

Ordinance No. _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TENNESSEE, CHAPTER 15, TIRE BUSINESS AND TIRE HAULER REGULATION, TO PROVIDE FURTHER REQUIREMENTS FOR TIRE BUSINESS RETAILERS REGARDING THE STORAGE AND HAULING OF TIRES

WHEREAS, it is the desire of the Memphis City Council to take action to reduce the amount of illegal dumping in the City of Memphis, especially as it pertains to tires, in order to help improve blight that is present in Memphis neighborhoods; and

WHEREAS, the improper placement of tires on sidewalks, streets, utility easements, vacant lots, public rights of way, and in other areas destructive to neighborhoods, contributes to blight and the propagation of illegal dumping.

WHEREAS, it is necessary to amend certain sections of the Memphis City Code Chapter 9-58, Tire Business and Tire Hauler Regulation, to provide further requirements for tire business retailers regarding the storage and hauling of tires.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Memphis, that,
Section 1. Chapter 15, Article III, “Tire Business and Tire Hauler Regulation” of the official Memphis Code of Ordinances, is hereby amended as follows:

Sec. 15-46. Purpose and intent.

It is declared to be the purpose and intent of the city to protect the public health, safety, and welfare of its citizens, prevent the spread of disease and creation of nuisances, and to protect and enhance the quality of its environment. The purpose of this chapter is to institute and maintain a comprehensive city-wide program for tire disposal which will ensure that the storage, transportation, collection, processing and disposal of tires does not adversely affect the health, safety, and well-being of the public and does not degrade the quality of the environment.

Sec. 15-47. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dump means to throw, discard, place, deposit, discharge, bury, or dispose of.

Elements of nature means rainfall, snow, sleet, hail or other natural precipitation.

Manifest means a form or document used for identifying the quantity and the origin, routing, and destination of tires during transportation from the point of generation, through any intermediate points, to an end user, processor or disposer.

Person means any and all persons, natural or artificial, including any individual, firm or association.

Storage means to place, collect, or accumulate tires that are not for sale or resale as tires, whether the tires are directly on the ground, in roll-off containers, or otherwise.

Tire means a continuous solid or pneumatic rubber, covering encircling the wheel of a bicycle, motorcycle, automobile, truck, trailer, tractor or other vehicle.

Tire business means and includes any place or establishment engaged in the business of reselling tires or that generates waste tires and is occupied, used or maintained for the purpose of offering, transporting, repairing, processing, storing, utilizing, and disposing of any and all types of such tires.

Tire marking means the marking of a tire with the tire business permit number.

Tire recycling facility means a county facility, mandated and licensed pursuant to the Tennessee Solid Waste Management Act, which recycles or properly disposes of tires.

Waste tire means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect. The term "waste tire" also includes any tire that is destined for a tire disposer or reprocessor (i.e., recapper).

Waste tire hauler means any person or entity permitted by the City engaged in the business of picking up or transporting waste tires for the purpose of removal to a tire recycling facility, waste tire disposer, processor, end user, or disposal facility.

Waste tire disposer means any person who is approved by the state department of environment and conservation to receive waste tires from waste tire generators or waste tire haulers for the purpose of waste tire processing, shredding or otherwise facilitating recycling or resource recovery techniques for waste tires.

Waste tire generator means any person or entity that generates waste tires. Generators may include, but are not limited to, retail tire dealers, retreaders, waste tire disposers not approved by the state department of environment and conservation, automobile dealers, private company vehicle maintenance shops, garages, and service stations.

Sec. 15-48. Tire business permits.

All tire businesses located within the city limits engaging in the resale of tires or the generation of waste tires shall be issued a permit annually by the city, by and through its permits office for a nonrefundable fee of \$25.00. Tire businesses with multiple locations must purchase a permit for each location. Tire businesses that have their own trucks utilized to transport waste tires will

receive one decal included with the permit fee. A separate decal must be purchased by such business for any additional truck utilized by the tire business to transport waste tires at a cost of \$15.00 per decal. The city will conduct random inspections of such tire businesses for the sake of monitoring compliance with the foregoing requirement. **Tire business permits issued under this article are personal to the applicant and may not be transferred, leased assigned, or given away or sold in any manner or under any circumstance. It shall be the duty of each registrant and permittee to advise the permits office in writing in ten business days of any change to any item for which representation or response was made in its application for registration or permit.**

A. Application. Every person, firm or corporation obligated to comply with the permit requirement set forth herein shall make written application to the city. The application shall be made on a form obtained from the city permits office setting forth, among other things, the following:

1. Name, physical address, telephone and facsimile number of the applicant;
2. Tax identification number or taxpayer identification number;
3. Proof of current county business license, issued to the applicant at the proposed business address;
4. County code enforcement use and occupancy certificate;
5. Name, mailing address, telephone and facsimile number of the owner of the tire business (if different from subsection A.1 of this section);
6. **Name, mailing address, telephone, facsimile number and copy of a valid City of Memphis tire hauler permit of the waste tire hauler who will be transporting tires and waste tires to and from the tire business.**
7. The estimated maximum number of tires that will be stored on site;
8. The current physical address of the site;
9. A statement setting forth and describing the available space for properly accommodating and protecting all tires;
10. Proof of insurance required in accordance with the state financial responsibility laws;
11. Such other and further information as the permits office may require.

B. Annual fees.

1. All permit and decal fees are due annually by July 1 of each calendar year at the city permits office. These annual fees shall be paid in advance of the issuance of such permit and decal and shall be prorated as necessary.

2. A current valid permit or decal may be replaced by the permits office for a fee of \$15.00.

C. Issuance. The permits office shall issue a permit and decal to a tire business which submits the required and completed application, pays to the city the fee as required in this chapter, and has demonstrated compliance with this chapter and all applicable city ordinances. Each tire business registered in accordance with the provisions of this chapter shall immediately post such permit and decal in a prominent manner, or cause such permit to be posted in a conspicuous place within the premises where such tire business is thereby authorized to be established, maintained or operated. The decal shall be conspicuously displayed on each vehicle owned by such tire business that is utilized to transport used or waste tires. Any permit or decal issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred without approval by the city permits office and shall expire upon termination of the existence of the tire business or revocation of such business' permit.

D. Effective period. The permit shall be effective beginning on July 1 until the next ensuing June 30, on and after which date it shall be null and void.

Sec. 15-49. Tire hauler permit.

All tire haulers, not affiliated with a tire business that is properly permitted as required herein, transporting used or waste tires within the city limits shall be issued a permit and decal annually by the city, by and through its permits office for a nonrefundable fee of \$250.00. Tire haulers with multiple locations must purchase a permit for each location. Tire haulers will receive one decal included with the permit fee. A separate decal must be purchased by such hauler for any additional vehicles utilized by the hauler to transport waste tires at a cost of \$15.00 per decal. **Tire hauler permits issued under this article are personal to the applicant and may not be transferred, leased assigned, or given away or sold in any manner or under any circumstance. It shall be the duty of each registrant and permittee to advise the permits office in writing in ten business days of any change to any item for which representation or response was made in its application for registration or permit.**

A. *Application.* Every person, firm or corporation obligated to comply with the permit and decal requirement set forth herein shall make written application to the city. The application shall be made on a form obtained from the city permits office setting forth, among other things, the following:

1. Name, physical address, telephone and facsimile number of the applicant;
2. Tax identification number or taxpayer identification number (if applicable);
3. Proof of current county business license, issued to the applicant at the proposed business address;
4. Proof of insurance required in accordance with the state financial responsibility laws;
5. Such other and further information as the permits office may require.

B. Annual fees.

1. All permit and decal fees are due annually by July 1 of each calendar year at the city permits office. These annual fees shall be paid in advance of the issuance of such permit, and such fee shall be prorated as necessary.

2. A current valid permit or decal may be replaced by the permits office for a fee of \$15.00.

C. *Issuance.* The permits office shall issue a permit and decal to a tire hauler who submits the required and completed application, pays to the city the fee as required in this chapter, and has demonstrated compliance with this chapter and all applicable city ordinances. Each waste tire hauler registered in accordance with the provisions of this chapter shall conspicuously post and maintain such decal in his or her vehicle which is used for transporting tires at all times. Any permit or decal issued hereunder shall not be sold, assigned, mortgaged or otherwise transferred without approval by the city permits office and shall expire upon termination of the tire hauler's business or revocation of such hauler's permit.

D. *Effective period.* The permit shall be effective beginning on July 1 until the next ensuing June 30, on and after which date it shall be null and void.

E. *Permit exemptions.* The following persons are exempt from the tire hauler permit requirements set forth herein:

1. A tire hauler who is regulated or licensed by, and is currently in compliance with, state or federal agencies such as the department of transportation;

2. A private individual transporting the individual's own waste tires to an approved tire disposal or tire recycling facility;

3. Haulers removing four or less tires from a residential location, which is under contract to remove that residence's solid waste; or

4. Anyone transporting four or fewer used tires directly from a used tire generator facility to a point of re-use or proper storage prior to their re-use.

Sec. 15-50. Denial of permit or renewal; suspension or revocation of permit.

In addition to the penalties set forth in section 9-58-12, the permits office may refuse to issue or renew a tire business or tire hauler permit or may suspend or revoke such permit if:

A. The applicant or permit holder refuses to allow entry into the tire business by the authorized representatives of the city or otherwise willfully obstructs the inspection of the tire business;

B. There are repeated or serious violations of any city ordinance by the tire business or tire hauler;

C. The tire business or tire hauler fails to comply with any provisions of this chapter and/or any other applicable city ordinance;

D. The tire business or tire hauler fails to comply with any applicable state or federal law, rule or regulation, **including state and local traffic laws**; or

E. The tire business knowingly authorizes a tire hauler who is not properly permitted as required in section 9-58-4 to transport tires on behalf of such business.

Sec. 15-51. Destruction of tires.

Any tire that is no longer suitable for its original intended purpose or deemed unfit for resale by a tire business shall be rendered unusable and properly disposed of at an authorized tire disposal or recycling facility. Such unusable and unfit tires may not be returned to the customer for disposal by that customer, but the customer may, in writing, request their return for continued use and, in so doing, releases the facility from all liability for that reuse. Each tire business shall have six months from the effective date of the ordinance from which this chapter is derived to comply with this provision. Failure to comply with this requirement shall be grounds for revocation of the permit holder's permit in accordance with section 9-58-5.

Sec. 15-52. Storage of tires.

Tire businesses shall properly store tires at each facility in accordance with local, state and federal laws. Prior to storage, each tire shall be permanently marked with the **tire business** permit number. To eliminate potential nuisances of litter, insect breeding, fire hazards and other health risks, each tire business shall at all times during storage:

A. Store tires in covered or enclosed areas, or under an impermeable cover, in accordance with applicable health and safety laws, including but not limited to the city's fire prevention code, **to prevent the exposure to and collection of elements of nature**, and accumulation of water, **dirt or other foreign materials**;

B. **Tires stored outside shall be screened from public view.**

C. Secure tires at each facility to prevent easy access or theft (lock, chain, or store inside a building or other securable structure);

D. **Used tires, waste tires and tire pieces shall be stored separately.**

E. Accumulate tires in piles in accordance with the city's fire prevention code, **but not in excess of seven feet in height**;

F. Isolate tires from other stored materials that may create hazardous products if there is a fire, including, but not limited to, lead acid batteries, fuel tanks, solvent barrels, and pesticide containers;

G. Store no more than 100 tires in each bay **or 100 tires per 1,500 square feet of inside storage space and a maximum of 500 tires total.**

Sec. 15-53. Transport and place for disposal of tires.

- A. All tires and waste tires shall be covered and secured during transport upon any public road or highway by a permitted waste tire hauler.
- B. It shall be unlawful for any person or tire business to cause, suffer or allow the dumping of tires at any place in the city, including, without limitation, in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, any public or private property in the city or any waters in the city. Notwithstanding the foregoing, residential property owners within the city may properly discard up to four rimless used or waste tires on the curbside immediately in front of the property owner's residence for normal trash pickup without violating this provision; provided that such tires are discarded for removal within 24 hours of the property owner's designated day for trash pickup.
- C. It shall be unlawful for any person or tire business to cause, suffer, or allow the disposal of whole tires in a landfill.
- D. Tires shall be properly disposed of in accordance with section 9-58-9 by the delivery and manifesting of tires to an authorized tire disposal or tire recycling facility designated by the city. Tire businesses contracting with a tire hauler for the proper disposal of tires generated by such business shall require such hauler utilize a transmittal manifest documenting the pickup and delivery of the tires to an authorized tire disposal or tire recycling facility.
- E. It shall be unlawful for any person, tire business, or tire hauler to transport or dispose of tires or waste tires that are not marked with the tire business permit number.

Sec. 15-54. Disposal records/transmittal manifest.

- A. Tire businesses shall keep disposal records in the form of a **daily** transmittal manifest, as prescribed by the city, **of the numbers of tires and waste tires received and transported away** at each business location for a minimum of three years and make such records readily available upon request at reasonable hours for inspection by representatives of the city. The **daily** manifest must be maintained legibly and signed by an authorized representative of the tire business and clearly state the following:
1. Name, address, telephone number, permit number and authorized signature of the tire hauler;
 2. Name, address, telephone number, and authorized signature of the tire business who is contracting for the removal of the tires along with the permit number for such business;
 3. Date **and time** of removal/transport and the number of tires being transported;
 4. Name, address, and telephone number of the location where the tires are to be delivered; and

5. Upon delivery, the name and signature of the person accepting the tires, including the date of acceptance, **the number of tires received, and certification the received tires are properly marked with permit numbers.**

B. The manifest required by this section shall at all times accompany tires while in transit. Any tire business directly delivering waste or used tires generated at its business location to a tire disposal or tire recycling facility must also utilize the **daily** transmittal manifest and make such manifest available for production or inspection by representatives of the city, upon request. The original manifest shall be maintained by the tire business evidencing all information and signatures required herein, notwithstanding the use of a tire hauler or direct delivery by the tire business. A tire hauler contracted to deliver tires to a recycling facility or disposal facility must maintain a duplicate copy of the manifest reflecting the delivery of such tires for proper disposal. The tire recycling or tire disposal facility shall sign the manifest upon acceptance of the tires and also maintain a copy of the manifest for the facility's records.

C. **It shall be unlawful for tire businesses to accept delivery of tires or waste tires without tire markings. All tire businesses shall immediately report to City of Memphis code enforcement if tires or waste tires are delivered without tire markings.**

Sec. 15-55. Redemption program.

A. For the purpose of assisting with the proper disposal of waste or scrap tires, any county resident, other than a tire business or waste tire carrier, generator, hauler, disposer, or sorter, presenting an illegally disposed used or waste tire to an authorized tire disposal or recycling facility shall receive a redemptive value of \$1.00 per tire. The tire disposal or tire recycling facility receiving such tires shall require that the person presenting such tires for redemption execute an affidavit certifying that the tires were not stolen and that such person was not hired to haul such used or waste tires for disposal. Upon execution of such affidavit, the permits office is hereby authorized to make payment to the affiant after five calendar days and shall properly record and retain documentation reflecting such payment for a period of 12 months. Any person presenting a used or waste tire for redemption shall present valid Tennessee identification evidencing a Shelby County address. Information regarding the location of authorized tire disposal and tire recycling facilities shall be made available through the permits office.

B. The redemption program established in subsection A of this section shall commence immediately upon the effective adoption of the ordinance from which this chapter is derived and shall expire within 12 months of same, unless prior to such date the city council, after conducting public hearings, finds that the purpose of the program has yet to be fully achieved, in which case it may extend the effective period of the program for an additional two years.

C. **Tire businesses and haulers may dispose of up to ten tires every thirty days at a City of Memphis owned and operated convenience center for no associated cost.**

Sec. 15-56. Administration/enforcement.

A. Administration and enforcement of this chapter shall be the responsibility of the city permits office, city police department, public works division, and community enhancement division. The city, by and through its authorized representatives, is hereby authorized to enter any property regulated by this chapter, at reasonable or necessary times in order to properly inspect for violations.

B. The permits office is hereby authorized to promulgate all such rules and regulations considered necessary and proper to effectuate the implementation and enforcement of this chapter.

Sec. 15-57. Violations and penalties.

A. The improper storage of one or more used tires shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each improperly stored tire on the location of the tire business. Each day of continued violation of this subsection constitutes a separate offense.

B. The transport of one or more tires without the required permit and decal shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each tire being transported in violation of this chapter. Each day of continued violation of this subsection constitutes a separate offense. In addition, if the improper transport of one or more tires was done from an identified motor vehicle, with the aid of an identified motor vehicle, or in connection with an identified motor vehicle, a traffic citation shall be issued against such vehicle for \$50.00 for each offense of a tire or tires being transported in violation of this chapter. Furthermore, such traffic citation for improper dumping of tires, if unpaid, shall also constitute grounds for impoundment and/or immobilization of such vehicle as provided in section 11-40-27.

C. The improper transporting or dumping of a tire shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each tire found improperly dumped. Each day of continued violation of this subsection constitutes a separate offense. In addition, if the improper transporting or dumping of one or more tires was done from an identified motor vehicle, with the aid of an identified motor vehicle, or in connection with an identified motor vehicle, a traffic citation shall be issued against such vehicle for \$50.00 for each tire being transported in violation of this chapter. Furthermore, such traffic citation for improper transporting or dumping of tires, if unpaid, shall also constitute grounds for impoundment and/or immobilization of such vehicle as provided in section 11-40-27.

Sec. 15-58. Injunctive relief.

In addition to, and cumulative of, all other penalties herein provided, the city shall have the right to seek injunctive relief, for any violation of this chapter.

Sec. 15-59. Tire disposal fund.

All funds received by the city pursuant to this chapter shall solely be used to pay for the administrative and operational costs resulting from the enforcement and implementation of this chapter. The city shall also contribute \$50,000.00 for the establishment of a special fund designated by the city comptroller as the tire disposal fund which shall be used to fund the city's share of the redemption program.

Section 2. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 3. Effective Date. 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.

SPONSORS

Rhonda Logan

Jana Swearngen-Washington

CHAIRMAN

Martavius Jones

AN ORDINANCE TO AMEND CHAPTER 41- WRECKERS OR TOWING OPERATORS OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, SO AS TO UPDATE FEES PRESCRIBED

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 fees charged for non-consensual wreckers and towing operators within the City of Memphis have not been updated since 2006; in contrast, the cost of doing business has steadily risen since 2006, and current inflation and materials pricing have raised that cost even higher; and

WHEREAS, steady or increasing calls for service, coupled with space and staffing shortages at the City of Memphis Impound Lot require Towing Company drivers to spend more time dropping vehicles on the lot, thus further eroding the profitability of the business; and

WHEREAS, the Memphis City Council has heard the pleas of the city's Towing Operators to raise fees for their service to sustainable levels;

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 41 - Wreckers and Towing Operators, of the Code of Ordinances, is hereby amended as follows:

Article 1, Section 41-6. Wrecker Fees Prescribed

(1) Class A Wrecker Service: The maximum charge for Class A wrecker services, except in those instances which require the use of heavy-duty equipment as provided for in paragraph (2)(a) of this section, shall be as follows within the corporate limits of the city:

Year	Fee
2023	Two hundred and twenty-five dollars (225.00)
and all the years thereafter, until further amended	

The fee for towing required on a Night/ Weekend/ Holiday shall be two hundred and fifty dollars (\$250.00). For purposes of this and Sections 1-41-6-2 and 1-41-6-3, "Night" shall be defined as the hours

between 6 PM and 6 AM daily; "Weekend" shall be defined as the hours between 6 PM Friday and 6 AM Monday; "Holiday" shall be defined as any paid holiday recognized by the U.S. Federal or Tennessee State Governments.

The applicable fee shall include the point of final destination given to the wrecker driver in accordance with section 41-12(a).

Should the vehicle to be towed require extra winching, an additional one-hundred dollar (\$100.00) fee shall be assessed.

(2) Class B Wrecker Service fees shall apply as follows:

Year	Fee
2023 and all the years thereafter, until further amended	Five hundred dollars (500.00) per hour

The fee for towing by a Class B Wrecker required on a Night/ Weekend/ Holiday shall be five hundred twenty-five dollars (\$525.00) per hour.

These fee amounts shall be for the first hour or any portion thereof and for each additional hour thereafter.

The fee for extra winching for a Class B Wrecker shall be three hundred dollars (\$300.00) per hour

The fee for the use of a licensed driver helper will be sixty dollars (\$60.00) per hour. The licensed driver helper's time will commence at the time the wrecker arrives on the scene where the vehicle is located and will terminate at the time the wrecker and vehicle to be towed arrives at the final destination.

(3) Class C Wrecker service fees shall apply as follows:

Year	Fee
2023 and all the years thereafter, until further amended	Six hundred seventy-five dollars (\$675.00) per hour

The fee for towing by a Class C Wrecker required on a Night/ Weekend/ Holiday shall be seven hundred dollars (\$700.00) per hour.

These fee amounts shall be for the first hour or any portion thereof and each additional hour for the use of the wrecker.

The fee for the use of a licensed driver helper will be one hundred dollars (\$100.00) per hour. The licensed driver helper's time will commence at the time the wrecker arrives on the scene where the vehicle is located and will terminate at the time the wrecker and vehicle to be towed arrives at the final destination.

Airbag Fee

Should the tow require the use of Airbags, an additional fee of \$1,500 per hour shall be assessed.

This fee amount shall be for the first hour or any portion thereof and each additional hour for the use of the Airbags.

“Oil-Dri” Fee

When a wrecker service is required to use “Oil-Dri” to remove fluids from the scene of a tow, the fee for such use shall be fifteen dollars (\$15.00) per bag.

Wreck Cleanup Fee

Should the tow require of the wrecker service the cleanup of debris from a wreck or collision, an additional fee of \$45 shall be assessed.

Fee To Drop Vehicle Before Departing.

If the owner or operator of the vehicle is present and removes the vehicle to be towed from the premises before it is connected to the towing vehicle, the owner or operator shall not be charged any fee. If the owner or operator of the vehicle is present after the towing vehicle has been connected to the vehicle to be towed, the vehicle shall not be towed, but the owner or operator of the vehicle shall be liable for a reasonable fee not to exceed seventy-five dollars (\$75.00), in lieu of towing, provided the owner or operator of the vehicle forthwith removes the vehicle from the premises. A vehicle shall be deemed connected if every procedure required to secure the vehicle to the wrecker or wrecker equipment so that the vehicle may be safely towed has been completed at the time the owner or operator arrives, including the attachment of any safety chains. In the event that a tow is disregarded, the wrecker owner/operator responding to the call shall be rotated back to the top of the City's Wrecker Rotation List.

Bi-Annual Fee Review

The fees prescribed in this Chapter, including the foregoing and any prescribed in the Chapter's subsequent Articles or Sections, shall be subject to review by the Memphis City Council once every two years, to ensure parity with Towing Operator business costs.

Section 41-7. City Impound Lot Storage Fees, Private Lot Fees, and Administrative Fees

(a) An administrative fee of seventy-five dollars (\$75.00) will be assessed for each tow ticket processed at the Memphis Police Department (City Impound Lot Facility). Such fee shall be charged to the consumer.

(b) The storage of a vehicle by a wrecker operator on any municipally operated vehicle storage or impound lot shall be forty dollars (\$40.00) for each twenty-four (24) hour period, or fraction thereof, after the first two (2) hours of impoundment. All vehicles shall be towed to the City Impound Lot except vehicles which have been damaged in an accident and cannot be safely driven. Such vehicles shall be removed from the scene of the accident by a wrecker service owner or operator and towed to such wrecker owner or operator's private wrecker lot, provided that, such wrecker owner or operator has not been notified by the Memphis Police Department that the vehicle is needed for evidentiary or investigative purposes.

(c) The storage fee for tractor trailer trucks shall be seventy dollars (\$70.00) for the rig and seventy dollars (\$70.00) for the trailer, for each twenty-four hour period, or fraction thereof. All vehicles must be stored behind the fence of the vehicle storage lot.

(d) A "Gate Fee" of fifty dollars (\$50.00) shall be charged to release any car from the Impound Lot during business hours. Should a release be required during hours defined as "Night," "Weekend" or "Holiday" in 1-41-6-1, a Gate Emergency Release Fee of \$100 shall be charged.

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

Section 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect after having been passed by City Council, signed by the Chair of Council, certified and delivered to the office of the Mayor in writing by the comptroller, and becomes effective as otherwise provided by law.

Sponsor:

Ford Canale

REFERENDUM ORDINANCE NO. _____

A REFERENDUM ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879 AS AMENDED, PURSUANT TO ARTICLE XI, § 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT), SO AS TO PROVIDE PROVISIONS FOR THE REGULATION OF DEADLY WEAPONS

WHEREAS, it is deemed advisable and in the best interest of the citizens of the City of Memphis that the City of Memphis Charter be amended by ordinance as provided by Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) for the purpose of regulating deadly weapons in the City of Memphis.

Section 1. Proposed Amendment Authorized.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, That pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee, as amended, a proposal for amending the Charter of the City, as set forth in this ordinance, shall be published and submitted by the City of Memphis to its qualified voters at the first state general election, which shall be held in the City of Memphis on August 1, 2024, and which shall be held at least sixty (60) days after such publication.

Section 2. Publication of Home Rule Amendment as required by Tennessee Constitution.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause this Ordinance, as finally adopted, to be published pursuant to provisions of Article XI, Section 9 of the Constitution of the State of Tennessee immediately after adoption by the City Council.

Section 3. Certification and Delivery to Election Commission.

BE IT FURTHER ORDAINED, That upon the adoption of this Ordinance becoming effective as required by law, the Comptroller of the City of Memphis shall immediately certify adoption of this Ordinance and deliver a certified copy thereof to the Shelby County Election Commission in charge of holding the general State election on August 1, 2024, and shall request that the proposed amendment to the Home Rule Charter of the City of Memphis, in the preferred form set forth in this Ordinance, be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the City Council does hereby adopt the suggested proposal and form of question to be placed on the ballot for a referendum vote on a Home Rule Amendment to the Charter of the City of Memphis in a State General election to be held on the 1st day of August 2024, which question(s) shall read as follows:

QUESTION:

Shall the Charter of the City of Memphis be amended to read:

1. No person shall be allowed to carry a handgun in the City of Memphis without possessing a valid handgun carry permit.
2. No person shall be allowed to carry, store, or travel with a handgun in a vehicle in the City of Memphis without possessing a valid handgun permit.
3. It shall be unlawful for a person to store a firearm, whether loaded or unloaded, or firearm ammunition, in a motor vehicle or boat while the person is not in the motor vehicle or boat unless the firearm or firearm ammunition is kept from ordinary observation and locked within the trunk, utility or glove box, or a locked container securely affixed to the motor vehicle or boat.

I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

QUESTION:

Shall the Charter of the City of Memphis be amended to read:

1. The citizens of Memphis hereby find and declare that the proliferation and use of assault weapons pose a threat to the health, safety, and security of all citizens of Memphis.
2. Hereafter, it shall be unlawful and prohibited for a person to possess or carry, openly or concealed, any assault rifles in the City of Memphis. Persons with valid handgun permits are exempt from this restriction when possessing or carrying an assault rifle on their privately owned property or at a shooting range.
3. Hereafter, the commercial sale of assault rifles within the City of Memphis is unlawful and is hereby prohibited.
4. The provisions of this Chapter shall not apply to the commercial sale of assault rifles to:
 - 4.1 Any federal, state, local law enforcement agency;
 - 4.2 The United States Armed Forces or department or agency of the United States;
 - 4.3 Tennessee National Guard, or a department, agency, or political subdivision of a state; or
 - 4.4 A Law Enforcement Officer.

5. Pre-existing owners that can demonstrate that the commercial sale of an assault rifle was completed prior to the Effective Date of January 1, 2025, which means that prior to January 1, 2025, the purchaser completed an application, passed a background check, and has a receipt or purchase order for said purchase, without regard to whether the purchaser has actual physical possession of the Assault Rifle, shall be considered a pre-existing purchaser.

I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

QUESTION:

Shall the Charter of the City of Memphis be amended to read:

Section 1. EXTREME RISK PROTECTION ORDERS

A. Definitions

1. “Petitioner” means:

- (A) A law enforcement officer or agency, including an attorney for the state;
- (B) A member of the family of the respondent, which shall be understood to mean a parent, spouse, child, or sibling of the respondent;
- (C) A member of the household of the respondent;
- (D) A dating or intimate partner of the respondent;
- (E) A health care provider who has provided health services to the respondent;
- (F) An official of a school or school system in which the respondent is enrolled or has been enrolled within the preceding month;

2. “Respondent” means the person against whom an order under Section 2 or 3 has been sought or granted.

B. Types of Orders

1. The petitioner may apply for an emergency ex parte order as provided in Section 2 or an order following a hearing as provided in Section 3.

Section 2. EMERGENCY EX PARTE ORDER

(a) Basis for Order. The court shall issue an emergency ex parte extreme risk protection order upon submission of an application by a petitioner, supported by an affidavit or sworn oral statement of the petitioner or other witness, that provides specific facts establishing probable cause that the respondent's possession or receipt of a firearm will pose a significant danger or extreme risk of personal injury or death to the respondent or another person. The court shall take up and decide such an application on the day it is submitted, or if review and decision of the application on the same day is not feasible, then as quickly as possible but in no case later than forty-eight hours.

(b) Content of Order. An order issued under this section shall,

(1) prohibit the respondent from possessing, using, purchasing, manufacturing, or otherwise receiving a firearm;

(2) order the respondent to provisionally surrender any firearms in his or her possession or control, and any license or permit allowing the respondent to possess or acquire a firearm, to any law enforcement officer presenting the order or to a law enforcement agency as directed by the officer or the order; and

(3) inform the respondent of the time and place of the hearing under Section 3 to determine whether he or she will be subject to a continuing prohibition on possessing and acquiring firearms.

(c) Search and Seizure.

(1) If the application and its supporting affidavit or statement establish probable cause that the respondent has access to a firearm, on his or her person or in an identified place, the court shall concurrently issue a warrant authorizing a law enforcement agency to search the person of the respondent and any such place for firearms and to seize any firearm therein to which the respondent would have access.

(2) The court may subsequently issue additional search warrants of this nature based on probable cause that the respondent has retained, acquired, or gained access to firearm while an order under this section remains in effect.

