

A resolution to amend the Council FY 22 grant allocations

WHEREAS, the FY 22 Operating Budget included \$2.6 million in funding for the Council's Grants Program with an equal apportionment to the 13 members in the amount of \$200,000; and

WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by prospective organizations wherein members were able to select individual grant award amounts to the organizations that successfully completed the application process; and

WHEREAS, members of the Council were afforded the opportunity to designate their full FY 22 \$200,000 allotment during the passage of the budget or to hold a portion of their allotment in abeyance with further consideration and distribution of their remaining funds to be decided by resolution at a later date; and

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL that the following request for disbursement(s) of remaining funds be approved as follows:

<b>ORGANIZATION NAME</b>	<b>AMOUNT</b>
Heal the Hood Foundation	\$5,000
<b>TOTAL</b>	<b>\$5,000</b>

Sponsor:  
Edmund Ford, Sr.

**RESOLUTION to accept Vote 70, Inc. donation of the Equality Trailblazers Monument**

**WHEREAS**, Vote 70, Inc. created the Equality Trailblazers monument along Riverside Drive in honor of the Women's Suffrage movement to educate the public on Tennessee's, particularly Memphis', pivotal role in the ratification of the 19<sup>th</sup> Amendment, which granted women the right to vote; and

**WHEREAS**, the Equality Trailblazers monument cost \$790,190 to create and erect; and

**WHEREAS**, Vote 70, Inc. intends to donate the Equality Trailblazers monument located along Riverside Drive to the City of Memphis for the economic benefit of Memphis; and

**WHEREAS**, it is necessary to accept the donation.

**NOW, THEREFORE, BE IT RESOLVED** by the Memphis City Council that the donation of the Equality Trailblazers monument with a total cost of \$790,190 be accepted by the City of Memphis.

**Sponsors:** Councilwoman Patrice Robinson  
Councilman Jeff Warren

Chair: Jamita Swearengen

Referendum Ordinance No. \_\_\_\_\_

**A REFERENDUM ORDINANCE AMENDING ARTICLE 27, SECTION 190 OF THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, AND RELATIVE TO AMENDMENTS THERETO PURSUANT TO THE PROVISIONS OF ARTICLE 11 SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) TO ALLOW SPECIFIED PERSONNEL EMPLOYED WITH THE DIVISIONS OF POLICE AND FIRE SERVICES TO RESIDE WITHIN 50 MILES FROM THE CITY OF MEMPHIS.**

WHEREAS, Section 190 of the Memphis City Charter was amended by Home Rule Ordinance No. 5345 and a referendum ordinance of November 2, 2010, was approved by the voters requiring that all employees must live and maintain a residence within the boundaries of Shelby County, Tennessee; and

WHEREAS, Home Rule Ordinance 5345 applies to persons employed with the Memphis City Police Department and Fire Departments, negatively impacting the City's ability to recruit and retain public safety employees; and

WHEREAS, due to the critical need to fill the large number of public safety vacancies to ensure that proper emergency care is provided to the citizens of Memphis, to better approach proactive policing and to respond to the emergency needs of any individual residing within the boundaries, the divisions of Police and Fire Services will allow specific personnel to reside within 50 miles from the City of Memphis; and

WHEREAS, the City Council deems this legislation to allow specific personnel employed with the division of Police and Fire Services to reside within 50 miles from the City of Memphis is prudent to move our great City forward for the safety, health, and welfare of our citizens.

Section 1. Proposed Amendment

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS and submitted by the City of Memphis to its qualified voters at the first county general, state and federal primary election, which shall be held in the City of Memphis on August 4, 2022, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Charter of the City of Memphis, Tennessee be amended to create a new employee classification to include commissioned officers and employees in training to be commissioned officers within the Division of Police Services and state certified specified personnel and employees in training to be state certified specified personnel within the Division of Fire Services to be exempted from the residency provisions of the Memphis City Charter and allowed to reside within 50 miles from the City of Memphis and shall also be subject to the following provisions which shall replace the present Article 27, Section 190, "which is hereby repealed in its entirety and the substitution in lieu thereof the following revised Article 27, Section 190, to read as follows:

Article 27.

