

ORDINANCE NO _____

An Ordinance to amend Chapter 21, Code of Ordinances, City of Memphis, to amend certain sections of Ordinance No. 5217, Article III of the Code of Ordinances regulating Junk and Scrap Metal Dealers

WHEREAS, Ordinance 5217 was enacted on December 4, 2007, to control crimes associated with the theft of junk and scrap metal and assure that the proper environmental procedures are in place to protect public health; and

WHEREAS, it is deemed appropriate to clarify certain sections to increase enforcement efforts and to improve compliance among scrap metal dealers.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Ordinance 5217, codified as Chapter 24, Article III, Section 24-56 is hereby revised to amend the definitions as follows:

“Scrap metal” means any ferrous or nonferrous metal or metal product that is no longer used for its original purpose and is capable of being processed for reuse by a metal recycling facility, including, but not limited to, iron, brass, wire, cable, copper, bronze, aluminum, platinum, lead, solder, steel, stainless steel, catalytic converters, air conditioner evaporator coils, radiators, and condensers (in whole or part), and other similar obsolete ferrous or nonferrous metal or metal products, but not including recyclable aluminum cans.

“Scrap metal dealer” means a person who obtains scrap metal through purchase, barter or exchange, or an employee or agent of such dealer who has the express or implied authority to so obtain scrap metal on behalf of the dealer.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 24-57-4 is hereby amended to add the following language:

(F) Notwithstanding the foregoing, a permit shall not be denied under this Article solely because the applicant failed to comply with the version of this Ordinance that was adopted on third reading in December, 2007, and signed by the Mayor in January, 2008. A material and intentional violation of this amended Ordinance occurring after the effective date of this amended ordinance may be a basis for denying a permit application or renewal application.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Section 24-60 (B) is hereby amended by deleting the current language and replacing it with the following language:

(B) Any person selling, exchanging or trading scrap metal, as defined herein, to or with a junk or scrap metal dealer shall present a valid driver's license and/or any other acceptable form of picture identification from a state or federal issuing agency (i.e., state issued identification or passport) to the junk or scrap metal dealer.

SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Section 24-60 (D) is hereby amended by deleting the current language and replacing it with the following language:

(D) The seller shall sign the transaction ticket and shall receive a detached copy. The junk or scrap metal dealer shall also sign the transaction ticket. On the junk or scrap metal dealers copy of the record of the transaction, the seller shall reproduce his or her right thumbprint. In the event the right thumb is amputated, then such other fingerprint as required by the junk or scrap metal dealer shall be taken and such fingerprint fully described on such record. This thumbprint shall be reproduced and taken in the usually approved manner and shall not be blurred or obliterated. The book or other records of purchase shall at all times be open to the inspection of any city, county, state or federal law enforcement officer and any person who has filed a police report of metal theft in the previous month, if such person is accompanied by such law enforcement officer during normal business hours without warrant or subpoena and shall be kept in good faith and preserved on site by such dealer for convenient inspection for a period of three (3) years from the date of the scrap metal sale.

SECTION 5. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Section 24-60 (F) (a) is hereby amended by to add the following language at the end of this section.

(a) This provision shall not apply to an air conditioner evaporator coil or condenser still contained within a window unit air conditioner.

SECTION 6. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Section 24-60 (F)(b) is hereby amended by deleting the current language and replacing it with the following language:

(b) It is an offense for a scrap metal dealer to ever pay cash to a person who presents an air conditioner evaporator coil or condenser or any portion of an air conditioner coil or condenser for sale as scrap, nor may such dealer make payment at the time of the transaction. This provision shall not apply to an air conditioner evaporator coil or condenser still contained within a window unit air conditioner. An air conditioner evaporator coil or condenser still contained within a window unit air conditioner is subject to the tag-and-hold (Section 6(H)) and voucher (Section 6(I)) provisions of this ordinance.

SECTION 7. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Section 24-60 (F)(c)(2) is hereby amended by substituting the words "*three (3) business days*" with "*five (5) business days.*"

SECTION 8. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Section 24-60 (H) is hereby amended by deleting the current language and adding the following:

(H). The junk or scrap metal dealer shall keep on hand and in separate packages, and not allow to be mixed or confused with other purchases, in order that identification may be readily made, all scrap metal as defined herein, in any form, of:

- (1) telephone wire or cable such as is used for telecommunications purposes, waveguide, copper bus bar, catalytic converters, back flow preventers, new copper tubing over 20 ft. long still in roll form (as it comes from mfg), bare copper grounding wire still on spools;
- (2) copper tubing or copper wire that bears sufficient id or unique descriptive markings which may likely prove chain of custody that the copper is a victim's property;
- (3) air conditioner evaporator coils, radiators, and condensers in whole or part, including air conditioner evaporator coils and condensers still contained within a window unit air conditioner; and
- (4) any metal that accurately fits a description containing distinguishing characteristics provided either by voice or in writing to a scrap metal dealer by either a victim or by representatives / agents of the City of Memphis or Shelby County law enforcement that such metal so described has been stolen,

that is bought or obtained from any person, the same to be kept on site, separate and subject to easy and convenient inspection during normal business hours without warrant or subpoena by any city, county, state or federal law enforcement officer and any person who has filed a police report of metal theft in the previous month, if such person is accompanied by such law enforcement officer, -for a period of not less than the longer of (a) ten (10) days after purchase or in any way acquired, or (b) ten (10) days after the scrap metal dealer delivers notice to either the victim or appropriate law enforcement official with respect to items that have been reported stolen.