(3) If the owner of a firearm seized pursuant to this subsection is a person other than the respondent, the owner may secure the return of the firearm as provided in Section 3(c)(3).

(d) Time for Service and Searches. The responsible law enforcement agency shall serve the order on the respondent and carry out any search authorized under subsection (c)(1), promptly following issuance of the order. If a search is authorized under subsection (c)(1), the agency may serve the order on the respondent concurrently with or after the execution of the search.

SEC. 3. ORDER AFTER HEARING

(a) Order After Hearing. Upon application for an extreme risk protection order, supported by an affidavit or sworn oral statement of the petitioner or other witness that provides specific facts giving rise to the concern about the significant danger or extreme risk described in Section 2, the court may issue an order under this section, which shall be effective for a period of one (1) year after a hearing. An order issued under this section shall,

(1) prohibit the respondent from possessing, using, purchasing, or otherwise receiving a firearm; and

(2) order the respondent to surrender any firearm in his or her possession or control, and any license or permit allowing the respondent to possess or acquire a firearm, to any law enforcement officer presenting the order or to a law enforcement agency as directed by the officer or the order.

(b) Basis for order. The court shall issue such an order based on a preponderance of the evidence that the respondent's possession or receipt of a firearm will pose a significant danger or extreme risk of personal injury or death to the respondent or another person. In determining the satisfaction of this requirement, the court shall consider all relevant facts and circumstances after reviewing the petitioner's application and conducting the hearing described in Section 2(d). The court may order a psychological evaluation of the respondent, including voluntary or involuntary commitment of the respondent for purposes of such an evaluation, to the extent authorized by other law.

(c) Search and Seizure.

(1) If the evidence presented at the hearing establishes probable cause that the respondent has access to a firearm, on his or her person or in an identified place, the court shall concurrently issue a warrant authorizing a law enforcement agency to search the person of the respondent and any such place for firearms and to seize any firearm therein to which the respondent would have access.

(2) The court may subsequently issue additional search warrants of this nature based on probable cause that the respondent has retained, acquired, or gained access to a firearm while an order under this section remains in effect.

(3) If the owner of a firearm seized pursuant to this subsection is a person other than the respondent, the owner may secure the prompt return of the firearm by providing an affidavit to the law enforcement agency affirming his or her ownership of the firearm and providing assurance that he or she will safeguard the firearm against access by the respondent. The law enforcement agency shall return the firearm to the owner upon its confirmation, including by a check of the National Instant Criminal Background Check System and the applicable state firearm background check system, that the owner is not legally disqualified from possessing or receiving the firearm.

(d) Time for Hearings and Service.

(1) A hearing under this section shall be held within three (3) days of the filing of the application, or within one (1) day of the issuance of an emergency ex parte order under Section 2, if such an order is issued. The responsible law enforcement agency shall serve notice of the hearing on the respondent promptly after the filing of the application or issuance of an emergency ex parte order, but notice may be provided by publication or mailing if the respondent cannot be personally served within the specified period. The respondent shall be entitled to one continuance of up to two (2) days on request, and the court may thereafter grant an additional continuance or continuances for good cause. Any emergency ex parte order under Section 2 shall remain in effect until the hearing is held. The court may temporarily extend the emergency order at the hearing, pending a decision on a final order.

(2) The responsible law enforcement agency shall serve an order issued under this section on the respondent and carry out any search authorized under subsection (c)(1), promptly following issuance of the order. If a search is authorized under subsection (c)(1), the agency may serve the order on the respondent concurrently with or after the execution of the search.

(e) Termination and Renewal of Orders.

(1) A respondent may file a motion to terminate an order under Section 3 one time during the effective period of that order. The respondent shall have the burden of proving, by the same standard of proof required for issuance of such an order, that he or she does not pose a significant danger or extreme risk of personal injury or death to himself or herself or another.

(2) The petitioner may seek renewals of an order under this section for an additional six (6) months at any time preceding its expiration. Renewals after the initial order shall be granted subject to the same standards and requirements as an initial order. The preceding order shall remain in effect until the renewal hearing is held and the court grants or denies a renewed order.

(3) If the respondent fails to appear at, or cannot be personally served in relation to, any hearing or renewal hearing under this section, the default does not affect the court's authority to issue an order or entitle the respondent to challenge the order prior to its expiration. The order will lapse after one (1) year if no eligible petitioner seeks its renewal.

SEC. 4. ENTRY INTO BACKGROUND CHECK SYSTEMS

The court shall forward any order issued under Section 2 or 3 to an appropriate law enforcement agency on the day it is issued. Upon receipt of an order under Section 3, the law enforcement agency shall make the order available to the National Instant Criminal Background Check System and any state system used to identify persons who are prohibited from possessing firearms.

SEC. 5. VIOLATIONS

The following persons shall be in violation of the City Code of Ordinances:

(1) **FILER OF FALSE OR HARASSING APPLICATION.** – Any person filing an application under Section 2 or 3 containing information that he or she knows to be materially false, or for the purpose of harassing the respondent.

(2) **RESPONDENT NOT COMPLYING WITH ORDER.** – Any person who knowingly violates an order under Section 2 or 3, including by possessing or acquiring a firearm in violation of the order or failing to surrender a firearm as required by the order.

(3) **PROVIDER OF PROHIBITED ACCESS TO RESPONDENT.** – Any person who knowingly provides the subject of an order under Section 2 or 3 access to a firearm, in violation of an assurance the person has provided in an affidavit under Section 2(c)(3) or 3(c)(3) that he or she will safeguard the firearm against access by the respondent.

I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

Section 5. Effective Date of Charter Amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein on January 1, 2025, after approval by a majority of the qualified voters voting thereon in an election to be held on the 1st day of August 2024, 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 on the referendum question 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 from and after the effective date of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis in conflict with the subject matter of this amendatory Home Rule Ordinance shall be immediately annulled, vacated, and repealed and 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.

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 as Required by the City Charter.

BE IT FURTHER ORDAINED, that this Ordinance shall also be published by the Comptroller at the same time and manner as required by the City's Charter for all ordinances adopted by the City Council.

Section 10. Enactment of Referendum Ordinance.

BE IT FURTHER ORDAINED, that the adoption of this Referendum 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

JB Smiley, Jr.
Jeff Warren

CHAIRMAN

Martavius Jones

ORDINANCE NO.

AN ORDINANCE TO MAKE MINIMALLY NECESSARY CHANGES TO CERTAIN COUNCIL DISTRICTS ESTABLISHED BY ORDINANCE NO. 5833 TO ENHANCE THE RELATIVE POPULATION DISPERSION AMONG ALL SUCH DISTRICTS AND TO INSURE THAT ALL SUCH DISTRICTS WILL CONTINUE TO COMPLY WITH THE INJUNCTION DECREE ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER PERTAINING TO VOTING RIGHTS ACT REMEDIES

P R E A M B L E

WHEREAS, the City Council adopted Substitute Ordinance No. 5833 on August 23, 2022 to revise City Council electoral districts and to reapportion the City's population based on the population changes reflected in the 2020 federal census;

WHEREAS, Substitute Ordinance No. 5833 expressed the intention to make only minimal changes in existing Council Districts necessary to make each Council District be as equal in population as practicable while complying with 1996 referendum charter amendment and the permanent injunction entered by Judge Jerome Turner on January 29, 1997 that made permanent the redistricting plan approved by Memphis voters;

WHEREAS, a potential clerical error in the total census population for the City may cause the population in two of the single member districts to be outside the ideal ranges of population dispersion preferred under traditional redistricting principles;

WHEREAS, the potential clerical error in the total census population for the City does not affect the redistricting plan for Super Districts or for the remaining five single member districts adopted in Substitute Ordinance No. 5833;

WHEREAS, U.S. Supreme Court and Tennessee precedents recognize that there are no redistricting safe harbors and that population dispersion is one of a totality of factors that courts consider to determine the validity of an electoral redistricting plan;

WHEREAS, assuming that there are deviations from the ideal ranges of population dispersion in Ordinance No. 5833 for two single member districts the Council's legal counsel has expressed the opinion that such deviations do not affect

the legal validity of the redistricting plan for any council district adopted in Ordinance No. 5833;

WHEREAS, the Council desires out of an abundance of caution to reassign one precinct from Districts 5 to District 2, which will bring those districts within the ideal ranges of population dispersion preferred under traditional redistricting principles;

WHEREAS, the Council finds that the proposed change to the redistricting plan adopted in Ordinance No. 5833 does not dilute minority vote, create voter confusion and disruption, materially change the compactness of any district or existing voting patterns of minority voters; and

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

Section 1. Redistricting Amendment. That the Council districts 1 through 7, both inclusive, which are represented, by one council member each and multi-member districts 8 and 9, which are composed of approximately one-half the total city's population and are each represented by three (3) council members elected by position, shall each be amended and reconstituted to include the following Wards and Precincts:

DISTRICT ONE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

- DISTRICT 1
- 111
- 108
- 110
- 609
- 601
- 606
- 502
- 109
- 608
- 605
- 604

501

505

DISTRICT TWO shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 2

404

412

409

407

509

507

511

202

1205

1204

1303

403

408

504

1203

1202

1312

510

508

ADDED

1301

DISTRICT THREE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 3

1106

1108

1105

1207

1208
1201
1107
908
1009
1010
911
907

DISTRICT FOUR shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 4

1101
1307
1008
1005
1004
1007
811
1003
1103
1001
1102
1104

DISTRICT FIVE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 5

401
708
709
707
1308
710

1304
1302
1301 reassigned
to District 2
1305
1306
1309
1310
1311
402

DISTRICT SIX shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 6

909
906
901
910
905
904
902
903
1002
812
808
810
809
806
807
1006

DISTRICT SEVEN shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 7

803
104
801
701
702
703
704
705
706
607
805
804
802
603

DISTRICT EIGHT shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

SUPER DISTRICT EIGHT

104
701
702
703
704
705
706
801
802
803
804
805
806
807
808
809
810
811
812

901
902
903
904
905
906
907
908
909
910
911
1001
1002
1003
1004
1006
1007
1008
1009
1010
1102
1103
1104
1105
1107
1108
1201
1207

DISTRICT NINE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

SUPER DISTRICT NINE

108
109

110
111
202
401
402
403
404
407
408
409
412
501
502
504
505
507
508
509
510
511
601
603
604
605
606
607
608
609
707
708
709
710
1005
1101
1106
1202
1203
1204
1205
1208

1301
1302
1303
1304
1305
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1308
1309
1310
1311
1312

Wards and precincts have been allocated between the various districts using the U.S. Census Bureau's block and ward/precinct data released by the U.S. Census Department to the Governor and General Assembly of the State of Tennessee. Such data may vary from the wards and precincts split or consolidated by the Shelby County Election Commission after the compilation of census data by the U.S. Census Bureau.

Reference is made to the Memphis Municipal Code, as amended, and to the Official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts One (1) through Nine (9), both inclusive. Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners of Shelby County, Tennessee, for ordinances and resolutions establishing precinct lines. A map describing said Districts, as amended, is hereby adopted and is ordered to be filed with the Comptroller of the City of Memphis. Should there be discrepancies between the official U.S. census districts and the voting districts assigned by the Shelby County Election Commission and the text of this Ordinance using the Election Commission's descriptions of voting districts and precincts such discrepancies shall be resolved by the Election Commission by reference to the official map filed with the Comptroller of the City, which shall control.

Section 2. Nonconflicting-Conflicting Laws.

BE IT FURTHER ORDAINED That all laws or ordinances of the City of Memphis, not in conflict with this Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or 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 4. Effective Date.

BE IT FURTHER ORDAINED, That this ordinance shall take effect immediately after its adoption, the public welfare requiring it.

SPONSORS:

CHASE CARLISLE COUNCIL MEMBER DIST. 9

FORD CANALE COUNCIL MEMBER DIST. 9

FRANK COLVETT COUNCIL MEMBER DIST. 2

**MARTAVIUS JONES
CHAIRMAN OF COUNCIL**

Attest:

VALERIE C. SNIPES
Deputy City Comptroller



ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF MEMPHIS, TENNESSEE

ADOPTING THE ANNUAL BUDGET AND TAX RATE

FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024

WHEREAS, Tennessee Code Annotated §9-1-116 requires that all funds of the State of Tennessee and all its political subdivisions shall first be appropriated before being expended and that only funds that are available shall be appropriated; and

WHEREAS, the Municipal Budget Law of 1982 (TCA§ 6-56-Part 2) requires that the legislative body of each municipality adopt and operate under an annual budget ordinance presenting a financial plan with at least the information required by that state statute, that no municipality may expend any money regardless of the sources except in accordance with a budget ordinance and that the legislative body shall not make any appropriation in excess of the estimated available funds; and

WHEREAS, the Legislative Body, identified interchangeably as the Memphis City Council, has published the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated) in a newspaper of general circulation not less than ten (10) days prior to the meeting where the Memphis City Council will consider final passage of the budget.

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE BODY OF THE CITY OF MEMPHIS, TENNESSEE AS FOLLOWS:

SECTION 1

That the legislative body projects anticipated revenues for all sources and appropriates planned expenditures for each Fund, Division, or other agency of the municipality, herein presented together with the actual annual receipts and expenditures of the last preceding fiscal year and the estimated annual expenditures for the current fiscal year, and from those revenues and unexpended and unencumbered funds as follows for the fiscal year 2023, and including the projected ending balances for the budget year, the actual ending balances for the most recent ended fiscal year and the estimated ending balances for the current fiscal years:

General Fund

	Actual FY2022	Estimated Actual FY2023	Budget FY2024
Revenue			
Local Taxes	506,376,488	-	508,101,000
State Taxes	76,183,224	-	79,260,000
Licenses and Permits	13,157,116	-	14,501,000
Fines and Forfeitures	11,096,752	-	12,162,000
Charges for Services	42,053,344	-	44,965,125
Use of Money and Property	(2,607,620)	-	6,175,000
Federal Grants	8,627,974	-	4,750,000
State Grants	5,000,000	-	-
Intergovernmental Revenues	4,574,827	-	4,500,000
Other Revenues	12,617,396	-	10,275,875
Transfers In	84,829,758	-	100,618,000
Contributed from Fund Balance	-	-	6,692,000
Total Revenue	761,909,259	-	792,000,000
Expenditures			
Personnel Services	535,815,714	-	576,590,663
Materials and Supplies	172,133,662	-	167,095,340
Capital Outlay	580,653	-	1,270,414
Grants and Subsidies	61,141,870	-	66,152,904
Inventory	357,213	-	495,700
Expense Recovery	(20,575,092)	-	(21,035,300)
Investment Fees	127,200	-	149,652
Service Charges	169,704	-	259,627
Transfers Out	4,061,484	-	1,021,000
Misc Expense	126,961	-	-
Total Expenditures	753,939,369	-	792,000,000

Special Revenue Funds:

Drug Enforcement Fund

	Actual FY2022	Estimated Actual FY2023	Budget FY2024
Revenue			
Fines and Forfeitures	\$ 2,169,196	\$ -	\$ 2,370,000
Federal Grants	33,801	-	82,500
Other Revenues	9,076	-	-
Contributed from Fund Balance	-	-	507,968
Total Revenue	\$ 2,212,073	\$ -	\$ 2,960,468
Expenditures			
Personnel Services	\$ 555,253	\$ -	\$ 820,000
Materials and Supplies	1,173,295	-	1,867,458
Capital Outlay	132,211	-	467,500
Total Expenditures	\$ 1,860,759	\$ -	\$ 3,154,958
Net Revenue	\$ 351,314	\$ -	\$ (194,490)

Hotel / Motel Tax Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
Revenue			
Local Taxes	\$ 17,056,925	\$ 15,750,000	\$ 15,750,000
Total Revenue	\$ 17,056,925	\$ 15,750,000	\$ 15,750,000
Expenditures			
Grants and Subsidies	\$ 10,521,111	\$ 8,900,000	\$ 8,900,000
Transfers Out	6,633,050	6,633,050	6,633,050
Contributed to Fund Balance	-	216,950	216,950
Total Expenditures	\$ 17,154,161	\$ 15,750,000	\$ 15,750,000

Metro Alarm Fund

	FY22 Actual		FY23 Forecast		FY24 Proposed
<u>Revenue</u>					
Licenses and Permits	\$ 1,894,999	\$	-	\$	1,940,000
Other Revenue	-		-		10,000
Contributed from Fund Balance	342,794		-		344,161
Total Revenue	\$ 2,237,793	\$	-	\$	2,294,161

<u>Expenditures</u>					
Personnel Services	\$ 399,660	\$	-	\$	424,115
Materials and Supplies	214,500		-		249,500
Transfers Out	1,625,000		-		1,625,000
Miscellaneous Expense	-		-		10,000
Total Expenditures	\$ 2,239,160	\$	-	\$	2,308,615

New Memphis Arena Fund

	FY22 Actual		FY23 Forecast		FY24 Proposed
<u>Revenue</u>					
Local Taxes	\$ 2,500,000	\$	2,500,000	\$	2,500,000
Transfer In	1,975,000		-		-
Total Revenue	\$ 4,475,000	\$	2,500,000	\$	2,500,000

<u>Expenditures</u>					
Grants and Subsidies	\$ 2,500,000	\$	2,500,000	\$	2,500,000
Total Expenditures	\$ 2,500,000	\$	2,500,000	\$	2,500,000

Pre-K Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
Revenue			
Local Taxes	\$ 5,573,288	\$ 10,484	\$ -
Use of Money and Property	(65,669)	118,839	-
Transfer In	5,000,000	6,000,000	6,500,000
Total Revenue	\$ 10,507,619	\$ 6,129,323	\$ 6,500,000

Expenditures

Grants and Subsidies	\$ 6,000,000	\$ 6,000,000	\$ 6,500,000
Total Expenditures	\$ 6,000,000	\$ 6,000,000	\$ 6,500,000

Sales Tax Referendum Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
Revenue			
Local Taxes	\$ 71,304,060	\$ 73,000,000	\$ 76,000,000
Contributed to Fund Balance	-	-	346,000
Total Revenue	\$ 71,304,060	\$ 73,000,000	\$ 76,346,000

Expenditures

Materials and Supplies	\$ 626,597	\$ 500,000	\$ -
Project Cost	16,660	7,000,000	-
Transfers Out	49,581,397	63,600,000	76,346,000
Contributed to Fund Balance	-	4,000,000	-
Total Expenditures	\$ 50,224,654	\$ 75,100,000	\$ 76,346,000

Solid Waste Management Fund

(Placeholder)

State Street Aid Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
Revenue			
State Taxes	\$ 23,339,088	\$ 23,110,000	\$ 23,110,000
Total Revenue	\$ 23,339,088	\$ 23,110,000	\$ 23,110,000
Expenditures			
Materials and Supplies	\$ 20,575,092	\$ 21,341,700	\$ 21,341,700
Transfers Out	1,768,300	1,768,300	1,768,300
Total Expenditures	\$ 22,343,392	\$ 23,110,000	\$ 23,110,000

Debt Service Fund

Revenues	FY 2022	FY 2023	FY 2023	FY 2024
	Actual	Funding Budget	Forecast	Requested Budget
040110 Ad Valorem Tax - Current	\$ 125,171,748	\$ 126,000,000	\$ 124,000,000	\$ 122,600,000
040112 Ad Valorem Tax - Current Sales of Receivables	1,651,590	1,800,000	1,800,000	1,800,000
040120 Ad Valorem Tax Prior	1,000,411	1,000,000	3,100,000	3,100,000
040130 PILOT's	1,711,665	2,201,839	2,201,839	2,201,839
040210 Local Sales Tax	11,458,235	11,000,000	11,200,000	11,750,000
040211 Tourism Development Zone Local Sales	-	-	1,951,660	2,221,622
041201 Tourism Development Zone State Sales	4,355,925	7,000,000	15,326,383	16,680,878
FSC455 455 Use of Money and Property	(1,257,825)	201,600	3,041,821	3,041,000
FSC460 460 Federal Grants	2,123,540	1,968,346	1,968,627	1,758,988
FSC475 475 Other Revenues	1,644,711	1,632,831	2,057,832	2,057,832
070111 Oper Tfr In - General Fund	177,273	-	-	-
070201 Oper Tfr In - State Street Aid	1,768,300	1,768,300	1,768,300	1,768,300
070204 Oper Tfr In - Solid Waste Fund	2,170,732	2,644,299	2,644,299	2,644,298
070205 Oper Tfr In - Misc Grants Fund	14,873	192,271	192,271	192,246
070223 Oper Tfr In - Hotel/Motel Fund	6,633,050	6,633,050	6,633,050	6,633,050
FSC486 486 Proceeds from Refunding Debt	207,863,832	150,780,000	150,677,985	-
FSC490 Dividend and Interest on Investment	-	-	1,000	-
049600 Bond Sale Proceeds	38,199,085	167,555,000	167,555,000	-
049996 Contribution from Restricted Fund Balance	-	1,810,360	1,810,360	1,809,228
049997 Contribution from Committed Fund Balance	-	13,241,905	-	5,444,232
Total Revenues	\$ 404,687,145	\$ 497,429,801	\$ 497,930,427	\$ 185,703,513

Expenditures	FY 2022	FY 2023	FY 2023	FY 2024
	Actual	Funding Budget	Forecast	Requested Budget
505 Materials and Supplies - Professional Services	\$ 388,669	\$ 476,965	\$ 458,000	\$ 450,000
505 Materials and Supplies - Bank Fees	587,130	700,000	700,000	700,000
505 Miscellaneous Expense	-	-	20,000	20,000
526 Investment Fees	3,100	4,000	4,000	4,000
535 Bond Issue Costs	29,734,772	1,471,314	1,150,000	-
540 Redemption of Serial Bonds and Notes	101,317,147	106,681,275	106,681,275	113,908,652
545 Interest	69,178,739	70,388,666	67,322,749	70,558,561
550 Service Charges	36,900	62,445	60,363	62,300
555 Transfers Out - General Fund	22,963	-	-	-
555 Transfers Out - Capital Project Fund	993,591	-	-	-
555 Transfers Out - Sewer Treatment & Collection Fund	864,164	-	-	-
567 Retirement of Refunded Debt	207,083,587	316,968,686	316,968,686	-
598 Misc Expense - Prior Year Expense	-	-	(1,097,088)	-
089996 Contribution to Restricted Fund Balance	-	-	2,053,412	-
Total Expenditures	\$ 410,210,762	\$ 496,753,351	\$ 494,321,397	\$ 185,703,513

Enterprise Funds:

Sewer Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
Revenue			
Fines and Forfeitures	\$ 276,850	\$ -	\$ 1,001,000
Charges for Services	156,011,668	-	158,028,307
Use of Money and Property	(491,522)	-	600,000
Federal Grants	-	-	-
Other Revenues	3,569,979	-	83,000
Transfers In	864,164	-	-
Dividend and Interest on Investment	63,621	-	-
Employee Contributions	-	-	-
Gain (Loss) on Investments	(382,862)	-	-
Gain (Loss) on Sale of Assets	7,986	-	-
Contributed from Fund Balance	-	-	353,161
Capital Contributions	463,215	-	-
Total Revenue	\$ 160,383,099	\$ -	\$ 160,065,468
Expenditures			
Personnel Services	\$ 24,024,516	\$ -	\$ 27,760,606
Materials and Supplies	70,224,953	-	81,637,535
Pension Expense	1,893,000	-	-
Capital Outlay	3,191,026	-	10,022,000
Grants and Subsidies	21,208	-	-
Investment Fees	3,230	-	-
Project Costs	-	-	-
Bond Issue Costs	-	-	-
Interest	7,086,466	-	11,393,233
Service Charges	7,300	-	-
Transfers Out	11,254,055	-	14,001,294
Depreciation on Own Funds	14,556,141	-	15,250,800
Misc Expense	151,270	-	-
Total Expenditures	\$ 132,413,165	\$ -	\$ 160,065,468
Net Revenue	\$ 27,969,934	\$ -	\$ -

Storm Water Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
Revenue			
Fines and Forfeitures	14,492	-	35,000
Charges for Services	36,696,969	-	36,500,000
Use of Money and Property	(204,080)	-	-
Other Revenues	1,560,764	-	-
Dividend and Interest on Investment	19,031	-	-
Gain (Loss) on Investments	5,781	-	-
Gain (Loss) on Sale of Assets	21,742	-	-
Total Revenue	38,114,699	-	36,535,000
Expenditures			
Personnel Services	11,245,105	-	12,997,012
Materials and Supplies	6,477,940	-	10,947,982
Pension Expense	826,000	-	-
Capital Outlay	5,508	-	2,583,375
Grants and Subsidies	202,500	-	380,000
Investment Fees	6,330	-	-
Project Costs	-	-	-
Bond Issue Costs	-	-	-
Interest	843,306	-	1,653,500
Service Charges	700	-	-
Transfers Out	106,000	-	106,000
Depreciation on Own Funds	3,333,713	-	2,416,340
Contributed to Fund Balance	-	-	5,450,791
Total expenditures	23,047,102	-	36,535,000
Net Revenue	15,067,597	-	-

Internal Service Funds:

Fleet Fund

Healthcare Fund

Unemployment Fund

	FY22 Actual	FY23 Forecast	FY24 Proposed
Revenue			
Use of Money and Property	\$ (25,491)	\$ (37,289)	\$ -
Employer Contributions	528,720	508,560	503,440
Total Revenue	\$ 503,229	\$ 471,271	\$ 503,440
Expenditures			
Claims Incurred	\$ 89,776	\$ 98,000	\$ 200,000
Contributed to Fund Balance	-	-	303,440
Total Expenditures	\$ 89,776	\$ 98,000	\$ 503,440

Fiduciary Funds:

Other Post-Employment Benefits Fund

Library Retirement System Fund

All monies subject to appropriation by all Funds and Division shall be deposited with the City Treasurer for the use of the City of Memphis and all monies so received shall be considered appropriated regardless of the foregoing estimates by items until the appropriations have been filled.

The City Comptroller shall have no power to authorize withdrawal of funds constituting the current operating revenues of the City of Memphis from the Treasury of the City of Memphis, nor shall any obligations for the expenditure of any funds be incurred except in pursuance of this ordinance; provided however, that the City Council may appropriate in the current year a greater amount for the operation of any Fund or Division, or for any corporate purpose other than those for which an appropriation shall have been made herein in the event that the current revenues shall be available for such purposes; and provided further, that said expenditures shall be authorized by ordinance or resolution duly adopted by the City Council.

The Fiscal Year 2024 Adopted Budget contains funding for 13 paid holidays for City of Memphis Employees. Those paid holidays are: New Year’s Day, Martin Luther King Day, Martin Luther King Memorial Day, Good Friday, Memorial Day, Juneteenth, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Day After Thanksgiving, Christmas Eve, and Christmas Day.

Where work is done or materials furnished by one Division and/or Service Center for another Division and/or Service Center, the City Comptroller is directed to charge the appropriation of the Division or Service Center receiving and to credit the appropriation of the Division or Service enter furnishing such labor materials with the proper cost thereof, which said charge is accepted by the Division or Service Center receiving the same.

Pursuant to the provisions of the City of Memphis Charter as amended, when any obligation has been incurred by order, contract, agreement to purchase, hire, receive or otherwise obtain anything of value for the us of the City of Memphis by the joint action of respective Division Chiefs for Directors, a liability shall be construed to have been created against the appropriation of the Division affected and the respective Division Chiefs or Directors and Program Heads in charge and other persons are prohibited from incurring liabilities in excess of the amount appropriated for each budget of each Program, the totals of which are set out in Section One (1), hereof, of additional amounts which may hereafter be authorized by the City Council.

