

Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution to accept/allocate/appropriate grant funds in the amount of Sixty Three Thousand Three Hundred Fifteen Dollars & Zero Cents (\$63,315.00) from State of TN, Office of the Sec. of State, TN State Library and Archives.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Library Division

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

N/A

4. State whether this will impact specific council districts or super districts.

This will impact all Council Districts/Super Districts.

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

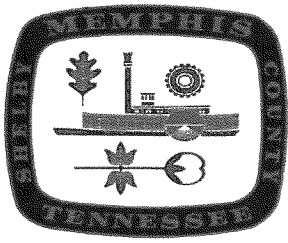
This requires a new contract between the City of Memphis and the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives.

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

The FY22 Budget will need amending.

7. If applicable, please list the MWBE goal and any additional information needed

N/A



A Resolution to accept, allocate and appropriate grant funds in the amount of sixty three thousand three hundred fifteen dollars and zero cents (\$63,315.00) to the City of Memphis /Memphis Public Library & Information Center from the the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives.

WHEREAS, the City of Memphis, Division of Library Services, Memphis Public Library & Information Center has received grant funds in the amount of sixty three thousand three hundred fifteen dollars and zero cents (\$63,315.00) from the State of Tennessee, Office of the Secretary of State, Tennessee State Library and Archives; and

WHEREAS, these funds will be used for program and COVID -19 enhancement supplies; and

WHEREAS, the Memphis Public Library will provide a partial match of \$15,828.00; and

WHEREAS, it is necessary to accept, allocate, and appropriate the grant funds in the amount of sixty three thousand three hundred fifteen dollars and zero cents (\$63,315.00) for program and COVID -19 enhancement supplies; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that grant funds in the amount of sixty three thousand three hundred fifteen dollars and zero cents (\$63,315.00) for program and COVID -19 enhancement supplies be accepted by the City of Memphis;

BE IT FURTHER RESOLVED, that the Fiscal Year 2022 Operating Budget be and is hereby amended by allocating and appropriating the revenues and expenditures for program and COVID -19 enhancement supplies in the amount of sixty three thousand three hundred fifteen dollars and zero cents (\$63,315.00) as follows:

Revenue

Tennessee State Library and Archives	<u>\$63,315.00</u>
TOTAL	\$63,315.00

Expenditures

Supplies	<u>\$63,315.00</u>
TOTAL	\$63,315.00

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

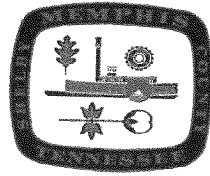
WHEREAS, the Memphis City Council reviewed the applications and allowed presentations by prospective organizations wherein members were able to select individual grant award amounts to the organizations that successfully completed the application process; and

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:

ORGANIZATION NAME	AMOUNT
Withers Collection, Inc.	\$5,000
A Fresh Start to a New Beginning	\$5,000
TOTAL	\$10,000

Sponsor:
Edmund Ford, Sr.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Ordinance for creation of the Peabody Hotel Tourism Development Zone
Tourism Surcharge and designation of Qualified Public Use Facility.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Downtown Memphis Commission (DMC)/Center City Revenue Finance
Corporation (CCRFC)

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

This is an addition to an existing ordinance. It would allow the Peabody Hotel to assess a surcharge (up to 5%) on all goods and services in the Hotel. Roughly \$130M in proceeds would be applied to facility renovations.

4. State whether this will impact specific council districts or super districts.

Peabody Hotel is located in District 6 and Super District 8.

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

This would require a new agreement between CCRFC and the Peabody Hotel ownership group.

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

No budget amendment necessary.

7. If applicable, please list the MWBE goal and any additional information needed

This project would be required to follow CCRFC's EBO guidelines, which require 25% MWBE participation on project expenditures.

ORDINANCE NO. _____

ORDINANCE FOR DESIGNATION OF QUALIFIED PUBLIC USE FACILITY, CREATION OF THE PEABODY HOTEL TOURISM DEVELOPMENT ZONE TOURISM SURCHARGE AND OTHERWISE PROVIDING WITH RESPECT TO THE FOREGOING

WHEREAS, the Peabody Hotel first opened in 1869 as a symbol of the South's rebirth and quickly became the business and social hub of Memphis;

WHEREAS, in 1925, the Peabody Hotel was rebuilt at its present location on Union Avenue;

WHEREAS, in the mid-1970s, downtown Memphis experienced economic decline forcing the Peabody Hotel to close its doors, But the "South's Grand Hotel" would not remain shuttered for long, and was resurrected and faithfully restored by the Belz family - led by Jack Belz - and reopened in 1981, breathing new life into downtown Memphis;

WHEREAS, legendary for its charm, elegance, gracious southern hospitality, and now world-famous ducks, the Peabody Hotel is a Memphis landmark, is on the National Register of Historic Places, and continues to carry the distinction of the "South's Grand Hotel" and is a Forbes Four-Star, AAA Four-Diamond rated property and a member of Preferred Hotels & Resorts Worldwide and National Trust Historic Hotels of America;

WHEREAS, the Peabody Hotel is one of America's premier tourist destinations, a major employer in the Downtown Memphis community and a key economic driver of the City of Memphis;

WHEREAS, Memphis Center City Revenue Finance Corporation ("CCRFC") is the fee owner of certain real property located at 149 Union Avenue, Memphis, Tennessee 38103 (tax parcels nos. 00251A0001 and 00251A0002) ("Hotel Site");

WHEREAS, CCRFC has leased to Hotel Peabody L.P., a limited partnership organized under the laws of the State of Tennessee ("Hotel Developer"), the Hotel Site and the improvements thereon pursuant to that certain Lease Agreement dated as of December 31, 1997, recorded as Instrument No. HB 6476 in the Register's Office of Shelby County, Tennessee (as amended, the "PILOT Lease") under which Hotel Developer has the right to acquire the Hotel Site and the improvements thereon at any time after expiration of the term thereof;

WHEREAS, Hotel Developer has redeveloped and operates on the Hotel Site the Historic Peabody Hotel, a hotel with 464 rooms, more than 80,000 gross square feet of meeting and event space, parking and commercial space, including ancillary dining and retail space, and related amenities ("Peabody Hotel");

WHEREAS, Hotel Developer utilizes in connection with the operation of the Peabody Hotel the adjacent parking facility located at 150 Peabody Place, Memphis, Tennessee (tax parcel no. 005005A00001) (the "Parking Site");

WHEREAS, Hotel Developer proposes to make capital investments totaling more than \$125 million over the next thirty (30) years for the redevelopment and long-term preservation of the Peabody Hotel (the "Project");

WHEREAS, the Local Tourism Development Zone Business Tax Act, Tenn. Code Ann. §§ 67-4-3001 *et seq.* ("Surcharge Act") authorizes the City of Memphis to designate as a "Qualified Public Use Facility" a full-service hotel with not less than two hundred fifty (250) rooms and related retail, commercial, and parking space that is located in the portion of Downtown Memphis designated as a tourism development zone ("Downtown TDZ") pursuant to the Convention Center and Tourism Development Financing Act of 1998, which is codified at Tenn. Code Ann. §§ 7-88-101 *et seq.* ("TDZ Act");

WHEREAS, the Surcharge Act authorizes the City of Memphis to levy a privilege tax ("Tourism Surcharge") on the sale of certain goods and services within such Qualified Public Use Facility and other related facilities, and to assign (or cause to be assigned) to CCRFC the revenues from such Tourism Surcharge that are paid, remitted or otherwise transferred to the City or City Treasurer to pay or reimburse costs incurred, or to pay debt service on indebtedness incurred pursuant to the Surcharge Act to finance or refinance costs, in connection with the acquisition, construction, leasing, renovation, and equipping of said Qualified Public Use Facility and other related facilities;