SECTION 9. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Section 24-60 (I) is hereby amended by substituting the word three (3) with the word five (5).

SECTION 10. 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 11. 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.

Reid Hedgepeth

Harold Collins
Council Chairman

ORDINANCE TO AMEND CHAPTER 21, CODE OF ORDINANCES, CITY OF
MEMPHIS, TO MODIFY SECTION 21-80 (b) OF THE TRAFFIC CONTROL
PHOTOGRAPHIC SYSTEM REQUIREMENTS

Whereas, on June 21, 2005, the Memphis City Council approved a traffic control photographic system to provide for the health, safety and welfare of the citizens of the city; and

Whereas, a traffic control photographic system captures recorded images of the rear tag of drivers who have crossed the stop line at a traffic system location and disregarded the traffic control sign, signal or device in violation of Chapter 21, sections 21-371 or 21-378; and

Whereas, the ordinance provided for the distribution of any excess revenues generated from penalties and assessments to first be applied to all equipment, administrative and associated processing costs and additional revenues limited to the payment of costs associated with traffic and safety education programs.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Section 21-80 (b) penalty be replaced and amended as follows:

(b) All net revenues generated from penalties and assessments associated with the enforcement of this ordinance shall be used for the purchase and installation of cameras and/or GPS systems in all Memphis police department patrol cars (the Police Department will submit a budget and plan outlining the number of cars that can be outfitted in a given year). Additionally, remaining revenues will be allocated for the Memphis Neighborhood Watch program.

BE IT FURTHER RESOLVED 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 is held unconstitutional or void, the remainder of this ordinance shall continue in full force and effect.

BE IT FURTHER RESOLVED, that this ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the chairman of the council, certified and delivered to the office of the mayor in writing by the comptroller, and become effective as otherwise provided by law.

Harold Collins



TENNESSEE

MYRON LOWERY
Mayor Pro Tem

September 14, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall – Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

Thomas A. O'Malley

be appointed to the Citizen Law Enforcement Review Board with a term
expiring October 31, 2011.

I have attached biographical information.

Sincerely,

Myron Lowery
Mayor Pro Tem

ML:sd

c: Council Members

Biography Thomas O'Malley : FC -081-014

Thomas A. O'Malley, Financial Consultant/Trust Specialist, Memphis, TN, brings over 10 years of experience in Charitable Financial Services and Estate planning, 5 years in Trust Company services, and 15 years of consulting. Thomas has worked with charities throughout the United States providing consul for receiving planned gifts and conversion of highly appreciated assets for Charitable Trusts and revenue generating techniques. He conducts informal and formal seminars as well as private meetings for financial consultants, clients, and prospective clients. Thomas explores estate planning options and estate savings techniques to be discussed with the client's drafting attorney. Thomas is a graduate of The University of Memphis, and has done post-graduate work at the Gregoriana Universita in Rome. Before becoming a financial consultant in the Memphis office, Thomas served as the Southern Region Representative for the Trust Company and Wealth Management Services. His duties include the development and implementation of the client's personal estate plan. Thomas now serves as a partner in the team of Franklin-O'Malley Group, continuing to assist clients with all aspects of estate planning including planning for special needs of trust beneficiaries. Thomas and his wife Karen are active in the community and at home with Thomas Jr. and Emma Grace.

Thomas' credentials include:

Securities licensed in Tennessee and other states

Life and Health Insurance Licensed in Tennessee and other states

Numerous trust, estate and business seminars/programs

Member of various civic/professional organizations (Current Chairman of the Memphis Fire Museum)

Co-Author of estate planning articles with local attorneys

**CITIZEN LAW ENFORCEMENT REVIEW BOARD
9 MEMBER BOARD
OATH OF OFFICE REQUIRED
4 YEAR TERM**

MEMBER	ADDRESS	TERM EXPIRES
Acey, David M/B (Citizen-At-Large)	5340 Norman Drive Memphis, TN 38109 Res: 901-785-2542 Bus: 901-678-3181	October 31, 2008
Goodman Jr., David M/W	173 Marrakesh Circle Memphis, TN 38103 Bus: 901-524-5154	April 30, 2010
Key, Shirley Gholston F/B F/W	2117 Hallwood Drive Memphis, TN 38107 Res: 901-272-9168 Bus: 901-678-2626	October 31, 2009
Morris, Charles M/B (Citizen-At-Large)	981 Alaska Memphis, TN 38107 901-276-6741	September 30, 2011
O'Malley, Thomas A. M/W (Citizen-At-Large) (Replacing Edward Stanton Jr.)	2056 Old Lake Pike Memphis, TN 38119 Res: 901-755-9122 Bus: 901-761-1750	October 31, 2011
Randle, Harry 'Josh' M/W	1659 Cranford Road Memphis, TN 38117 Res: 901-573-3158	August 31, 2009
Walker, Frances F/W	647 East Parkway South Memphis, TN 38104	September 30, 2007
White, Ralph M/B	7583 Fairway Forest N. Memphis, TN 38016 Res: 901-948-3078 Res: 901-948-3211	October 31, 2006
Ried Hedgepeth Wanda Halbert (City Council Liaison)		



MYRON LOWERY
Mayor Pro Tem

September 14, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall – Room 514

Dear Chairman Flinn:

Subject to Council approval, it is my recommendation that:

J. Van Menard

be appointed to the Memphis Community Development Enterprise,
Incorporated Board with a term expiring January 16, 2010.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink that reads "Myron Lowery". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Myron Lowery
Mayor Pro Tem

ML:sd

c: Council Members

J. VAN MENARD

1990 Elzey, Memphis, TN 38104

(901) 202- 8617 (t) • (901) 481-6245 (m) • vmenard@mgm-ins.com

Experience

2005 - Present **MENARD, GATES AND MATHIS, INC.**, Memphis, TN

Junior Partner – Insurance Brokerage

Specialize in providing commercial property & casualty risk management advice. Grow business by identifying market niches that require superior technical knowledge, and then implementing targeted marketing efforts.