SECTION 2

At the end of the fiscal year 2023, the Legislative body estimates fund balances as follows:

General Fund	\$202,000,000
Drug Enforcement Fund	\$ 8,000,000
Hotel / Motel Tax Fund	\$ 6,000,000
Metro Alarm Fund	\$ 1,000,000
New Memphis Arena Fund	\$ 0 (fund allocated to Debt Service for bond payment)
Pre-K Fund	\$ 6,500,000
Sales Tax Referendum Fund	\$ 38,000,000 Restricted Fund Balance
	\$ 30,000,000 Encumbered
Solid Waste Management Fund	\$ 7,000,000
State Street Aid Fund	\$ 0 (funds allocated to General Fund at Year End)
Debt Service Fund	\$ 50,000,000
Sewer Fund	\$ 550,000,000
Storm Water Fund	\$ 150,000,000
Fleet Fund	\$ 3,000,000
Healthcare Fund	\$ 15,000,000
Unemployment Fund	\$ 1,500,000
Other Post-Employment Benefits Fund	\$ 6,000,000

Library Retirement System Fund \$ 50,000,000

SECTION 3

That the Legislative body herein certifies that the City is compliant pursuant to its bond covenants, and recognizes that the municipality has outstanding bonded and other indebtedness as follows:

**City of Memphis Operating Budget
Debt Service Payment Data
Fiscal Year 2024**

Fund	Type of Debt	Loan Name and Description	Original Issuance	Authorized & Unissued	Principal	Budgeted Annual Debt Service				
					Outstanding at June 30	Principal	Interest			
Debt Service	Bonds	General Improvement Bonds, Series 2022A	\$ 138,010,000	\$ -	\$ 138,010,000	\$ -	\$ 6,900,500			
		General Improvement Refunding Bonds, 2022 (Federally Taxable Convertible to Tax Exempt)	167,555,000	-	167,555,000	-	6,281,344			
		NMAPBA Local Gov't Public Improv. Bonds (City of Memphis Project), Series 2021	163,772,126	-	163,772,126	-	-			
		EDGE Economic Development Bonds (City of Memphis Project), Series 2021A	19,140,000	-	19,140,000	-	796,650			
		EDGE Economic Development Bonds (City of Memphis Project) Series 2021B (Federally Taxable)	5,115,000	-	5,115,000	1,000,000	67,985			
		EDGE Revenue Bonds (Liberty Park Project) Series 2021 (Federally Taxable)	69,635,000	-	69,635,000	500,000	1,809,228			
		General Improvement Refunding Bonds, Series 2021	165,680,000	-	165,680,000	5,555,000	7,306,100			
		General Improvement Bonds, Series 2020A	24,470,000	-	20,500,000	2,135,000	971,625			
		General Improvement & Refunding Bonds, Series 2020	214,675,000	-	149,095,000	26,890,000	6,435,000			
		General Improvement Bonds, Series 2018	309,255,000	-	280,335,000	6,915,000	11,348,220			
		General Improvement Bonds, Series 2016	69,885,000	-	56,215,000	2,290,000	1,942,181			
		General Improvement Bonds, Series 2015C	67,845,000	-	22,755,000	-	1,137,750			
		General Improvement Refunding Bonds, Series, 2015B (Taxable)	54,390,000	-	45,090,000	13,435,000	1,315,818			
		General Improvement Refunding Bonds, Series, 2015A	76,820,000	-	76,820,000	-	3,841,000			
		General Improvement Refunding Bonds, Series 2014B	208,230,000	-	57,015,000	4,970,000	2,643,400			
		General Improvement Refunding Bonds, Series 2014A	103,955,000	-	39,135,000	24,860,000	1,307,050			
		General Improvement Bonds, Series 2012B	5,145,000	-	385,000	385,000	14,245			
		General Improvement & Refunding Bonds, Series 2012A	93,595,000	-	10,175,000	-	394,344			
		General Improvement Bonds, Series 2010F (RZEDB)	11,160,000	-	11,160,000	-	674,287			
		General Improvement Bonds, Series 2010C (Direct Pay BABs)	62,550,000	-	47,570,000	4,035,000	2,552,372			
		General Improvement Bonds, Series 2010B (Direct Pay BABs)	39,950,000	-	32,485,000	4,145,000	1,910,146			
		EDGE Revenue Refunding Bond, Series 2022 (Electrolux Project)	28,935,000	-	13,540,000	867,500	407,464			
		TDZ Revenue Refunding Bonds, Series 2017B	87,725,000	-	87,725,000	-	4,386,250			
		TDZ Revenue Refunding Bonds, Series 2017C (Taxable)	34,300,000	-	15,125,000	10,900,000	275,399			
		Sports Facility Revenue Bonds, Series 2014A (Stadium Project)	17,925,000	-	9,920,000	1,270,000	433,438			
		Sports Facility Revenue Bonds, Series 2014B (Stadium Project) (Taxable)	5,720,000	-	2,355,000	390,000	114,041			
		CCRFC Qualified Energy Conservation Bonds, Series 2015A	8,316,000	-	1,663,200	831,600	61,871			
		CCRFC Qualified Energy Conservation Bonds, Series 2015B	2,015,300	-	201,530	201,530	7,880			
		CCRFC Qualified Energy Conservation Bonds, Series 2015C	340,700	-	34,070	34,070	1,332			
		Loan Agreements	TMBF Loan (Solid Waste)		6,800,000	6,800,000	647,000	259,760		
		Notes	Commercial Paper	50,000,000	100,000,000	50,000,000	-	4,916,667		
		Leases	Solid Waste Lease, 2019	8,000,000	-	2,491,413	1,651,951	45,215		
		Total			\$ 2,314,109,126	\$ 106,800,000	\$ 1,766,997,339	\$ 113,908,651	\$ 70,558,561	
		General Fund	Bonds		\$ -	\$ -	\$ -	\$ -	\$ -	
				Loan Agreements						
				Notes						
				Leases	Fire Services Lease 2019	1,183,958	-	410,336	271,753	9,085
				Total			\$ 1,183,958	\$ -	\$ 410,336	\$ 271,753
		Storm Water Fund	Bonds	Storm Water System Revenue Bonds, Series 2019	\$ 35,830,000	\$ -	\$ 33,500,000	\$ 860,000	\$ 1,653,500	
				Loan Agreements						
Notes										
Leases										
Total			\$ 35,830,000	\$ -	\$ 33,500,000	\$ 860,000	\$ 1,653,500			
Sewer Fund	Bonds	Sanitary Sewerage System Revenue and Revenue Refunding Bonds, Series 2020B	\$ 123,535,000	\$ -	\$ 114,295,000	\$ 4,970,000	\$ 5,590,500			
		Sanitary Sewerage System Revenue and Revenue Refunding Bonds, Series 2018	69,480,000	-	59,155,000	3,465,000	2,551,075			
		Sanitary Sewerage System Revenue Refunding Bonds, Series 2014	18,930,000	-	6,430,000	2,080,000	161,700			
	Loan Agreements	WIFIA Loan	156,000,000	-	84,051,074	-	1,320,445			
		State Revolving Fund Loan - SRF 13-311	100,000,000	-	84,843,844	4,797,156	685,980			
		State Revolving Fund Loan - SRF 13-309	11,601,993	-	8,788,961	569,040	70,788			
		State Revolving Fund Loan- SRF 06-195	3,988,541	-	2,267,189	199,368	56,364			
		State Revolving Fund Loan- SRF 15-355	25,000,000	-	22,370,986	1,182,756	181,188			
		State Revolving Fund Loan- SRF 18-409	11,000,000	-	9,758,199	523,824	84,720			
		State Revolving Fund Loan- SRF 19-421	6,500,000	-	5,729,176	299,160	71,580			
		State Revolving Fund Loan- SRF 19-434	48,000,000	-	41,136,728	1,912,165	263,392			
		State Revolving Fund Loan- SRF 21-451	-	-	11,243,179	643,519	115,500			
		Notes	Unissued State Revolving Fund Loan		42,000,000	-	-	240,001		
		Leases								
		Total			\$ 574,035,534	\$ 42,000,000	\$ 450,069,336	\$ 20,641,988	\$ 11,393,233	

SECTION 4

During the coming fiscal year 2024 the Legislative body has pending and planned capital projects with proposed funding as follows:

Projects	FY24
G.O. Bonds	PROPOSED
Engineering	\$ 3,750,000
Convention Center	250,000
Fire Services	4,427,000
General Services	24,500,000
Housing and Community Development	2,050,000
Information Technology	1,200,000
Library	750,000
Memphis Area Transit Authority	5,755,750
Memphis Parks	16,700,000
Memphis River Parks Partnership	250,000
Police Services	18,983,000
Public Works	17,300,000
TOTALS for G.O. Bonds	\$ 95,915,750
Various Funding Sources - Pay Go, Revenue Bonds, State, Federal	
Sewer Fund	\$ 108,500,000
Storm Water Fund	40,612,000
TOTALS Enterprise Funding	\$ 305,966,500

The Capital Acquisition Budget projects needed acquisitions of vehicles and equipment and the Capital Improvement Program does project on a priority basis the anticipated Capital expenditure required to construct needed public improvements and mission-critical capital operations for the said period. The City Council has held meetings and reviewed thoroughly the recommended Capital Acquisition Budget and Capital Improvement Program. It is the intent of the Council that funds for replacement vehicles and equipment as set forth in this Budget Ordinance should be appropriated herein. It is the intent of the Council that funds for construction require appropriation by Council.

The City Comptroller is authorized to bring forward into the 2024 fiscal year all unappropriated allocations for incomplete or on-going projects, or projects that have not begun and are necessary to be carried forward from the fiscal year 2023 Capital Budget as carried forward dollars. It is the intent of the Council and the Administration to affect a material reduction in future capital expenditures where possible; and to achieve this goal all prior years G. O. Bond unappropriated allocations, that have not been approved to carry forward in the fiscal year 2024 Capital Improvement Budget, shall be unallocated and removed from the Capital Improvement Program.

Provisions have been made that upon completion or deletion of any authorized project, all unused allocations or unencumbered appropriations on projects completed in fiscal year 2024, the funding will be returned to its source by the Comptroller and/or made available for transfer or reallocation, subject to further appropriation and allocation of said funds by the Council.

City Council of Memphis approves that the fiscal years 2023-2027 Capital Improvement Program be and the same is hereby approved and adopted as the City's Official Statement of Intent to construct needed public improvements subject to annual review and modification, and the Capital Acquisition Budget is hereby approved and adopted as needed replacements of vehicles and equipment. Funds approved for capital acquisition, street maintenance and asphalt/paving/resurfacing are considered approved, allocated, and appropriated as set forth in the fiscal year 2024 budget upon approval, the welfare of the City requiring it.

The General Obligation Bond Capital Improvement Program funding for fiscal year 2024 is \$95,915,750. The Enterprise Funds Capital Improvement Program funding for fiscal year 2024 is \$305,966,500. The Fiscal Year 2024 General Obligation Bond CIP Budget and the Fiscal Year 2024 Enterprise Funds CIP Budget, attached hereto details the construction projects and capital maintenance, and is made a part of this Budget Ordinance.

The fiscal year 2024 allocations in the Capital Improvement Program be and are hereby adopted as the fiscal year 2024 Capital Construction Budget and funds are appropriated for architectural/engineering services and for land options, if necessary. The Administration shall use the following procedures in moving forward with Capital Construction projects:

The Administration shall present to the appropriate Council Committee the schematic design of the project(s) as defined by the standard Architectural and Engineering Agreement used by the City of Memphis, at an architectural or engineering expense not to exceed 20% of the contracted professional fee amount. Projects designed "in house" or gratuitously must also go through the process. Council approval in the next following regular session of the Council is then required before the continuation of any such project.

After such Council approval, Administration will proceed with final plan preparation, final land acquisition and take bids for the project. Council shall be informed as to the time limitation designated in the professional contract. The Administration will return to the Council for approval of funds for construction expenditures.

Projects with prior years allocation in any stage of design on the date of the 2024 budget adoption, that have not followed the procedure outlined above, must be returned to the Council for approval prior to going to bid. Projects with prior years allocation, which are not yet in the design process on the date of the adoption of the 2024 CIP budget, and have been allowed for carry forward, or are funded by funds other than G. O. Bonds, must follow the same procedure outlined above for all prior approved projects.

Upon the completion/bond release of any authorized project, any unencumbered balance on projects completed in fiscal year 2024 will be returned to its source of funding, and/or made available for transfer or reallocation, subject to further allocation and appropriation of said funds by the Council.

The City Comptroller be and is hereby authorized to un-allocate and eliminate all prior year allocations that have not been carried forward in the fiscal year 2024 Capital Construction Budget. After construction funds have been appropriated by the Council, the Comptroller is no longer authorized to approve the transfer of unencumbered funds between categories within each project but must return to the Council for approval of such action.

Projects which subsequently require appropriations more than the total project amount approved in the fiscal year 2024 Capital Construction Budget and the Capital Acquisition Budget be subject to further Council approval.

Any land, building or facility under the jurisdiction of the City of Memphis or which has ever been funded or partially funded by the City of Memphis cannot be demolished, sold, given to, or leased to any non-municipal entity without authorization of the City Council. The authorization does not apply to routine short-term rental. Without authorization of the City Council, no assets may be received by the City.

This Budget Ordinance appropriates an amount up to \$10,000,000 for the acquisition of vehicles and equipment as set forth in the fiscal year 2024 allocation of the Capital Acquisition Budget.

SECTION 5

No appropriation listed above may be exceeded without an amendment of the budget ordinance as required by the Municipal Budget Law (Tenn. Code Ann. § 6-56-208).

SECTION 6

The Mayor of the City of Memphis shall have the authority to approve transfers between all categories except the Personnel category, within the total amounts of each Program as set forth herein, however, each transfer shall have a maximum limit of \$100,000 and each Program shall have an annual cumulative limit of \$250,000 for transfers between categories, within the total amounts of each Program. For Personnel budget transfers. The Mayor shall have authority to approve an annual cumulative limit of \$150,000 from a Personnel category to another category within each Program. An amount exceeding the annual limit of \$150,000 must be approved by the City Council. The transfer of an amount between Personnel categories within a Program that is associated with authorized and funded positions, also transfer the position to the category receiving funding. All other transfers of appropriations between Programs shall be made only upon the authorization by Ordinance or Resolution of the City Council.

The Mayor shall have the authority to dispose of any City of Memphis owned property only in accordance with the provision of the Charter and/or Ordinance duly adopted by the City Council. The Mayor shall have the authority to lease any City of Memphis owned real property to any non-municipal entity for terms exceeding two (2) years or more only upon prior approval of the City Council.

SECTION 7

A detailed financial plan will be attached to this budget and become part of this budget ordinance.

SECTION 8

There is hereby levied a property tax of \$2.701640 per \$100 of assessed value of each species of taxable property within the corporate limits of the City of Memphis, Tennessee, subject to the taxing power of Memphis to be apportioned as hereinafter set forth in this Budget Ordinance.

The taxes levied in this Budget Ordinance shall be due and payable to the City of Memphis City Treasurer from and after the last publication of a notice of the adoption of the Budget Ordinance. Said publication shall be made by the Council of the City of Memphis for two consecutive days in a newspaper published in the City of Memphis after the final passage of the Ordinance and shall fix a day to be determined upon receipt of official certification of the 2023 assessment of which the tax books shall be opened for the payment of taxes. All taxes levied shall be delinquent if unpaid on September 1, 2023, as provided by Sections 36-3 of the Code of Ordinances, City of Memphis, Tennessee's.

Taxes levied in this Ordinance when collected shall be apportioned in the fiscal year 2023 as follows:

For the General Fund \$1.845868 on each \$100 of assessed valuation.

For the Capital Pay-Go (additional funding for capital acquisitions consistent with debt policy) \$0.008287 on each \$100 of assessed valuation

For the Debt Service of the City of Memphis, including interest and principal payments, sinking fund contributions, and interest and principal on temporary borrowing, \$0.847485 on each \$100 of assessed valuation.

SECTION 9

This annual operating and capital budget ordinance and supporting documents shall be submitted to the Comptroller of the Treasury or Comptroller's Designee for approval pursuant to Title 9, Chapter 21 of the Tennessee Code Annotated with fifteen (15) days of its adoption. If the Comptroller of the Treasury or Comptroller's Designee determines that the budget does not comply with the Statutes, the Legislative Body will adjust its estimates or make additional tax levies sufficient to comply with the Statutes or as directed by the Comptroller of the Treasury or Comptroller's Designee.

SECTION 10

All unencumbered balances of appropriations remaining at the end of the fiscal year shall lapse and revert to the respective fund balances. Any surplus shall become and be designated unappropriated revenue, except those as designated otherwise, and be subject to lawful appropriation by the City Council. Encumbered appropriations shall be carried forward into the next fiscal year from the current year budget in furtherance of improvements or for any corporate purpose which will not be completed within such current fiscal year. Such amounts are not appropriated for the use of the Division receiving same, but shall be carried as a memorandum of collections and earning for the specified Fund, except for those funds specifically designated as assigned or committed.

SECTION 11

City Council expressly declares that each section, subsection, paragraph and provision of this ordinance is severable, and that should any portion of this ordinance be held unconstitutional or invalid, the same shall not affect the remainder of this ordinance, but such unconstitutional or invalid portion be repealed, and the remainder of this Ordinance shall continue in full force and effect.

Pursuant to any Substitute Ordinance, any decision of the City Council, acting as arbiter only to resolve any impasse between the City and any employee association over economic items, if any, shall be effective and funded only to the extent of funds appropriated for such items in the Appropriation Ordinance, but not otherwise.

SECTION 12

This ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairperson of the City Council, certified and delivered to the Office of the Mayor in writing by the City Comptroller, and become effective as otherwise provided by law.

In accordance with TCS §6-56-210, if for any reason a budget ordinance is not adopted prior to the beginning of the next succeeding fiscal year, the appropriations from the previous fiscal year's adopted budget ordinance shall become the appropriation for the new fiscal year until the adoption of the new fiscal year budget ordinance is approved, provided sufficient revenues are being collected to support the continuing appropriations.

Ordinance No. XXXX

Detailed Financial Plan

Attachments will include detail budget information:

General Fund Revenues by line item

General Fund Expenditures by Division Legal Level

All other Funds budget

CIP at Project Level

FY24 Proposed Budget: City Engineering

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
EN23100	Traffic Signals Coverline	G.O. Bonds	1,000,000	1,250,000	1,275,000	1,260,000	1,260,000	6,045,000
EN23200	Traffic Calming Devices Coverline	G.O. Bonds	1,700,000	1,700,000	1,700,000	1,700,000	1,700,000	8,500,000
EN23300	Urban Art Coverline	G.O. Bonds	400,000	400,000	400,000	400,000	400,000	2,000,000
EN23400	Traffic Safety Dvlpmt Coverline	G.O. Bonds	250,000	250,000	250,000	250,000	250,000	1,250,000
EN01067	HSIP Coverline	G.O. Bonds	150,000	150,000	150,000	150,000	150,000	750,000
Engineering Total			\$3,500,000	\$3,750,000	\$3,775,000	\$3,760,000	\$3,760,000	\$18,545,000

FY24 Proposed Budget: Convention Center

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
GS23200	Convention Ctr Coverline	G.O. Bonds	400,000	250,000	250,000	400,000	400,000	1,700,000
Convention Center Total			\$400,000	\$250,000	\$250,000	\$400,000	\$400,000	\$1,700,000

FY24 Proposed Budget: Fire Services

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
FS02031	Fire Station 1	G.O. Bonds	500,000	-	-	-	-	500,000
FS02032	EMA Sirens	G.O. Bonds	127,200	153,000	150,000	136,080	173,800	740,080
FS02033	Drill Tower Improvs	G.O. Bonds	1,000,000	2,000,000	1,125,000	-	-	4,125,000
FS04012	Pers Protective Equip	G.O. Bonds	644,000	1,274,000	1,275,000	1,300,000	1,300,000	5,793,000
FS23100	Fire Stat Improvs Cover	G.O. Bonds	1,500,000	1,000,000	2,000,000	6,000,000	-	10,500,000
Fire Total			\$3,771,200	\$4,427,000	\$4,550,000	\$7,436,080	\$1,473,800	\$21,658,080

FY24 Proposed Budget: General Services

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
GS01049	Coke Facility	G.O. Bonds	8,000,000	2,000,000	1,500,000	-	-	11,500,000
GS23100	Major Mod Coverline	G.O. Bonds	9,000,000	10,000,000	12,000,000	12,000,000	12,000,000	55,000,000
GS22201	City Hall Improvements	G.O. Bonds	7,000,000	2,000,000	-	-	-	9,000,000
GS TBD	Whitehaven STEM Infrastructure	G.O. Bonds	-	500,000	-	-	-	500,000
GS0223-A-B	Capital Acquisitions	G.O. Bonds	6,000,000	10,000,000	11,000,000	12,000,000	12,000,000	51,000,000
GS Total			\$30,000,000	\$24,500,000	\$24,500,000	\$24,000,000	\$24,000,000	\$127,000,000

FY24 Proposed Budget: Housing and Community Development

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
CD01030	South City - MHA Foote Homes (HOPE VI)	G.O. Bonds	2,000,000	-	-	-	-	2,000,000
CD02018	Edgeview at Legends Park (Sr. Housing)	G.O. Bonds	500,000	-	-	-	-	500,000
CD TBD	Pinch District	G.O. Bonds	-	250,000	250,000	-	-	500,000
CD TBD	Melrose Project - Match	G.O. Bonds	-	1,800,000	-	-	-	1,800,000
HCD Total			\$2,500,000	\$2,050,000	\$250,000	-	-	\$4,800,000

FY24 Proposed Budget: Information Technology

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
IT01001	IT01001 Desktop & App Infrastruc	G.O. Bonds	500,000	-	250,000	250,000	250,000	1,250,000
IT01002	IT01002 Cyber Security Infrastruc Upg	G.O. Bonds	1,000,000	250,000	500,000	500,000	500,000	2,750,000
IT01003	IT01003 Operational Infrastruc Enhanc	G.O. Bonds	1,000,000	750,000	1,000,000	1,000,000	1,000,000	4,750,000
IT01004	IT01004 Implementation Modernization	G.O. Bonds	1,000,000	200,000	500,000	500,000	500,000	2,700,000
IT01005	FY23 Treasury Tax System	G.O. Bonds	2,000,000	-	-	-	-	2,000,000
IT Total			\$5,500,000	\$1,200,000	\$2,250,000	\$2,250,000	\$2,250,000	\$13,450,000

FY24 Proposed Budget: Library Services

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
LB TBD	New Library to replace Levi	G.O. Bonds	-	750,000	750,000	5,000,000	4,000,000	10,500,000
Library Total			-	\$750,000	\$750,000	\$5,000,000	\$4,000,000	\$10,500,000

FY24 Proposed Budget: MATA

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
GA03028	Innovation Corridor BRT	G.O. Bonds	5,000,000	5,005,750	7,041,500	-	-	17,047,250
GA03029	Transit Vision Project	G.O. Bonds	1,000,000	750,000	750,000	750,000	750,000	4,000,000
MATA Total			\$6,000,000	\$5,755,750	\$7,791,500	\$750,000	\$750,000	\$21,047,250

FY24 Proposed Budget: Memphis Parks

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
PK01036	New Lester Community Center	G.O. Bonds	4,000,000	5,000,000	7,000,000	-	-	16,000,000
PK03004	Tennis Major Maint	G.O. Bonds	750,000	600,000	500,000	500,000	500,000	2,850,000
PK06018	Audubon Golf Course Redesign	G.O. Bonds	4,000,000	5,000,000	1,000,000	-	-	10,000,000
PK07127	Wolf River Greenway - Phase 6	G.O. Bonds	1,000,000	1,500,000	1,500,000	1,500,000	1,500,000	7,000,000
PK08037	Lichterman Major Maint	G.O. Bonds	500,000	250,000	250,000	1,000,000	1,000,000	3,000,000
PK09002	Zoo Major Maint	G.O. Bonds	250,000	250,000	250,000	250,000	250,000	1,250,000
PK23100	Parks Coverline	G.O. Bonds	2,500,000	2,500,000	3,000,000	3,000,000	3,000,000	14,000,000
PK TBD	Brooks Museum	G.O. Bonds	-	-	2,000,000	-	-	2,000,000
PK TBD	RedZone Opportunity Zone	G.O. Bonds	-	1,100,000	-	-	-	1,100,000
PK TBD	Botanic Garden Infrastructure	G.O. Bonds	-	500,000	500,000	-	-	1,000,000
Parks Total			\$13,000,000	\$16,700,000	\$16,000,000	\$6,250,000	\$6,250,000	\$58,200,000

FY24 Proposed Budget: MRPP

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
GA07002	GA07002 MRPP Coverline	G.O. Bonds	-	250,000	250,000	250,000	250,000	1,000,000
GA07003	GA07003 Garage Repairs-Front at Poplar	G.O. Bonds	120,000	-	-	-	-	120,000
GA07004	GA07004 Gates-Wagner Parking Lot	G.O. Bonds	30,000	-	-	-	-	30,000
GA07005	GA07005 Greenbelt Park Fence Upgrades	G.O. Bonds	125,000	-	-	-	-	125,000
GA07006	GA07006 Canopy Lighting-Mud Isl. Terminals	G.O. Bonds	525,000	-	-	-	-	525,000
MRPP Total			\$800,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,800,000

FY24 Proposed Budget: Police Services

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
PD02010	Raines Station (on SouthWest Location)	G.O. Bonds	-	1,000,000	1,000,000	5,000,000	5,000,000	12,000,000
PD02013	Police Academy Reno	G.O. Bonds	750,000	750,000	437,000	-	-	1,937,000
PD02016	Mount Moriah Station	G.O. Bonds	4,000,000	4,000,000	2,000,000	-	-	10,000,000
PD03010	Take-Home Car Program	G.O. Bonds	-	1,500,000	2,000,000	1,000,000	1,000,000	5,500,000
PD04022	In-Car Video/GPS/BWC	G.O. Bonds	1,000,000	-	-	-	-	1,000,000
PD04029	Radio Maint	G.O. Bonds	300,000	733,000	-	-	-	1,033,000
PD TBD	AXON Updates	G.O. Bonds	-	11,000,000	11,000,000	11,000,000	11,000,000	44,000,000
Police Total			\$6,050,000	\$18,983,000	\$16,437,000	\$17,000,000	\$17,000,000	\$75,470,000

FY24 Proposed Budget: Public Works

Project Number	Project Name	Funding Source	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
PW23100	Asphalt Paving Cover	G.O. Bonds	20,000,000	15,000,000	15,000,000	20,000,000	20,000,000	90,000,000
PW23200	Sidewalks Coverline	G.O. Bonds	500,000	500,000	500,000	500,000	500,000	2,500,000
PW23300	ADA Curb Ramp Cover	G.O. Bonds	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
PW23400	Bridge Repair Coverline	G.O. Bonds	800,000	800,000	800,000	800,000	800,000	4,000,000
PW01290	Channel Avenue Repaving	G.O. Bonds	1,400,000	-	-	-	-	1,400,000
Public Works Total			\$23,700,000	\$17,300,000	\$17,300,000	\$22,300,000	\$22,300,000	\$102,900,000

FY24 Proposed Budget: Public Works-Sewer Fund CIP

Project Number	Project Name	Funding Source (Shown on Project Specific)	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
SW24100	Misc Subdivisions Outfalls Coverline	Various	3,500,000	2,500,000	-	-	-	
SW24200	Rehab Existing System Coverline	Various	14,500,000	17,000,000	-	-	-	
SW24300	Service Unsewered Coverline	Various	2,000,000	2,000,000	-	-	-	
SW02011	Covered Anaerobic Lagoon	Various	4,000,000	1,000,000	-	-	-	5,000,000
SW02033	South Plant Expansion	Various	32,500,000	25,000,000	8,000,000	-	-	65,500,000
SW04009	Stiles Plant Modification	Various	10,000,000	10,000,000	5,000,000	5,000,000	5,000,000	35,000,000
SW04011	Stiles WWTF Biosolids Upgrades	Various	31,000,000	31,000,000	30,500,000	5,500,000	5,000,000	103,000,000
SW05001	Sewer Assessment and Rehab	Various	40,000,000	20,000,000	20,000,000	10,000,000	10,000,000	100,000,000
Sewer Fund CIP Total			\$137,500,000	\$108,500,000	\$63,500,000	\$20,500,000	\$20,000,000	\$350,000,000

FY24 Proposed Budget: Public Works-Storm Water Fund CIP

Project Number	Project Name	Funding Source (Shown on Project Specific)	FY23 Adopted Budget	FY24 Proposed Budget	FY25 Proposed Budget	FY26 Proposed Budget	FY27 Proposed Budget	Total Five Year Adopted and Proposed Budget
ST02001	Design Coverline	Various	6,000,000	7,225,000	13,230,000	13,230,000	9,900,000	49,585,000
ST03205	Drainage Coverline	Various	10,000,000	32,037,000	25,690,000	25,655,000	25,655,000	119,037,000
ST03211	Curb & Gutter Misc Locations	Various	500,000	500,000	500,000	500,000	500,000	2,500,000
ST03214	Flood Mitigation Coverline	Various	350,000	350,000	350,000	350,000	350,000	1,750,000
ST03216	Bridge Repair Coverline	Various	500,000	500,000	500,000	500,000	500,000	2,500,000
Storm Water Fund CIP Total			\$17,350,000	\$40,612,000	\$40,270,000	\$40,235,000	\$36,905,000	\$175,372,000

**An Ordinance to Amend Chapter 25—Pension and Retirement System
of the City of Memphis, Tennessee**

WHEREAS, the City of Memphis, Tennessee (the “Employer”) has adopted a defined benefit retirement plan known as City of Memphis Retirement System for General Employees, including police officers and firefighters, as subsequently amended and restated from time to time, and consisting of a 1948 plan (that part of the plan benefiting employees participating under the provisions of sections 4-25-60 through 4-25-99) and a 1978 plan (that part of the plan benefiting employees participating under the provisions of sections 4-25-160 through 4-25-199), as amended in 2012, and a 2016 plan (that part of the plan benefiting employees participating under the provisions of sections through 4-25-210 through 4-25-274), currently codified and established under City Ordinance Chapter 25, Articles I through VII, Division 1 and Division 2 and Division 3 (collectively, “the Pension System”); and

WHEREAS, the Employer desires to amend the Pension System as provided herein,

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEMPHIS that the Pension and Retirement System of the City of Memphis be amended as follows:

1. Sec. 4-25-1(11) *Compensation* shall be amended by addition of the following subparagraph as subparagraph (e) and subparagraph (f) thereto:

(e) *Back pay*. For purposes of determining average monthly compensation under section 4-25-1(1), and section 4-25-1(4) pay awarded by an administrative agency or court or pursuant to a bona fide agreement by the city to compensate a participant for lost wages shall be credited as pay to each individual year to which the award or agreement for back pay pertains, rather than to the year in which the award, agreement or payment is made.

(f). *Overtime pay*. For purposes of determining average monthly compensation under section 4-25-1(1) and section 4-25-1(4) “overtime pay” constitutes pay in excess of forty (40) hours a week regardless of the rate for which such hours are paid.

2. Sec. 4-25-1(17) References, construction and definitions - *Employee* as presently written shall be amended and restated in its entirety and the following provision shall be substituted in lieu thereof:

17. *Employee* means, except for any such employee who is eligible to make and has duly made the election provided in sections 4-25-160(E) and 4-25-160(F) hereof, any person hired on or before June 30, 2016, but who as of June 30, 2016 has seven and one-half (7.5) or more years of service with the city and who was

on June 30, 2016 a participant in the City of Memphis Retirement System for General Employees, including police officers and firefighters, under City Ordinance Chapter 25, Articles I through VII, in the regular, full-time employ of the city to the extent that the city contributes to the salary of such employee in a job classification or title that the city administration shall designate as eligible for participation in the plan, including any person who is elected to his/her office by the people, but not including the light, gas and water division of the city, temporary employees as classified by the city, part-time employees, or any employee mandated by law to contribute to the federal Social Security system and not eligible to be a participant by his/her job classification.

The term “*employee*” shall also not include any person who is a leased employee within the meaning of code section 414(n). Leased employee means any person (other than an employee of the recipient) who pursuant to an agreement between the recipient and any other person (“leasing organization”) has performed services for the recipient (or for the recipient and related persons determined in accordance with code section 414(n)(6)) on a substantially full-time basis for a period of at least one year, and such services are performed under primary direction or control by the recipient. Contributions or benefits provided a leased employee by the leasing organization which are attributable to services performed for the recipient employer shall be treated as provided by the recipient employer. A leased employee shall not be considered an employee (unless otherwise specifically covered by the pension system) of the recipient if: (i) such employee is covered by a money purchase pension plan providing: (1) a nonintegrated employer contribution rate of at least ten percent of compensation, as defined in code section 415(c)(3), but including amounts contributed pursuant to a salary reduction agreement which are excludible from the employee's gross income under code section 125, code section 1320, code section 401(k), code section 402(h) or code section 403(b), (2) immediate participation, and (3) full and immediate vesting; and (ii) leased employees do not constitute more than 20 percent of the recipient's non-highly compensated workforce.

