or disapproval upon the application, and if their disapproval, their reasons therefor.

Sec. 6-20-10-Revocation—Appeals—Notice required.

- A. If a public dance hall permit has been issued under the provisions of this chapter, and such public dance hall is being conducted in violation of the laws of this state or of this chapter, or of any other law or ordinance relating to the operation of public dance halls, the director of police services may at any time give notice in writing to the holder of the permit or other person in control of the operation and maintenance of such public dance hall that the permit has been revoked and cancelled. Such written notice shall state the reason for such revocation and cancellation and shall become a final revocation and cancellation after the expiration of ten (10) days from the date of service of such notice, unless on or before the expiration of such ten (10) days the permit holder or other person in control of the operation and maintenance of the public dance hall shall file with the director of police services a written request for a hearing before him or her upon the question whether or not the permit should have been revoked and cancelled. Such hearing shall be held by the director or his or her designated representative within thirty (30) days after the date of the filing of such request therefor, and the action and judgment of the director of police services, after hearing all the evidence and facts, shall be final and subject to court reviews as provided by law;
- B. The director of police services or his or her designated representative shall revoke, suspend or annul a public dance hall permit for any of the following reasons:
 - 1. Discovery that false or misleading information or data was given on any application or material facts were omitted from any permit application;
 - 2. The operator, entertainer, or any employee violates any provision of this part; provided, that an operator has a duty to supervise conduct on the premises of the dance hall and shall be deemed responsible for the conduct of an employee or entertainer, if the operator knew, or should have known, of the violation and authorized, approved, or, in the exercise of due diligence, failed to take reasonable efforts to prevent the violation;
 - 3. The operator becomes ineligible to obtain the appropriate permit;
- C. Any cost or fee required to be paid by this part is not paid.
- D. Once a public dance hall permit revocation and cancellation is final upon a hearing pursuant to Section A, the applicant is prohibited from applying for any subsequent dance hall permit.

Sec. 6-20-11-Fee—Expiration.

- A fee shall be charged for each dance permit issued. Such fee shall be:
- A. Ten dollars (\$10.00) for a limited dance permit which covers a seven consecutive calendar day period, during which a public dance hall may be used for public dances;
 - B. One hundred dollars (\$100.00) for a public dance hall except as set forth in subsection C of this section;
 - C. Five hundred dollars (\$500.00) for a public dance hall if alcoholic beverages, beer or wine are served in the same room where the dancing occurs.

Sec. 6-20-12- Renewal.

- A. With the exception of the limited dance permit described in Section 6-20-11(A), permits issued under this article shall be renewed annually and the application for renewal shall be accompanied by the payment of the fee required for the type permit prescribed. The renewal fee shall be paid each year by July 1st and will remain in effect through June 30th the following year. Permits issued after July 1st shall be prorated to reflect the months remaining in the fiscal year;
- B. If the police department is aware of any information bearing on the operator's qualifications, the information shall be filed in writing not later than ten (10) days after the date of the application for renewal.

Sec. 6-20-13- Employee Register.

- A. The operator shall maintain a register of all employees and entertainers, showing for each person the name, any aliases used, home address, age, birth date, sex, height, weight, color of hair and eyes, telephone number, social security number, driver license number, date of employment and termination, and duties. This information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination;
- B. The operator shall make the register of employees available immediately for inspection by the board or police department upon demand of a member of the board or police department at all reasonable times;
- C. Every act or omission by an employee constituting a violation of the provisions of this part shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission;
- D. An operator shall be responsible for supervising the conduct of all entertainers and employees while on the permitted premises, and shall exercise due diligence in taking reasonable efforts to prevent acts or omissions of any entertainers or employees constituting a violation of the provisions of this part, with the operator's failure to reasonably fulfill this duty constituting a ground for determining whether the operator's permit shall be revoked, suspended or renewed;
- E. No operator, employee or entertainer shall allow any minor to loiter around or to frequent a dance hall.

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.

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller

DRAFT



Memphis City Council Summary Sheet (SAMPLE)

Resolution to transfer allocations and appropriation from Countrywood Fire Station, Relocate Station #22, and Fire Station #57 to Fire Station Repair.