- Responsible for majority of healthcare practice.
- Created transportation and subsidized housing divisions, culminating in proprietary carrier relationships in the Mid-South.
- Prospected via cold calling, networking, referrals and hiring of professional telemarketing firm
- Achieved Certified Property Casualty Underwriter, the premier designation in the insurance industry, in 14 months.

2003 - 2005 **LEHMAN BROTHERS Inc.**, New York, NY

Associate - Sales and Trading

Responsible for trading pass-through mortgage-backed securities on one of the largest trading desks in the world. Subsequently worked to grow the firm's agency callable debt distribution capabilities.

- Responsible for buying and selling pass-through specified pools as well as their pricing.
- Provided liquidity to virtually every major US financial institution, hedge fund and pension fund.
- Worked with sales force to help compare the characteristics of mortgages and callable agency securities in order to generate trading ideas.

1997 - 2001 **SECURITAS CAPITAL, LLC**, New York, NY

Associate – Private Equity

Worked with a \$500 million private equity fund dedicated to making investments in the insurance industry. Team also managed \$3.0 billion of assets for the fund's largest limited partner, Swiss Re.

- Worked with senior management teams and board of directors of portfolio companies to develop their business plans, set compensation and monitor financial performance.
- Developed detailed operating models for conducting valuation analyses and developing appropriate transaction capital structures.
- Performed benchmarking studies to evaluate business environments and to assess company valuations.
- Managed entire transaction execution process including in depth due diligence and negotiating required legal documentation.
- Worked with team advising Swiss Re on approximately \$1.0 billion of strategic acquisitions including an investment bank, a special purpose reinsurance vehicle and a US reinsurer.
- Worked with team that created Swiss Re's third party alternative asset management capabilities and made over \$200 million of new commitments on behalf of Swiss Re to third party private equity funds.
- Selected to work in Zurich (February 1999) and London (February 2000) offices in order to build firm's international private equity presence.

J. VAN MENARD

1990 Elzey, Memphis, TN 38104

(901) 202- 8617 (t) • (901) 481-6245 (m) • vmenard@mgm-ins.com

Experience

2005 - Present **MENARD, GATES AND MATHIS, INC.**, Memphis, TN

Junior Partner – Insurance Brokerage

Specialize in providing commercial property & casualty risk management advice. Grow business by identifying market niches that require superior technical knowledge, and then implementing targeted marketing efforts.

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- Created transportation and subsidized housing divisions, culminating in proprietary carrier relationships in the Mid-South.
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- Worked with team that created Swiss Re's third party alternative asset management capabilities and made over \$200 million of new commitments on behalf of Swiss Re to third party private equity funds.
- Selected to work in Zurich (February 1999) and London (February 2000) offices in order to build firm's international private equity presence.

1996 - 1997 **LEGG MASON WOOD WALKER, INC., Philadelphia, PA**

Analyst - Investment Banking

Completed a wide range of transactions including private placements, initial public offerings, follow-on offerings and sell-side assignments.

- Evaluated capital raising alternatives and the associated financial and strategic implications.
- Worked with senior management in all aspects of transactions including client presentations, deal structuring, market analysis, due diligence, drafting of internal sales memoranda, developing term sheets and pricing.

Education

2001 - 2003 **DUKE UNIVERSITY, The Fuqua School of Business, Durham, NC**

Masters of Business Administration

Received award for finishing in top 10% of class. Worked part time at the mortgage hedge fund Smith Breeden while attending school.

1993 - 1996 **UNIVERSITY OF PENNSYLVANIA, Wharton School of Business, Philadelphia, PA**

Bachelor of Science in Economics.

Dual concentrations in finance and accounting. Elected officer of Sigma Alpha Epsilon fraternity. Worked part time at Prudential Securities while attending school.

**MEMPHIS COMMUNITY DEVELOPMENT
ENTERPRISE, INCORPORATED
9 MEMBER BOARD
NO OATH OF OFFICE REQUIRED
1 YEAR TERM**

MEMBER	ADDRESS	TERM EXPIRES
Copeland, Richard S. M/W	1121 Longreen Drive Memphis, TN 38120 Res: 901-682-4396 Bus: 901-576-7197	January 16, 2008
Swearengen Ware Barbara F/B	1636 Sydney St. Memphis, TN 38108 Res: 901-458-9406	January 16, 2008
Trenholm, Emily F/W	1871 Court Avenue Memphis, TN 38104 901-246-3808 eat@courtavenue.net	January 16, 2008
Turner, Jesse H., Jr. M/B	866 Tranquil Lane Memphis, TN 38116 901-398-2365	January 16, 2008
Williams, Roby S. M/B	160 Island Place Memphis, TN 38103 901-527-3126 robyswilliams@hotmail.com	January 16, 2008
Menard, J. Van	1990 Elzey Memphis, Tn 38104 vmenard@mgm-ins.com	January 16, 2010
VACANT		
VACANT		
VACANT		

City of 
Memphis

TENNESSEE

MYRON LOWERY
Mayor Pro Tem

September 14, 2009

The Honorable Shea Flinn
Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall – Room 514

Dear Chairman Flinn:

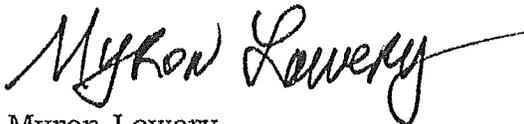
Subject to Council approval, it is my recommendation that:

Edward D. Simmons, Jr

be appointed to the Memphis & Shelby County Board of Equalization
with a term beginning on October 31, 2009 and expiring October 31,
2011.