WHEREAS, the Hotel Site, the Parking Site, and the respective improvements thereon, including the Peabody Hotel, are located in the Downtown TDZ and include a full-service hotel of two hundred fifty (250) or more rooms and related retail, commercial, and parking spaces;

WHEREAS, the City of Memphis administration finds that it is wise, necessary and advisable to designate the Hotel Site and the improvements thereon, including the Peabody Hotel, together with the Parking Site, as a Qualified Public Use Facility pursuant to and in accordance with the Surcharge Act;

WHEREAS, the City of Memphis administration finds that it is wise, necessary, and advisable to seek authorization from this Council to levy a Tourism Surcharge of five percent (5%) of the Sales Price (as defined in the Surcharge Act) on Sales (as defined in the Surcharge Act) made by engaging in any Business (as defined in the Surcharge Act) in or upon the Hotel Site, Parking Site, or any portion thereof ("Peabody Hotel Surcharge");

WHEREAS, the City of Memphis administration finds that it is wise, necessary, and advisable to assign revenues generated from the Peabody Hotel Surcharge ("Peabody Surcharge Revenues") to CCRFC to pay or reimburse costs incurred, or to pay debt

service on indebtedness incurred to finance or refinance costs, in connection with the Project at the Hotel Site;

WHEREAS, to enact the Peabody Hotel Surcharge, the City of Memphis administration has proposed the ordinance set forth below ("Tourism Surcharge Ordinance"); and

WHEREAS, the City of Memphis administration desires that this Council (i) approve the Tourism Surcharge Ordinance, and (ii) otherwise provide with respect to the foregoing.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Memphis as follows:

1. Sec. ____ - ____ -1. **Designation as Qualified Public Use Facility**

The Hotel Site and the improvements thereon, including the Peabody Hotel, together with the Parking Site, are hereby designated as a qualified public use facility (collectively, the "Peabody Hotel QPUF") pursuant to and in accordance with Tenn. Code Ann. title 67, chapter 4, part 30 (as amended from time to time, hereinafter in this chapter called the "Act").

Sec. ____ - ____ -2. **Creation of District**

There is created the Peabody Hotel Surcharge District (the "District") in accordance with the Act.

Sec. ____ - ____ -3. **District Boundaries**

The District created by this chapter shall be comprised of the area located in the City within the following boundaries:

Parcel 1 (Hotel Site):

Units 1 and 2 of Peabody Place Centre Condominium as described in Master Deed, Declaration of Covenants, Conditions and Restrictions of Peabody Place Centre Condominiums as recorded as Instrument No. JM 5809 in the Register's Office of Shelby County, Tennessee.

Municipal Addresses: 149 Union Avenue, Memphis, Tennessee
Tax Parcel IDs: 002051 A00001 and 002051 A00002

Parcel 2 (Parking Site):

Unit 1 of Peabody Place Garage Condominium as described in Master Deed, Declaration of Covenants, Conditions, and Restrictions of Peabody Place Garage Condominium as recorded as Instrument No. JN 9703 in the Register's Office of Shelby County, Tennessee.

Municipal Address: 150 Peabody Place, Memphis, Tennessee
Tax Parcel ID: 005005 A00001

Sec. ___ - ___ -4 **Surcharge Assessment**

The making of Sales (as such term is defined in the Act) by engaging in any Business (as such term is defined in the Act), except for those businesses exempt under Tenn. Code Ann. title 67, chapter 4, part 712, in the District is declared to be a privilege. All such Sales shall be subject to the surcharge assessment provided in this Chapter and the City hereby levies such surcharge on all Sales.

Sec. ___ - ___ -5 **Surcharge Assessment Rate**

The surcharge levied by this section shall be equal to five percent (5%) of the Sales Price (as such term is defined in the Act).

Sec. ___ - ___ -6 **Mandatory Registration, Filing of Returns, Payment of Surcharge and Licensing**

All persons carrying on Business (as such term is defined by the Act) in the District, and all persons who may hereafter carry on Business in the District, shall register with the City Treasurer for the purpose of assessment and collection of the surcharge. All persons so registered shall file a return detailing Sales for the prior month and surcharge collected on account of such Sales on or before the twentieth (20th) day of each calendar month and shall remit all surcharge collected during such month, together with any delinquent payments of surcharge, with such return. Each person who files a return and remits the appropriate amount of surcharge shall be granted a license which such person shall display within their place of Business. The City Treasurer is hereby authorized and directed to develop the forms for registration and filing monthly returns, as well as rules and regulations regarding the filing of the same.

Sec. ___ - ___ -7 **Delinquent Payments**

Any nonpayment or delinquent payment of any surcharge shall be subject to the rights and remedies described in Chapter 5-24 of the Memphis City Code.

Sec. ___ - ___ -8 **Allocation and Use of Revenues**

All revenues received by the city as a result of the surcharge, except for the reasonable expenses of the City Treasurer incurred as a result of its administrative duties under this chapter which shall not exceed one percent (1%) of such revenues, shall be designated for, and allocated to the payment of the cost of the Peabody Hotel QPUF, including, without limitation, all debt issued or incurred in the acquisition, construction, leasing, renovation and equipping of the Peabody Hotel QPUF, including principal, interest and other fees and charges.

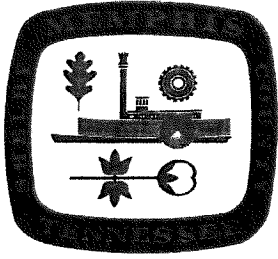
Sec. __ - ____-9 **Remittance of Revenues**

On or before the fifteenth (15th) day of each month, the City Treasurer shall remit all revenues received during the prior month, less the aforescribed administrative fee, to CCRFC or its assignee. CCRFC, or its assignee, is hereby directed to deposit such revenues in accordance with the Act and any agreements governing the payment or reimbursement of costs incurred, or debt issued or incurred by CCRFC to finance or refinance costs, in connection with the development of the Peabody Hotel QPUF.

Sec. __ - ____-10 **Termination of Surcharge**

1. The surcharge shall continue until terminated as provided in the Act.
2. All actions heretofore undertaken by the Mayor or his designee and other officials, employees, attorneys and agents of the City in furtherance of the intent of this resolution, and of the documents authorized by this resolution, are hereby ratified, confirmed and approved.
3. The Mayor or his designee and other appropriate officials of the City are hereby authorized to enter into such agreements, and they and other appropriate employees of the City are hereby authorized to execute such certificates or other documents and take such other actions, as may be necessary or appropriate to carry out the intent of this Ordinance.
4. This Ordinance shall take effect from and after its adoption, the welfare of the City of Memphis requiring it.

Sponsor: _____



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

Resolution approving the 2022 Budget of the Memphis Light, Gas and Water Division for operation and maintenance expenses and capital expenditures.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Memphis Light, Gas and Water Division

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

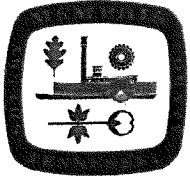
Not applicable.

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

Not applicable.

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

Not applicable.



A resolution to approve the 2022 Electric, Gas and Water
Operations and Capital Budget.