3. **Sec. 4-25-1(30) Normal retirement date** shall be amended by addition thereto as subsection (d) the following subsection (d) to read as follows:

d. *2016 Plan*. “Normal retirement date” for participants of the 2016 Cash Balance Plan/Defined Contribution Plan means:

i. General employees: the first day of the month coincident with or next following earliest date on which the participant, other than a commissioned police officer or firefighter:

Attains:

(A) Age 65 and completes five years of service; or

(B) Twenty-five (25) years of service and submits a written election designating the date he or she will retire not less than 30 days before such designated date.

- ii. Police officers and firefighters: the first day of the month coincident with or next following earliest date on which the participant:

Attains:

(A) Age 55 and ten years of service; or

(B) Twenty-five (25) years of service and submits a written election designating the date he or she will retire not less than 30 days before such designated date.

- 4. **Sec. 4-25-2 Board of Administration created; composition; election and term of members**, as presently written shall be repealed in its entirety and the following provision shall be substituted in lieu thereof and designated as Section Sec. 4-25-2:

Sec. 4-25-2 – Board of Administration created; composition; election and terms of members.

There is created and established a board of administration which, under the provisions of this title and the direction of the mayor, shall administer the plan and the trust fund created by this title. The board shall consist of the mayor or the mayor's designee, the officer in charge of the division of personnel or that officer's designee, the comptroller, four employees of the city with at least ten years of service, one employee of the city who is a participant in the 2016 plan with at least four years of service, a citizen member of the city, a retiree of the plan, and a member of the city council. The member of city council shall be an ex officio member without a vote. The officer in charge of the division of personnel or that officer's designee shall be an ex officio member without a vote. The employee, citizen and retiree members of the board shall be appointed on the first Tuesday in December in odd-numbered years by the council on the recommendation of the mayor, for two year appointments which shall begin on the January 1 next following the appointments. The council member of the board shall be the chair of the city council or the chair's designee, who will be appointed each December, to serve for one year beginning on the January 1 next following the appointments. Each of the employee, citizen, retiree member, and city council member of the board shall serve until his or her successor is duly appointed. Vacancies during the term of any employee, citizen, retiree and/or city council member shall be filled by appointment in the same manner as provided for the original appointment except that such appointment shall be made as soon as reasonably feasible after such vacancy occurs (regardless of the year or when in the year such vacancy occurs). The term of such member shall begin effective immediately upon such

appointment, and such member so appointed shall serve for the unexpired term of the original member or until a successor to such member is duly appointed. Until a vacancy is filled as provided herein the action of a quorum of the members as provided in section 4-25-7 shall be and constitute a valid and binding action of the board notwithstanding that a position is vacant.

5. **Sec. 4-25-48** shall be added as follows:

Sec. 4-25-48. Disqualified Participants. Any participant who is convicted in any state or federal court of a felony arising out of the participant's employment or official capacity with the city constituting malfeasance in office shall forfeit the participant's retirement pension benefits hereunder. Such participant's rights shall be governed by Sec. 8-36-918 of the Tennessee Code Annotated, as amended, and any successor statute thereto.

6. **Sec. 4-25-160 Participation** shall be amended by addition thereto as subsection (F) the following subsection (F) to read as follows:

F. Commissioned Police Officer, Firefighter, Police Dispatcher, Fire Dispatcher, Fire Alarm Operators, and Paramedics.

1. *Hire dates on or after July 1, 2023.* Each employee who is hired on or after July 1, 2023 as a commissioned police officer, firefighter, police dispatcher, fire dispatcher, fire alarm operator, or paramedic (for purposes of this subsection referred to as an "eligible public safety employee") may make a one-time irrevocable election upon the eligible public safety employee's date of hire in the form and manner and within the time prescribed by the Board to opt out of participation in the 2016 Plan and elect in lieu thereof to participate in the 1978 Plan provided that the rate of employee contributions required of the eligible public safety employee is identical in each Plan regardless of participation in the 1978 Plan or 2016 Plan.
2. *Hire dates on or after July 1, 2016 and on or before June 30, 2023.* Provided that the rate of employee contributions required of the eligible public safety employee is identical in each Plan regardless of participation in the 1978 Plan or 2016 Plan, each employee who is hired as a commissioned police officer, firefighter, police dispatcher, fire dispatcher, fire alarm operator, or paramedic on or after July 1, 2016 and on or before June 30, 2023 who meets each and all of the following listed criteria may make a one-time irrevocable election in the form and manner and within the time prescribed by the Board to have his or her entire 2016 Plan cash balance account plus his or her entire 2016 defined contribution plan account balance transferred to the 1978 Plan, whereupon his or her participation in the 2016 Plan and any and all rights and benefits thereunder shall cease and such participant shall participate in the 1978 Plan, the same as if he or she had never participated in the 2016 Plan. To make such election, such participant must meet each and all of the following criteria:

- a. Since such employee's date of hire such employee has continuously been employed by the city in full-time employment as a commissioned police officer, firefighter, police dispatcher, or fire dispatcher;
 - b. Such employee has not experienced a severance date as such term is defined in section 4-25-1(39);
 - c. Such employee has not withdrawn any amount of his or her cash balance account or separate defined contribution plan account from the 2016 Plan; and
 - d. Has not otherwise made an election under Section 4-25-160(E)
3. As required by T.C.A. §9-3-506(a)(3) and the Comptroller of the State of Tennessee, the pension benefits of the eligible public safety employees making the irrevocable election provided in this subsection (F) shall be funded by and only to the extent of the city contribution to the cost of the pension benefits that would otherwise have accrued for such employees in the 2016 Plan plus the available funds allocated for the cost of pension benefits of these employees in the Special Revenue Fund created pursuant to the referendum passed October 3, 2019 increasing the sales and use tax in the City of Memphis by 0.5% from 2.25% to 2.75% to restore pension benefits of public safety employees from and after the date of such referendum. In the event the cost of the pension benefits for the eligible employees making the irrevocable election provided in this subsection (F) in the 1978 Plan in any Plan Year (based on the city's funding policy in effect for such Plan Year adopted pursuant to T.C.A. §9-3-504, as amended) exceeds: (i) the cost of the pension benefits for these employees had they participated in the 2016 Plan (based on the city's funding policy in effect for such plan year adopted pursuant to T.C.A. §9-3-504, as amended) rather than the 1978 Plan, plus (ii) the city's required 1.5% of compensation defined contribution plan contribution otherwise allocable to 2016 plan defined contribution accounts of these employees (as provided in section 4- 25-231) had they participated in the 2016 Plan rather than the 1978 Plan, plus (iii) the amount allocated in the Special Revenue Fund for the cost of the pension benefits for public safety employees in the 1978 Plan, then the following steps shall automatically apply in determining the pension benefit of such eligible public safety employees for such Plan Year:
- a. The retirement allowance formula for the pension benefit of these employees for such Plan Year will be reduced from 2.25% or 2.50%, as applicable, in ten basis point increments, to such lesser amount (but not below zero) as is necessary so that the costs of benefits for these employees does not exceed does not exceed the sum of (i), (ii), and (iii) immediately above;

- b. The adjustment provided above shall be effective as of July 1 next following the determination of the cost of benefits, and shall not reduce the accrued pension benefit of any such eligible public safety employee earned immediately prior to the effective date of the adjustment.
- 4. The elections provided in this subsection (F) once made shall be irrevocable and may not be subsequently modified or rescinded by the employee. If an employee eligible to make an election hereunder makes such an election as provided herein, all rights and benefits upon subsequent retirement or other termination of employment of such employee shall be governed solely and exclusively by the terms and provisions of the plan to which the employee elected and such employee shall have no rights under any other plan of the pension system.
- 7. **Sec. 4-25-192 Refund upon death** subsection “B” shall be deleted in its entirety and the following Section 4-25-192 subsection “B” substituted therefor as subsection “B”:
 - B. The beneficiaries of the refund under subsection A of this section shall be the person so designated by the participant in writing, or, if no such designation, his or her estate. Notwithstanding the foregoing, however, a final divorce decree shall terminate an ex-spouse’s status as beneficiary, unless the participant has on file in the Retirement Office a beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree.
- 8. **Sec. 4-25-194 Residual benefits and refund of employee contributions** subsection “b” shall be deleted in its entirety and the following Section 4-25-194 subsection “b” substituted therefor as subsection “b”:
 - b. For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under section 4-25-194(a) hereof) shall be:

- (i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a

notary public or by the Benefits Manager of the City, the Total Rewards Officer of the city, or such other person representing the Board as duly designated by the Board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in section 4-25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in section 4-25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the plan is the legally recognized spouse or child of the participant. Notwithstanding the foregoing, a final divorce decree shall terminate an ex-spouse's status as beneficiary, unless the participant has on file in the Retirement Office a beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

9. **Sec. 4-25-212** shall be amended and restated in its entirety and the following deleted in its entirety and the following Section 4-25-192 subsection “B” substituted therefor:

Except as provided in section 4-25-211(B), any former participant under this 2016 plan or the 1978 plan, as amended in 2012, or the 1948 plan of this chapter who is reemployed as an employee shall enter this 2016 plan as a participant upon his/her reemployment commencement date. His/her years of service shall be determined as provided under section 4-25-1(45).

Notwithstanding the foregoing, a police officer or firefighter who was a participant in the 1978 Plan who terminated employment prior to July 1, 2016 and received a lump sum withdrawal or refund of employee contributions pursuant section 4-25-185 of the 1978 Plan, and who is reemployed as a police officer or firefighter on or after July 1, 2023 shall have the right to be a participant in the 1978 Plan upon such reemployment provided such police officer or firefighter (i) elects in writing in the manner, method, within the time limit, and on such forms as prescribed by the board to repay the trust as provided below; and (ii) such participant repays in full to the trust pursuant to such election in a single lump sum an amount equal to the withdrawal or refunded amount with compounded interest, from the date of withdrawal or refund to the date of repayment, at the rate established by the board. Upon fulfillment of all conditions above (i) such participant shall be an Employee for purposes of Section 1-25-1(17), (ii) such participant shall be a participant in the City of Memphis Retirement System for General Employees, including police officers and firefighters, under City Ordinance Chapter 25, Articles I through VII, Division 2, as applicable, and shall not participate in the 2016 plan, and (iii) the years of service of such participant in the 1978 Plan prior to the participant’s termination of employment that would otherwise be disregarded because of his/her prior termination of employment shall be restored. Absent fulfillment of the conditions above such police officer or firefighter upon his/her reemployment shall enter this 2016 Plan.

10. **Sec. 4-25-253** *Residual benefits* shall be deleted in its entirety and the following Section 4-25-253 substituted therefor:

Notwithstanding any other sections of this 2016 plan, a participant's beneficiaries, in the order of priority as set forth in section 4-25-254 hereof, shall be paid any excess of the participant's total accumulated employee contributions, minus the aggregate total retirement and death benefit payments under this 2016 plan made to the participant, the participant's spouse, children, or any other designated beneficiary, following the death of all such individuals. Notwithstanding the foregoing, however, a final divorce decree shall terminate an ex-spouse’s status as beneficiary, unless the participant has on file in the Retirement Office a

beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree.

11.Sec. 4-25-254 *Employee contributions refund upon death* subsection “B” shall be deleted in its entirety and the following Section 4-25-254:

For a participant whose employment terminates due to death, whose beneficiaries are not entitled to any benefit under any other section of this plan, such participant's beneficiaries, in the order specified below, shall be entitled to receive a refund of the participant's contributions, less the aggregate of any amount of such contributions paid to the participant, the participant's spouse, children or any other designated beneficiary, prior to the participant's death. The beneficiaries of the benefit under this section (or in the case of residual benefits the beneficiaries of any residual benefits under section 4-28-20(A) hereof) shall be:

(i) the beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the board). Notwithstanding the foregoing to the contrary, if the participant is married at the time of such designation, if the beneficiary or beneficiaries designated by the participant is not the participant's spouse, the participant's spouse's written consent to such specific beneficiary or beneficiaries shall be required for such designation to be effective, and such consent shall be witnessed by a notary public or by the benefits manager of the city, the total rewards officer of the city, or such other person representing the board as duly designated by the board. A participant's spouse may give a general consent acknowledging the spouse's right to consent to any beneficiary or beneficiaries and relinquishing such right, in which event any future revocation and/or redesignation of beneficiary(ies) by the participant shall not require further spousal consent. The consent of the spouse must acknowledge the effect of such election and, once given, cannot be revoked by such spouse. Any spousal consent shall only be applicable to the spouse granting such consent, or

(ii) the participant's spouse, if married to the participant at the time of his/her death, or

(iii) if no such spouse, the participant's surviving child and handicapped child, as those terms are defined in https://library.municode.com/tn/memphis/codes/code_of_ordinances?nodeId=TIT4PERESY_CH4-4DEGEPR_S4-4-1RECODE section 4-25-1(6), or

(iv) if no such surviving child and/or handicapped child, to the participant's surviving child as the term "child" is defined in section 4-25-1(6) but without regard to the child's age or status in an educational institution, or

(v) if no such surviving child to the alternative beneficiary or beneficiaries designated by the participant (in accordance with procedures established by the Board) or

(vi) if the participant failed to designate an alternate beneficiary or beneficiaries as provided above, to the participant's estate.

If there is more than one eligible beneficiary the benefit shall be divided equally among the eligible beneficiaries unless the beneficiaries are designated beneficiaries by the participant as provided above whereupon the benefit will be divided in accordance with the designation by the participant, or if no such designation then equally. For purposes of this section, the terms "spouse" and "child" shall mean any person who the Board determines in good faith under the plan is the legally recognized spouse or child of the participant. Notwithstanding the foregoing, a final divorce decree shall terminate an ex-spouse's status as beneficiary, unless the participant has on file in the Retirement Office a beneficiary designation that redesignates the ex-spouse as beneficiary dated subsequent to the issuance of the divorce decree. Each beneficiary, or his/her duly appointed representative, shall be responsible for making application, in accordance with uniform procedures established by the Board, for any benefit due him/her under this section. A beneficiary shall have no claim against the Board, or the pension system, or the city by reason of the failure of such beneficiary to apply properly or timely for benefits under the pension system.

SPONSOR

ADMINISTRATION

CHIARMAN

MARTAVIUS JONES

ORDINANCE NO.

ORDINANCE TRANSFERRING THE DIVISION OF TRAFFIC VIOLATIONS BUREAU FROM THE CITY COURT CLERK'S OFFICE AND REINSTATING THE DIVISION OF TRAFFIC VIOLATIONS BUREAU AS A SEPARATE DIVISION WITHIN THE DIVISION OF FINANCE AND ADMINISTRATION TO BE SUPERVISED BY A DEPUTY DIRECTOR APPOINTED BY THE MAYOR AND APPROVED BY THE MEMPHIS CITY COUNCIL AND ELIMINATING THE OFFICE OF CITY COURT CLERK AS AN ELECTED OFFICE OF THE CITY

WHEREAS, by Ordinance No. 926 adopted April 27, 1971 the Memphis City Council ratified the creation of a traffic violations bureau, which was then under the budget and finance department of the City and transferred supervision of and operation thereof as a division within the city court clerk's office separate from the functions of the City Courts;

WHEREAS, the Council adopted Ordinance No. 2246 on April 29, 1975 providing, *inter alia*, for the election of a City Court Clerk and for the selection of separate deputy clerks to supervise (1) the Traffic Violations Bureau and (2) the clerical functions of the City Court's per se;

WHEREAS, the City's attorneys have advised the Council that as a part of their review of the City's charter and ordinances in connection with the 2021 Codification project that Ordinance No. 2246 was not properly adopted as a charter amendment pursuant to Article XI, section 9 of the Tennessee Constitution and therefore may be invalid and void in whole or in part;

WHEREAS, Ordinance No. 2246, however, may still be valid and effective as an ordinary ordinance of the City to the extent that it is not in conflict with the City's charter in effect on April 29, 1975 or thereafter and to the extent the provisions thereof are not subsequently amended or repealed by the Council;

WHEREAS, Ordinance No. 2246 purported to repeal Article 35, section 260 of the City's Charter in effect on April 29, 1975; however, under Article XI, section 9 of the Tennessee Constitution the City's Home Rule Charter may only be amended by a charter amending ordinance of equal dignity and not by an ordinary ordinance that has not been approved as a charter amendment pursuant to Article XI, section 9 of the Tennessee Constitution;

WHEREAS, Ordinance No. 2246, as a non-charter amending ordinance, is in conflict with Ordinance No. 770 adopted by the City Council on August 25, 1970 and properly approved at a referendum election on November 3, 1970 all in accordance with Article XI, section 9 of the Tennessee Constitution;

WHEREAS, Ordinance No. 770 amended the pre-home rule charter Article 35 pertaining to the operations of the City Court to create the position of an Administrative Judge, to establish the duties of the Administrative Judge, to establish salaries for City Court Judges and for the appointment by the Judges of a City Court Clerk to administer the functions of the City Courts per se;

WHEREAS, prior to the approval of Ordinance No. 770 as amendment to the City's charter, the charter provided that the City Court Clerk would be elected by the Legislative Council of the City following the election of said council;

WHEREAS, there is no lawfully effective provision in Article 35 of the City's Charter or otherwise for the popular election of a City Court Clerk by qualified voters of Memphis to administer the functions of the City Courts per se or to supervise a separate Traffic Violations Bureau as a division of the City;

WHEREAS, the Council desires, subject to approval of the Mayor, to exercise its authority under Referendum Ordinance No. 1300, approved as amendment to the City's Home Rule Charter on August 3, 1972, to transfer the Traffic Violations Bureau from the City Court Clerk to the Division of Finance and Administration as hereinafter set forth;

WHEREAS, Council desires to direct the Mayor and the City Attorney not to certify to the Shelby County Election Commission the office of Memphis City Court Clerk as an elected office of the City in any municipal or special election occurring after the adoption of this Ordinance and to prohibit the use of any city funds to reimburse the Shelby County Election Commission for the cost of including the office of Memphis City Court Clerk on any approved ballot for a Memphis municipal or special election occurring after the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL AS FOLLOWS:

Section 1. Ordinance No. 2246, adopted April 29, 1975 is hereby repealed in its entirety and the elected office of City Court Clerk is hereby abolished.

Section 2. Subject to approval of the Mayor, the functions and personnel of the City's Traffic Violations Bureau are hereby transferred on or after January 1, 2024 from the City Court Clerk to the Division of Finance and Administration to be administered and supervised by a deputy director appointed by the Mayor and approved by the Memphis City Council. The Division of Finance and Administration and the City Attorney are authorized to determine the procedures and process for completing the transfer.

Section 3. After the transfer of the City's Traffic Violations Bureau from the City Court Clerk to the Division of Finance and Administration, the City Court Clerk's

duties shall be limited to administering all clerical functions of the City Court, which shall include, unless modified by the Administrative Judge, the following:

- a. All functions described in Referendum Ordinance No 770, adopted August 25, 1970 and approved by Memphis voters on November 3, 1970;
- b. All functions described in Section 11-16 of the 1985 City Code, including maintenance, custody and control of the docket and minute books of the City Court. Assignment of cases to the divisions of City Court, subject to Judges' authority to transfer cases among divisions.
- c. Selection of personnel to perform the functions assigned to the City Court Clerk's Office hereunder based on their qualifications for this type work.
- d. Preparation of an annual budget for the City Court Clerk's office to be included with the budget of the City Court required to be submitted to the Mayor by the Administrative Judge each year.
- e. Any and all other functions and duties determined by the Administrative Judge of the City Courts.

Section 4. Notwithstanding Section 1 of Referendum Ordinance No 770 to the contrary, the Administrative Judge is authorized to allow the City Court Clerk to choose special judges from a list of all Tennessee licensed attorneys who volunteer for said service and to assign cases to the divisions of City Court, subject to Judges' authority to transfer cases among divisions.

Section 5. The Mayor and the City Attorney are hereby requested not to certify to the Shelby County Election Commission the office of Memphis City Court Clerk as an elected office of the City in any municipal or special election occurring after the adoption of this Ordinance and are hereby prohibited from expending any city funds to reimburse the Shelby County Election Commission for the cost of including the office of Memphis City Court Clerk on any approved ballot for a Memphis municipal or special election occurring after the adoption of this Ordinance.

Section 6. 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 7. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 8. 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.

SPONSOR

J. FORD CANALE

CHASE CARLISLE

JB SMILEY, JR.

CHAIRMAN

MARTAVIUS JONES

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 6/27/2023
DATE
PUBLIC SESSION: 6/27/2023
DATE

ITEM (CHECK ONE)

X ORDINANCE _____ RESOLUTION X REQUEST FOR PUBLIC HEARING

ITEM CAPTION: Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at the northwest corner of Airways Boulevard and East Person Avenue. By taking the land out of the Commercial Mixed Use – 1 (CMU-1) Use District and including it in the Employment (EMP) Use District, known as case number Z 23-006

CASE NUMBER: Z 23-006

LOCATION: Northwest corner of Airways Boulevard and East Person Avenue (1645 Airways Blvd.)

COUNCIL DISTRICTS: District 4 and Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

REPRESENTATIVES: Cindy Reaves for SR Consulting, LLC

REQUEST: Rezoning of +/-0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP)

RECOMMENDATION: The Division of Planning and Development recommended *Approval*
The Land Use Control Board recommended *Approval*

RECOMMENDED COUNCIL ACTION: **Public Hearing Required**
Set date for first reading – May 16, 2023
Second reading – June 13, 2023
Third reading – June 27, 2023

PRIOR ACTION ON ITEM:

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
04/13/2023 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

	<u>DATE</u>	<u>POSITION</u>
<u>Kendora Colby</u>	<u>5/8/23</u>	PLANNER III
_____	_____	DEPUTY ADMINISTRATOR
<u>Burt R...</u>	<u>5/8/23</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	CHIEF ADMINISTRATIVE OFFICER
_____	_____	COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

Z 23-006

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT THE NORTHWEST CORNER OF AIRWAYS BOULEVARD AND EAST PERSON AVENUE. BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-006

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday, April 13, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER: Z 23-006

LOCATION: Northwest corner of Airways Boulevard and East Person Avenue

COUNCIL DISTRICT(S): District 4, Super District 8 – Positions 1, 2, and 3

OWNER/APPLICANT: R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

REPRESENTATIVE: Cindy Reaves for SR Consulting, LLC

REQUEST: Rezoning of +/-0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP)

The following spoke in support of the application: None

The following spoke in opposition of the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application.

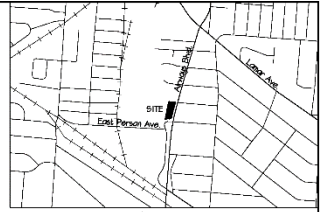
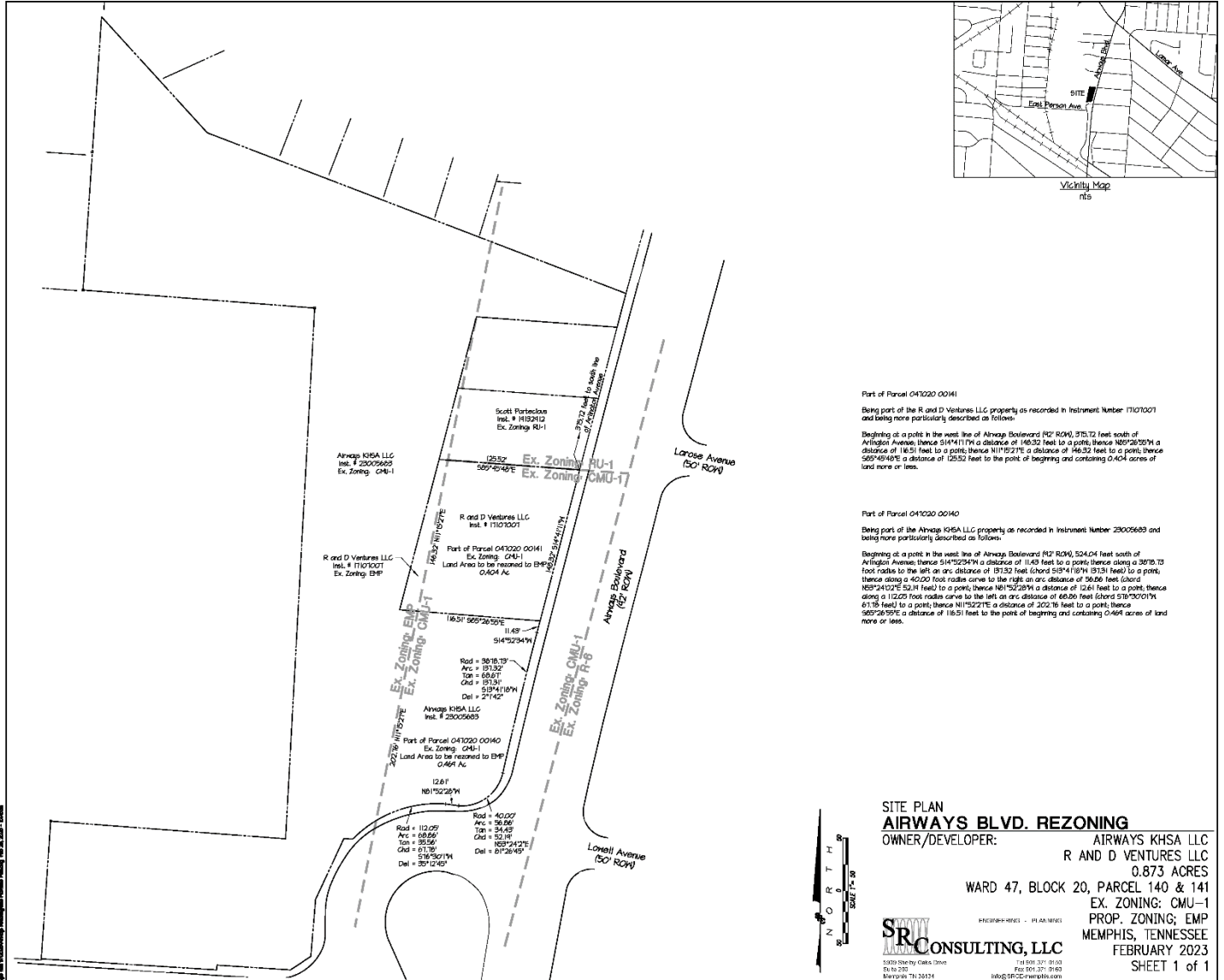
The motion passed by a unanimous vote of 7-0 on the consent agenda.

Respectfully,
Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services
Division of Planning and Development

Cc: Committee Members
File

PLOT PLAN



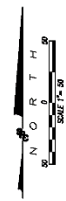
Part of Parcel 041020 0014
 Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:
 Beginning at a point in the west line of Airways Boulevard (R2) R240, 375.72 feet south of Arlington Avenue, thence S14°41'11\"/>

Part of Parcel 041020 0014
 Being part of the Airways KHSa LLC property as recorded in Instrument Number 23005683 and being more particularly described as follows:
 Beginning at a point in the west line of Airways Boulevard (R2) R240, 524.04 feet south of Arlington Avenue, thence S14°52'34\"/>

SITE PLAN AIRWAYS BLVD. REZONING

OWNER/DEVELOPER: AIRWAYS KHSa LLC
 R AND D VENTURES LLC
 0.873 ACRES
 WARD 47, BLOCK 20, PARCEL 140 & 141
 EX. ZONING: CMU-1
 PROP. ZONING: EMP
 MEMPHIS, TENNESSEE
 FEBRUARY 2023
 SHEET 1 of 1

SRV CONSULTING, LLC
 ENGINEER-REG. - PE AA 19161
 5030 Shelby Oaks Drive
 Bldg. 205
 Memphis, TN 38134
 Tel: 901.321.9100
 Fax: 901.321.9103
 info@srvc.com



ORDINANCE NO: _____

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT THE NORTHWEST CORNER OF AIRWAYS BOULEVARD AND EAST PERSON AVENUE. BY TAKING THE LAND OUT OF THE COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-006

WHEREAS, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 23-006**; and

WHEREAS, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned amendment pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said amendment is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

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

SECTION 1:

THAT, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

BY TAKING THE FOLLOWING PROPERTY OUT OF THE COMMERCIAL MIXED USE-1 (CMU-1) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

PARCEL 1

PART OF PARCEL 047020 00141

BEING PART OF THE R AND D VENTURES LLC PROPERTY AS RECORDED IN INSTRUMENT

NUMBER 17107007 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF AIRWAYS BOULEVARD (92' ROW), 375.72 FEET SOUTH OF ARLINGTON AVENUE; THENCE S14°41'11"W A DISTANCE OF 148.32 FEET TO A POINT; THENCE N85°26'55"W A DISTANCE OF 116.51 FEET TO A POINT; THENCE N11°15'27"E A DISTANCE OF 146.32 FEET TO A POINT; THENCE S85°45'48"E A DISTANCE OF 125.52 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.404 ACRES OF LAND MORE OR LESS.

PARCEL 2

PART OF PARCEL 047020 00140

BEING PART OF THE AIRWAYS KHSA LLC PROPERTY AS RECORDED IN INSTRUMENT NUMBER 23005683 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WEST LINE OF AIRWAYS BOULEVARD (92' ROW), 524.04 FEET SOUTH OF ARLINGTON AVENUE; THENCE S14°52'34"W A DISTANCE OF 11.43 FEET TO A POINT; THENCE ALONG A 3878.73 FOOT RADIUS TO THE LEFT AN ARC DISTANCE OF 137.32 FEET (CHORD S13°41'18"W 137.31 FEET) TO A POINT; THENCE ALONG A 40.00 FOOT RADIUS CURVE TO THE RIGHT AN ARC DISTANCE OF 56.86 FEET (CHORD N53°24'02"E 52.19 FEET) TO A POINT; THENCE N81°52'28"W A DISTANCE OF 12.61 FEET TO A POINT; THENCE ALONG A 112.05 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 68.86 FEET (CHORD S76°30'01"W 67.78 FEET) TO A POINT; THENCE N11°52'27"E A DISTANCE OF 202.76 FEET TO A POINT; THENCE S85°26'55"E A DISTANCE OF 116.51 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.469 ACRES OF LAND MORE OR LESS.