I have attached biographical information.

Sincerely,



Myron Lowery
Mayor Pro Tem

ML:sd

c: Council Members

Edward D. Simmons, Jr., SRPA, SRA

6354 Kirby Oaks Dr.
Memphis, TN 39119

901-685-7688 - edsfr@bellsouth.net

This appraiser is primarily involved in the appraisal of income producing properties. This list includes appraisals of office buildings, shopping malls, shopping centers, strip retail facilities, office/warehouse, office/showroom, metal industrial buildings, hotels and motels, apartment developments, churches and retirement developments including nursing homes. This appraiser is also involved in the appraisal of single-family subdivisions, industrial subdivisions, vacant acreage, planned unit developments and recreational developments such as golf courses, golf driving ranges, miniature golf courses, multi-field baseball complexes and associated facilities. Feasibility studies have also been completed on these types of properties.

This appraiser has served on a golf course rating team for the Tennessee Golf Association with the responsibility of rating golf courses that are located in Western Tennessee and Northern Mississippi to determine the slope ratings of these courses under the United States Golf Association's Course Rating System. Courses are rated to determine the slope rating of that particular golf course.

This appraiser is heavily involved in the appraisal of proposed and existing golf course properties. Feasibility studies and appraisals have been completed on proposed and existing golf courses. The list of golf course properties includes daily fee and country club properties. Feasibility studies have been made to determine the potential of a

QUALIFICATIONS – EDWARD D. SIMMONS, JR. (continued)

planned golf course, and have also been made on existing golf courses to determine the feasibility of completing a planned renovation. Appraisals have been made on proposed golf course properties from plans and specifications and have also been completed on existing golf courses.

This appraiser attended The University of Memphis on a golf scholarship and graduated with a degree in the School of Business in 1961. Also, graduated with a commission in the United States Air Force through the R.O.T.C. program, and entered the Air Force as a Second Lieutenant. Trained as a navigator and as a pilot, and flew over 3,500 hours. Was promoted to the rank of Captain. Was Honorably Discharged from active duty in June of 1967. Played in amateur and professional golf tournaments during high school, college and in Florida and in other sections of the country while on active duty in the Air Force. Attended the PGA Tour Qualifying School at the PGA Headquarters in Florida in the late Summer of 1967. Began employment with Northwestern Mutual Life Insurance Company in September of 1967 in their mortgage lending/real estate Regional Office in Memphis, Tennessee, covering the area of West Tennessee, Mississippi, Arkansas and Louisiana. Worked with developers and mortgage bankers on income producing properties and presented loan applications to the home office of Northwestern Mutual Life Insurance Company in Milwaukee, Wisconsin. In addition to completing the loan application, appraisals were also completed and submitted to the home office. Working with a company the size of Northwestern Mutual, this appraiser was able to gain considerable experience in a short period of time in all types of income producing properties. These properties were among some of the larger income producing properties being financed during that time period.

Contact Information

Edward D. Simmons, Jr., SRPA, SRA
Member, Appraisal Institute
The Ed Simmons Company
6354 Kirby Oaks Drive
Memphis, Tennessee 39119-6501

(901) 685-7688
(901) 685-6134 FAX
edsjr@bellsouth.net

CITY COUNCIL RESOLUTION

WHEREAS, the City of Memphis Charter, Home Rule Amendment, Section 8, states, "The Legal Department of the City is hereby constituted a department under the Mayor. It shall be headed by a City Attorney appointed as department heads are appointed and removable in the same manner as said department heads."; and

WHEREAS, the Charter gives specific rules on the appointment and removal of department heads, "The several principal administrative divisions shall be headed by directors who shall be appointed by the Mayor with the approval of a majority of the Council; a Director shall be subject to removal by the Mayor with a concurrence of a majority of the Council."; and

WHEREAS, recent revelations that the current City Attorney and Chief Ethics Officer Elbert Jefferson is being investigated by federal authorities about his approval of a rushed payment of \$55,000.00 of City funds to an attorney hired to represent Willie W. Herenton in a private matter; his failure to notify the Mayor Pro Tem and CAO that he had been questioned by the FBI about such actions; and his failure to notify his superiors, Mayor Pro Tem and CAO, that records involving the aforementioned payment were recently subpoenaed by the grand jury, cause great concern about the City Attorney's abilities and judgment.

NOW, THEREFORE, BE IT RESOLVED That the Memphis City Council urges Mayor Pro Tem Lowery to immediately remove Elbert Jefferson from the Office of City Attorney based on these questionable practices.

ADOPTED: September 15, 2009

BILL MORRISON
Council Member

**CITY OF MEMPHIS
RESOLUTION AUTHORIZING THE EXECUTION OF A
LEASE AGREEMENT WITH PRAXAIR, INC.**

WHEREAS, Praxair, Inc. has requested that Memphis and Shelby County Port Commission enter into a Lease Agreement providing that Praxair, Inc. lease certain real property in Pidgeon Industrial Park for five (5) years with three five (5) year automatic renewals.