WHEREAS, the Board of Light, Gas and Water Commissioners has submitted a proposed budget for the Memphis Light, Gas and Water Division for operation and maintenance expenses for the calendar year 2022, and the capital expenditures for 2022; and

WHEREAS, the Board of Commissioners has approved said budget and submitted to the City Council with the recommendation of the Board for approval; and

WHEREAS, the Council has, through its MLGW Committee and other interested members of the Council, reviewed the budget and conducted hearings thereon; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the attached 2022 Budget of the Memphis Light, Gas and Water Division for operation and maintenance expenses and capital expenditures is approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
October 20, 2021

The President presented the proposed budgets for the Electric, Gas and Water Divisions for 2022 operating expenses and capital expenditures to the Board of Light, Gas and Water Commissioners. Such annual budgets have been prepared in compliance with Chapter 381 of the Private Acts of 1939, as amended, and include the applicable revenues, expenses and capital improvements for each system. These budgets have been reviewed by the Budget Review Committee and the applicable management staff, and copies have been provided to each member of the Board with opportunity given for each member to ask questions.

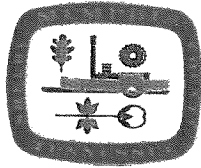
The President has recommended approval and adoption of the Budgets as presented by the Board of Light, Gas and Water Commissioners.

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

- (1) THAT, the Budgets for the Electric, Gas and Water Divisions for the 2022 operating expenses and capital expenditures, as presented by the President, be adopted and in effect for the fiscal year 2022, subject to the consent and approval of the Council of the City of Memphis, and
- (2) THAT, the President and Secretary - Treasurer are hereby authorized to amend the budgets to reflect the outcome of on-going negotiations of economic items under the Memorandum of Understanding between MLGW and IBEW Local 1288 subject to ratification of such changes and amendments by this Board.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - ~~special~~ meeting held on 20th day of October, 2021, at which a quorum was present.


Secretary - Treasurer



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This is a resolution to transfer and appropriate a contract construction allocation in the amount of \$750,000.00 to Furniture, Fixtures and Equipment in Ensley Pump Repair 2021, Project Number ST03223 for the pump repair at Ensley Flood Control Pumping Station. This project includes Council District 6 and Super Council District 8. **Same night minutes request.**

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Public Works

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

This resolution does not change an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

The project is located in Council District 6 and Super District 8.

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

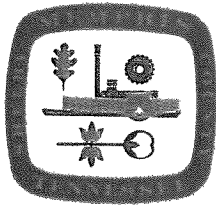
This request will require a new contract.

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

This requires a budget amendment and an expenditure of funds.

7. If applicable, please list the MWBE goal and any additional information needed

A zero (0%) MWBE goal was established by the MWBE Committee.



RESOLUTION

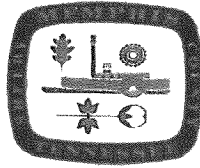
This is a resolution to transfer and appropriate a contract construction allocation in the amount of \$750,000.00 to Furniture, Fixtures and Equipment in Ensley Pump Repair 2021, Project Number ST03223 for the pump repair at Ensley Flood Control Pumping Station. This project includes Council District 6 and Super Council District 8. Same night minutes request.

WHEREAS, the Council of the City of Memphis approved Flood Control-ST Coverline, Project Number ST03207 as part of the Public Works Fiscal Year 2022 Capital Improvement Budget; and

WHEREAS, it is necessary to amend FY2022 funding source in Flood Control-ST Coverline, Project Number ST03207 by transfer of a contract construction allocation, funded by Storm Water Revenue Bonds in the amount of \$750,000.00 to Furniture, Fixtures and Equipment in Ensley Pump Repair 2021, Project Number ST03223 for the pump repair at Ensley Flood Control Pumping Station.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2022 Capital Improvement Budget be and is hereby amended by transferring a Contract Construction allocation, funded by Storm Water Revenue Bonds in the amount of \$750,000.00 to Furniture, Fixtures and Equipment in Ensley Pump Repair 2021, Project Number ST03223 – chargeable to the Fiscal Year 2022 Capital Improvement Budget and credited as follows:

Project Title:	Ensley Pump Repair 2021
Project Number:	ST03223
Amount:	\$750,000.00



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A resolution to transfer and appropriate \$46,000 in CIP funding for EN01110, Safety Development – District 7. The funding and projects were approved by City Council, and initiated by Councilwoman Easter-Thomas to provide pedestrian safety improvements at three locations: N. Watkins St. and Corning Ave., Mill Ave. and N. Third St., and Dellwood Ave. and St Charles Dr.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

This project is being initiated by the Division of Engineering.

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

This project does not involve a change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

Capital improvements in Districts 7 and Super District 8.

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

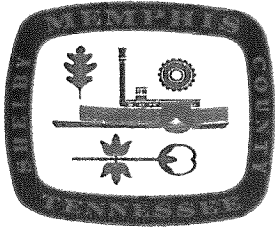
N/A

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

Appropriation of funds in FY22 Capital Budget will result in an expenditure and a budget amendment.

7. If applicable, please list the MWBE goal and any additional information needed

N/A



A resolution to transfer and appropriate \$46,000 in GO Bond funding for EN01110, Safety Development – District 7 projects.

WHEREAS, the Council of the City of Memphis previously allocated \$46,000 in GO Bond funds for Safety Development – District 7, Project Number EN01110; and

WHEREAS, project EN01110 provides pedestrian safety improvements at the intersections of N. Watkins St. and Corning Ave., Mill Ave. and N. Third St., and Dellwood Ave. and St Charles Dr. ; and

WHEREAS, it is necessary to transfer \$4,5000 in A&E funding for Safety Development-District 7, Project Number EN01110 to Construction to increase to total construction appropriation available; and

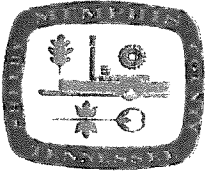
WHEREAS, it is necessary to appropriate \$46,000 funded by G.O. Bonds for Safety Development – District 7, Project Number EN01110 to allow this project to move to the construction phase; and

WHEREAS, Construction on this project will be performed by an On-Call City Contractor (Traf-Mark Industries) and internal City Staff;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2022 Capital Budget be and is hereby amended by appropriating \$46,000.00 in GO Bond funds for EN01110, Safety Development – District 7 projects.

BE IT FURTHER RESOLVED, that there be and is hereby appropriated to the Fiscal Year 2022 Capital Budget and credited as follows:

Project Title:	Safety Development – District 7
Project Number:	EN01110
Total Amount:	\$46,000.00



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This is a Resolution requesting the approval for the sale of 3 City owned parcels located at 0 N. Bellevue, 765 N. Bellevue and 0 Randle St. in Memphis, Shelby County, Tennessee and further described as Parcel ID #s # 021035 00010, 021035 00011 and 021104 00031. *Revenue to be received = \$9,000.00.*

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

General Services

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

This is not a change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

Council District 7 and Super District 8

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

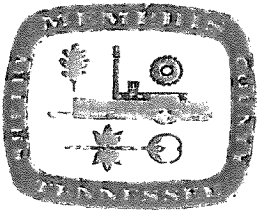
This item does not require a new contract or amend an existing contract.

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

This does not require expenditure of funds nor a budget amendment.

7. If applicable, please list the MWBE goal and any additional information needed

N/A



A Resolution requesting the approval for the sale of 3 City owned parcels located at 0 N. Bellevue, 765 N. Bellevue and 0 Randle St. in Memphis, Shelby County, Tennessee and further described as Parcel ID #s 021035 00010, 021035 00011 and 021104 00031.