Section 190. Employee Residency

A. Employee Classifications

1. Employees shall include persons employed by the City of Memphis or any of its department or divisions.
2. Public Safety Commissioned Personnel shall mean and include commissioned and state certified employees within Police and Fire Services division and employees enrolled in programming to complete commission training and state certification within the Police and Fire Services Division.
  - a. Commissioned Police Personnel shall include commissioned and state certified police officers.
  - b. Commissioned Fire Personnel shall include state certified firefighters, emergency medical technicians, and paramedics.

B. Residency

1. All employees of the City of Memphis must reside within the county of Shelby, Tennessee.
2. Public Safety Commissioned Personnel shall be exempt from the residency requirements and shall be allowed to reside within 50 miles from the City of Memphis.

Section 2. Publication of Home Rule Amendment

BE IT FURTHER ORDAINED, that the Comptroller is hereby directed to cause the Ordinance to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to Election Commission

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis shall certify adoption of this Ordinance to the Shelby County Election Commission in charge of holding the county general, state and federal primary election on August 4, 2022, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference

BE IT FURTHER ORDAINED, that the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 4th day of August 2022:

**REFERENDUM ORDINANCE ALLOWING COMMISSIONED EMPLOYEES WITH THE DIVISIONS OF POLICE AND FIRE SERVICES TO BE EXEMPTED FROM THE RESIDENCY PROVISION AND ALLOWED TO RESIDE WITHIN 50 MILES FROM THE CITY OF MEMPHIS.**

Said ordinance of the City of Memphis was adopted on the day of \_\_\_\_\_, 20\_\_, to provide for referendum vote on a Home Rule amendment to the Charter of the City of Memphis, to read as follows:

Shall the Charter of the City of Memphis, Tennessee be amended to create a new employee classification to include commissioned officers and employees in training to be commissioned officers within the Division of Police Services and state certified specified personnel and employees in training to be state certified specified personnel within the Division of Fire Services to be exempted from the residency provisions of the Memphis City Charter and allowed to reside within 50 miles from the City of Memphis and shall also be subject to the following provisions which shall replace the present Article 27, Section 190, "which is hereby repealed in its entirety and the substitution in lieu thereof the following revised Article 27, Section 190, to read as follows:

Article 27.

Section 190. Employee Residency

A. Employee Classifications

1. Employees shall include persons employed by the City of Memphis or any of its department or divisions.
2. Public Safety Commissioned Personnel shall mean and include commissioned and state certified employees within Police and Fire Services division and employees enrolled in programming to complete commission training and state certification within the Police and Fire Services Division.
  - a. Commissioned Police Personnel shall include commissioned and state certified police officers.
  - b. Commissioned Fire Personnel shall include state certified firefighters, emergency medical technicians, and paramedics.

B. Residency

1. All employees of the City of Memphis must reside within the county of Shelby, Tennessee.
2. Public Safety Commissioned Personnel shall be exempt from the residency requirements and shall be allowed to reside within 50 miles from the City of Memphis.

FOR (YES)

AGAINST (NO)

Section 5. Effective Date of Charter Amendment

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

Section 6. Certification of Results

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

Section 7. Nonconflicting- Conflicting Laws

BE IT FURTHER ORDAINED, that upon adoption of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability

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

Section 9. Publication

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption hereof.

Section 10. Enactment of City Ordinance

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have passed by the Council signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Sponsors  
Ford Canale  
Worth Morgan

Chairman  
Frank Colvett

Ordinance No. \_\_\_\_\_

**AN ORDINANCE TO AMEND CHAPTER 41- WRECKERS OR TOWING OPERATOR- OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, TO ADD A METHOD OF PAYMENT PROVISION AND DEFINE PRIVATE PROPERTY**

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

**WHEREAS**, the City of Memphis has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

**WHEREAS**, Chapter 41 of the Code of Ordinances of Memphis, Tennessee, allows the Memphis City Council to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public, and the peace and dignity of the City; and

**WHEREAS**, the Memphis City Council has received complaints from the public regarding the fee requirements of wrecking and towing companies and the ways in which it limits the public's ability to access those services; and

**WHEREAS**, the absence of a provision that clearly defines private property causes Chapter 41 to be vague and unclear in its application; and

**WHEREAS**, the Memphis City Council desires to minimize and control the adverse effects that occur when the public is required to remit payment to wrecking and towing companies in the form of cash during a time where a larger number of transactions are done through alternative methods of payment, such as credit and debit cards; and

**WHEREAS**, the Memphis City Council wishes to better regulate the wrecker and towing industry to conform to present day conditions and to provide for the protection of the public interest relating to the towing of vehicles; and

**WHEREAS**, this amendment is not intended to and does not relate to the price, route, or provision of consensual towing services as preempted by the Federal Authority over Intrastate Transportation, codified in 49 U.S.C. § 14501(c)(1).