WHEREAS, said proposed Lease Agreement is in the best interests of the Memphis and Shelby County Port Commission and promotes the economic development of Pidgeon Industrial Park.

NOW, THEREFORE, BE IT RESOLVED by the City of Memphis, on recommendation of the Memphis and Shelby County Port Commission, that the proposed Lease Agreement with Praxair, Inc. be approved.

BE IT FURTHER RESOLVED, By the Council of the City of Memphis that the appropriate officials of the City of Memphis be hereby authorized to execute said lease and any other documents attendant hereto.

BE IT FURTHER RESOLVED That this action is subject to concurrence by Shelby County.

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Seven Hundred Forty Seven Thousand Six Hundred Eighty Six Dollars (\$747,686.00) from the State of Tennessee Department of Labor Workforce Development; and

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

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the WIA Title One Dislocated Workers Program; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of Seven Hundred Forty Seven Thousand Six Hundred Eighty Six Dollars (\$747,686.00) for the WIA Title One Dislocated Workers Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Dislocated Workers Program in the amount of Seven Hundred Forty Seven Thousand Six Hundred Eighty Six Dollars (\$747,686.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Dislocated Worker Program in the amount of Seven Hundred Forty Seven Thousand Six Hundred Eighty Six (\$747,686.00) as follows:

Revenue

State of Tennessee Department of Labor WIA Title One Dislocated Worker Program Administration	\$672,918.00 <u>\$74,768.00</u>
TOTAL	\$747,686.00

Expense

WIA Title One Dislocated Worker Program Administration	\$672,918.00 <u>\$74,768.00</u>
TOTAL	\$747,686.00

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Five Hundred Four Thousand, Three Hundred Twenty Nine Dollars, (\$504,329.00) 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 for Adult Program and Administrative Services; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2010 Operating Budget to establish funds for the WIA Title One Adult Program and Administrative Services; and

WHEREAS, it is necessary to appropriate the grant funds in the amount Five Hundred Four Thousand, Three Hundred Twenty Nine Dollars, (\$504,329.00) for the WIA Title One Adult Program and Administrative Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Adult Program and Administrative Services Funds in the amount of Five Hundred Four Thousand, Three Hundred Twenty Nine Dollars (\$504,329.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Adult Program and Administrative Services Funds in the amount of Five Hundred Four Thousand, Three Hundred Twenty Nine Dollars, (\$504,329.00) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Adult Program Funds	\$453,896.00
Administration	<u>\$50,433.00</u>
TOTAL	\$504,329.00

Expense

WIA Title One Program Funds	\$453,896.00
Administration	<u>\$50,433.00</u>
TOTAL	\$504,329.00

RESOLUTION

WHEREAS, the Fiscal Year 2010 Capital Improvement Budget approved by the City Council did include CIP project number IS01007, Replace Obsolete Equipment; and

WHEREAS, Information Services has a project to replace obsolete equipment and bolster the City's network storage capacity. The City has numerous workstations, servers and other ancillary equipment that must be programmatically replaced in order to meet the data processing requirements of new applications; and

WHEREAS, this project will benefit by replacing the old equipment to reduce maintenance costs and to all employees in all City division to work more efficiently to provide community services; and

WHEREAS, Information Services entered into an agreement with Affiliated Computer Services for the provision of IT services; and

WHEREAS, it is necessary to appropriate \$1,200,000 in G. O. Bonds general in CIP Project IS01007, Replace Obsolete Equipment.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$1,200,000 in General Obligation Bonds chargeable to the FY2010 Capital Improvement Budget and credited as follows:

Project Title: Replace Obsolete Equipment

CIP Project Number: IS01007

Amount: \$1,200,000 G.O. Bonds General

FAIR HOUSING COMMISSION OVERVIEW

As a condition to receiving Community Development Block Grant (CDBG) funds the U.S. Department of Housing and Urban Development (HUD) requires that the City of Memphis periodically conduct an Analysis of Impediments to Fair Housing. Every local entitlement city that receives CDBG funds must certify to HUD that it will affirmatively further fair housing and that every activity in which CDBG funds are utilized, is consistent with the community's plan to further fair housing. The analysis includes a thorough and introspective look at all the local conditions that limit housing opportunities. The City of Memphis most recently undertook an Analysis of Impediments to Fair Housing in 2006; however, the analysis was never formally adopted by the City of Memphis. The Division of Housing and Community Development (HCD) believes some conditions (like the local foreclosure crisis for one example) may have substantially changed since the 2006 study and the impediments study needs to be updated.

HCD is requesting that the Mayor and the Council of the City of Memphis establish a Fair Housing Commission to govern the process. The Mayor is being asked to invite the participation of community members who represent a wide, diverse range of community leaders who may have an interest or stake in fair housing issues. The Fair Housing Commission will ultimately make recommendations to the City Council on the Action Plan to Affirmatively Further Fair Housing.

An orientation and planning session is being planned for around the middle of October at which the Commission will:

- review current activities to further fair housing;
- review existing impediments (both those identified in the 2006 analysis and others);
- determine a plan of action for the Task Force;
- identify particular areas of concern to be addressed by Task Force sub-committees;
- make sub-committee assignments; and
- develop a sub-committee meeting schedule.