Whereas the Klondike Smokey City CDS known as KSCCDC NPI, LLC, submitted an offer of Nine Thousand Dollars (\$9,000.00) for all three Parcels along with a Nine Hundred Dollar (\$900.00) Earnest Money deposit to the City of Memphis Real Estate Center,

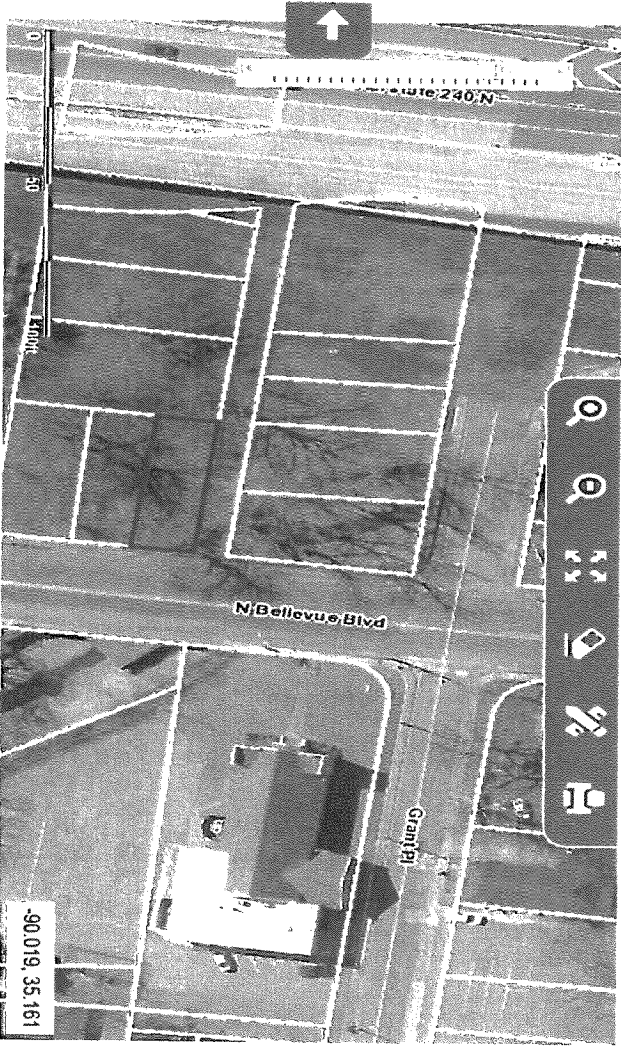
Whereas the sale of City owned parcels will increase the General Fund, generate tax revenue, and eliminate blight and maintenance cost for the City of Memphis

Whereas it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that this request be considered subject to terms and conditions set forth in the Offer to Purchase and City Ordinance 2-291-1(A)

Now, therefore be it resolved by the Council of the City of Memphis that the offer submitted by KSCCDC NPI, LLC a non-profit organization, on the above described Parcels is hereby accepted subject to City Ordinance 2-291-1(A), which states in part, "The city real estate manager shall place a value on all properties being considered for sale in a manner herein determined and on all properties having an estimated and probable value of \$10,000.00 or less shall place a value without obtaining an independent appraisal.

Be it further resolved, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.

0 N. Bellevue

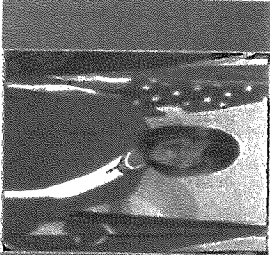


Property Details

Search **Details** **Layers**

Owner Name: CITY OF MEMPHIS
Property Address: 0 N BELLEVUE
Parcel ID: 021035 00010
Appraisal: \$2,500
Tax District: MEMPHIS
Tax Map: 114P
Year Built: 114P
Lot Number: E PTS 21
Subdivision: DEMARCHVILLE BLK 7
Plat Book & Page : UNKNOWN
Dimensions: 23/32.5 X 23/10
Total Acres: 0.006
Owner Address: GENERAL DELIVERY
MEMPHIS TN 38101 9999


© 2019 SHELANDRA Y FORD, SHELBY COUNTY REGISTER OF DEEDS



Shelandra Y. Ford

Shelby County Register of Deeds

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765 N. Bellevue


4200 W... X | 4200 W... X | Venada X | (12112) X | My Maps X | Speedy X | Honda X | Home X | Google X | +

← C <https://gis.register.shelbytn.us/?parcelid=021035100011>

Apps | My Gmail | YouTube | Maps | Paragon 5 | File - OneDrive | home - Shelandra Y... | Yahoo | Bellen Huse S&P 10... | PortfolioPen Today | Google Duo | Reading list

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Shelandra Y. Ford
Shelby County Register of Deeds



Search **Details** **Layers**

Property Details

Owner Name: MEMPHIS CITY OF FOR DIVISION OF HOUSING & COMMUNITY DEVELOPMENT

Property Address: 765 N BELLEVUE

Parcel ID: 021035100011

Appraisal: \$2,500

Tax District: MEMPHIS

Tax Map: 114P

Year Built:

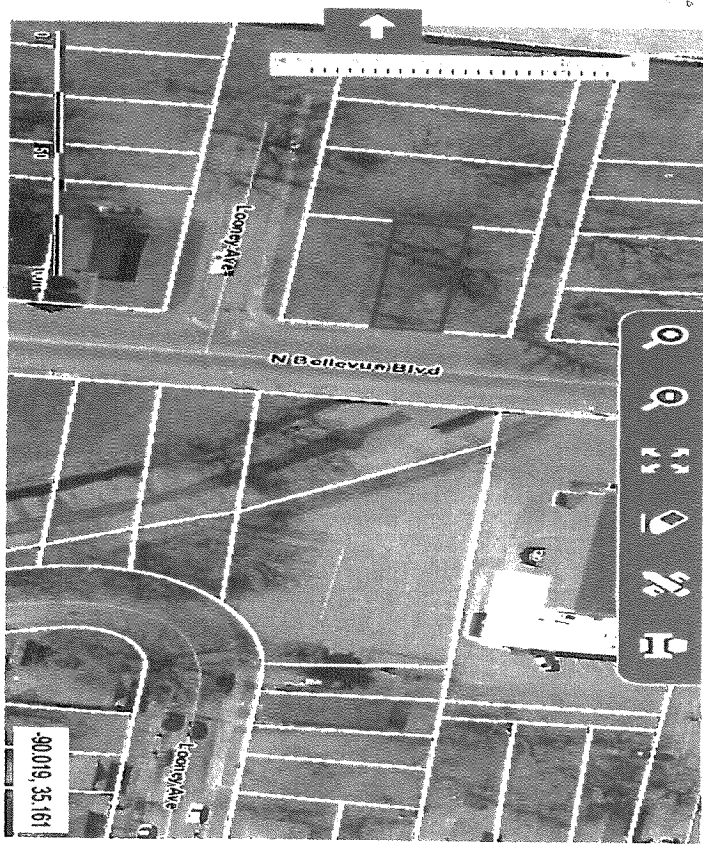
Lot Number: 23-24 PT

Subdivision: DEMARCHEVILLE BLK 7

Plat Book & UNKNOWN

Page:

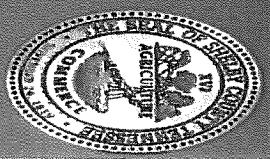
Dimensions: 42065 X 10077





Shelandra Y. Ford

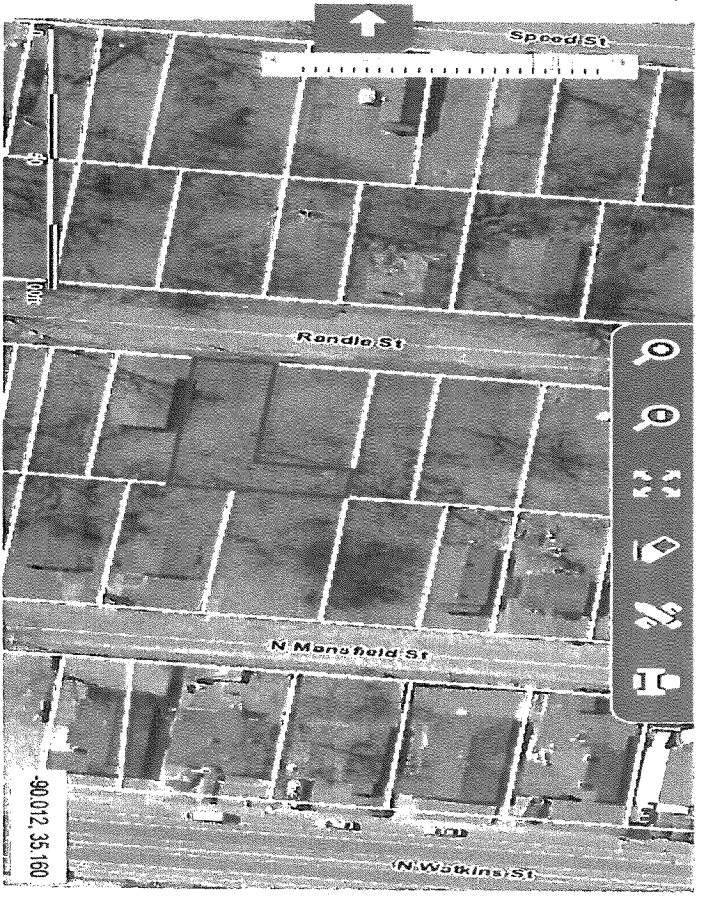
Shelby County Register of Deeds

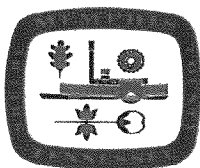


0 Randle

[Search](#) [Details](#) [Layers](#)

Property Details
 Owner Name: MEMPHIS CITY OF
 Property Address: 0 RANDLE
 Parcel ID: 021104 00031
 Appraisal: \$2,500
 Tax District: MEMPHIS
 Tax Map: 1140
 Year Built: 1140
 Lot Number: 188PTS
 Subdivision: N OLYMPIC PARK BLK I
 Plat Book & Page: 3-74
 Dimensions: 33/72 X 86 + 14/100
 Total Acres: 0.075
 Owner Address: 125 N MAIN ST
 MEMPHIS TN 38103 2026





Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

An Ordinance to amend the 2015 International Property Maintenance Code, as amended for Memphis, TN (IPMC), to update and/or add provisions related to mold, lead, fee schedule, trees, inoperable vehicles, and condemnation.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Division of Public Works

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

This ordinance will amend and update identified provisions noted in the 2015 International Property Maintenance Code (IPMC) for Memphis, TN (IPMC).

4. State whether this will impact specific council districts or super districts.

All Council Districts.

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

This Ordinance does not require a new contract nor amend an existing contract.

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

This Ordinance does not require an expenditure of funds or budget amendment.

7. If applicable, please list the MWBE goal and any additional information needed

This Ordinance is not applicable to MWBE goal setting.



ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 5708 OF THE CITY OF MEMPHIS CODE OF ORDINANCES, KNOWN AS THE "HOUSING CODE" OR THE "2015 INTERNATIONAL PROPERTY MAINTENANCE CODE, AS AMENDED FOR MEMPHIS, TENNESSEE (IPMC)," TO UPDATE AND/OR ADD PROVISIONS RELATED TO MOLD, LEAD, FEE SCHEDULE, TREES, INOPERABLE VEHICLES, AND CONDEMNATION.

Be It Ordained by the Council of the City of Memphis That,

- 1. "Chapter 7 REFERENCED STANDARDS" shall be renamed "Chapter 8 REFERENCED STANDARDS."**

- 2. The following definitions shall be added to "Section 202 General Definitions"**

CHRONIC NUISANCE. Any non-owner occupied dwelling that is determined by the Environmental Court to be a menace to public health, welfare, or safety as identified by the following factors: (1) A pattern of applicable criminal activity at a non-owner occupied dwelling that is materially greater than average for a similarly situated non-owner occupied dwelling provided , however, that the pattern does not include an incident or incidents of actual or threatened domestic violence or sexual violence against a tenant, household member, or guest occurring in the non-owner occupied dwelling or on the premises; or (2) Repeated failure of the non-owner occupied dwelling to comply with the provisions of the Tennessee Uniform Residential Landlord Tenant Act (T.C.A. § 66-28-101 et seq.) that require the owners of non-owner occupied dwellings to maintain a safe environment and essential services for the occupant; or (3) A pattern of ordinance violations or other neglect of property conditions at a non-owner occupied dwelling that negatively impacts the health and safety of the occupant(s), and that is excessive after a review of all the facts and circumstances; or (4) Any other illegal activity or property conditions at a non-owner occupied dwelling or on the premises, which have been determined by the Environmental Court or another court of competent jurisdiction to be a menace to public health, welfare or safety.

ENVIRONMENTAL COURT. The Shelby County Environmental Court for the Thirtieth Judicial District at Memphis, as well as its judges and/or referees.

NUISANCE ACTIVITY. Any activity that could lead to a non-owner occupied dwelling being declared a chronic nuisance by the Environmental Court.

- 3. The following chapter is hereby added:**

CHAPTER 11: CHRONIC NUISANCE

1101.1 Chronic nuisance rental dwelling – In general. If the code official determines that a non-owner occupied dwelling meets the definition of a chronic nuisance as set forth in this chapter and that the

owner(s), tenant(s), occupant(s), or property manager caused or permitted the chronic nuisance to exist or continue, the code official shall issue a summons requiring the owner(s), tenant(s), occupant(s) and/or property manager to appear before the Environmental Court to answer the charge of chronic nuisance against the non-owner occupied dwelling and if so proven, present the steps the owner shall take to mitigate or abate such nuisance in accordance with the following procedure:

1101.2 Notice. The code official shall notify the owner(s) and tenant(s) in writing via a summons to the court that the non-owner occupied dwelling meets this section's definition of a chronic nuisance. Notices shall comply with Section 107 of this code and shall contain the following information:

- (1) The street address or a legal description sufficient for identification of the chronic nuisance where the activity has occurred;
- (2) A statement by the code official with a detailed description of the basis upon which he or she has determined that the non-owner occupied dwelling is a chronic nuisance. The code official shall include the following statement prominently and in all capital letters: THIS IS NOT AN EVICTION ACTION BUT AN ACTION TO REQUIRE COMPLIANCE WITH LOCAL ORDINANCES AND LAWS. IF YOU ARE A TENANT WITH QUESTIONS CALL [INSERT CURRENT CODE OFFICIAL CONTACT NUMBER HERE];
- (3) A notice that the owner or property manager respond and appear before the Environmental Court at the time designated on the notice. Refusal of receipt shall be deemed receipt of notice for the purposes of this section; and
- (4) The code official shall take reasonable efforts to notify all tenants at the commencement, including but not limited to posting in a conspicuous location, direct mail, the internet or other social media, or the like. If the owner is the defendant, then the owner shall bring to the first hearing a copy of the most recent certified rent roll to be used to provide notice of the proceedings to the tenants of the non-owner occupied dwellings directly affected by the alleged violation.