SECTION 2:

THAT, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

SECTION 3:

THAT, this ordinance take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller, and become effective as otherwise provided by law.

ATTEST:

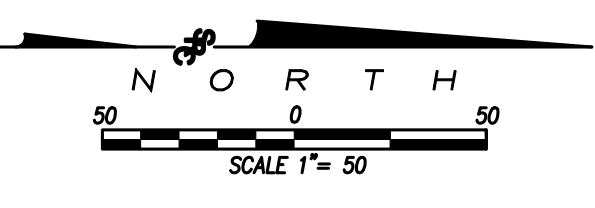
**CC: Division of Planning and Development
– Land Use and Development Services
– Office of Construction Enforcement
Shelby County Assessor**

**//: ATTACHMENT
Plot Plan**



Part of Parcel 041020 00141
 Being part of the R and D Ventures LLC property as recorded in Instrument Number 11101001 and being more particularly described as follows:
 Beginning at a point in the west line of Airways Boulevard (92' ROW), 375.72 feet south of Arlington Avenue; thence S14°41'11"W a distance of 146.32 feet to a point; thence N85°26'55"W a distance of 116.51 feet to a point; thence N11°52'27"E a distance of 146.32 feet to a point; thence S85°45'49"E a distance of 125.52 feet to the point of beginning and containing 0.404 acres of land more or less.

Part of Parcel 041020 00140
 Being part of the Airways KHSA LLC property as recorded in Instrument Number 23005683 and being more particularly described as follows:
 Beginning at a point in the west line of Airways Boulevard (92' ROW), 524.04 feet south of Arlington Avenue; thence S14°52'34"W a distance of 11.43 feet to a point; thence along a 3878.73 foot radius to the left on arc distance of 137.32 feet (chord S13°41'18"W 137.31 feet) to a point; thence along a 40.00 foot radius curve to the right on arc distance of 56.86 feet (chord N53°24'02"E 52.19 feet) to a point; thence N81°52'28"W a distance of 12.61 feet to a point; thence along a 112.05 foot radius curve to the left on arc distance of 68.86 feet (chord S16°30'01"W 61.78 feet) to a point; thence N11°52'27"E a distance of 202.76 feet to a point; thence S85°26'55"E a distance of 116.51 feet to the point of beginning and containing 0.464 acres of land more or less.



SITE PLAN
AIRWAYS BLVD. REZONING
 OWNER/DEVELOPER: AIRWAYS KHSA LLC
 R AND D VENTURES LLC
 0.873 ACRES
 WARD 47, BLOCK 20, PARCEL 140 & 141
 EX. ZONING: CMU-1
 PROP. ZONING: EMP
 MEMPHIS, TENNESSEE
 FEBRUARY 2023
 SHEET 1 of 1

SR CONSULTING, LLC
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 info@SRCE-memphis.com

AGENDA ITEM: 29

CASE NUMBER: Z 2023-006 **L.U.C.B. MEETING:** April 13, 2023

LOCATION: Northwest corner of Airways Boulevard and East Person Avenue

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed

REPRESENTATIVE: Cindy Reaves for SR Consulting, LLC

REQUEST: Rezoning of +/-0.873 acres from Commercial Mixed Use-1 (CMU-1) to Employment (EMP)

CONCLUSIONS

1. The request is to rezone +/- 0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP).
2. The request consists of two parcels: a portion of Parcel ID 047020 00140 and the entirety of Parcel ID 047020 00141.
3. EMP zoning would allow for consistent zoning on the larger parcel (047020 00140), which is already largely zoned EMP.
4. Of the 3.899 acres of the larger parcel (047020 00140), only 0.469 acres are zoned CMU-1.
5. The entirety of Parcel 047020 00141, 0.404 acres, is zoned CMU-1.
6. EMP and Heavy Industrial (IH) zoning exists to the immediate south and west of the subject properties.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 13-15 of this report.

RECOMMENDATION

Approval

GENERAL INFORMATION

Street Frontage:	Airways Boulevard East Person Avenue	+/-148.74 linear feet +/-138.33 curvilinear feet
Zoning Atlas Page:	2135	
Parcel ID:	047020 00140 and 047020 00141	
Area:	+/-0.873 acres	
Existing Zoning:	Commercial Mixed Use – 1 (CMU-1)	
Requested Zoning:	Employment (EMP)	

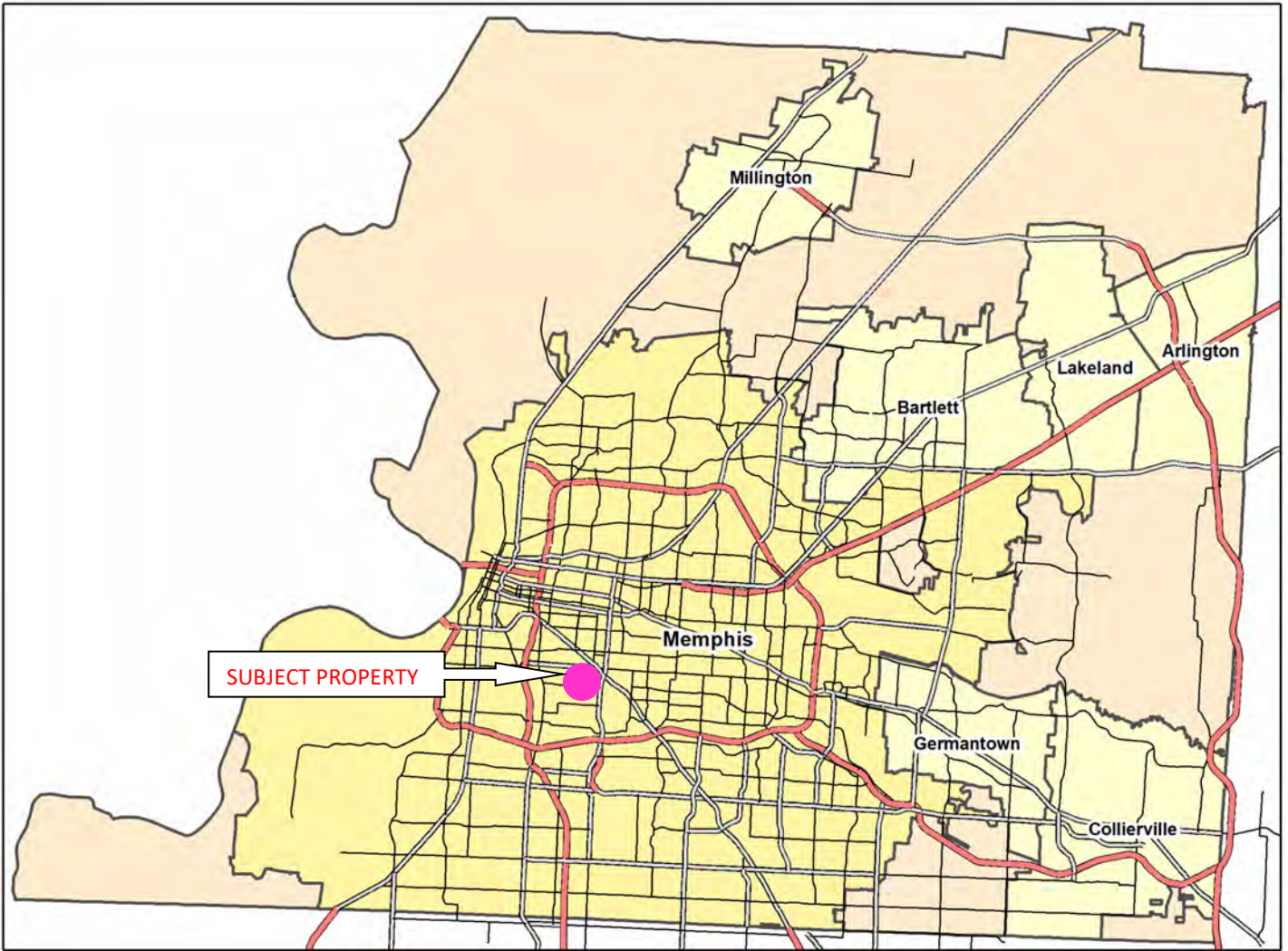
NEIGHBORHOOD MEETING

Not required, zoning change is in compliance with the Memphis 3.0 Comprehensive Plan.

PUBLIC NOTICE

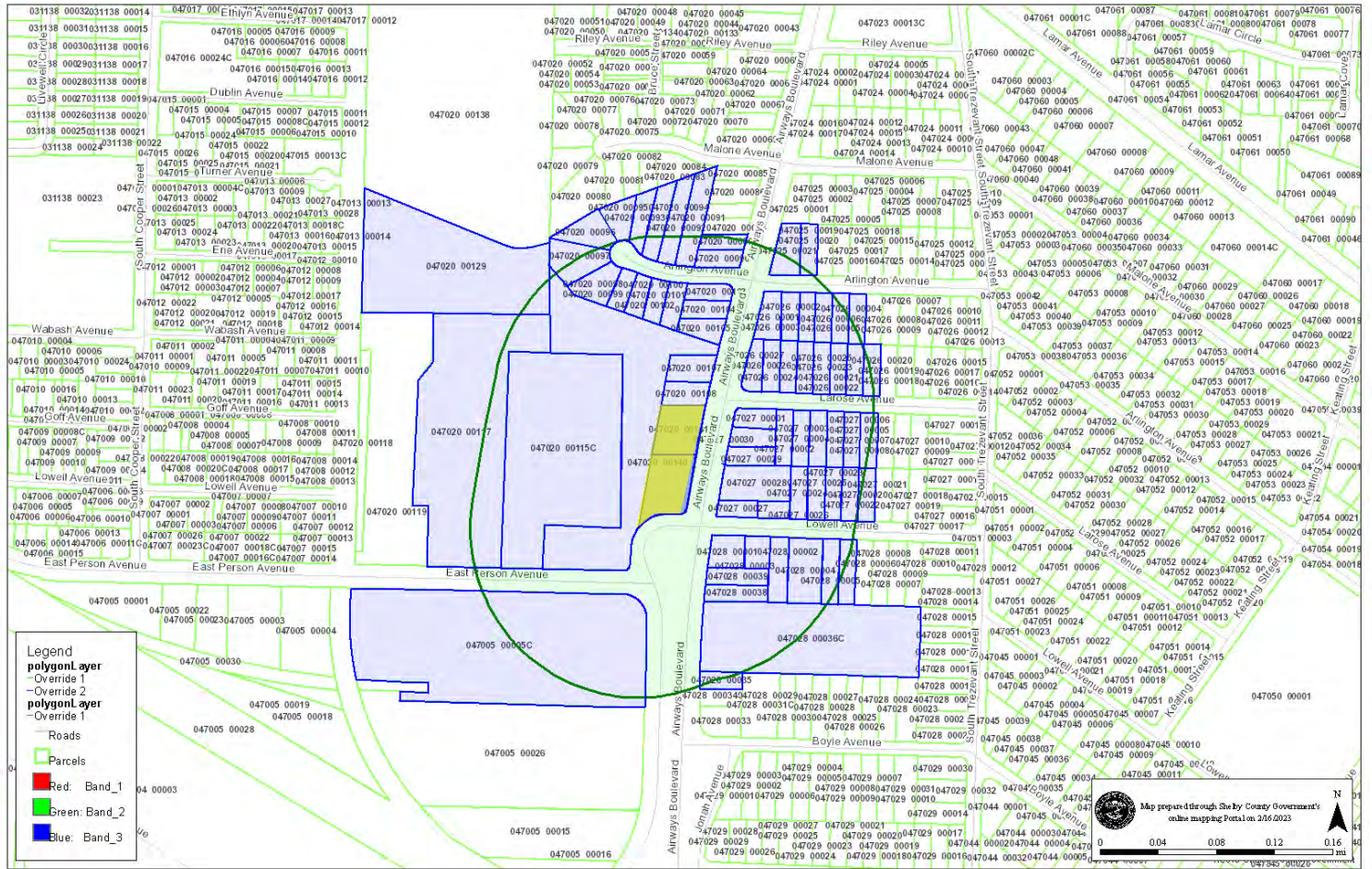
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 70 notices were mailed on March 28, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located within the pink circle, Castalia Heights neighborhood

VICINITY MAP



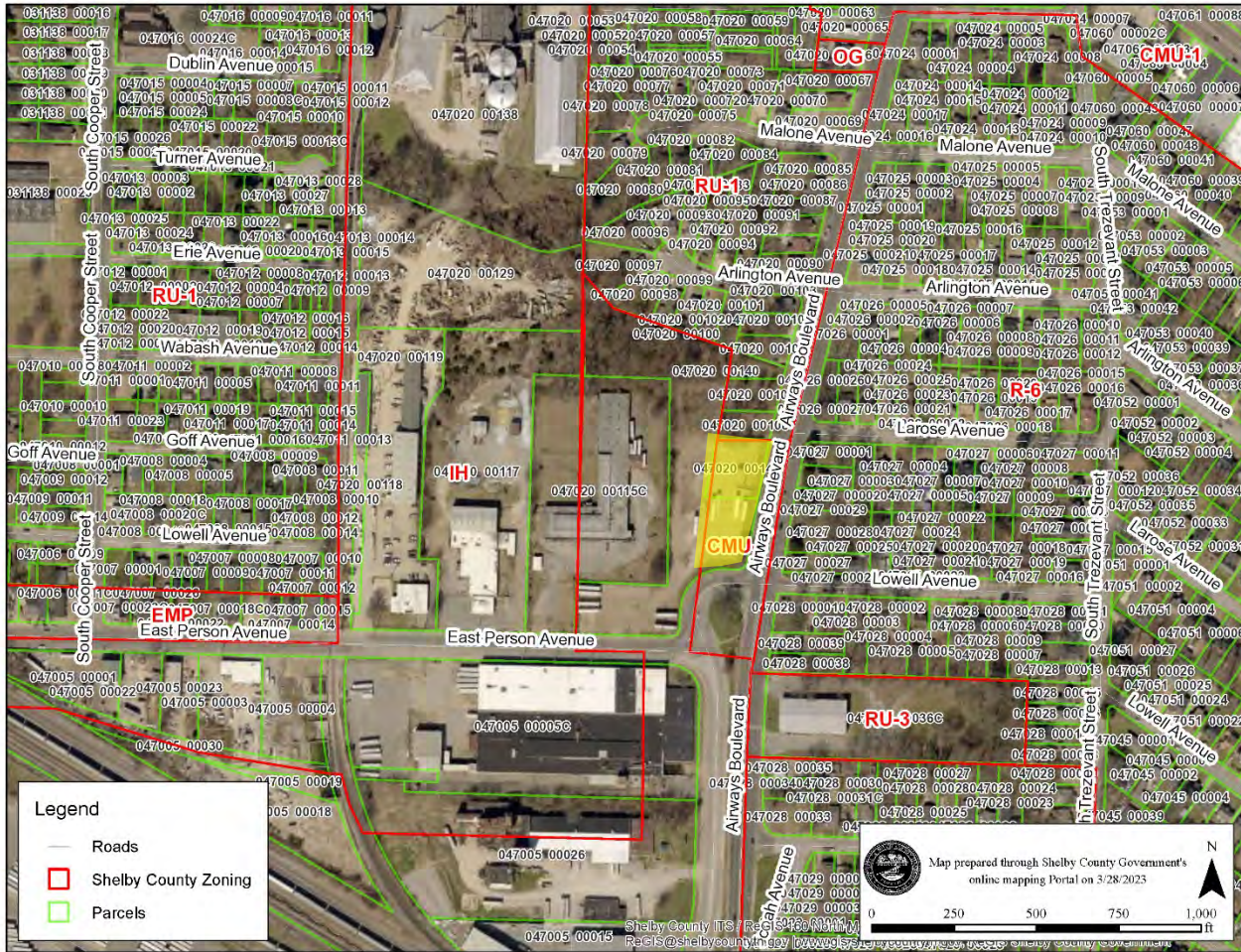
Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: Commercial Mixed Use – 1 (CMU-1)

Surrounding Zoning

North: Residential Urban – 1 (RU-1)

East: Residential Single-Family – 6 (R-6)

South: Employment (EMP)

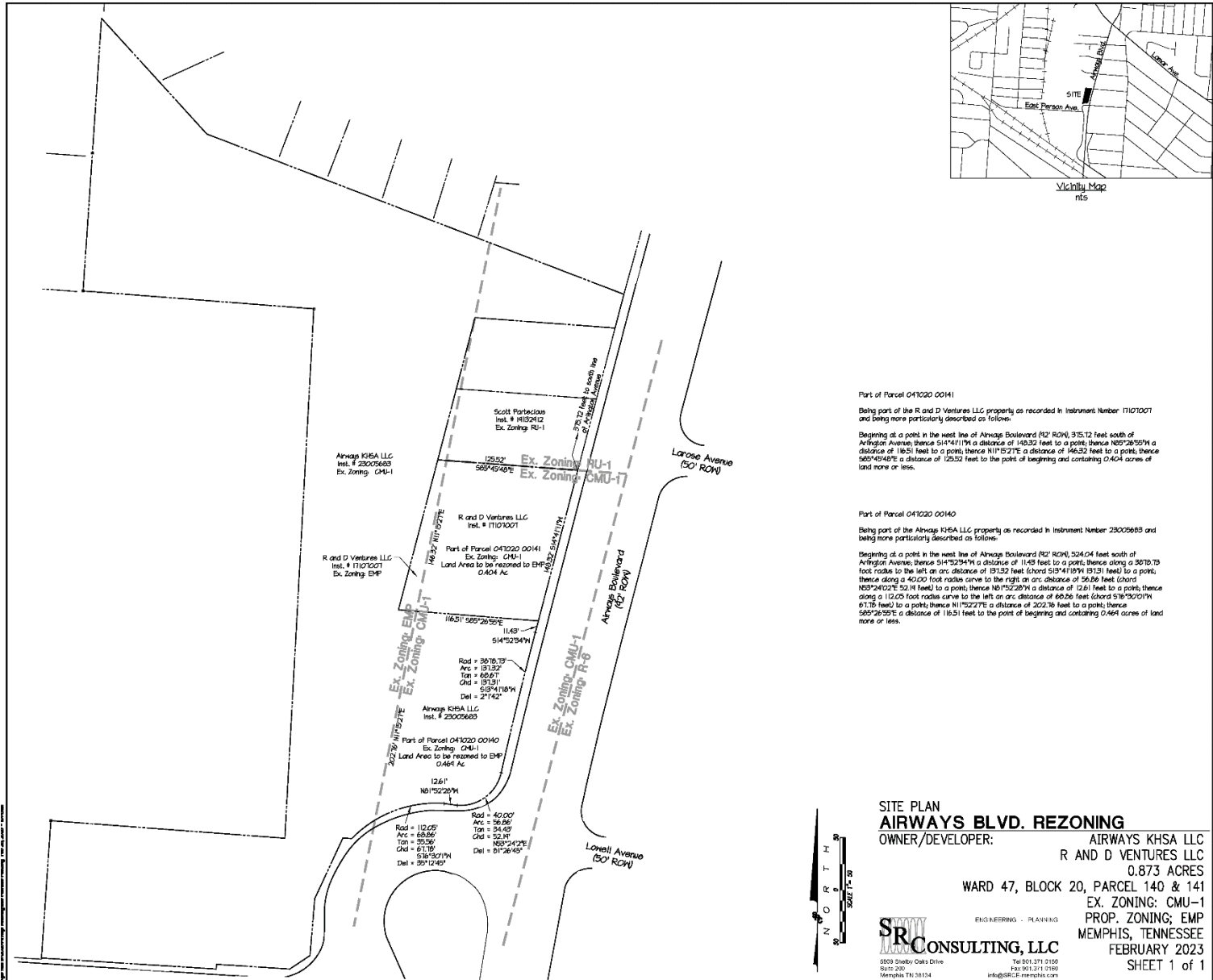
West: Employment (EMP)

LAND USE MAP



Subject property outlined in electric blue and indicated by pink stars

PLOT PLAN



Part of Parcel 041020 00141
Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:
Beginning at a point in the west line of Airways Boulevard (R2 ROW), 375.12 feet south of Arlington Avenue; thence S14°41'17"N a distance of 140.32 feet to a point; thence N05°26'59"W a distance of 146.51 feet to a point; thence N11°52'27"E a distance of 146.32 feet to a point; thence S05°26'45"E a distance of 123.22 feet to the point of beginning and containing 0.464 acres of land more or less.

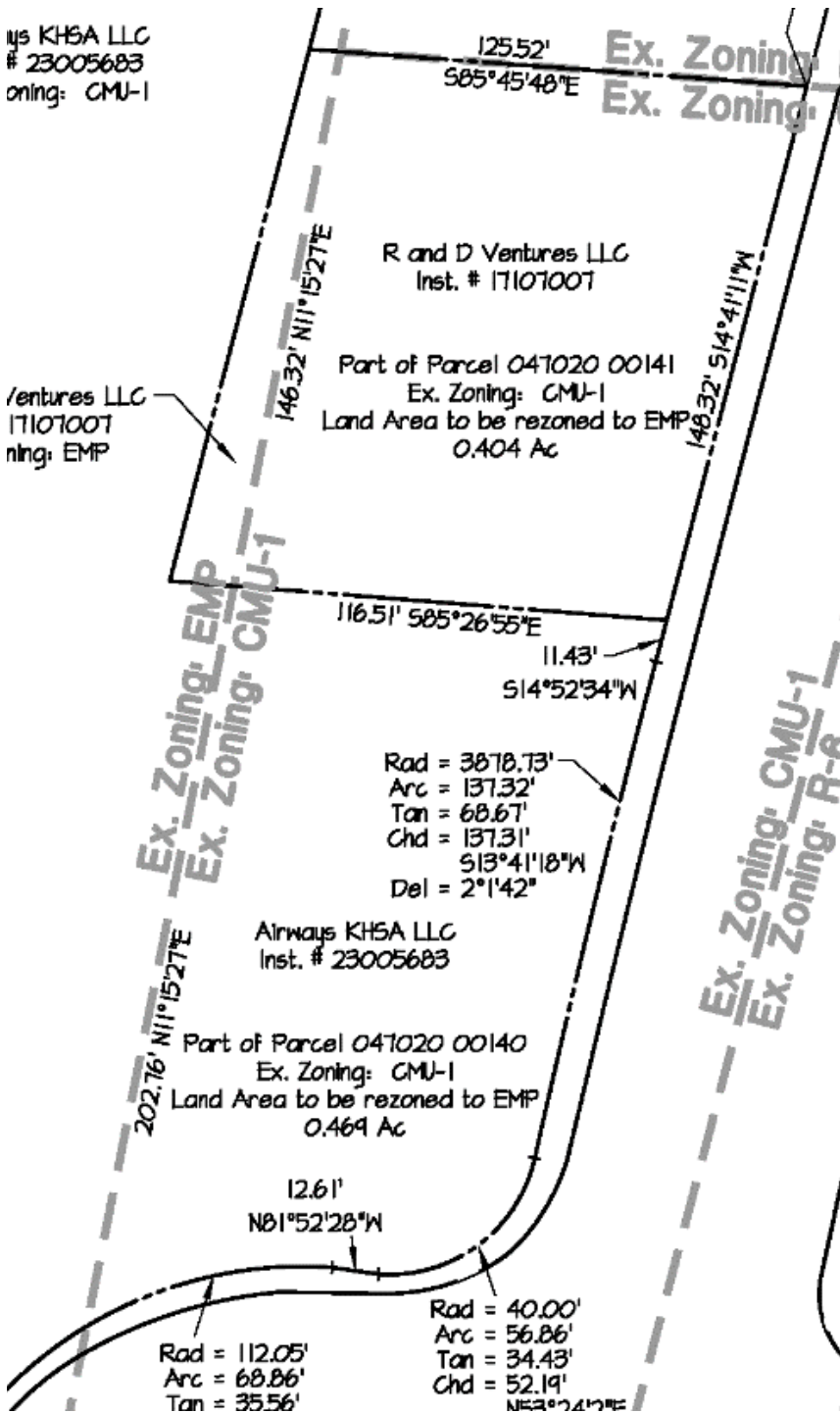
Part of Parcel 041020 00140
Being part of the Airways Khsa LLC property as recorded in Instrument Number 23005685 and being more particularly described as follows:
Beginning at a point in the west line of Airways Boulevard (R2 ROW), 524.04 feet south of Arlington Avenue; thence S14°52'34"W a distance of 114.93 feet to a point; thence along a 3078.73 foot radius to the left an arc distance of 191.32 feet (chord S19°41'09"W 191.31 feet) to a point; thence along a 40200 foot radius curve to the right an arc distance of 36.86 feet (chord N53°24'02"E 52.14 feet) to a point; thence N1°52'28"W a distance of 12.61 feet to a point; thence along a 112.05 foot radius curve to the left an arc distance of 66.26 feet (chord S18°30'01"W 61.76 feet) to a point; thence N11°52'27"E a distance of 222.76 feet to a point; thence S05°26'55"E a distance of 116.51 feet to the point of beginning and containing 0.464 acres of land more or less.

SITE PLAN
AIRWAYS BLVD. REZONING
OWNER/DEVELOPER: AIRWAYS Khsa LLC
R AND D VENTURES LLC
0.873 ACRES
WARD 47, BLOCK 20, PARCEL 140 & 141
EX. ZONING: CMU-1
PROP. ZONING: EHP
MEMPHIS, TENNESSEE
FEBRUARY 2023
SHEET 1 of 1

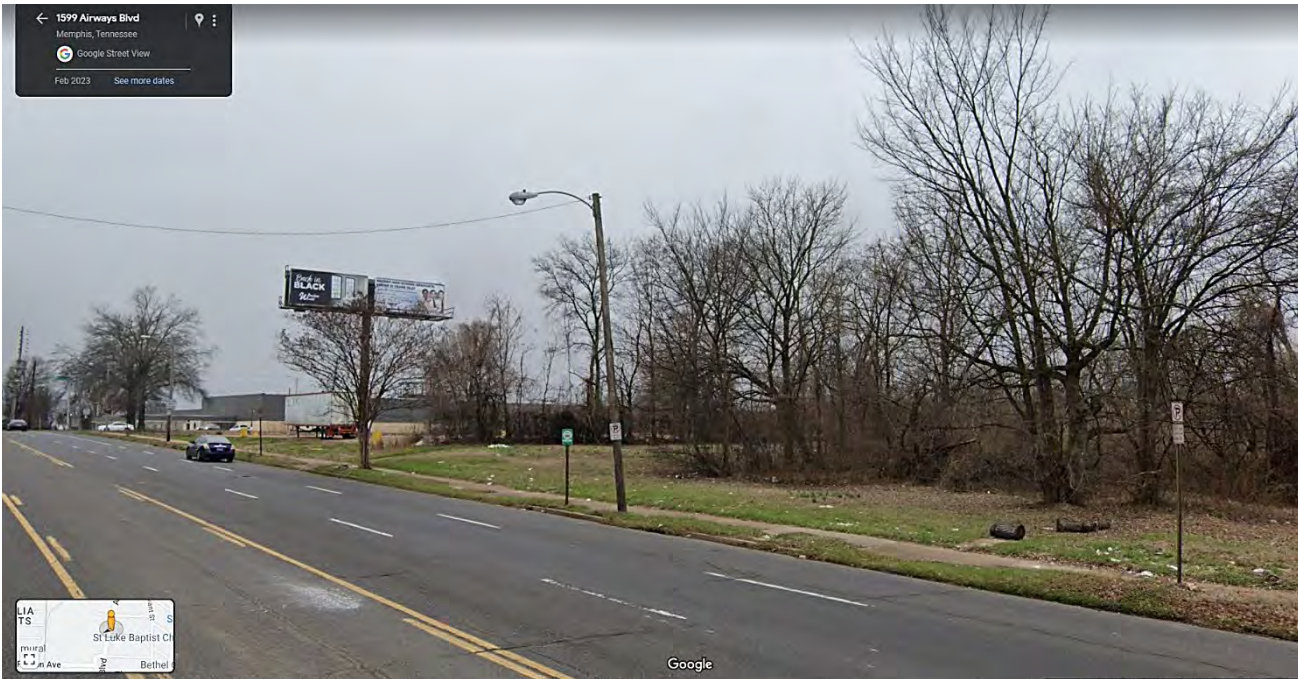
ENGINEERING - PLANNING
SR CONSULTING, LLC
6009 Shelby Oaks Drive
Suite 200
Memphis TN 38134
Tel 901.371.0100
Fax 901.371.0180
info@srconsulting.com

PLOT PLAN SUBJECT AREA - MAGNIFIED

airs KHSa LLC
23005683
Zoning: CMU-1



SITE PHOTOS



View of subject property from Airways Boulevard looking south



View of subject property from Airways Boulevard looking northwest



View of subject property from East Person Avenue looking north



View of subject property from Lowell Avenue looking west

STAFF ANALYSIS

Request

The application and letter of intent have been added to this report.

The request is to rezone 0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP).

Review Criteria

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

9.5.7B Review Criteria

In making recommendations, the Land Use Control Board shall consider the following matters:

9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);

9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;

9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;

9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and

9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.

Site Description

The subject property consists of two parcels a portion being 0.469 acres of Parcel 047020 00140 and the whole of Parcel 047020 00141, which is 0.404 acres. Therefore, the request is for a total of +/-0.873 acres. The parcels are located at the northwest corner of Airways Boulevard and East Person Road. The site is currently vacant land with a concrete pad for truck equipment storage. The off-premise advertising sign approved in Docket BOA 86-41 (see Site Zoning History) also exists on Parcel 047020 00141.

Site Zoning History

On April 23, 1986, the Board of Adjustment approved Docket BOA 86-41 for a variation at 1645 Airways Boulevard (northwest corner of Airways Boulevard and East Person Avenue) to allow a 600 square foot, two-faced, off-premise advertising sign. See page 16 of this report for said notice of disposition.

Conclusions

The request is to rezone 0.873 acres from Commercial Mixed Use – 1 (CMU-1) to Employment (EMP).

The purpose of this request is to allow for consistent zoning for future development.

Staff finds the request is consistent with the Memphis 3.0 Comprehensive Plan and is appropriate zoning being that EMP District zoning is immediately adjacent and west of that is heavy industrial zoning.

The subject property is vacant at this time.