The entire process should last no longer than 75 to 90 days. Out of respect for participants time, plans will consider the Commission limiting the number of meetings to no more four and will culminate with the Commission's formal recommendations to the Memphis City Council as regards addressing and overcoming the impediments to affirmatively further fair housing.

Overview

The Homelessness Prevention and Rapid re-Housing Grant

The U.S. Department of Housing & Urban Development (HUD) has approved an entitlement grant of \$3,329,685 in Homeless Prevention and Rapid Re-housing (HPRP) funds to the City of Memphis under Title XII of the American Recovery and Reinvestment Act of 2009. The HPRP may be used to prevent and rapidly re-house individuals and families who but for this assistance would be homeless and whose incomes are 50% or less than the area median income by household size. Eligible activities are limited to four categories: financial assistance, housing relocation and stabilization services, data collection and evaluation, and administrative costs. There is a 5% cap on administrative costs.

The City of Memphis has created a two-year prevention and rapid re-housing program that is expected to serve as many as 650 households per year (1,300 over the course of the grant period) with financial assistance and services to support self-sufficiency and housing stability. This initiative will also entail the creation of a centralized intake and referral program to: 1) prevent shelter entry for those whose homelessness may be avoided with mediation and/or financial assistance, and 2) to provide access to shelter or other appropriate resources. Memphis's programs proposes utilizing approximately 4% of its allocation for data collection and evaluation and 5% of its allocation for administrative costs related to the administration and oversight of the program. Through the Division of Housing and Community Development, the City of Memphis has initiated a Request for Proposals that identified qualified agencies to provide housing-based case management services for individuals and households receiving financial assistance through the HPRP program.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include the Animal Shelter Replacement, CIP Project Number PS01010, as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, bids were received on June 5, 2009 for the Cat Condo's and July 31, 2009 for the Cages and Kennels for the Animal Shelter Replacement, with the best complying bids from Mason Company and (Shor-Line) Schroef Manufacturing Co. in the amount of \$652,548.00; and

WHEREAS, it is necessary to appropriate \$800,000.00, CIP Project Number PS01010 funded by G. O. Bonds General for the Animal Shelter Replacement for the following:

Cat Condo's	\$ 53,036.00
Cages	\$ 30,216.25
Kennels	\$569,295.75
<u>Other (see attached)</u>	<u>\$147,452.00</u>
Total:	\$800,000.00

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the amount of \$800,000.00, CIP Project Number PS01010, funded by G. O. Bonds General for the Animal Shelter Replacement with said appropriation being credited as follows:

Project Title:	Animal Shelter Replacement
CIP Project Number:	PS01010
Total Construction Cost:	\$800,000.00

Misc. Items. Animal Shelter Replacement
CIP Project #PS01010

Estimated Costs:	
Interior Signage	\$ 15,000.00
Dedication Plaque	\$ 5,000.00
Cage Dryers	\$ 2,000.00
Digital X Ray Machine	\$ 82,000.00
Seating	\$ 42,452.00
<hr/> Total	<hr/> \$147,452.00

ORDINANCE NO. _____

ORDINANCE TO AMEND CHAPTER 18, ARTICLE II, SECTION 18-19 CODE OF ORDINANCES, CITY OF MEMPHIS, TO REVISE THE TERM FOR MEMBERS OF THE LIBRARY BOARD

WHEREAS, Section 18-19 of Chapter 18, Article II, of the existing City Code of Ordinances sets forth the terms that govern the appointment of members of the Memphis Library Board of Trustees; and

WHEREAS, Section 18-19 needs to be amended to reflect current state law, specifically Tennessee Code Annotated Section 10-3-103 with regard to the term of office to be served by members of the Memphis Library Board of Trustees; and

WHEREAS, it is deemed appropriate and in the best interest of the City of Memphis that Section 18-19 be amended.

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 18, Article II, Section 18-19, is hereby deleted and amended to read as follows in its entirety:

A seven (7) member board of trustees shall be appointed to provide general direction and guidance regarding the affairs of the library system as outlined in Section 18-18. All members shall be appointed by the Mayor of the City of Memphis, with approval of the Memphis City Council. The Director of Public Services and Neighborhoods or designee shall serve as a member of the board. Each board member must reside within the city limits in accordance with the City's residency policy. Such members shall serve without salary, three (3) for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. In the event of a vacancy, whether by reason of resignation, death or other cause, the Mayor with the approval of Council, may elect a successor only for such unexpired term except for members serving for three (3) years whose successors shall serve for a term of three (3) years. No more than five (5) of the members shall be of the same sex.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any section, provision, sentence, clause, phrase, or part is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

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

HAROLD COLLINS
Council Chairman

City Council Resolution

WHEREAS, Operation: Safe Community is a historic and ambitious crime abatement initiative spearheaded by top government and law enforcement leaders within Memphis and Shelby County; and

WHEREAS, meaningful crime reduction requires nurturing our children and their families so that they become positive and productive contributors to the community; and

WHEREAS, Operation: Safe Community established 15 research – backed strategies for how law enforcement – both by itself and in partnership with community stakeholders – can effectively reduce crime; and

WHEREAS, Strategy 14: is to Implement a coordinated domestic violence initiative to help combat homicides involving family violence and to stop the cycle of family violence in part by providing a facility to address the needs of domestic violence victims; and

WHEREAS, in order to help implement Strategy 14, the Memphis City Council approved a grant in the amount of \$750,000.00 to the Family Safety Center contingent on the ability of the Family Safety Center to raise an additional \$750,000.00 in matching funds by April 30, 2010;

WHEREAS, having secured the \$750,000.00 match, as outlined below, the Family Safety Center request that the Memphis City Council release the \$750,000.00 grant;

Shelby County grant	\$150,000
Recovery Act Local Byrne Justice Assistance Grant (County)	353,700
Private Donations and Pledges	55,000

Recovery Act State Byrne Justice Assistance Grant (State)	<u>240,000</u>
TOTAL	\$799,270

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis, that having met the \$750,000.00 match contingency, pursuant to a previously approved grant resolution, the Fiscal year 2010 CIP Budget be and is hereby amended by establishing the Family Safety Center budget line in the amount of \$750,000 (**Seven Hundred Fifty Thousand Dollars & 00/100**) to be funded by GO Bonds.