1101.3 Hearing. At the appearance before the Environmental Court, the Environmental Court shall make a final determination regarding whether the non-owner occupied dwelling is a chronic nuisance. Upon a finding that the non-owner occupied dwelling is a chronic nuisance, the Environmental Court shall require, that there shall be completed, at the owner's expense, within forty-five (45) days of the hearing:

- (1) A comprehensive unit by unit home inspection of the property by the code official; and
- (2) A site safety inspection of the non-owner occupied dwelling by a qualified inspector as determined by the court;

At the conclusion of the forty-five (45) days, the Environmental Court shall hold a hearing with the owner wherein the site safety specialist and the code official shall appear and submit their report. The Environmental Court shall specify steps to be taken by the owner to correct the chronic nuisance, as well as order compliance with any site safety recommendations from the site safety specialist which the Environmental Court deems necessary. The Environmental Court shall also schedule a third hearing to take place six (6) months after the second hearing to determine whether proper steps have been taken and whether continued monitoring of the chronic nuisance, if it still exists, remains necessary.

1101.4 Nuisance activity by tenant or occupant. If the nuisance activity has been or is being conducted by a tenant or occupant of the non-owner occupied dwelling, then the tenant and/or occupant shall be summoned to court and advised of his or her or their obligation to maintain the premises in compliance with the law and that failure to do so may result in termination of the tenant's and/or occupant's legal right of control of the property and/or the imposition of fines against the tenant and/or occupant. Notwithstanding anything to the contrary in this section, no owner may use the reporting of a crime by a tenant as a basis for the eviction of a tenant and, to the extent permitted by law, the initiation of an eviction proceeding by an owner within six (6) months of a tenant reporting a crime or exercising any other right under this chapter shall create a rebuttable presumption that the owner acted in violation of this chapter.

1101.5 Nuisance activity by guests. If the nuisance activity has been or is being conducted by a guest or guests of a tenant(s) or occupant(s), then the Environmental Court shall order the owner or property manager to:

- (1) Place the individual(s) on Authorization of Agency and bar them from the non-owner occupied dwelling; and
- (2) Provide the tenant(s) or occupant(s) with written notice that allowing such person(s) on the premises shall constitute a lease violation for which tenancy may be terminated.

1101.6 Failure to respond by tenant or occupant. In the event the notified tenant(s) and/or occupant(s) fail to respond and appear before the Environmental Court or the tenant(s) and/or occupant(s) engaged in or permits the continuation of the nuisance activity, the Environmental Court may deem such continuation as the owner(s) permitting the continuance of the nuisance activity.

1101.7 Bar on transfer. The declaration by the Environmental Court that a non-owner occupied dwelling is a chronic nuisance shall act as a bar of any transfer of title of the subject parcel or of any interests pertaining to such subject parcel, including, but not limited to, transfers by tax sale or other foreclosure, transfers, or creation of lien interests in the subject parcel, from the date of the filing until the petition is dismissed or until specific orders of the Environmental Court authorizing a transfer of title .

1101.8 Defenses. It is a defense for the owner, tenant(s) and/or occupant(s) of the non-owner occupied dwelling to an action seeking the declaration of the non-owner occupied dwelling as a chronic nuisance that the owner, tenant(s), and/or occupant(s), at the time in question could not, in spite of the exercise of reasonable care and diligence, prevent a third party from engaging in the conduct constituting the subsequent occurrence of nuisance activity.

1101.8.1 The following shall also be defenses for an owner or property manager to an action seeking the declaration of the non-owner occupied dwelling as a chronic nuisance:

- (1) The owner or property manager has begun legal proceedings to regain control of the non-owner occupied dwelling from a tenant or an occupant who is responsible for the nuisance activity in question;
- (2) The nuisance activity was conducted by a person who has been banned from the property via Authorization of Agency;

(3) An owner, in trying to abate the nuisance activity, attempted legal action to regain control and possession of the non-owner occupied dwelling from a tenant or an occupant but was denied by a court;

(4) The owner is the victim of a nuisance activity at the non-owner occupied dwelling that threatens his life or safety;

(5) The failure to maintain the non-owner occupied dwelling in a condition not constituting a chronic nuisance is due to an act of nature, serious illness of the owner, or legal barrier preventing the owner from making such maintenance or repairs; and

(6) In the case of a chronic nuisance based on criminal activity, in considering the conduct of the owner, the owner has completed a site safety inspection and provided a written report to the Environmental Court, engaged the consulting services of an Environmental Court-approved certified site safety specialist, and is making reasonable progress in implementing the recommendations.

1102.1 Chronic nuisance rental dwelling – Remedies and fines.

1102.2 In general. If a court determines that a chronic nuisance exists at the non-owner occupied property, the court in its discretion may impose a civil fine not to exceed \$50.00 per unit per day for non-compliance or an injunction requiring the abatement of the nuisance activity that resulted in the activity being declared a chronic nuisance by the court.

1102.3 Notwithstanding Section 1102.2, and whether or not it is a first or subsequent offense, if the court finds that an owner or property manager willfully failed to implement a reasonable site safety abatement plan ordered by the Environmental Court, the court may impose a civil fine or an injunction restricting, in whole or in part, the occupancy of the non-owner occupied property where the nuisance activity reached the status of a chronic nuisance or any dwelling unit thereof in question.

1102.4 Relocation costs. If a license is revoked pursuant to Section 903.13, the owner shall comply with the provisions of Chapter 13 of this code.

1102.5 Failure to Pay Penalty. Any person who fails to pay the remedies and fines pursuant to this chapter within 30 days of the date on which such remedies and fines are due shall be liable for a failure to pay penalty of \$500 and interest at the statutory rate.

1102.6 Receiver. (1) The court may appoint a receiver, as it deems necessary, in accordance with the Uniform Commercial Real Estate Receivership Act to bring the non-owner occupied dwelling which has been declared a chronic nuisance into compliance with this chapter. (2) The court may, as it deems necessary, declare a non-owner occupied dwelling to be a public nuisance as defined pursuant to Tenn. Code Ann. § 13-6-106 (NPA).

1103.1 Report and Review. The code official shall be responsible for preparing a report containing the following information that shall be submitted to City Council on an annual basis:

(1) Properties that qualify for referral to the Environmental Court pursuant to this chapter;

(2) All recommendations and agreements made by the Environmental Court pursuant to this chapter in relation to the properties referred to the Environmental Court; and

(3) the final disposition of properties referred to the Environmental Court.

4. The following sections shall be added to Chapter 3:

304.2.1. Presumption of lead or mold hazard. If the code official determines that a lead or mold hazard exists on the premises, then there shall exist a rebuttable presumption that such hazard exists, and the owner shall be subject to all fees and penalties as established under § 103.5. The owner shall have the opportunity to disprove such presumption by presenting evidence that, in the code official's sole discretion, establishes such hazard does not exist. If such presumption is not disproved, the owner shall be subject to all fees and penalties as established under § 103.5.

Section 305.3.1. Presumption of lead or mold hazard. If the code official determines that a lead or mold hazard exists at the premises, then there shall exist a rebuttable presumption that such hazard exists, and the owner shall be subject to all fees and penalties as established under § 103.5. The owner shall have the opportunity to disprove such presumption by presenting evidence that, in the code official's sole discretion, establishes such hazard does not exist. If such presumption is not disproved, the owner shall be subject to all fees and penalties as established under § 103.5.