RECOMMENDATION

Staff recommends approval.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer: See comments as follows:
CASE: Z-23-006 NAME: 1645 Airways Blvd, CASTALIA HEIGHTS

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.
2. No further City Engineering comments provided for rezone.

City/County Fire Division: No comments received.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

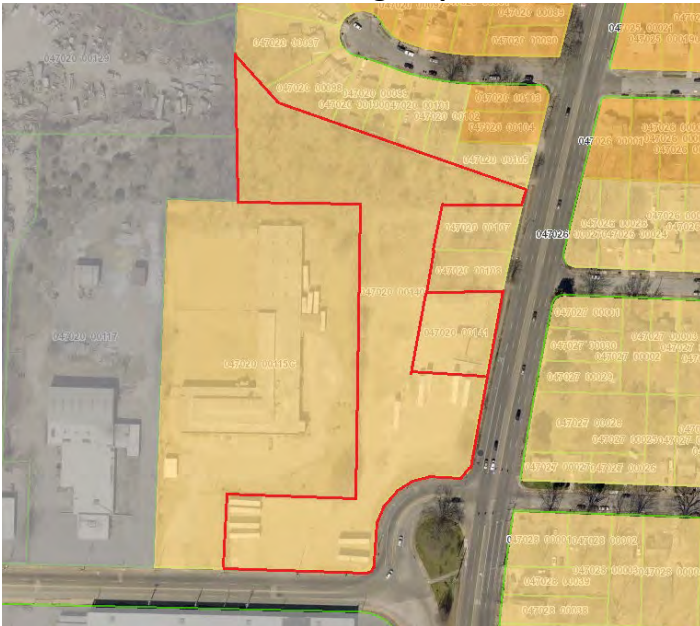
Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: See comments as follows:
Site Address/Location: 1629 and 0 Airways (Parcel IDs: 047020 00141, 047020 00140)
Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District or Flood Zone
Future Land Use Designation: Anchor Neighborhood-Primarily Single-Unit (AN-S)
Street Type: Avenue & Parkway

The applicant is seeking to rezone sections of the subject parcels from CMU-1 to EMP.
The following information about the land use designation can be found on pages 76 – 122:

1. Future Land Use Planning Map



Red polygons indicate the application sites on the Future Land Use Map.

2. Land Use Description/Intent

Anchor Neighborhood-Primarily Single-Unit (AN-S) are walkable neighborhoods within a 5 – 10-minute walk of a Community Anchor. These neighborhoods are made up of single-unit and duplex housing. Graphic portrayal of AN-S is to the right.



“AN-S” Form & Location Characteristics

NURTURE, ACCELERATE, and SUSTAIN

Primarily detached, single-family residences and commercial and institutional uses. Attached single-family, duplexes, triplexes, quadplexes and large homes (defined in the UDC as those apartment buildings with up to 6 units), including those with active ground floor commercial uses (including live/work) along sidewalk, are also permitted. Height: 1-3 stories. Scale: house-scale.

“AN-S” Zoning Notes

Generally compatible with the following zone districts: R-15, R-10, R-8, R-6, R-3, RU-1, MDR in accordance with Form and characteristics listed below.

Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Parking, CMU-1, EMP

Adjacent Land Use and Zoning: Vacant, Industrial, Single-Family, CMU-1, EMP, R-6, RU-1

Overall Compatibility: *This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes as the proposed EMP rezoning would permit industrial uses rather than single family residential uses. However, the requested rezoning is consistent with the existing, adjacent land use and zoning as the EMP zoning designation and industrial uses are present to the immediate west of the proposed area.*

3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Accelerate.

4. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

The proposed rezoning would speed up development activity in the area by allowing a greater mix of uses on the subject sites.

5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

N/A

6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

N/A

Consistency Analysis Summary

The applicant is seeking to rezone sections of the subject parcels from CMU-1 to EMP.

This requested use is not compatible with the land use description/intent, form & location characteristics, and zoning notes as the proposed EMP rezoning would permit industrial uses rather than single family residential uses. However, the requested rezoning is consistent with the existing, adjacent land use and zoning as the EMP zoning designation and industrial uses are present to the immediate west of the proposed area.

The proposed rezoning would speed up development activity in the area by allowing a greater mix of uses on the subject sites.

Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

APPLICATION



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: Z 2023-006

Expiration Date:

Record Name: Airways Blvd. Rezoning

Description of Work: Rezoning from CMU-1 to EMP

Parent Record Number:

Address:

1645 AIRWAYS BLVD, MEMPHIS 38114

Owner Information

Primary Owner Name

Y AIRWAYS KHSA LLC

Owner Address

986 HOLLIS F PRICE ST, MEMPHIS, TN 38126

Owner Phone

Parcel Information

047020 00140

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

Pre-application Meeting Type -

GENERAL INFORMATION

Is this application in response to a citation from No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?

Have you held a neighborhood meeting? No

If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No

Case Layer BOA1986-041

Class C

Downtown Fire District No

Historic District -

Land Use PARKING

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

Property Address: 0 Airways Blvd.

Property Parcel Number: 047020 00140

Property Address: 1629 Airways Blvd

Property Parcel Number: 047020 00141

Contact Information

Name

HAROON HAIMED

Contact Type

APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1452305	Credit Card Use Fee (.026 x fee)	1	0.00	INVOICED	0.00	03/02/2023
1452422	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	03/02/2023

Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00

LETTER OF INTENT



Date: February 21, 2023
To: Division of Planning & Development
From: Cindy Reaves
Re: Airways Blvd. Rezoning

LETTER OF INTENT

We are submitting a Rezoning application for property at 0 & 1629 Airways Blvd. The property is located at the northwest corner of Airways Blvd. and Person Ave. The property is part of a larger parcel that is Zoned EMP to the west of these parcels. Our request for rezoning is within the CMU-1 zoning district and is approximately 0.873 acres in area. The EMP zoning is also compatible with the surrounding adjacent properties to the west. The approval of this request will provide consistent zoning for this site to be developed in the future.

We appreciate your support with this request. Please contact me if you have any questions.

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 1:52 pm on the 30th day of March, 2023. I posted one Public Notice Sign pertaining to Case No. Z 23-006 in front of the property located at 1629 Airways providing notice of a Public Hearing before the April 13, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Zoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

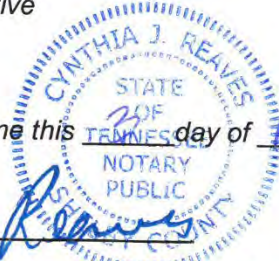
Kristin Reaves

Owner, Applicant or Representative

04/03/2023

Date

Subscribed and sworn to before me this 30 day of April, 2023



Cynthia J. Reaves

Notary Public
My commission expires: 9/29/23



LETTERS RECEIVED

No letters received at the time of completion of this report.



Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: March 2, 2023

Record Number: Z 2023-006

Expiration Date:

Record Name: Airways Blvd. Rezoning

Description of Work: Rezoning from CMU-1 to EMP

Parent Record Number:

Address:

1645 AIRWAYS BLVD, MEMPHIS 38114

Owner Information

Primary Owner Name

Y AIRWAYS KHSA LLC

Owner Address

986 HOLLIS F PRICE ST, MEMPHIS, TN 38126

Owner Phone

Parcel Information

047020 00140

Data Fields

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

Pre-application Meeting Type -

GENERAL INFORMATION

Is this application in response to a citation from No

GENERAL INFORMATION

Construction Code Enforcement or Zoning Letter?

Have you held a neighborhood meeting? No

If yes, please provide additional information -

GIS INFORMATION

Central Business Improvement District No

Case Layer BOA1986-041

Class C

Downtown Fire District No

Historic District -

Land Use PARKING

Municipality MEMPHIS

Overlay/Special Purpose District -

Zoning CMU-1

State Route -

Lot -

Subdivision -

Planned Development District -

Wellhead Protection Overlay District -

Data Tables

ADDRESS AND PARCEL LIST

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Property Parcel Number: 047020 00140

Property Address: 1629 Airways Blvd

Property Parcel Number: 047020 00141

Contact Information

Name

HAROON HAIMED

Contact Type

APPLICANT

Address

Phone

-

Fee Information

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
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Total Fee Invoiced: \$1,000.00

Total Balance: \$0.00

Payment Information**Payment Amount**

\$1,000.00

Method of Payment

Check

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

Property Owner's Affidavit

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, Khalid Haimeed
(Print Name)


(Sign Name)

state that I have read the definition of

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 0 Airways Blvd.

and further identified by Assessor's Parcel Number 047020 00140

for which an application is being made to the Division of Planning and Development

Subscribed and sworn to (or affirmed) before me this 29th day of Feb in the year of 2023


Signature of Notary Public


MY COMMISSION EXPIRES 9/27/23
My Commission Expires

**MEMPHIS AND
SHELBY COUNTY**  **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

Property Owner's Affidavit

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I, Ricky Tony Aik Tom (Print Name)  (Sign Name), state that I have read the definition of

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 1629 Airways Blvd.

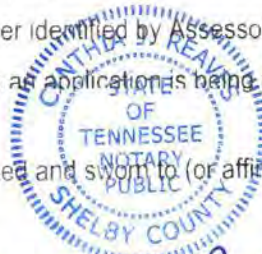
and further identified by Assessor's Parcel Number 047020 00141

for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 28th day of Feb. in the year of 23


Signature of Notary Public

9/27/23
My Commission Expires





ENGINEERING • PLANNING

5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134

Tel: 901-373-0380
Fax: 901-373-0370
www.SRCE-memphis.com

Date: February 21, 2023

To: Division of Planning & Development

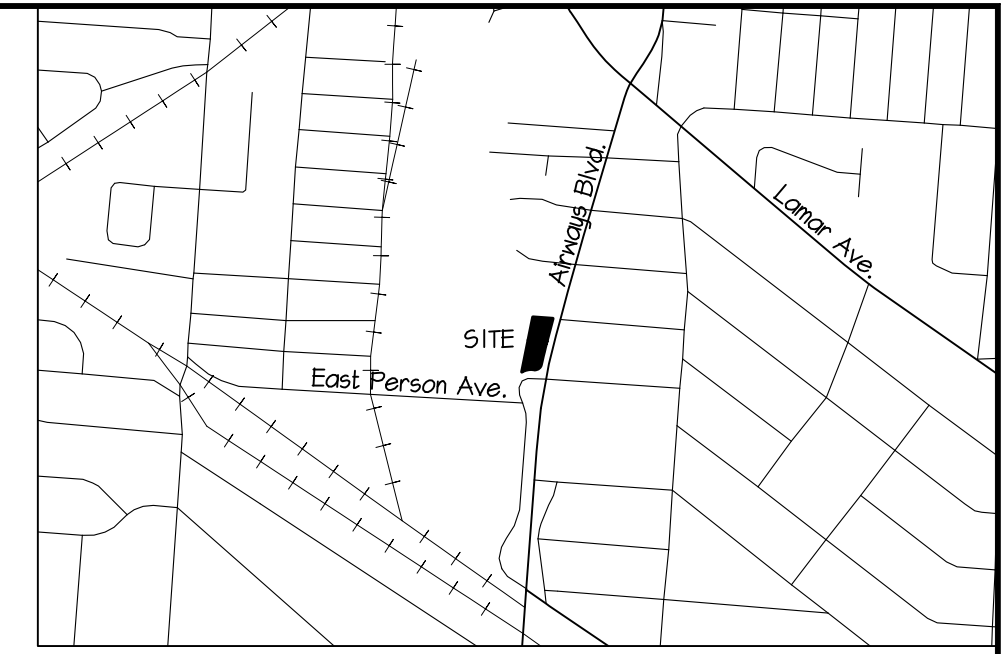
From: Cindy Reaves

Re: Airways Blvd. Rezoning

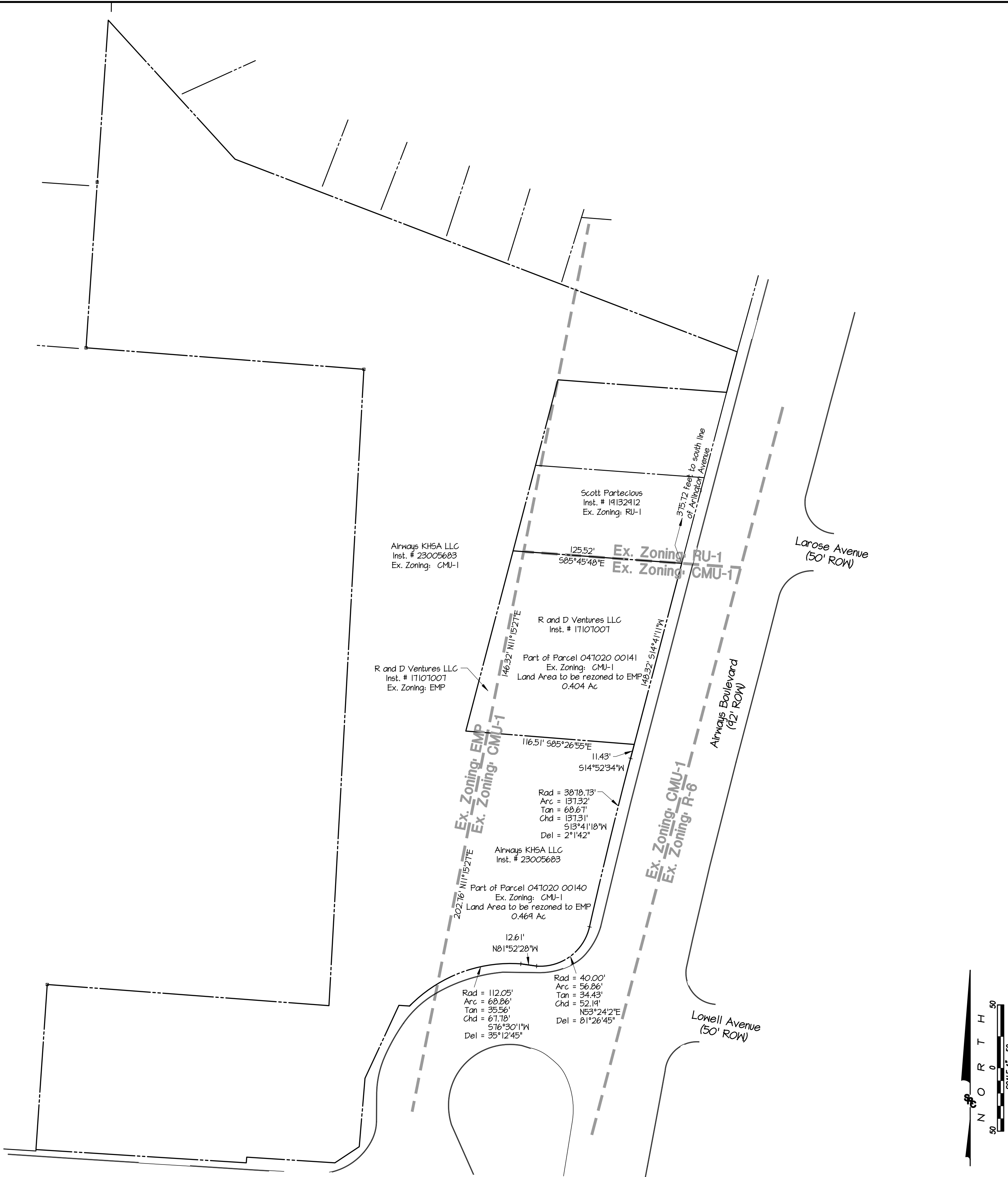
LETTER OF INTENT

We are submitting a Rezoning application for property at 0 & 1629 Airways Blvd. The property is located at the northwest corner of Airways Blvd. and Person Ave. The property is part of a larger parcel that is Zoned EMP to the west of these parcels. Our request for rezoning is within the CMU-1 zoning district and is approximately 0.873 acres in area. The EMP zoning is also compatible with the surrounding adjacent properties to the west. The approval of this request will provide consistent zoning for this site to be developed in the future.

We appreciate your support with this request. Please contact me if you have any questions.



Vicinity Map
nts



Part of Parcel 041020 00141

Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 375.72 feet south of Arlington Avenue; thence S14°41'11"W a distance of 148.32 feet to a point; thence N85°26'55"W a distance of 116.51 feet to a point; thence N11°15'27"E a distance of 146.32 feet to a point; thence S85°45'48"E a distance of 125.52 feet to the point of beginning and containing 0.404 acres of land more or less.

Part of Parcel 041020 00140

Being part of the Airways KHSA LLC property as recorded in Instrument Number 23005683 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 524.04 feet south of Arlington Avenue; thence S14°52'34"W a distance of 11.43 feet to a point; thence along a 3878.73 foot radius to the left an arc distance of 137.32 feet (chord 513°41'18"W 137.31 feet) to a point; thence along a 40.00 foot radius curve to the right an arc distance of 56.86 feet (chord N53°24'02"E 52.14 feet) to a point; thence N81°52'28"W a distance of 12.61 feet to a point; thence along a 112.05 foot radius curve to the left an arc distance of 68.86 feet (chord S16°30'01"W 67.78 feet) to a point; thence N11°52'27"E a distance of 202.76 feet to a point; thence S85°26'55"E a distance of 116.51 feet to the point of beginning and containing 0.469 acres of land more or less.

SITE PLAN
AIRWAYS BLVD. REZONING

OWNER/DEVELOPER: AIRWAYS KHSA LLC
R AND D VENTURES LLC
0.873 ACRES

WARD 47, BLOCK 20, PARCEL 140 & 141
EX. ZONING: CMU-1
PROP. ZONING; EMP
MEMPHIS, TENNESSEE
FEBRUARY 2023
SHEET 1 of 1



SRCONSULTING, LLC
ENGINEERING - PLANNING
5909 Shelby Oaks Drive
Suite 200
Memphis TN 38134
Tel 901.371.0150
Fax 901.371.0160
info@SRCE-memphis.com

Part of Parcel 047020 00141

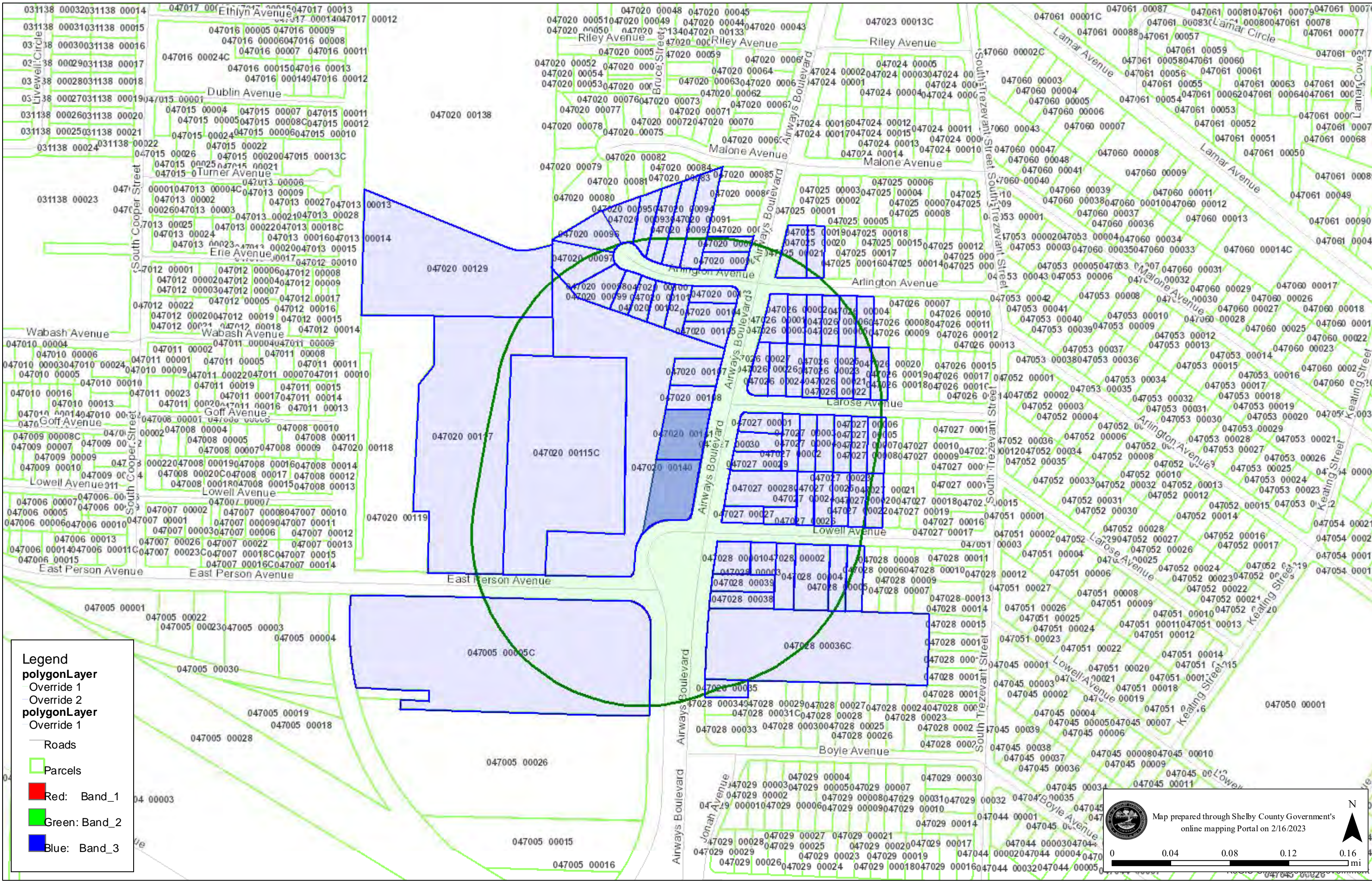
Being part of the R and D Ventures LLC property as recorded in Instrument Number 17107007 and being more particularly described as follows:

Beginning at a point in the west line of Airways Boulevard (92' ROW), 375.72 feet south of Arlington Avenue; thence S14°41'11"W a distance of 148.32 feet to a point; thence N85°26'55"W a distance of 116.51 feet to a point; thence N11°15'27"E a distance of 146.32 feet to a point; thence S85°45'48"E a distance of 125.52 feet to the point of beginning and containing 0.404 acres of land more or less.

Part of Parcel 047020 00140

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Beginning at a point in the west line of Airways Boulevard (92' ROW), 524.04 feet south of Arlington Avenue; thence S14°52'34"W a distance of 11.43 feet to a point; thence along a 3878.73 foot radius to the left an arc distance of 137.32 feet (chord S13°41'18"W 137.31 feet) to a point; thence along a 40.00 foot radius curve to the right an arc distance of 56.86 feet (chord N53°24'02"E 52.19 feet) to a point; thence N81°52'28"W a distance of 12.61 feet to a point; thence along a 112.05 foot radius curve to the left an arc distance of 68.86 feet (chord S76°30'01"W 67.78 feet) to a point; thence N11°52'27"E a distance of 202.76 feet to a point; thence S85°26'55"E a distance of 116.51 feet to the point of beginning and containing 0.469 acres of land more or less.



Legend

- polygonLayer
- Override 1
- Override 2
- polygonLayer
- Override 1
- Roads
- Parcels
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Map prepared through Shelby County Government's online mapping Portal on 2/16/2023

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

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Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

Airways KHASA LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

STOL RENTALS LLC
137 HIDDEN ACRES DR #
LOGANTON PA 17747

STONE CHARLES AND BARBARA ADAIR (RS)
2308 LAROSE AVE #
MEMPHIS TN 38114

TATE RUTHIE
1670 AIRWAYS BLVD #
MEMPHIS TN 38115

WALKER GEORGE R
2231 ARLINGTON AVE #
MEMPHIS TN 38114

GIBSON KENNETH J & JEARL D
2312 LAROSE AVE #
MEMPHIS TN 38114

BOLDEN DONALD G
1678 AIRWAYS BLVD #
MEMPHIS TN 38114

DEAN LEARINZIA & ESTELLA
2237 ARLINGTON AVE #
MEMPHIS TN 38114

TATE DORIS
2318 LAROSE AVE #
MEMPHIS TN 38114

MENJIVAR MARIA
3099 KEMPER DR #
MEMPHIS TN 38115

HOYLE CAROLYN M
2241 ARLINGTON AVE #
MEMPHIS TN 38114

MALLORY LEE R
4577 HANCOCK DR #
MEMPHIS TN 38116

RUSSELL SAMUEL & SYLVIA
2294 LAROSE AVE #
MEMPHIS TN 38114

MCCRARY MARY E (LE) AND HAROLD MCCRARY A
2247 ARLINGTON AVE #
MEMPHIS TN 38114

HUERTA VICTOR S
1632 AIRWAYS BLVD #
MEMPHIS TN 38114

HAYES DORA P & DANESE F
502 W ARBUTUS ST #
COMPTON CA 90220

CURRY LAURA
1589 AIRWAYS BLVD #
MEMPHIS TN 38114

BEAUREGARD MURLENE
2325 LAROSE AVE #
MEMPHIS TN 38114

CRAWFORD BUREL & CAROL Y
2026 WILSON RD #
MEMPHIS TN 38116

PINSON RUTHIE M
1593 AIRWAYS BLVD #
MEMPHIS TN 38114

BOLDS CARRIE E
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

FERRELL PAVING INC
2174 E PERSON AVE #
MEMPHIS TN 38114

EL-TAYECH MAHMOUD
4253 RHODES AVE #
MEMPHIS TN 38111

MCKINLEY RAY JR AND WILLIAMS LEONA
2308 LOWELL AVE #
MEMPHIS TN 38114

FIFER CARLOS
723 BRISTON LN
COLLIERVILLE TN 38017

MARSHALL TONYA M W
7469 MORGAN HOUSE DR #
MEMPHIS TN 38125

STALLINGS VINCENT T
2302 LOWELL AVE #
MEMPHIS TN 38114

BOONE EARNEST E
2238 ARLINGTON AVE #
MEMPHIS TN 38114

NEELY GERALD
PO BOX 34277 #
MEMPHIS TN 38184

GFM INVESTMENTS LLC
2130 PENDLETON ST #
MEMPHIS TN 38114

STREET WILLIAM A III AND CAROL E STREET
7938 US HIGHWAY 70 #
MEMPHIS TN 38133

HUDSON RICHARD E & FLOSSIE M
2296 ARLINGTON AVE #
MEMPHIS TN 38114

MORRIS BRIAN & ANDREA
2311 ARLINGTON #
MEMPHIS TN 38114

CLEAVES DEAN
2321 LAROSE AVE #
MEMPHIS TN 38114

WHITCOMB BLAKE
440 GAREDEN ST #
WEST SACRAMENTO CA 95691

HOOKS RONALD K JR
2317 ARLINGTON AVE #
MEMPHIS TN 38114

BOLDS CLARENCE L (ESTATE OF)
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

GOODWIN CAROLYN M AND RONALD
1989 E PERSON AVE #
MEMPHIS TN 38114

JOHNSON RICHARD D
2196 E PERSON AVE #
MEMPHIS TN 38114

REFRESHING SPRINGS COMMUNITY DEV CORP
4935 ELVIS PRESLEY BLVD #
MEMPHIS TN 38116

MILES RON
1989 E PERSON AVE #
MEMPHIS TN 38114

SURGEON CORY J
3110 SEMINARY CV #
MEMPHIS TN 38116

HARVEY LASONYA AND ALTONIUS DAVIS
2312 LOWELL AVE #
MEMPHIS TN 38114

R AND D VENTURES LLC
5031 ANCHOR CV #
MEMPHIS TN 38117

PROFESSIONAL SPECIALTIES CO
PO BOX 140188 #
MEMPHIS TN 38114

PEARCE RICHARD
596 WARING RD #
MEMPHIS TN 38122

SMILE ROBERT L & INEZ AND SHEREE C HEROD
2253 ARLINGTON AVE #
MEMPHIS TN 38114

WILSON CORNELIUS & JOYCE M AND NICOLE
2328 LAROSE AVE #
MEMPHIS TN 38114

RKV REAL ESTATE LLC

STOKES BETTY A
2257 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

FIFER CARLOS
723 BRISTON LN #
COLLIERVILLE TN 38017

WINTON JIMMY AND CAROLYN W SHELL
8310 RAMBLING ROSE DR #
OOLTEWAH TN 37363

UPCHURCH BRANETTE M
1634 BONNIE DR #
MEMPHIS TN 38116

MASON PAMELA AND ZELA HAYSE AND
1658 AIRWAYS BLVD #
MEMPHIS TN 38114

NUNNALLY JAMES & IDA L
2301 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

HENDERSON LYJUANICA D
4620 CEDAR BRANCH CIR #
MEMPHIS TN 38128

CARPENTER ALONZA
6822 17TH ST S
SAINT PETERSBURG FL 33712

BOOKER JANET D
2317 LAROSE AVE #
MEMPHIS TN 38114

SENENSE TARYN
2293 LOWELL AVE #
MEMPHIS TN 38114

LEON FIDEL P
2301 LOWELL AVE #
MEMPHIS TN 38114

CARRUTHERS GRACIE
2307 LOWELL AVE #
MEMPHIS TN 38114

FOSTER REZELL (ESTATE OF) AND KAREN F
1628 CASTALIA #
MEMPHIS TN 38114

AIRWAYS PROPERTIES LLC
318 WINCHESTER RD #
MEMPHIS TN 38109

END TIME CHURCH (TRS)
4651 BARKLEY GLEN DR #
COLLIERVILLE TN 38017

SIXTEEN NINETY-NINE AIRWAYS WAREHOUSE
5160 SANDERLIN AVE #1
MEMPHIS TN 38117


SCOTT PARTECIOUS
3260 KIRBY PKWY #4
MEMPHIS TN 38115

SIXTEEN NINETY NINE AIRWAYS
5160 SANDERLIN #1
MEMPHIS TN 38117



Tom Leatherwood
 Shelby County Register / Archives

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

 17107007	
10/17/2017	02:03 PM
7 PGS	
MELISA 1660883-17107007	
VALUE	400000.00
MORTGAGE TAX	0.00
TRANSFER TAX	1480.00
RECORDING FEE	35.00
DP FEE	2.00
REGISTER'S FEE	1.00
WALK THRU FEE	0.00
TOTAL AMOUNT	1518.00
TOM LEATHERWOOD REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

This instrument prepared by:
Hartman Simons & Wood LLP
6400 Powers Ferry Road, Suite 400
Atlanta, Georgia 30339

After recording return to:
Greg Voehringer, Esq.
The Voehringer Law Firm, PC
4917 William Arnold Road
Memphis, TN 38117

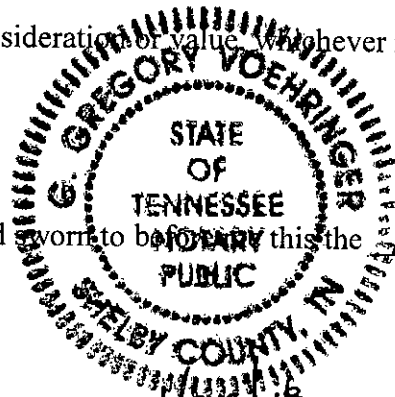
ADDRESS NEW OWNER:
R&D Ventures, LLC
5031 Anchor Cove
Memphis, TN 38117

SEND TAX BILLS TO:
R&D Ventures, LLC
5031 Anchor Cove
Memphis, TN 38117

PARCEL ID:
096-400-00135
060-222-00377
060-220-00038
068-001-00005
020-086-00013 & 00014
088-035-00051
047-020-00141
060-227-00008 (easement)
089-002-A00007

STATE OF TENNESSEE
COUNTY OF SHELBY

The actual consideration or value, whichever is greater, for this transfer is \$400,000.00.