Education Funding Options

FY2010 City Funding Approved by Council		\$ 78,300,000
FY2010 Funding Committed to Education:		
General Revenue		
Current Property Taxes	20,600,000	
Delinquent Property Taxes	4,000,000	
In Lieu of Taxes	2,100,000	
Traffic violations & Court Fines	1,000,000	27,700,000
G/F Fund Balance		16,000,000
Remaining Balance to be funded		34,600,000

Option #1

The City Council could levy a special school tax to raise the balance of the funding needed. Based on the City's current property tax yield, a special school tax of **31.3122 cents** would generate approximately \$34.6 million.

Option #2

The additional funding could be generated from a combination of sources. This strategy would include a new education tax plus an additional drawdown of fund balance.

Additional Fund Balance Drawdown	\$ 15,900,000
Education Tax Levy	<u>\$ 18,700,000</u>
	\$ 34,600,000

The approved FY2010 general fund operating budget includes a planned contribution of \$15.9 million to fund balance. This anticipated surplus could be appropriated to cover a portion of the funding needed for Memphis City Schools (MCS).

A special school tax levy of **16.9230 cents** would be required to raise the remaining \$18.7 million needed to fully fund MCS.

Memphis City Council Resolution

Whereas, the Memphis Charter Commission was established for the purpose of reviewing the Memphis Charter and recommending changes to be approved by the Memphis voters during the election of November, 2008; and

Whereas, the Charter Commission was never intended as a perpetual body, nor were its members proposed to serve life terms; the Charter Commission ceased to exist on election day of November, 2008 when a series of charter changes were placed on the ballot; and

Whereas, one of the seven members has acknowledged that its work has been completed, but the remaining six members have expressed a desire to continue to meet; and

Now, Therefore, Be It Resolved By The Memphis City Council that the City of Memphis shall cease all funding, including for any of their proposals, and the use of Council staff for the former Charter Commission.

Be It Further Resolved that the City Attorney and staff shall cease all work in coordination with the former Charter Commission and the city shall prohibit any future use of the City's website by the former Charter Commission.

Be It Further Resolved that the Memphis City Council requests that the former members of the Charter Commission acknowledge that the Charter Commission has ceased to exist.

ADOPTED

Jim Strickland
Memphis City Council



CITY OF MEMPHIS
AND
SHELBY COUNTY, TENNESSEE



City of Memphis Mayor

Shelby County Mayor

August 17, 2009

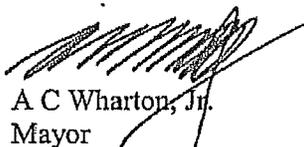
Dear Council and Commission Members:

For more than three months, we have been engaged in a Listening Tour to explore the potential of merging city and county governments. Many of you attended these meetings and can attest to the public's deep interest in using the Tennessee Metropolitan Government Act as the vehicle for building a new government from the ground up.

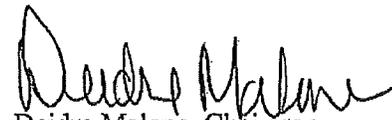
We have heard many opinions and concerns about the future, but there was broad consensus by members of the public that they would like to see what a new government could be and to have a vote on the kind of government we have in Memphis and Shelby County. When we began, we pledged to report back to you with our findings, and attached is the report summarizing the results of the Listening Tour.

Based on what we heard, we will shortly proceed with resolutions to create a charter commission that will consider ways to make our government more efficient and more effective in answering the needs of our people. We look forward to discussing this with you as we proceed.

Sincerely,


A C Wharton, Jr.
Mayor
Shelby County


Myron Lowery
Mayor Pro Tem
City of Memphis


Deidre Malone, Chairman
Shelby County Board of
County Commissioners

RESOLUTION ESTABLISHING A METROPOLITAN GOVERNMENT CHARTER COMMISSION, AUTHORIZING THE MAYOR TO APPOINT MEMBERS; ESTABLISHING A VETTING PROCESS; REQUESTING THE COUNTY COMMISSION ADOPT A SIMILAR RESOLUTION; AMENDING THE FY2010 OPERATING BUDGET; AND APPROPRIATING FUNDS

WHEREAS, the citizens of Shelby County and the City of Memphis are concerned about the direction of their community and are demanding an ethical, effective, efficient, and streamlined government that prepares and positions Memphis and Shelby County to address the current economic crisis and the increasing competition for new jobs and economic expansion; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. allows for the merger of Shelby County Government with City of Memphis Government if approved by a majority of the voters of Memphis in a referendum and a majority of the voters of Shelby County outside Memphis in a separate referendum held on the same day; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. provides the vehicle for Memphis and Shelby County to build a new government from the ground up, a new government that is simpler, more understandable, more responsive, and more accountable; and