- This item is a resolution in support of transferring allocations and appropriations from Countrywood Fire Station, Relocate Station #22, and Fire Station #57 to Fire Station Repair .
- The resolution is requested by Fire Services to transfer unused funds to Fire Station Repair for other repairs that need to be made to various stations.
- This resolution will result in a need for new contracts to provide for various repairs that need to be made.
- This resolution requires a budget transfer from previously approved projects to Fire Station Repair.

RESOLUTION

WHEREAS, Project Number FS02001, Fire Station Repair, project number FS02007 Countrywood Fire Station, project number FS02010 Relocate Station #22, and project number FS02014 Fire Station #57 is included in the FY 2011 Capital Improvement budget; and

WHEREAS, additional funds are available in Project number FS02007, project number FS02010, and project number FS02014 due to lower than anticipated cost for Furniture Fixtures and Equipment within those projects; and

WHEREAS, it is necessary to amend the FY2011 Capital Improvement Budget by transferring an allocation and appropriation of \$154,437 in G.O. Bonds from Countrywood Fire Station, project number FS02007; an allocation of \$162,514 and an appropriation of \$28,514 in G. O. Bonds from Relocate Station #22, project number FS02010; an allocation of \$157,721 and an appropriation of \$73,721 in G. O. Bonds from Fire Station #57, project number FS02014 to Fire Station Repair, project number FS02001.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that the FY2011 Capital Improvement Budget be amended by transferring an allocation and appropriation of \$154,437 in G.O. Bonds from Countrywood Fire Station, project number FS02007; an allocation of \$162,514 and an appropriation of \$28,514 in G. O. Bonds from Relocate Station #22, project number FS02010; an allocation of \$157,721 and an appropriation of \$73,721 in G. O. Bonds from Fire Station #57, project number FS02014 to Fire Station Repair, project number FS0200

BE IT FURTHER RESOLVED, that there be and is hereby allocated the sum of \$474,672 and appropriate the sum of \$256,672 in G.O. Bonds chargeable to the FY11 Capital Improvement Budget and credited as follows:

Fire Station Repair
Project Number FS02001

G.O. Bonds



Memphis City Council Summary Sheet

Resolution to appropriate funds to Fire Station Repair for work to be performed at Fire Station #23 located at 3468 Jackson Avenue.

- Resolution for Fire Station Repair, CIP Project Number FS02001, as a part of the FY2011 Capital Improvement Program, requests approval of \$101,200.00 for Contract Construction, funded by G.O. Bonds General, with lowest and best complying bid out of 6 bids submitted by Wagner General Contractors, Inc.
- The Division of Fire Services is the initiating party of this resolution.
- This is a new resolution to appropriate funds from the Fiscal Year 2011 Capital Improvement Budget (Fire Station Repair, Project Number FS02001).
- This resolution will result in a need for a new contract to provide for the construction/repair that needs to be performed.
- This resolution requires a budget appropriation from previously approved Fire Station Repair, Project Number FS02001.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Fire Station Repair, Project Number FS02001, as part of the FY2011 Capital Improvement Budget; and

WHEREAS, bids were taken on March 11, 2011 for Fire Station Repair, with the best complying bid of six bids submitted being \$88,000.00 submitted by Wagner General Contractors and

WHEREAS, it is necessary to appropriate \$101,200.00 funded by G.O. Bonds General in Fire Station Repair, Project Number FS02001 for construction as follows:

Bid Amount	\$ 88,000.00
Contingency	<u>\$ 13,200.00</u>
Total	\$ 101,200.00

BE IT RESOLVED, that there be and is here by appropriating a sum of \$101,200.00 funded by G.O. Bonds General chargeable to the Fiscal Year 2011 Capital Improvement Budget and credited as follows:

Project Title	Fire Station Repair
Project Number	FS02001
Amount	\$101,200. 00



Memphis City Council Summary Sheet Instructions

- This item is a resolution to appropriate funds in the amount of \$88,677.65, CIP project PS01003 which was included in the FY11 CIP Budget, for the replacement of 4 Outdoor Warning Sirens .
- The Emergency Management Agency is the coordinator of the operation of the Outdoor Warning Sirens
- This is due to regulation by the FCC (Federal Communications Commission) that radio frequency in the operating band is equipped for 'narrow-band' operation. (Refarming Part 90 frequencies)
- A new contract will be required next year to finish the project due to budget restraints.
- This project will require an expenditure of funds.