[Signature]

Affiant

Subscribed and sworn to before me this the 17 day of October, 2017.

[Signature]

Notary Public

My Commission Expires: 11/22/18

SPECIAL WARRANTY DEED

FOR AND IN CONSIDERATION OF the sum of Ten Dollars (\$10.00), cash in hand paid by the hereinafter named GRANTEE, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **RREF ST-TN WHT, LLC**, a Tennessee limited liability company, hereinafter called "GRANTOR," has bargained and sold, and by these presents does transfer and convey unto **R&D VENTURES, LLC**, a Tennessee limited liability company, hereinafter called "GRANTEE," its successors and assigns, certain real property in Shelby County, State of Tennessee, described as follows (the "Property") together with all rights, interests, easements and hereditaments appurtenant thereto:

SEE EXHIBIT "A" ATTACHED HERETO AND
MADE A PART HEREOF BY THIS REFERENCE.

Parcels 1-8 being the same parcels 1, 3, 6, 10, 11, 12, 16 and 17 conveyed to GRANTOR by Deed of record at Instrument Number 15072931 and re-recorded at Instrument Number 15095740 in the Shelby County Register's Office; and Parcel 9 being the same property conveyed to GRANTOR by Deed of record at Instrument Number 15090600 in the Shelby County Register's Office.

The Property is transferred subject to the limitations, restrictions, and encumbrances ("Permitted Exceptions") set forth as follows:

- (a) Real property taxes and assessments for the year 2018 and thereafter;
- (b) Zoning and other regulatory laws and ordinances affecting the Property;
- (c) Matters that would be disclosed by an accurate survey;
- (d) Rights of tenants in possession (if any);
- (e) Any plat affecting the Property; and
- (f) Easements, rights of way, limitations, conditions, covenants, restrictions, and other matters of record.

TO HAVE AND TO HOLD the Property, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE, its successors and assigns, forever, and GRANTOR does covenant with said GRANTEE that it is lawfully seized and possessed of the Property in fee simple, has a good right to convey it, and the same is free from all encumbrances made or suffered by Grantor, except for the Permitted Exceptions; and GRANTOR does further covenant and bind itself, its successors and assigns, to warrant and forever defend the title to the Property to the said GRANTEE, its successors and assigns, against the lawful claims of all persons claiming by, through or under the GRANTOR, but not further or otherwise. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

(signature page follows)

WITNESS its hand this the 16 day of October, 2017.

RREF ST-TN WHT, LLC, a Tennessee limited liability company

By: RREF ST ACQUISITIONS, LLC, a Delaware limited liability company, Its Sole Member

By: RIALTO CAPITAL ADVISORS, LLC, a Delaware limited liability company, as its attorney in fact

By: [Signature] (Seal)
Name: Aaron Davis, Authorized Signatory
Title: Authorized Signatory

Signed sealed and delivered in the presence of:

Signature: [Signature]
Print Name: Mindy Wagner
Signature: [Signature]
Print Name: Kim Tucker

By: [Signature] (Seal)
Name: Stephen Tyde, Authorized Signatory
Title: Authorized Signatory

STATE OF GEORGIA)
) SS.
COUNTY OF FULTON)

The foregoing instrument was acknowledged before me this 12 day of October, 2017, by Aaron Davis and Stephen J. Tyde, as Authorized Agents of RIALTO CAPITAL ADVISORS, LLC, a Delaware limited liability company, as the Attorney in Fact for RREF ST ACQUISITIONS, LLC, a Delaware limited liability company, the Sole Member of RREF SB SBL-TN, LLC, a Tennessee limited liability company, on behalf of the company. They are personally known to me or has produced a driver's license as identification.

[Signature]
Notary Public
Print Name: Leslie Washington
Serial No. (if any): _____

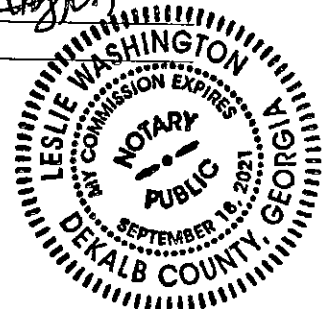


EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1- 0 Collierville-Arlington Road, Memphis, TN

BEGINNING at a set 1/2" iron pin on the North line of Collierville Arlington Road (State Highway 205) (40' wide R.O.W.), a distance of 1,044.13 feet West of the Centerline point where said road makes a 90 degree turn in a Northward direction in the unincorporated town of Eads, as measured along said North line, said point also being on the West line of the Patriola McIntyre property project Southwardly as described in Deed of record in Instrument Number BR 0408, at the Shelby County Register's Office, said point also being 60 feet South of the centerline of the old L & N Railroad 100' wide R.O.W. (Abandoned); thence Westwardly along the said North line of Collierville Arlington Road (20' North of the Centerline) and parallel to said L & N Railroad and along the arc of a curve to the right having a radius of 5,790.00 feet, an arc length of 730.41 feet and a chord of 729.93 feet (South 83 degrees 18 minutes 38 seconds West) to a set 1/2" iron pin at the point of tangency; thence South 86 degrees 55 minutes 28 seconds West along the North line of said Collierville Arlington Road and parallel to and 60' South of the centerline of said Railroad, a distance of 673.72 feet in a set 1/2" iron pin on the East line of the Rosewood Estate Partnership tract (Instrument Number KH 1572) thence North 3 degrees 55 minutes 13 seconds East along the East line of said Tract and crossing the said Railroad 1,101.07 feet to a set 1/2" iron pin at the Southwest corner of the Rosewood Estate Partnership property described in Instrument Number KH 1573; thence South 89 degrees 12 minutes 42 seconds East along the South line of said property 776.00 feet to a found 1/2" iron pipe at the Southwest corner of Lot 3, Section "A", Evelyn Byrd Subdivision of record in Plat Book 92, Page 48; thence South 87 degrees 01 minutes 55 seconds East along the South line of said Lot 3, a distance of 438.64 feet to a set 1/2" iron pin on the West line of the State of Tennessee property (Instrument Number 02074473), said point being on the West line of proposed State Highway 385; thence South 19 degrees 49 minutes 56 seconds East along said West line, a distance of 217.88 feet to a set 1/2" iron pin at an angle point; thence South 03 degrees 03 minutes 32 seconds East along said West line, 109.03 feet to a set 1/2" iron pin at the beginning of a curve to the left; thence Southwardly along said West line and along the arc of said curve having a radius of 6,594.48 feet, an arc length of 182.97 feet and a chord of 182.96 feet (South 03 degrees 51 minutes 13 seconds East) to a set 1/2" iron pin at the point of tangency; thence South 04 degrees 38 minutes 50 seconds East along said West line, a distance of 312.83 feet to a set 1/2" iron pin at an angle point; thence South 03 degrees 45 minutes 55 seconds West along said West line, a distance of 136.04 feet to the point of beginning, containing 31.942 acres, more or less.

Being all or part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 02210814 in said Register's Office.

Parcel 2- 0 Elvis Presley Blvd., Memphis, TN

Lot 3, Elvis Presley Boulevard Industrial Subdivision as shown on Plat of record in Plat Book 220, Page 19, in Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description.

Being part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 04135027 in said Register's Office.

Parcel 3- 0 Childress, Memphis, TN

Lot 3 of the Skyview Subdivision of record in Plat Book 14, Page 59, in the Register's Office of Shelby County, Tennessee, to which Plat reference is hereby made for a more particular description of the property.

Being part of the same property conveyed to William H. Thomas, Jr. by Special Warranty Deed with Reservation of Avigation Easement of record as Instrument Number 04047682 in said Register's Office.

Parcel 4- 0 I-40, Memphis, TN

Located adjacent to the east right-of-way line of the I-240 (N. bound) and I-40 (East bound) ramp. Western limit of property is generally the center line of the old Wolf River. Property is part of a 380 ft. wide permanent drainage easement acquired by the State of Tennessee recorded in Book 4516, page 445 as Parcel No. E-1E, and as amended in Book 4520, page 220 in the property of Frank M. Weathersby, Love Brooks, and Lavelle S. Brooks as recorded in Book 3034, page 575; Book 3193, page 328; and Book 3328, page 476, in the Shelby County Register's Office and more particularly described as follows:

Beginning at a point in the east right-of-way line of Interstate Highway Route No. FAI 511-B north 29 degrees 45 minutes 57 seconds west 143.16 feet and north 6 degrees 48 minutes 18 seconds west 164.22 feet from the north line of the N.C. and St. L. Railroad as measured along the east right-of-way line of the Interstate Highway and running thence with the east right-of-way line of the Interstate Highway north 6 degrees 48 minutes 18 seconds west 61.79 feet to an angle point in said right-of-way line; thence with said right-of-way line north 7 degrees 00 minutes 26 seconds east 620 feet to a point; thence leaving said rights-of-way south 82 degrees 59 minutes 34 seconds east 380 feet to a point; thence south 7 degrees 00 minutes 26 seconds west 125 feet more or less to the centerline of Wolf River; thence westwardly, southwardly and eastwardly with the meanders of the center line of Wolf River 980 feet more or less to a point in the east line of the 380 ft. wide permanent drainage easement; thence with said line south 7 degrees 00 minutes 26 seconds west 35 feet more or less to a point; thence north 82 degrees 59 minutes 34 seconds west 365.25 feet to the beginning. Containing 107,200 square feet more or less.

Being part of the same property conveyed to William H. Thomas, Jr. by Quit Claim Deed of record as Instrument Number 04160715 in said Register's Office.

Parcel 5- 0 N. Waldran St., Memphis, TN

Lots 20 and 21, McKeon & Cross Subdivision, as shown on plat of record in Plat Book 2, Page 28, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Less and Except that portion of the said property conveyed to The State of Tennessee by Instruments Number 02035230 and 04136592, in the Register's Office.

Being the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 05148298 in said Register's Office.

Parcel 6- 0 I-240, Memphis, TN

Commencing at the point of intersection of the centerline of Tant Avenue and the centerline of Palm Avenue; thence south along the centerline of Tant Avenue approximately 184 feet to a point, said point being the intersection of the centerline of Tant Avenue and the north right-of-way of I-240, thence along the north right-of-way of I-240 approximately 1800 feet to a POINT OF BEGINNING, said point being the northwest corner of said property and the north ROW line of I-240; thence N30°32'32"E a distance of 455.29 feet; S29°00'40"E a distance of 427.88 feet; thence S55°22'20"W a distance of 296.82 feet; thence S50°52'20"W a distance of 48.97 feet; thence N31°53'40"W a distance of 82.97 feet; thence S87°40'20"W a distance of 135.56 feet; thence N30°58'40"W a distance of 417.76 feet to a POINT OF BEGINNING. Containing 217,762 Sq. Ft. (5.00 Acres) more or less.

Being part of the same property conveyed to William H. Thomas, Jr. by Warranty Deed of record as Instrument Number 05021028, and also re-conveyed to William H. Thomas, Jr. by Quit Claim Deed of record as Instrument Number 08019586, and re-recorded as Instrument Number 08124255 in said Register's Office.

Parcel 7- 1629 Airways Blvd., Memphis, TN

BEGINNING at the southwest corner of lot 2 of the Wallace Johnson Subdivision recorded in Plat Book 11, Page 3 in the Register's Office of Shelby County, Tennessee and a point on the west R.O.W. line of Airways Boulevard (92' R.O.W.); Thence S 10°39'33"W along the west R.O.W. for said Airways Boulevard a distance of 130.51' to a point; Thence southwestwardly with a 3,883.29 foot radius curve to the left, an arch distance of 17.81 feet (chord of S10°31'40"W, 17.81 feet) along the west R.O.W. for said Airways Boulevard to a point; Thence N79°20'27"W a distance of 131.72 feet to a point on the west side of a 2 foot MLGW easement (1676-6); Thence N10°39'33"E a distance of 147.58 feet along the west line of said U MLGW easement to the southwest corner of lot 2 of Wallace Johnson Subdivision; Thence S89°48'23"E a distance of 131.91 feet along the south line of said lot 2 to the POINT OF BEGINNING and containing 21,781.28 sf. and/or 0.500 ac.

Being part of the same property conveyed to 1699 Airways Warehouse, LLC, by Special Warranty Deed of record as Instrument Number 06006701 in said Register's Office.

Parcel 8 (Easement Only)- 0 Hernando Rd., Memphis, TN

EASEMENT GRANTED BY INSTRUMENT NO. 06000853, AS RE-RECORDED IN INSTRUMENT NO. 06070160, IN THE REGISTER'S OFFICE OF SHELBY COUNTY, TENNESSEE, IN THE SAID PROPERTY:

BEGINNING at a metal pipe found in the east margin of Interstate I-240 and being in the north line of the Sander-Ellis property as described in Deed Book 3434, Page 192 and Deed Book 5102, Page 192, also being the southwest corner of the Clark property as described in Deed Book 5803, Page 83 in the Register's Office of Shelby County, Tennessee, of which the certificate more particularly describes; runs thence with the margin of Interstate I-240, north 23 degrees 05 minutes 17 seconds east 407.50 feet; thence north 56 degrees 29 minutes 47 seconds east 555.65 feet to an iron pin found; runs thence south 86 degrees 25 minutes 02 seconds east 104.76 feet to a 4 inch pipe found in the west margin of Old Hernando Road (25 feet from the centerline); runs thence with the west margin of Old Hernando Road, south 3 degrees 14 minutes 58 seconds west 707.93 feet to an iron pin, set in Sanders-Ellis' north line, runs thence with Sanders-Ellis' north line, north 87 degrees 21 minutes 57 seconds west 688.20 feet to the point of beginning containing 7.8873 acres as surveyed by Surveying Services, Inc., 41 Heritage Square, Jackson, Tennessee 38305 (654-0807)

Being the same property upon which William H. Thomas, Jr. was granted perpetual easements pursuant to that certain Agreement Granting Perpetual Easements of record as Instrument Number 06000853, re-recorded as Instrument Number 06070160, and re-recorded again as Instrument Number 12075753.

Parcel 9- 0 Shelby Oaks Drive

Lot 7, I-40/Shelby Oaks Drive Subdivision, Section A, as recorded in Plat Book 228, Page 31, in the Register's Office of Shelby County, Tennessee, to which plat reference is hereby made for a more particular description of said property.

Being part of the same property conveyed to the party of the first party by Quit Claim Deed of record at Instrument Number 03161839 in the Register's Office of Shelby County, Tennessee.



Shelby County Tennessee

Willie F. Brooks, Jr.

Shelby County Register

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

23005683

01/20/2023 - 09:17:30 AM



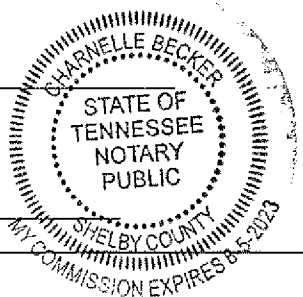
5 PGS

HERTHA 2536830-23005683

VALUE	115000.00
MORTGAGE TAX	0.00
TRANSFER TAX	425.50
RECORDING FEE	25.00
DP FEE	2.00
REGISTER'S FEE	1.00
EFILE FEE	2.00
TOTAL AMOUNT	455.50

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

<h2 style="margin: 0;">SPECIAL WARRANTY DEED</h2>	<p>State of Tennessee County of Shelby</p> <p>The actual consideration or value, whichever is greater, for this transfer is \$115,000.00.</p> <p style="text-align: center;"> _____</p> <p>Affiant</p> <p>Subscribed and sworn to before me, this <u>19th</u> day of January, 2023</p> <p style="text-align: center;"> _____</p> <p>Notary Public My Commission Expires: <u>08/05/2023</u> _____</p> <p>(Affix Seal)</p> <div style="text-align: right;">  </div>					
<p>This Instrument Was Prepared By: Byrne & Associates, PLLC File No. MT-2211-19</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">1326 Hardwood Trail Cordova, TN 38016 (901) 737-2911</td> <td style="width: 20%;">51 N. Cooper St. Memphis, TN 38104 (901) 572-1419</td> <td style="width: 20%;">404 Galleria Ln, Ste 1 Oxford, MS 38655 (662) 238-7773</td> <td style="width: 20%;">5960 Getwell Rd, Ste 113 Southaven, MS 38672 (662) 300-6550</td> <td style="width: 20%;">118 E Mulberry St. Ste 201 Collierville, TN 38017 (901) 436-1410</td> </tr> </table>		1326 Hardwood Trail Cordova, TN 38016 (901) 737-2911	51 N. Cooper St. Memphis, TN 38104 (901) 572-1419	404 Galleria Ln, Ste 1 Oxford, MS 38655 (662) 238-7773	5960 Getwell Rd, Ste 113 Southaven, MS 38672 (662) 300-6550	118 E Mulberry St. Ste 201 Collierville, TN 38017 (901) 436-1410
1326 Hardwood Trail Cordova, TN 38016 (901) 737-2911	51 N. Cooper St. Memphis, TN 38104 (901) 572-1419	404 Galleria Ln, Ste 1 Oxford, MS 38655 (662) 238-7773	5960 Getwell Rd, Ste 113 Southaven, MS 38672 (662) 300-6550	118 E Mulberry St. Ste 201 Collierville, TN 38017 (901) 436-1410		
<p>Return To: Byrne & Associates, PLLC 51 North Cooper Street Memphis, TN 38104 File No. MT-2211-19</p>						
Address of New Owner(s) as Follows:	Send Tax Notices To:	Map-Parcel Numbers:				
Airways KHSA, LLC	Airways KHSA, LLC	047-020-00140				
986 Doctor Hollis F Price Street Memphis, TN 38126	986 Doctor Hollis F Price Street Memphis, TN 38126					

For and consideration of the sum of ten dollars, cash in hand paid by the hereinafter named Grantees, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, **Community Bank of Mississippi, hereafter referred to as "Grantor,"** have bargained and sold, and by these presents do transfer and convey unto new owner(s) as follows:

Airways KHSA, LLC, a Tennessee Limited Liability Company , hereinafter referred to as "Grantee", their heirs and assigns, a certain tract of parcel of land in **SHELBY** County, State of **TENNESSEE**, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

This conveyance is made subject to Subdivision Restrictions, Building Lines and easements of record in Plat Book 11 Page 3 and Plat Book 11 Page 38; plus any additional covenants etc., all in said Register's Office, and except for 2023 Memphis City Taxes and 2023 Shelby County Taxes, not yet due and payable, which Grantee assumes and agree to pay.

IMPROVED
X UNIMPROVED 0 Airways Boulevard NW Memphis, TN 38114

To have and to hold the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said Grantee, their heirs and assigns forever; and I/we do covenant with said Grantee that I/we are lawfully seized and possessed of said land in fee simple, have a good right to convey said land, and the same is unencumbered unless otherwise herein set out, and I/we do further covenant with Grantee that Grantor will warrant and forever defend against the lawful claims of all persons claiming by, through or under Grantor, but not further or otherwise.

If there are multiple Grantors, the term "Grantor" as used herein shall collectively refer to each Grantor. If there are multiple Grantees, the term "Grantee" as used herein shall collectively refer to each Grantee.

Witness my hand this January 19th, 2023.

Community Bank of Mississippi
By: [Signature]
Simon Weir, Authorized Signatory

State of MS §

County of Desoto §

Before me, the undersigned Notary Public, of the State and County aforesaid, personally appeared Simon Weir, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged himself to be the Authorized Signatory of Community Bank of Mississippi, the within named bargainor, and that he as such Authorized Signatory, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the Community Bank of Mississippi, by himself as such Authorized Signatory.

Witness my hand and notarial seal this January 19th, 2023.

[Signature]
Notary Public
My Commission Expires: 3-24-23



EXHIBIT "A"**TRACT II:**

Being part of Lots 1, 2, and 3 of the Belz Person Avenue Subdivision (Plat Book 11, Page 38, Shelby County Register's Office, part of Lots 3, 4, 5, 6 and 7 of the Wallace Johnson Homes, Inc. Subdivision (Plat Book 11, Page 3, S.C.R.O.), and part of Lots 3 and 4 of the Dunlap Subdivision (unrecorded) in Memphis, Shelby County, Tennessee, and being more particularly described as follows:

Beginning at a crow's foot chisel mark found at the back of a concrete sidewalk on the north line of Person Avenue (71 foot wide right-of-way), said chisel mark being on the west line of Lot 3 of the Belz Person Avenue Subdivision; thence N 89 degrees 36" 56" E along the north line of Person Avenue 166.50 feet (measured and called) to a point on the west line of Lot 1, Belz Person Avenue Subdivision; thence N 0 degrees 03" 40" W along the west line of Lot 1, 4.5 feet (called 5.5 feet) to a point on the north line of Person Avenue (right-of-way width changes from 71 feet to 75.5 feet); thence N 89 degrees 36" 56" E along the north line of Person Avenue 70.00 feet (called 70.21 feet) to a point; thence N 52 degrees 23" 09" E 23.13" (called 22.14 feet) to a point on the east line of Lot 1; thence N 00 degrees 46" 56" E along the east line of Lot 1, 54.00 feet (called and measured) to a point; thence N 20 degrees 52" 24" E 63.30 feet (called 65.00 feet); to the northeast corner of Lot 1 and the southwest corner of Lot 7 of the Wallace Johnson Homes, Inc. Subdivision; thence N 89 degrees 36" 56" E along the south line of Lot 7, 8.2. feet (measured and called) to a point at the back of sidewalk on the north line of Airways Boulevard-west approach; thence northeastwardly with a 112.00 foot radius curve to the right an arc distance of 97.23 feet (called 98.78 feet) (Chord of N 65 degrees 11" 24" E, 94.26 feet) to the point of tangency; thence S 85 degrees 55" 03" E, 12.61 feet (called 14.43 feet) to a point of curvature; thence northeastwardly along a 40 foot radius curve to the left, an arc distance 56.86 feet (called 49.62 feet) (chord of N 49 degrees 21" 27" E, 52.19 feet) to a point of reverse curvature on the west line of Airways Boulevard (92 foot wide right-of-way); thence northwardly with the west line of Airways Boulevard along a 3883.29 foot radius curve to the right, an arc distance of 137.32 feet (called 133.45 feet) (chord of N 09 degrees 38" 44" E, 137.31 feet) to the point of tangency; thence N 10 degrees 39" 33" E along the west line of Airway Boulevard 159.76 feet (called 166.83 feet) to a crow's foot chisel mark found on the north line of Lot 3; thence N 89 degrees 48" 23" W, 133.91 feet (measured and called) to the southwest corner of Lot 2; thence N 10 degrees 39" 33" E along the west line of Lots 2 and 1, 140.03 feet (called 140.00 feet) to the northwest corner of Lot 1; thence 89 degrees 48" 23" east along the north line of Lot 1, 133.91 feet (called and measured) to a crow's foot chisel mark found on the west line of Airways Boulevard; thence N 10 degrees 39" 33" E along the west line of Airway Boulevard 35.20 feet (called 35.12 feet) to the southeast corner of the Robert Davis, et ux, property (Instrument U6-0385) said corner being 1 .09 feet north of the crow's foot chisel mark on the west line of Airway Boulevard; thence N 73 degrees 01" 18" W with the centerline of a concrete ditch along the south lines of the Davis property and Lot 27 thru 23 of the Lenow Brothers ReSubdivision (Plat Book 14 Page 58) 425.19 feet (called 430.71 feet) to an angle point in the south line of Lot 23; thence N 46 degrees 22" 34" N along the south lines of Lot 23 and 22 148.99 feet (called 143.88 feet) to the southwest corner of Lot 22, said corner being on the east line of Lincoln Street (closed); thence E 00 degrees 11" 17" E along the east line of Lincoln Street 260.00 feet (called and measured) to a point on the north line of the Professional Specialties, Inc. property (Instrument M6 6659) thence S 89 degrees 48" 23" E 220.6 feet to the northeast corner of the Professional Specialties Inc. property; thence E 00 degrees 54" 16" E 504.85 (called 502.36 feet) to the southeast corner of the Professional Specialties Inc. property, said corner being on the north line of Lot 1 of the Belz Person Avenue Subdivision; thence S 89 degrees 36" 56" W along the north line of Lots 1, 2 and 3 of the Belz Person Avenue Subdivision 323.96 feet (measured and called) to an iron pin at the northwest corner of Lot 3; thence E 00.03" 41" E 131.30 feet (called 131.60 feet) to the point of beginning.

LESS AND EXCEPT Part Sold as follows:

BEGINNING at the southwest corner of lot 2 of the Wallace Johnson Subdivision recorded in Plat Book 11, Page 3 in the Register's Office of Shelby County, Tennessee and a point on the west R.O.W. line of Airways Boulevard (92" R.O.W.); Thence S 10 degrees 39" 33" W along the west R.O.W. for said Airways Boulevard a distance of 130.51 to a point; Thence southwestwardly with a 3,883.29 foot radius curve to the left, an arch

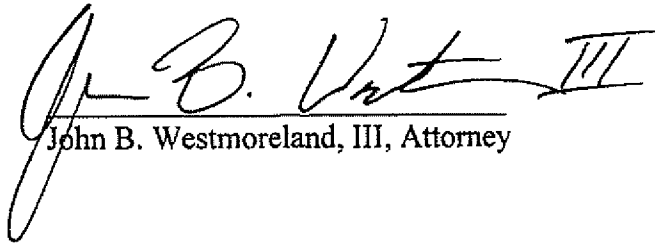
distance of 17.81 feet (chord of S 10°31'40"W 17.81 feet) along the West R.O.W. for said Airways Boulevard to a point; thence N79°20'27"W a distance of 131.72 feet to a point on the west side of a 2 foot MLGW easement (1676-6); Thence N10°39'33"E a distance of 147.58 feet along the west line of said U MLGW easement to the southwest corner of lot 2 of Wallace Johnson Subdivision; Thence S 89°48'23"E a distance of 131.91 feet along the south line of said lot 2 to the POINT OF BEGINNING and containing 21,781.28 sf. and or 0.500 ac.

Being the same property conveyed to Community Bank of Mississippi by Trustee's Deed of record at Instrument No. 22110778, dated 09/27/2022 and recorded 10/03/2022, in the Register's Office of Shelby County, Tennessee.

Property Address: 0 Airways Boulevard NW, Memphis, TN 38114

Tax Parcel ID No: 047-0200-0-00140-0

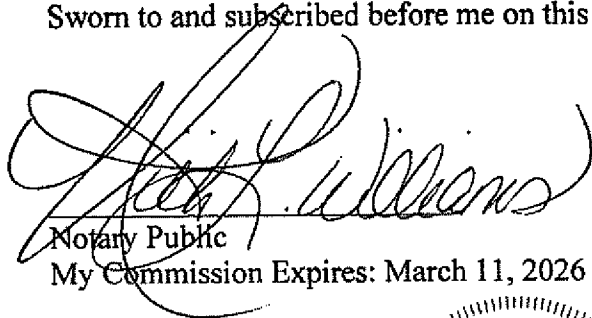
I, John B. Westmorland, III, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 19th day of January, 2023.


John B. Westmoreland, III, Attorney

Date January 19th, 2023

State of TENNESSEE
County of SHELBY

Sworn to and subscribed before me on this 19th day of January, 2023


Notary Public
My Commission Expires: March 11, 2026

Notary's Seal





**MEMPHIS AND
SHELBY COUNTY** **DIVISION OF PLANNING
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

April 27, 2023

SR Consulting, LLC
5909 Shelby Oaks Dr.
Memphis, TN 38134

Sent via electronic mail to: cindy.reaves@srce-memphis.com

Case Number: Z 23-006
LUCB Recommendation: Approval

Dear Applicant,

On Thursday, April 13, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at the northwest corner of Airways Boulevard and East Person Avenue to be included in the Employment (EMP) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at Kendra.Cobbs@memphistn.gov.

Respectfully,
Kendra Cobbs

Kendra Cobbs, AICP
Planner III
Land Use and Development Services

Letter to Applicant

Z 23-006

Division of Planning and Development

Cc: Melanie Jones, SR Consulting, LLC
File

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, _____ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

- CASE NUMBER:** Z 23-006
- LOCATION:** Northwest corner of Airways Boulevard and East Person Avenue
- COUNCIL DISTRICTS:** District 4 and Super District 8 – Positions 1, 2, and 3
- OWNER/APPLICANT:** R & D Ventures, LLC and Sixteen Ninety Nine Airways/Haroon Haimed
- REPRESENTATIVE:** Cindy Reaves for SR Consulting, LLC
- REQUEST:** Rezoning of +/-0.873 acres from Commercial Mixed Use-1 (CMU-1) to Employment (EMP)

RECOMMENDATIONS:

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

NOW, THEREFORE, you will take notice that on Tuesday, _____, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis’ website.