5. Section 305.3 is hereby deleted in its entirety and replaced with the following:

305.3 Interior Surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. The presence of mold is explicitly prohibited. Peeling, chipping, flaking or abraded paint shall be repaired, removed, or covered. All lead hazards shall be eliminated by employing the use of nationally accepted standards and techniques and in compliance with all applicable local, state, and federal laws, statutes, and ordinances, including without limitation: 15 U.S.C. Ch. 53; 42 U.S.C. Ch. 63; 42 U.S.C. Ch. 63A; 40 C.F.R. Ch. 1, Subch. R, Pt. 745; 24 C.F.R. Subt. A, Pt. 35; T.C.A. § 68-131-401 et seq.; and Tenn. Comp. R. & Regs. 1200-01-18-.01 et seq. The use of lead-based paint is specifically prohibited. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

6. Section 103.5 is hereby deleted in its entirety and replaced with the following:

The fees for activities and services related to the prosecution of violations of this ordinance shall be in accordance with the fee schedule duly adopted by the Division of Public Works- Department of Neighborhood Improvement.

5. Section 302.5 is hereby deleted in its entirety and replaced with the following:

302.5 Trees and Shrubs. All trees and shrubs shall be maintained so as not to imperil public health or safety, or cause damage to any structure, premises, or utility services. Upon failure of the owner or agent having charge of a property to properly maintain trees and shrubs after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the

property in violation and cut and remove portions or the entirety of trees or shrubs growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

6. Section 302.8 is hereby deleted in its entirety and replaced with the following:

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative, rusted, significantly damaged, junked or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. All vehicles parked or stored in single-family residential, duplex or multifamily zoning districts shall be parked or stored on asphalt, concrete, brick, pavers (interlocking or permeable), or gravel/rock. More than four vehicles parked at any one property is prohibited unless within an enclosed garage. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. No commercial vehicles may be parked in residential zoning districts. No vehicles carrying hazardous material are permitted in residential zoning districts. No person shall park or store or permit the parking or storing of more than one boat and boat trailer, and no more than one camping trailer or recreational vehicle per dwelling unit. No part of such parking or storage area shall be used for living, sleeping or housekeeping purposes. It is unlawful for any person to park or store any motorized vehicle or equipment, such as, but not limited to campers, trailers, boats or other recreational type equipment, on any residential street in the city.

7. Section 302.8.2. is hereby deleted in its entirety and replaced with the following:

302.8.2. Special Procedure for Abandoned Motor Vehicles. If the violation or violations are not corrected after the time provided for in the notice, the code official shall order the removal of the vehicle to the city's vehicle storage lot. At the time the vehicle is removed, a tow-in ticket shall be completed in triplicate. At the time a vehicle is moved to the city's vehicle storage lot pursuant to this section, the division of police services shall be notified immediately of such fact.

8. Section 108.1 is hereby deleted in its entirety and replaced with the following:

108.1 General. Whenever the code official believes a structure or equipment to be dangerous or unsafe, when a structure is found unfit for human occupancy, or a structure is found to be unlawful, a notice stating these findings shall be served in accordance with 108.3 and a condemnation hearing shall be held.

9. Section 108.3 is hereby deleted in its entirety and replaced with the following:

108.3 Condemnation. Condemnation of a structure or equipment shall only occur after notice and a hearing.

10. The following sections shall be added to Chapter 1 after Section 108.3 and before Section 108.4

108.3.1 Notice of Condemnation Hearing. The Notice of Condemnation Hearing shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment, mortgagee, and parties in interest, each of whom will be able to file an answer and appear in person. Such notice shall be deemed to be properly served if a copy thereof is: 1. delivered personally; or 2. sent by certified or first-class mail addressed to the last known address. If the notice pertains to equipment, it shall be placed on the equipment at issue. The notice shall be in the form prescribed in Section 107.2.

108.3.2 Condemnation Hearing. The Condemnation Hearing shall be before the Code Official or his designated agent, known as the Condemnation Review Officer, not less than 10 days but no more than 30 days after the date of the Notice of Condemnation Hearing. If the Condemnation Review Officer finds that the structure or equipment is dangerous, unsafe, unfit for human occupancy, or is unlawful, he shall state in writing his findings of fact in support and shall issue an Order of Condemnation which: (1) if the repairs can be made at a reasonable cost, specifically if the cost of repair is less than 50 % of the current value of the structure or equipment, condemns the structure or equipment and requires the Owner or responsible party to repair the structure or equipment by bringing it into compliance with this Code and, as determined by the Condemnation Review Officer or the Environmental Court, or (2) if the repairs cannot be made at a reasonable cost, specifically if the cost of repair is greater than 50% of the current value of the structure or equipment, condemns the structure or equipment, and requires the owner to remove or demolish the structure or equipment in a specified time.

The Order of Condemnation which shall be recorded in the office of Register of Deeds for Shelby County. If the owner fails to comply with an order to repair, alter or improve, vacate and close, or demolish the structure or equipment in the specified time stated in the order, the code official can cause the structure or equipment to be repaired, altered, improved, or demolished. The amount to improve, repair, or demolish will be a lien against the real property upon which such cost was incurred.

If the Condemnation Review Officer does not find that the structure or equipment is dangerous, unsafe, unfit for human occupancy, or is unlawful, he shall state in writing his findings of fact in support of this conclusion and dismiss or rescind the condemnation action.

108.3.3 Appeal of Order of Condemnation. All appeals of Orders of Condemnation shall be to the Shelby County Environmental Court in accordance with Section 111.

108.3.4 Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The

net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

11. Section 108.4 is hereby deleted in its entirety and replaced with the following:

108.4 Placarding. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given and/or upon issuance of the Notice of Condemnation Hearing the code official shall post on the premises or upon defective equipment a placard stating that the property must not be occupied or that the equipment must not be used. If at the Condemnation Hearing the Hearing Officer issues an Order of Condemnation, as outlined in Section 108.3.1, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

12. Section 108.6 is hereby deleted in its entirety.

13. Section 108.7 is hereby deleted in its entirety.

14. Section 110 is hereby deleted in its entirety, including all subsections.

15. EFFECTIVE DATE. This ordinance shall be effective from and after final passage and as provided by law.



ORDINANCE NO. _____

An Ordinance to amend Ordinance No. 5708 of the City of Memphis Code of Ordinances, known as the “Housing Code” or the “2015 International Property Maintenance Code, as amended for Memphis, TN (IPMC),” to update and/or add provisions related to mold, lead, fee schedule, trees, inoperable vehicles, and condemnation. Rename “Chapter 7 Referenced Standards” to “Chapter 8 Referenced Standards.” Add definition to “Section 202 General Definitions.” Add Chapter 11. Amend Chapter 3 adding sections 304.2.1 and 305.3.1. Delete sections 305.3, 103.5, 302.5, 302.8, 302.8.2, 108.1, 108.3, 108.4 in its entirety and replace with revisions. Amend chapter 1 adding sections 108.3.1, 108.3.2, 108.3.3, 108.3.4. Delete sections 108.6, 108.7, and 110 in its entirety.