WHEREAS, Tennessee Code Annotated Section 7-2-101 et seq. provides for the formation of a metropolitan government charter commission to prepare a vision for a new merged government known in the general law as a metropolitan form of government; and

WHEREAS, an efficient new government gives Memphis and Shelby County a fresh start and eliminates bureaucracy, because every dollar spent on duplication and fragmentation is a dollar that can't be spent educating a child, protecting neighborhoods, and strengthening families; and

WHEREAS, a new government can eliminate the cumbersome red tape that results in lost opportunities for new jobs and economic growth; and

WHEREAS, the Memphis and Shelby County Charter Commission will be charged with creating a new government that has the capacity and authority to develop programs to make our community safer, to revitalize our neighborhoods, to fight corruption, and to create jobs that will keep our young adults here; and

WHEREAS, Memphis and Shelby County is being outpaced by peer cities like Nashville, Indianapolis, Jacksonville, and Louisville, whose merged governments can act more entrepreneurially and make decisions more quickly, but most importantly, act with one vision that promotes unity for the future; and

WHEREAS, Memphis and Shelby County have two large governments doing the job of one and doing nothing is not an option in the face of the historic challenges confronting our community; and

WHEREAS, the people of Memphis and Shelby County are anxious to have a voice in how their government is run and they deserve the right to vote on their government's future; and

WHEREAS, because state law provides that the County Mayor will appoint ten members and the City Mayor will appoint five members to the metropolitan government charter commission, it is the desire of the City Council that the vetting process for selecting members include, but not be limited to, the receipt of an application by the County and City Mayors for their respective nominees and an interview of the nominees by the respective legislative bodies; and

WHEREAS, it is also the desire of the City Council that the proposed charter be filed not less than 80 days nor more than 100 days before the November 2, 2010 statewide election and, to ensure that the proposed charter is filed during that time period, when a resolution appointing the City Mayor's nominees is submitted for approval that said resolution set the effective date of the appointments as November 5, 2009 which will require the metropolitan government charter commission to hold its organizational meeting on November 10, 2009 and perform its work between November 11, 2009 and August 12, 2010 in accordance with state law; and

WHEREAS, it is further the desire of the City Council that the resolution appointing members to the metropolitan government charter commission direct said members to file the proposed charter on August 10, 2010; and

WHEREAS, Tennessee Code Annotated Section 7-2-104 requires that whenever a metropolitan government charter commission is formed, it is the duty of the legislative body of the county to appropriate at least twenty-five thousand dollars (\$25,000.00), but not more than fifty thousand dollars (\$50,000.00), to defray the expenses of the charter commission, which will require an amendment to the county general fund budget; and

WHEREAS, funds should be transferred to an account that will be utilized for the expenses of the metropolitan charter commission created herein.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the Memphis and Shelby County Charter Commission is hereby established pursuant to Tennessee Code Annotated, Title 7, Chapter 2, to propose to the voters of the City of Memphis and Shelby County the merger of the governmental and corporate functions of the City of Memphis and Shelby County, and the creation of a new metropolitan government that responds to the needs of the community in its services and vision.

BE IT FURTHER RESOLVED, that the Mayor of City of Memphis is hereby authorized to appoint five (5) members of the metropolitan government charter commission, subject to confirmation by the Memphis City Council to obtain an application from each nominee, and to have each nominee appear before the Personnel, Intergovernmental and Annexation Committee for an interview.

BE IT FURTHER RESOLVED, that the Mayor of Memphis is hereby authorized to appoint persons to the metropolitan government charter commission who are broadly representative of Memphis in accordance with state law.

BE IT FURTHER RESOLVED, that the metropolitan government charter commission shall perform its work in the manner established by general state law and the resolution appointing its members.

BE IT FURTHER RESOLVED, that members of the metropolitan government charter commission shall not receive per diem or other compensation for their services, except reimbursement of actual expenses incurred by members in carrying out their duties as members of the metropolitan government charter commission.

BE IT FURTHER RESOLVED, that the FY2010 Operating Budget is hereby amended to establish a line item budget of \$50,000 for the Memphis and Shelby County Charter Commission and said funds are hereby appropriated.

ADOPTED: August 18, 2009

GEORGE S. FLINN, III

HAROLD B. COLLINS
CHAIRMAN

*Target Dates for County Commission and City Council Action
On Consolidation Resolutions*

<u>Action Item</u>	<u>City</u>	<u>County</u>
Resolution Establishing Charter Commission	August 18 th —Committee September 1 st —Full Council	August 26 th —Committee August 31 st —Full Commission
Resolution Appointing Members	September 15 th —Committee October 6 th —Full Council	September 9 th —Committee September 14 th —Full Commission

Appointments Take Effect:

November 5, 2009

1st Meeting of Charter Commission:

November 10, 2009

Charter Filed:

August 10, 2010

Referendum Held:

November 2, 2010

CITY COUNCIL RESOLUTION

WHEREAS, it has been reported that Council member William Boyd has attempted to intervene in a lawsuit challenging the authority of the Mayor of Memphis and the City Attorney to settle a lawsuit; and

WHEREAS, the charter prohibits any council member interfering with the mayor's administrative powers; and

WHEREAS, the charter provides that any councilmember that interferes with the mayor's administrative powers shall be removed from office.

NOW, THEREFORE, BE IT RESOLVED, That the position held by William Boyd, Councilman, District 2 be declared vacant for violating the city charter or, alternatively, that the City take such court action necessary to have him removed from office.

JOE BROWN
Council member