RESOLUTION

WHEREAS, the City of Memphis operates Outdoor Warning Sirens through the Emergency Management Agency; and

WHEREAS, the Emergency Management Agency did include replacement of 4 Outdoor Warning Sirens in the Fiscal Year 2011 Capital Improvement Budget; and

WHEREAS, bids were taken January 21, 2011 with the lowest complying bid being \$88,677.65 submitted by Federal Signal Corporation; and

WHEREAS, it is necessary to use funds allocated under Project# PS01003- Emergency Warning Sirens.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2011 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$88,677.65.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$88,677.65 chargeable to the Fiscal Year 2011 Capital Improvement Budget.



Memphis City Council
Summary Sheet

Received

*Chief Administrative
Office*

Resolution to accept WIA Title One Adult grant funds from the State of Tennessee Department of Labor and Workforce Development.

- This item is a resolution to accept grant funds from the State of Tennessee, Department of Labor and Workforce Development in the amount of \$600,000.00. These funds will be used for the WIA Title One Adult Program.
- The State of Tennessee Department of Labor and Workforce Development, which acts as a pass-through for the U.S. Department of Labor, allocated these formula grant funds to the Workforce Investment Network.
- This is a new grant award, pending council acceptance.
- Acceptance of these funds will require a new contract between the State of Tennessee and the City of Memphis, which acts as the administrative entity for the Workforce Investment Network.
- Acceptance of these funds will require an amendment to the FY2011 operating budget to appropriate the funds.

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Six Hundred Thousand Dollars, (\$600,000.00) from the State of Tennessee Department of Labor and Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Adult Program; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2011 Operating Budget to establish funds for the WIA Title One Adult Program; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Six Hundred Thousand Dollars, (\$600,00.00) for the WIA Title One Adult Program;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Adult Program in the amount of Six Hundred Thousand Dollars, (\$600,000.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2011 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Adult Program in the amount of Six Hundred Thousand Dollars, (\$600,000.00) as follows:

Revenue

State of Tennessee Department of Labor WIA Title One Adult Program Funds	<u>\$600,000.00</u>
TOTAL	\$600,000.00

Expense

WIA Title One Adult Program Funds	<u>\$600,000.00</u>
TOTAL	600,000.00



Memphis City Council Summary Sheet

Resolution for the Pink Palace Planetarium – PK08016

- This Continuing Resolution seeks approval for completion of plans and specifications for the Pink Palace Planetarium.
- The initiating party is the Division of Park Services.
- This Resolution does not change any existing Ordinance nor Resolution.
- This Resolution does not require a new or amended contract.
- This Resolution does not require an expenditure of funds.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Pink Palace Planetarium Rehab, CIP Project Number PK08016, as part of the Fiscal Year 2009 for \$150,000 in design and as part of the Fiscal Year 2010 for \$375,000 in design as allocations from General Obligation Bonds in the Capital Improvement Program; and

WHEREAS, the design and construction documents are scheduled to be complete by December 2011; and

WHEREAS, the Administration proposes to implement rehabilitation of the Pink Palace Planetarium with an estimated cost of \$1,400,000.00 to be funded by \$700,000.00 G. O. Bonds General and \$700,000.00 Local Other Funding through MMI; and

WHEREAS, MMI has secured funding for \$250,000 and is concluding an arrangement in contributions for the remaining \$450,000 to achieve their match funding; and

WHEREAS, Park Services intends to request a construction allocation from General Obligation Bonds of \$175,000 to finalize the City's matching funds in the Fiscal Year 2013 Capital Improvement Program; and



Memphis City Council Summary Sheet

Resolution for Gaston Community Center – PK01026

- This Continuing Resolution seeks approval for completion of plans and specifications and taking of bids for repairs at the Gaston Community Center.
- The initiating party is the Division of Park Services.
- This Resolution does not change any existing Ordinance nor Resolution.
- This Resolution does not require a new or amended contract.
- This Resolution does not require an expenditure of funds.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Gaston Community Center Repairs, CIP Project Number PK01026, as part of the Fiscal Year Capital Improvement Program; and

WHEREAS, the Administration proposes to repair the exterior walls of the community center located at 1048 South Third Street, at an estimated cost of \$350,000; and

WHEREAS, the Administration is required to present a preliminary design to the appropriate Council Committee and obtain Council approval prior for the continuation of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, that Gaston Community Center repairs, CIP Project Number PK01026, is hereby approved for completion of plans and specifications and taking of bids at an estimated construction cost of \$350,000.