WHEREAS, The Council of the City of Memphis seeks to maintain a comprehensive set of property maintenance code requirements to assure the safe and effective maintenance of property within the City of Memphis; and

WHEREAS, The City of Memphis has determined it is necessary and prudent to establish uniform property maintenance code requirements; and

WHEREAS, The City of Memphis has determined that the 2015 Edition of the ICC International Property Maintenance Code will allow the City to better monitor property conditions and enforce property maintenance standards; and

WHEREAS, the ICC International Property Maintenance Code is within the family of codes already adopted in the City of Memphis; and

WHEREAS, Copies of the 2015 Edition of the ICC International Property Maintenance Code have been placed in the Office of Council Records of the Memphis City Council for public review of those documents and as required by state statute before their adoption by reference by the Council of the City of Memphis; and

NOW, THEREFORE BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that the previous housing code is hereby amended except as may be set out in the attachment hereto, and that the 2015 Edition of the ICC International Property Maintenance code, as locally amended, is hereby amended by reference, a copy of said code being on file in the Office of Council Records of the Memphis City Council.

BE IT FURTHER ORDAINED, that should any part of this ordinance or code be found to be unconstitutional or unenforceable by a court of competent jurisdiction that such a determination will have no effect on the other portions of the adopted code and the amendments thereto.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect in the City of Memphis upon passage by the Memphis City Council.

ORDINANCE NO. _____

ORDINANCE RENAMING FOURTH STREET BETWEEN BEALE STREET AND E.H. CRUMP BOULEVARD AS IDA B. WELLS-BARNETT STREET

WHEREAS, the process for naming and renaming streets and other thoroughfares within the City of Memphis has been established by Chapters 2 and 12 of the City of Memphis Code of Ordinances; and

WHEREAS, the Memphis City Council possesses naming powers when the City acquires any street or other thoroughfare by purchase or dedication, per Section 12-16-2 of the City of Memphis Code of Ordinances; and

WHEREAS, under *Tennessee Code Annotated*, Section 7-86-127, “unless expressly provided otherwise by law, the authority to name public and private roads and streets, including roads and streets located within residential developments, and to assign property numbers relating to the roads and streets, is exclusively vested in the legislative bodies of . . . municipalities within their incorporated boundaries;” and

WHEREAS, the Memphis City Council, on September 1, 2020, by Ordinance No. 5759 duly passed, amended the City of Memphis Code of Ordinances thereby vesting street, park, and public place/property name change powers in the Memphis City Council as follows:

(Additions underlined in bold italics and deletions identified with strikethrough)

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 2-50-6 (B) of the City of Memphis Code of Ordinances is hereby amended and replaced to read as follows:

(B) The recommendation to the respective legislative bodies of zoning studies and regulations, the mapping and revision of zoning districts, special permits, planned unit developments, and regulations for the subdivision of land, recommendation as to subdivisions proposed thereunder, street and alley closings ~~and street name changes~~, shall be vested in the Memphis and Shelby County Land Use Control Board as created by this chapter; ***street name change powers shall be vested in the Memphis City Council with regard to City of Memphis streets and other thoroughfares, including streets and other thoroughfares within residential developments. Any conflicts with the Memphis and Shelby County Unified Development Code shall be made in favor of this section.***

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 12-16-2 of the City of Memphis Code of Ordinances is hereby amended and replaced to read as follows:

When the city shall acquire any street or other thoroughfare by purchase or dedication, the city engineer shall file with the director of public works his or her recommendation of a suitable name of such street or thoroughfare. It shall be the duty of the city council to select a suitable name of for such new street. ~~The official name adopted for a street or other public thoroughfare shall not~~

~~be changed except in accordance with Chapter 9.10 of the Memphis and Shelby County Unified Development Code.~~ Furthermore, the Memphis City Council may change the official name adopted for City of Memphis streets and other thoroughfares, including streets and other thoroughfares within residential developments, by ordinance duly passed. Any conflicts with the Memphis and Shelby County Unified Development Code shall be made in favor of this section.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 12-16-6 of the City of Memphis Code of Ordinances is hereby amended and replaced to read as follows:

A map of the city showing streets, alleys, avenues, boulevards, lanes, places, parkways, and other thoroughfares, and the official names assigned to each, prepared under the supervision of the city engineer, authenticated by him or her, shall be published, from time to time. All streets, avenues, alleys, lanes, boulevards, parkways, places, and other thoroughfares in the city shall be known by the name allocated to each on this official map, and such later additions and changes as may be provided ~~in accordance with chapter 9.10 of the Memphis and Shelby Unified Development Code.~~ by the Memphis City Council. Any conflicts with the Memphis and Shelby County Unified Development Code shall be made in favor of this section.

SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 12-68, Public Buildings and Property Use Regulations, is hereby re-titled to read as follows:

Public Buildings, ~~and~~ Property Use Regulations, and Names.

SECTION 5. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 12-68-5 (A) of the City of Memphis Code of Ordinances is hereby amended and replaced to read as follows:

(A) It is the purpose of this chapter to detail the process for naming and renaming public place/property names not outlined in sections of the Memphis Municipal Code specifically concerning (i.) streets, and (ii.) parks, and to prevent interference with normal use of public property by the general public and to prohibit only such use which will unduly interfere with the normal use of public property by other members of the public with an equal right to access it.

SECTION 6. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 12-68 of the City of Memphis Code of Ordinances is hereby amended to include Section 12-68-6, which shall be titled and read as follows:

12-68-6. – Method of naming and renaming.

When the city shall acquire property for use by the general public, by purchase, condemnation, or dedication, it shall be the duty of the Memphis City Council to select a suitable name for such new public place/property. Furthermore, the Memphis City Council may change the official name adopted for existing City of Memphis public places/property, by ordinance

duly passed. Any conflicts with the Memphis and Shelby County Unified Development Code shall be made in favor of this section.

SECTION 7. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 12-84, Park and Parkway Regulations, is hereby re-titled to read as follows:

Park, ~~and~~ Parkway Regulations, *and Names.*

SECTION 8. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 12-84 of the City of Memphis Code of Ordinances is hereby amended to include Section 12-84-22, which shall be titled and read as follows:

12-84-22. – Method of naming and renaming.

When the city shall acquire any public parks and other public recreational areas, for use by the general public, by purchase, condemnation, or dedication, it shall be the duty of the Memphis City Council to select a suitable name for such new public park and other public recreational area. Furthermore, the Memphis City Council may change the official name adopted for existing City of Memphis parks and other recreational areas, by ordinance duly passed. Any conflicts with the Memphis and Shelby County Unified Development Code shall be made in favor of this section.; and

WHEREAS, the Memphis City Council, on July 21, 2020 by resolution duly passed, established the City Council Renaming Commission as a citizen-led, ad hoc committee tasked with providing the Council with renaming recommendations regarding City of Memphis street, parks, and public places; and

WHEREAS, upon the completion of its tasks, the City Council Renaming Commission, on November 16, 2021, presented its final report to the Memphis City Council; the final report included a recommendation that Fourth Street between Beale Street and E.H. Crump Boulevard be renamed “Ida B. Wells-Barnett Street;” and

WHEREAS, upon review, the Memphis City Council now seeks to exercise its naming authority under Chapters 2 and 12 of the City of Memphis Code of Ordinances to honor the life and legacy of Mrs. Ida B. Wells-Barnett – a former Memphis resident, educator, journalist, civil rights activist, women’s rights activist, and anti-lynching crusader.

NOW THEREFORE BE IT RESOLVED, that Fourth Street between Beale Street and E.H. Crump Boulevard be officially renamed “Ida B. Wells-Barnett Street.”

BE IT FURTHER RESOLVED, that the City Engineer is requested to affix suitable signs officially designating this public road, effective _____.

Sponsors:

Councilwoman Michalyn Easter-Thomas
Councilman Edmund Ford, Sr.
Councilman J B Smiley, Jr.