**NOW, THEREFORE,**

**Section 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Chapter 41- Wreckers and Towing Operator- of the Code of Ordinances, is hereby amended to add

the following provisions:

**Sec. 41-2. Definitions:**

**Private Property-** for the purposes of this Chapter, includes, but is not limited to, a parking lot or garage for use by patrons of a particular business, or businesses or a lot or garage used for temporary storage of passenger cars or trucks for a fee and is staffed by an attendant.

**Sec. 41-12. Methods of Payment.**

- (a) Every wrecker company or towing operator and/or storage facility doing business within the corporate limits of the City of Memphis shall accept payment by:
  - 1. Cash
  - 2. Major credit card (i.e., Visa, Mastercard, American Express)
- (b) There may be an additional fee of no more than 2% charged for use of a credit card.

Sponsor:  
Martavius Jones



**WHEREAS**, when worthy circumstances arise, the Memphis City Council has seen fit to name certain public roads to honor citizens who have served this community – the life, legacy, and contributions of **Coach Shirley Yvonne McCray** representing one of these worthy occasions; and

**WHEREAS**, a native Memphian of widespread acclaim, **Coach McCray** was raised locally, graduated from Hamilton High School in 1959, received an Associate of Arts Degree from Wilson Junior College in Chicago, Illinois, received a Bachelor’s Degree in Health and Physical Education from Memphis State University in 1964, and earned a Master’s Degree in Supervision and Administration from Trevecca Nazarene College in 1992; and

**WHEREAS**, a trailblazer who shouldered the weight of societal change for the benefit of others, **Coach McCray** routinely broke barriers throughout her life; specifically, she was the *first African American – man or woman – to enroll in, and graduate from*, Memphis State University’s Health and Physical Education Department; she was the *first African American woman to play basketball, volleyball, and run track* for Memphis State University, and she was the nation’s *first woman to coach an all-male football team*; and

**WHEREAS**, immensely talented, with a relentless desire to share her God-given abilities with the world, **Coach McCray** has proven herself to be a gifted teacher and natural coach with a demonstrable record of excellence in all that she does; and

**WHEREAS**, despite having excelled at every endeavor, football became one of her true loves; as such, it is no surprise that she used athletics as a vessel to change the world, and our community, for the better; notably, from 1973 to 1997, **Coach McCray** made history as a woman coaching male-football, leading junior high and high school teams across the legacy Memphis City Schools district; and

**WHEREAS**, although her teams did not win every game, **Coach McCray’s** primary focus was always to ensure that each young man was equipped with the confidence, understanding, and lessons needed to succeed in life; and

**WHEREAS**, in doing so, she was tough, she was firm, but most importantly, she was impactful; to date, countless doctors, professors, policemen, firemen, and veterans trace their present success to their playing days under the tutelage of **Coach McCray** – and like a garden maintained with skill and attention, the fruits of **Coach McCray’s** careful labor are now on full display; and

**WHEREAS**, after a storied career as an athlete, educator, and coach, the Memphis City Council now wishes to honor **Coach McCray** for her work to improve both our city and nation; to this day, all she encounters have come to understand that “through hard work, faith, and perseverance, one can succeed.”

**NOW, THEREFORE, BE IT RESOLVED** that Westmont Road between Castlewood Avenue and Western Park Drive be declared

## **“Coach Shirley Yvonne McCray Way”**

in honor of her exemplary contributions to the City of Memphis.

**BE IT FURTHER RESOLVED** that the City Engineer is requested to affix suitable signs designating this public road.

**Adopted: January 4, 2022**

**Sponsor:**  
Chairwoman Jamita Swearengen  
Memphis City Council  
District 4