PROJECT TITLE: GASTON COMMUNITY CENTER REPAIRS
PROJECT NUMBER: PK01026



Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)

Resolution to accept and appropriate \$10,000.00 from the PETCO Foundation which will be used to provide affordable and available spay/neuter opportunities to the community.

2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)

Public Services & Neighborhoods/Animal Services

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

There is no change to an existing ordinance or resolution

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

No new contracts or amendments are required.

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

An amendment to the FY2011 Operating Budget is required to accept and appropriate \$10,000.00.

RESOLUTION

WHEREAS, the City of Memphis, Division of Public Services and Neighborhoods, Animal Services has received grant funds in the amount of Ten Thousand Dollars (\$10,000.00) from The PETCO Foundation; and

WHEREAS, these funds will be used to provide affordable and available spay/neuter opportunities to the community; and

WHEREAS, it is necessary to accept and appropriate the grant funds in the amount of Ten Thousand Dollars (\$10,000.00); and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that \$10,000.00 be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2011 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for Animal Services in the amount of Ten Thousand Dollars (\$10,000.00) as follows:

Revenue

Misc Income (The PETCO Foundation)	\$ 10,000.00
Total	<u>\$ 10,000.00</u>

Expense

Misc Services/Charges	\$ 10,000.00
Total	<u>\$ 10,000.00</u>

WHEREAS, on occasion the Memphis City Council has seen fit to name certain public roads to honor citizens who have served this community and **Bernal Elery Smith, Sr.** is one such citizen whose contributions to the City of Memphis are certainly worthy of recognition; and

WHEREAS, **Bernal Smith** was a Christian man who led by example; **Mr. Smith** was a devoted husband and father, not only to his own family, but to thousands of children who passed through the doors of the Boys and Girls Club during his 43 year tenure with the organization; and

WHEREAS, a native of Houma, Louisiana, **Bernal Smith** was a standout athlete at Grambling State University; **Bernal** and wife Emerle moved to Memphis in 1967 when **Bernal** joined the Boys and Girls Club as a program director for Goodwill Boys Club; **Bernal** later became Senior Vice President of the Boys and Girls Club of Greater Memphis; and

WHEREAS, during his many years with the Boys and Girls Club **Bernal** was recognized for his service at the local and national levels of the organization; he received many awards and accolades, including the National Professional Service Award; **Bernal** was inducted into the Boys and Girls Club of America's Masters and Mentors program, joining an elite group of 47 legacy leaders and a bust of **Bernal Smith** is on display at the Boys and Girls Club Headquarters in Atlanta, Georgia; and

WHEREAS, a dedicated disciple of Christ, **Bernal Smith** was a member of Mount Vernon Baptist Church where he served as Chairman of the Deacon Board for over 10 years; **Bernal's** work at Mt. Vernon Baptist was recognized when he received the Sherman Johnson Award for Distinguished Service; and

WHEREAS, on January 21, 2011 our beloved friend and mentor **Bernal Smith** passed away peacefully, leaving his wife, Emerle; children Karen, Bernal II and Cher; five grandchildren and four brothers as well as the many lives **Bernal** touched.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MEMPHIS, TENNESSEE though ink and parchment are most inadequate to commemorate such a life of joy and struggle, work, and victories, the Memphis City Council will always remember the honor and compassion with which **Mr. Bernal Elery Smith, Sr.** lived.

BE IT FURTHER RESOLVED that as a testament to the life and work of **Bernal Elery Smith, Sr.**, that South Rembert Street between Madison Avenue and Union Avenue in Memphis, Tennessee be designated as

"BERNAL E. SMITH SR. BOULEVARD."

BE IT FURTHER RESOLVED That the City Engineer is requested to affix suitable signs so designating such public road.

ADOPTED: April 5, 2011

Kemp Conrad
Memphis City Councilman