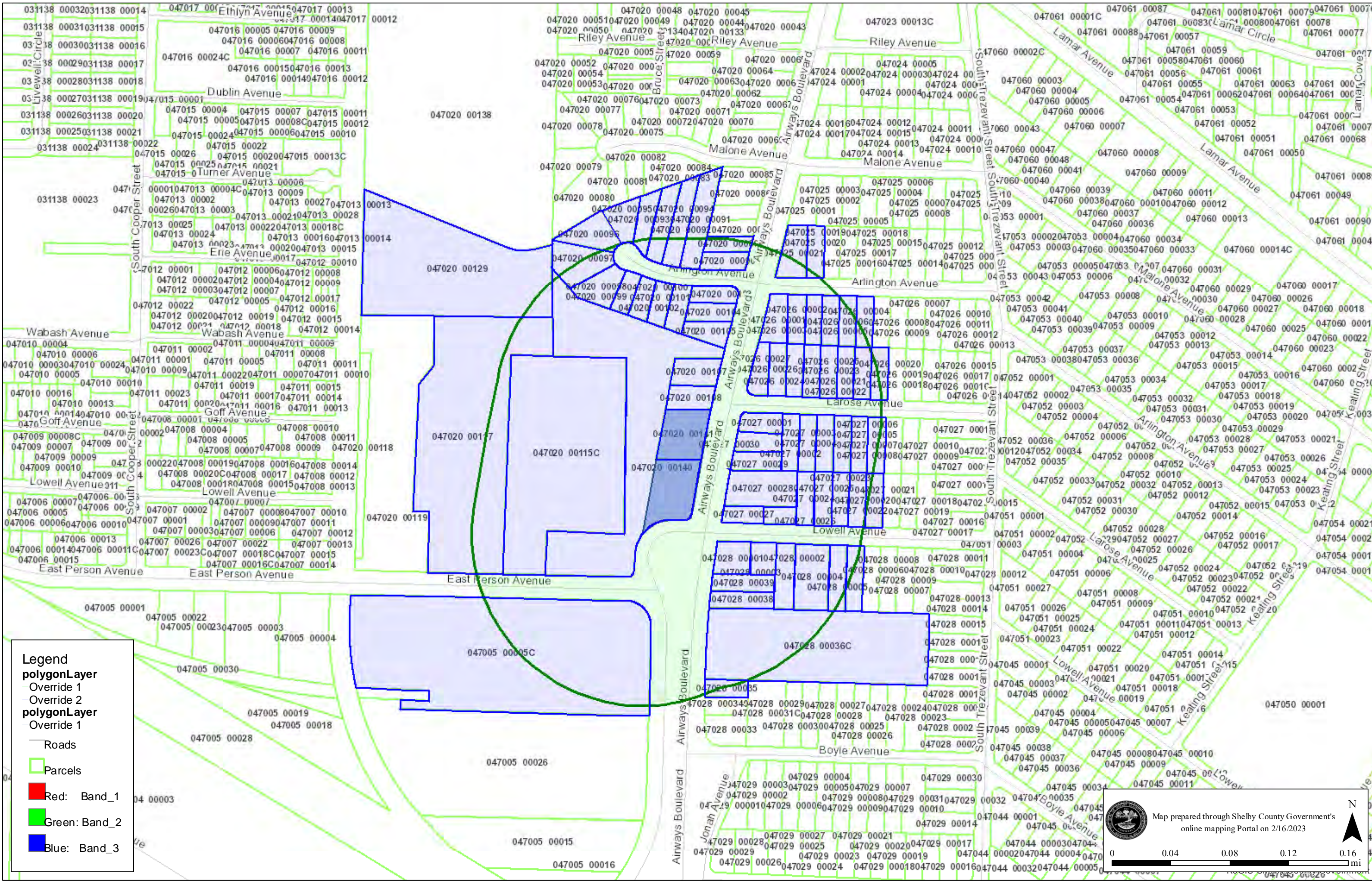
THIS THE _____, _____

MARTAVIOUS JONES
CHAIRMAN OF COUNCIL

ATTEST:


WALTER PERSON
CITY COMPTROLLER

TO BE PUBLISHED: _____



Legend

- polygonLayer
- Override 1
- Override 2
- polygonLayer
- Override 1
- Roads
- Parcels
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Map prepared through Shelby County Government's
online mapping Portal on 2/16/2023

0 0.04 0.08 0.12 0.16 0.20 mi

N

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Airways KHSa LLC
986 Hollis F Price St.
Memphis, TN 38126-5910

R & D Ventures LLC
5031 Anchor Cv.
Memphis, TN 38117-3404

STOL RENTALS LLC
137 HIDDEN ACRES DR #
LOGANTON PA 17747

STONE CHARLES AND BARBARA ADAIR (RS)
2308 LAROSE AVE #
MEMPHIS TN 38114

TATE RUTHIE
1670 AIRWAYS BLVD #
MEMPHIS TN 38115

WALKER GEORGE R
2231 ARLINGTON AVE #
MEMPHIS TN 38114

GIBSON KENNETH J & JEARL D
2312 LAROSE AVE #
MEMPHIS TN 38114

BOLDEN DONALD G
1678 AIRWAYS BLVD #
MEMPHIS TN 38114

DEAN LEARINZIA & ESTELLA
2237 ARLINGTON AVE #
MEMPHIS TN 38114

TATE DORIS
2318 LAROSE AVE #
MEMPHIS TN 38114

MENJIVAR MARIA
3099 KEMPER DR #
MEMPHIS TN 38115

HOYLE CAROLYN M
2241 ARLINGTON AVE #
MEMPHIS TN 38114

MALLORY LEE R
4577 HANCOCK DR #
MEMPHIS TN 38116

RUSSELL SAMUEL & SYLVIA
2294 LAROSE AVE #
MEMPHIS TN 38114

MCCRARY MARY E (LE) AND HAROLD MCCRARY A
2247 ARLINGTON AVE #
MEMPHIS TN 38114

HUERTA VICTOR S
1632 AIRWAYS BLVD #
MEMPHIS TN 38114

HAYES DORA P & DANESE F
502 W ARBUTUS ST #
COMPTON CA 90220

CURRY LAURA
1589 AIRWAYS BLVD #
MEMPHIS TN 38114

BEAUREGARD MURLENE
2325 LAROSE AVE #
MEMPHIS TN 38114

CRAWFORD BUREL & CAROL Y
2026 WILSON RD #
MEMPHIS TN 38116

PINSON RUTHIE M
1593 AIRWAYS BLVD #
MEMPHIS TN 38114

BOLDS CARRIE E
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

FERRELL PAVING INC
2174 E PERSON AVE #
MEMPHIS TN 38114

EL-TAYECH MAHMOUD
4253 RHODES AVE #
MEMPHIS TN 38111

MCKINLEY RAY JR AND WILLIAMS LEONA
2308 LOWELL AVE #
MEMPHIS TN 38114

FIFER CARLOS
723 BRISTON LN
COLLIERVILLE TN 38017

MARSHALL TONYA M W
7469 MORGAN HOUSE DR #
MEMPHIS TN 38125

STALLINGS VINCENT T
2302 LOWELL AVE #
MEMPHIS TN 38114

BOONE EARNEST E
2238 ARLINGTON AVE #
MEMPHIS TN 38114

NEELY GERALD
PO BOX 34277 #
MEMPHIS TN 38184

GFM INVESTMENTS LLC
2130 PENDLETON ST #
MEMPHIS TN 38114

STREET WILLIAM A III AND CAROL E STREET
7938 US HIGHWAY 70 #
MEMPHIS TN 38133

HUDSON RICHARD E & FLOSSIE M
2296 ARLINGTON AVE #
MEMPHIS TN 38114

MORRIS BRIAN & ANDREA
2311 ARLINGTON #
MEMPHIS TN 38114

CLEAVES DEAN
2321 LAROSE AVE #
MEMPHIS TN 38114

WHITCOMB BLAKE
440 GAREDEN ST #
WEST SACRAMENTO CA 95691

HOOKS RONALD K JR
2317 ARLINGTON AVE #
MEMPHIS TN 38114

BOLDS CLARENCE L (ESTATE OF)
1640 AIRWAYS BLVD #
MEMPHIS TN 38114

GOODWIN CAROLYN M AND RONALD
1989 E PERSON AVE #
MEMPHIS TN 38114

JOHNSON RICHARD D
2196 E PERSON AVE #
MEMPHIS TN 38114

REFRESHING SPRINGS COMMUNITY DEV CORP
4935 ELVIS PRESLEY BLVD #
MEMPHIS TN 38116

MILES RON
1989 E PERSON AVE #
MEMPHIS TN 38114

SURGEON CORY J
3110 SEMINARY CV #
MEMPHIS TN 38116

HARVEY LASONYA AND ALTONIUS DAVIS
2312 LOWELL AVE #
MEMPHIS TN 38114

R AND D VENTURES LLC
5031 ANCHOR CV #
MEMPHIS TN 38117

PROFESSIONAL SPECIALTIES CO
PO BOX 140188 #
MEMPHIS TN 38114

PEARCE RICHARD
596 WARING RD #
MEMPHIS TN 38122

SMILE ROBERT L & INEZ AND SHEREE C HEROD
2253 ARLINGTON AVE #
MEMPHIS TN 38114

WILSON CORNELIUS & JOYCE M AND NICOLE
2328 LAROSE AVE #
MEMPHIS TN 38114

RKV REAL ESTATE LLC

STOKES BETTY A
2257 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

FIFER CARLOS
723 BRISTON LN #
COLLIERVILLE TN 38017

WINTON JIMMY AND CAROLYN W SHELL
8310 RAMBLING ROSE DR #
OOLTEWAH TN 37363

UPCHURCH BRANETTE M
1634 BONNIE DR #
MEMPHIS TN 38116

MASON PAMELA AND ZELA HAYSE AND
1658 AIRWAYS BLVD #
MEMPHIS TN 38114

NUNNALLY JAMES & IDA L
2301 ARLINGTON AVE #
MEMPHIS TN 38114

FREEMAN MELODY
7727 DRISCOLL ST
MEMPHIS TN 38125

HENDERSON LYJUANICA D
4620 CEDAR BRANCH CIR #
MEMPHIS TN 38128

CARPENTER ALONZA
6822 17TH ST S
SAINT PETERSBURG FL 33712

BOOKER JANET D
2317 LAROSE AVE #
MEMPHIS TN 38114

SENENSE TARYN
2293 LOWELL AVE #
MEMPHIS TN 38114

LEON FIDEL P
2301 LOWELL AVE #
MEMPHIS TN 38114

CARRUTHERS GRACIE
2307 LOWELL AVE #
MEMPHIS TN 38114

FOSTER REZELL (ESTATE OF) AND KAREN F
1628 CASTALIA #
MEMPHIS TN 38114

AIRWAYS PROPERTIES LLC
318 WINCHESTER RD #
MEMPHIS TN 38109

END TIME CHURCH (TRS)
4651 BARKLEY GLEN DR #
COLLIERVILLE TN 38017

SIXTEEN NINETY-NINE AIRWAYS WAREHOUSE
5160 SANDERLIN AVE #1
MEMPHIS TN 38117

SCOTT PARTECIOUS
3260 KIRBY PKWY #4
MEMPHIS TN 38115

SIXTEEN NINETY NINE AIRWAYS
5160 SANDERLIN #1
MEMPHIS TN 38117



RESOLUTION approving the Final Plat for:
Getwell and Holmes C-Store
and accepting Bond as security

WHEREAS, **RAN Management, LLC.**, is the Developer of a certain property in the present limits of the City of Memphis, as shown on the engineering plans, and located at the northwest corner of Getwell Road and Holmes Road, in Memphis, Tennessee.

and

WHEREAS, the developer desires to develop the property reflected on the engineering plans;

and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **RAN Management, LLC.**, and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Getwell and Holmes C-Store** are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accept **Financial Federal Bank Letter of Credit** in the amount of **\$169,500.00**, in lieu of bond, as security for project.



RESOLUTION approving the Engineering plans for:
Glide Xpress Car Wash, Avanti P.D.
3rd Amendment, Parcel D (Austin Peay Hwy)
and accepting Bond as security

WHEREAS, **Max Alley Investments, LLC.**, is the Developer of a certain property in the present limits of the City of Memphis, as shown on the engineering plans, and located at 3560 Austin Peay Hwy, in Memphis, Tennessee.

and

WHEREAS, the developer desires to develop the property reflected on the engineering plans;

and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Max Alley Investments, LLC.**, and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Glide Xpress Car Wash, Avanti P.D. 3rd Amendment, Parcel D (Austin Peay Hwy)** are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accept **U.S. Specialty Insurance Company Performance Bond No. 1001054267** in the amount of **\$77,000.00**, as security for project



RESOLUTION approving the Final Plat for:
Colonial Country Club P.D., Phase 3 Countrywood Parkway
and accepting Bond as security

WHEREAS, **C.C. Club Holdings, LLC.**, is the Developer of a certain property in the present limits of the City of Memphis, as reflected on the plat, and located at the northern terminus of Countrywood Parkway, in Memphis, Tennessee.

and

WHEREAS, the developer desires to develop the property reflected on the engineering plans;

and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **C.C. Club Holdings, LLC.**, and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the final plat for **Colonial Country Club P.D., Phase 3 Countrywood Parkway** is hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accept **Swiss Re Corporate Solutions America Insurance Corporation Performance Bond No. 2343554** in the amount of **\$1,754,300.00**, as security for project.



RESOLUTION approving the Engineering plans for:
Southridge Industrial Park – 6401 East Shelby Drive
and accepting Bond as security

WHEREAS, **RW Memphis Southridge, LLC.**, is the Developer of a certain property in the present limits of the City of Memphis, located at 6401 East Shelby Drive, in Memphis, Tennessee.

and

WHEREAS, the developer desires to develop the property reflected on the engineering plans;

and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **RW Memphis Southridge, LLC.**, and the City of Memphis covering the public improvements as a part of developing the property; and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **Southridge Industrial Park – 6401 East Shelby Drive** are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accept the **Performance Bond No. 126** in the amount of **\$114,600.00** as security.



RESOLUTION approving **Supplemental Agreement #1** for:
CR-5405 - Stateline North (5414 & 5420 Tulane Rd)

WHEREAS, **DRG Industrial Fund / Stateline Parcel I, LLC.**, is the Developer of a certain property within the present limits of Memphis, located at 5414 & 5420 Tulane Rd in Memphis, Tennessee.
and

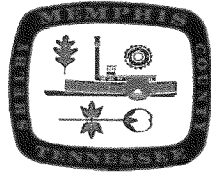
WHEREAS, the developer desires to develop the property reflected on the engineering plans;
and

WHEREAS, attached hereto is Supplemental Agreement #1 extending the standard improvement contract, **CR-5405 - Stateline North (5414 & 5420 Tulane Rd)**, entered into on June 21, 2022 by and between **DRG Industrial Fund / Stateline Parcel I, LLC.** and the City of Memphis, and extend it through December 31, 2023, covering the public improvements as a part of developing the property; and

WHEREAS, the **RLI Insurance Company Performance Bond No. CMS0348440** , in the amount of **\$306,200.00** will remain active and in place throughout the term of the agreement and Liability Insurance has been updated and received.

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the **Supplemental Agreement #1 for CR-5405 - Stateline North (5414 & 5420 Tulane Rd)** is hereby approved.



Memphis City Council Summary Sheet

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

Resolution to accept in-kind donation valued at \$10,800 for Literacy Tech hubs at Cunningham, Raleigh, and Ed Rice Community Centers

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

Memphis Parks

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.

Districts 1 and 7, Super Districts 8 and 9

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

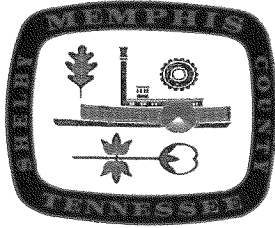
N/A

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

Does not require expenditure or budget amendment.

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

N/A



Resolution accepting an in-kind donation in the value of ten thousand eight hundred dollars (\$10,800.00) from Literacy Mid-South for the installation of Literacy Tech Hubs at Raleigh & Cunningham Community Centers, [District 1, Super District 9] and Ed Rice Community Center, [District 7, Super District 8].

WHEREAS, the City of Memphis, through Memphis Parks, owns and operates Cunningham, Raleigh, and Ed Rice Community Centers; and

WHEREAS, Literacy Mid-South is a non-profit organization located in Memphis, TN dedicated to providing literacy resources to all ages and backgrounds; and

WHEREAS, Memphis Parks has been selected as an awardee of literacy tech hubs sponsored by Literacy Mid-South in the amount of ten thousand eight hundred dollars (\$10,800.00); and

WHEREAS, literacy tech hubs will build literacy skills in adults and youth through computerized tutoring; and

WHEREAS, it is necessary to accept this in-kind donation and appropriate these in-kind funds in the amount of ten thousand eight hundred dollars (\$10,800.00) for the installation of literacy tech hubs at Raleigh, Cunningham, and Ed Rice Community centers; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that this in-kind donation be accepted and the tech hubs project facilitated by Memphis Parks: and



Memphis City Council Summary Sheet

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

A Resolution requesting City Council approval for the acceptance and expenditure of \$10,000 from Maddie's Fund for MAS to fund lifesaving programming including a Foster Idea Exchange event.

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

Memphis Animal Services

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

NO

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

Residents of all city council districts are eligible.

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

Maddie's Fund does not require a grant contract or agreement be signed for this grant.

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

No City funds are required. Funds will be provided by the Maddie's Fund grant.

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

n/a



A Resolution to accept grant funds in the amount of Ten Thousand Dollars (\$10,000) from Maddie's Fund.

WHEREAS, the City of Memphis has been informed by Maddie's Fund of its selection as a grantee organization to receive grant funds for lifesaving programming including a Foster Idea Exchange event; and

WHEREAS, Memphis Animal Services desires to host a Foster Idea Exchange event and fund other lifesaving programming; and

WHEREAS, it is necessary to accept the grant funding and amend the FY 2024 Operating Budget to establish funds for the lifesaving programming grant; and

WHEREAS, it is necessary to allocate and appropriate the FY 2024 grant funds in the amount of Ten Thousand Dollars (\$10,000) for lifesaving programming.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the grant funds for lifesaving programming in the amount of Ten Thousand Dollars (\$10,000) from Maddie's Fund be accepted by the City of Memphis.

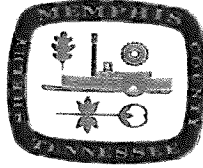
BE IT FURTHER RESOLVED, that the Fiscal Year 2024 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Maddie's Fund grant in the amount of Ten Thousand Dollars (\$10,000) as follows:

Revenue

Maddie's Fund	\$10,000.00
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Expenditures

Payments to Subgrantees	\$10,000.00
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Memphis City Council Summary Sheet

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

A Resolution requesting City Council approval for the acceptance and expenditure of \$4,000 from Maddie's Fund for Pet Resource Center funding for Memphis Animal Services.

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

Memphis Animal Services

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

NO

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

Residents of all city council districts are eligible.

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

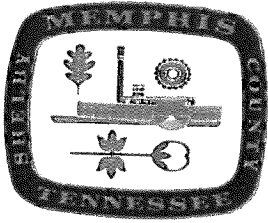
Maddie's Fund does not require a grant contract or agreement be signed for this grant.

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

No City funds are required. Funds will be provided by the Maddie's Fund grant.

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

n/a



A Resolution to accept grant funds in the amount of Four Thousand Dollars (\$4,000) from Maddie's Fund.

WHEREAS, the City of Memphis has been informed by Maddie's Fund of its selection as a grantee organization to receive unrestricted operating grant funds; and

WHEREAS, Memphis Animal Services desires to fund its Pet Resource Center; and

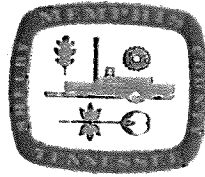
WHEREAS, it is necessary to accept the grant funding and amend the FY 2024 Operating Budget to establish funds for the Pet Resource Center; and

WHEREAS, it is necessary to allocate and appropriate the FY 2024 grant funds in the amount of Four Thousand Dollars (\$4,000) for the Pet Resource Center.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the grant funds for unrestricted operations in the amount of Four Thousand Dollars (\$4,000) from Maddie's Fund be accepted by the City of Memphis.

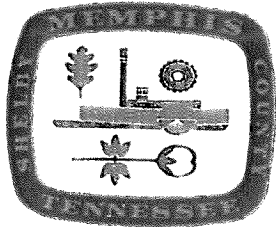
BE IT FURTHER RESOLVED, that the Fiscal Year 2024 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Maddie's Fund grant in the amount of Four Thousand Dollars (\$4,000) as follows:

<u>Revenue</u>	
Maddie's Fund	\$4,000.00
<u>Expenditures</u>	
Payments to Subgrantees	\$4,000.00



Memphis City Council Summary Sheet

- 1. Description of the Item (Resolution, Ordinance, etc.)**
A resolution accepting and appropriating the sum of \$5,000.00 funded by Tennessee Civil War Heritage Area Collaborative Partnership Grant, chargeable to the FY23 budget for the Tennessee Civil War Heritage Area Collaborative Partnership Grant to support the Memphis Heritage Trail.
- 2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**
The Division of Housing and Community Development Planning & Grants
- 3. State whether this is a change to an existing ordinance or resolution, if applicable.**
Not applicable.
- 4. State whether this will impact specific council districts or super districts.**
Council District 6, Super 8
- 5. State whether this requires a new contract, or amends an existing contract, if applicable.**
New contracts and contract amendments will be required.
- 6. State whether this requires an expenditure of funds/requires a budget amendment.**
Expenditure of funds will be required.
- 7. If applicable, please list the MWBE goal and any additional information needed.**
Not applicable to MWBE.



A resolution accepting and appropriating the sum of \$5,000.00 funded by Tennessee Civil War Heritage Area Collaborative Partnership Grant, chargeable to the FY23 budget for the Tennessee Civil War Heritage Area Collaborative Partnership Grant to support the Memphis Heritage Trail.

WHEREAS, the City of Memphis has sought to support redevelopment activities for targeted communities within its inner-city boundaries; and

WHEREAS, as part of the initiative, the City of Memphis has undertaken efforts to promote public improvements, amenities, and options for said targeted communities; and

WHEREAS, the Memphis Heritage Trail is a culture district redevelopment project; and

WHEREAS, the City of Memphis has received these funds through a competitive grant application process; and

WHEREAS, these funds will be used by the Division of Housing and Community Development (HCD) to support the Memphis Heritage Trail: South City Animated History Project. This project is designed to develop a series of 15-minute animated stories featuring the history of South City as it relates to the Memphis Heritage Trail (MHT), a 20-block area in south Memphis where African Americans settled and built a distinct community reflecting the nexus of local black culture, civil rights, entrepreneurship, politics, and intellectualism; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2023 Operating Budget to establish funds for the Tennessee Civil War National Heritage Area; and

WHEREAS, it is necessary to allocate and appropriate the FY23 grants funds in the amount of Fifty Thousand Dollars (\$5,000) for the Memphis Heritage Trail Project; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Tennessee Civil War Heritage Area Collaborative Partnership Grant to support the Memphis Heritage Trail: South City Animated History Project in the amount of Five Thousand Dollars (\$5,000) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED that the Fiscal Year 2023 Operating Budget be and is hereby amended by allocating and appropriating the Revenue and Expenditures for the Tennessee Civil War Heritage Area Collaborative Partnership Grant to support the Memphis Heritage Trail: South City Animated History Project in the amount of Five Thousand Dollars (\$5,000) as follows:

Project Title: Memphis Heritage Trail: South City Animated History Project

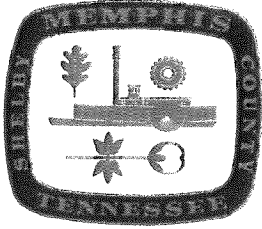
Project Number: CD90153 Memphis Heritage Trail

Revenues

State of Tennessee	<u>\$5,000.00</u>
Total	\$5,000.00

Expenditures

Program	<u>\$5,000.00</u>
Total	\$5,000.00



Resolution – Fire Services

A resolution to accept and appropriate grant funding in the amount of One Million Fifteen Thousand Two Hundred Dollars (\$1,015,200.00) from the State of Tennessee for In-Service Training for 1,269 employees.

WHEREAS, the City of Memphis Division of Fire Services has received funds in the amount of One Million Fifteen Thousand Two Hundred Dollars (\$1,015,200.00) from the State of Tennessee; and

WHEREAS, these funds will be used for In-Service Training for 1,269 Fire Service personnel who have met the 40-hour minimum in-service training requirement: and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2023 Misc Grant Budget to establish funds for the In-Service Training Grant; and

WHEREAS, it is necessary to accept, allocate and appropriate the grant funds in the amount of One Million Fifteen Thousand Two Hundred Dollars (\$1,015,200.00) for the In-Service Training Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the In-Service Training Grant funds in the amount of One Million Fifteen Thousand Two Hundred Dollars (\$1,015,200.00) be accepted by the City of Memphis.

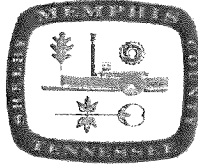
BE IT FURTHER RESOLVED that the Fiscal Year 2023 Misc Grant Fund budget be and is hereby amended by allocating and appropriating the Expenditures and Revenues for the In-Service Training Grant in the amount of One Million Fifteen Thousand Two Hundred Dollars (\$1,015,200.00) as follows:

Revenue

In-Service State Grant	\$1,015,200.00
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Expenses

Full Time Salaries	\$1,015,200.00
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Memphis City Council Summary Sheet

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

A resolution to accept and appropriate grant funding in the amount of \$1,015,200 from the State of Tennessee for In-Service Training.

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

Fire Services is the initiating party.

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

There is no change to an existing ordinance or resolution.

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

All council and super districts.

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

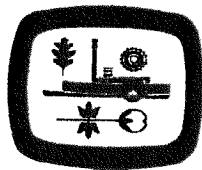
This will not require a new contract.

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

This requires an expenditure of funds and a budget adjustment.

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

N/A



Memphis City Council Summary Sheet

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

A Resolution to appropriate grant funds for Harbor Docks, Project Number PW04123. District 7

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

Initiating party is Public Works with Engineering administering the project.

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

NA

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

District 7

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

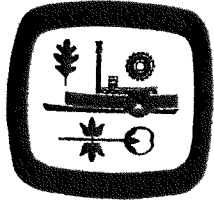
This requires a new contract.

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

This requires a budget amendment.

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

NA



RESOLUTION

A Resolution to appropriate grant funds for Harbor Docks, Project Number PW04123. District 7

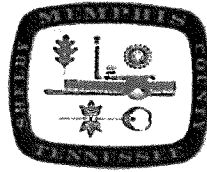
WHEREAS, the Council of the City of Memphis approved Harbor Docks, Project Number PW04123 as part of the FY2023 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis approved a Contract Construction allocation of the State of Tennessee Grant Funds totaling \$20,000,000.00 in the recent fiscal year under CIP Project Number PW04123, Harbor Docks, as part of the FY2023 Capital Improvement Budget; and

WHEREAS, the Administration request that Council approve the appropriation of the State of Tennessee Grant Funds in the amount of \$20,000,000.00 in Contract Construction for the Fiscal Year 2023 CIP Project Number PW04123, Harbor Docks to assist in completion of this project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by appropriating Contract Construction funds in the amount of \$20,000,000.00 funded by the State of Tennessee Grant Funds (Award #11524) chargeable to the FY 2023 Capital Improvement Budget and credited as follows:

Project Title:	Harbor Docks
Project Number:	PW04123
Amount:	\$20,000,000.00



Memphis City Council Summary Sheet

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

This is a resolution to accept grant funds from the State of Tennessee Office of Criminal Justice Programs in the amount of Fourteen Thousand Seven Hundred and Eight Dollars to provide for Overtime Salaries.

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

The City of Memphis Division of Police Services is awarded this grant from the State of Tennessee Office of Criminal Justice Programs.

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

This item does not change an existing ordinance or resolution.

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

All Districts

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

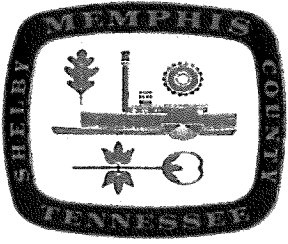
This is a new grant award pending Council approval.

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

Acceptance will require an amendment to the FY 2023 Operating Budget to appropriate the funds.

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

Not Applicable.



A Resolution to accept grant funds in the amount of Fourteen Thousand Seven Hundred and Eight Dollars (\$14,708.00) from the State of Tennessee Office of Criminal Justice Programs (OCJP).

WHEREAS, The City of Memphis Division of Police Services has been awarded grant funds in the amount of Fourteen Thousand Seven Hundred and Eight Dollars (\$14,708.00) from the State of Tennessee Office of Criminal Justice Programs (OCJP) for the FY2023 Emergency Federal Law Enforcement Assistance (EFLEA) grant; and

WHEREAS, this award will provide for funding police personnel overtime; and

WHEREAS, it is necessary to accept the grant funding and amend FY2023 Operating Budget to establish funds for the FY2023 Emergency Federal Law Enforcement Assistance (EFLEA) grant project; and

WHEREAS, it is necessary to appropriate the FY2023 grant funds in the amount of Fourteen Thousand Seven Hundred and Eight Dollars (\$14,708.00) for the FY2023 Emergency Federal Law Enforcement Assistance (EFLEA) grant project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY2023 Emergency Federal Law Enforcement Assistance (EFLEA) grant Program funds in the amount of Fourteen Thousand Seven Hundred and Eight Dollars (\$14,708.00)

BE IT FURTHER RESOLVED, That the Fiscal Year 2023 Operating Budget for Grant Funds 205 be and is hereby amended by appropriating the Expenditures and Revenues for the FY2023 Emergency Federal Law Enforcement Assistance (EFLEA) grant project in the amount of Fourteen Thousand Seven Hundred and Eight Dollars (\$14,708.00) as follows:

REVENUE	
State of Tennessee Office of Criminal Justice Programs (OCJP)	\$14,708.00
TOTAL	\$14,708.00

Expenditures	
Overtime	\$14,708.00
Total	\$14,708.00

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12413, Managed Residential Contact Center to DiRad Technologies, Incorporated in the funded not-to-exceed amount of \$18,391,600.00.

2. Additional Information

The project scope is to furnish all supervision, labor, transportation, equipment, and such material to manage a block of the residential call center at MLGW when a need arises for necessary personnel and support services required to be responsible for managing customer interactions regarding their electric, gas and water accounts.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of May 17, 2023, awarded Contract No. 12413, Managed Residential Contact Center to DiRad Technologies, Incorporated in the funded not-to-exceed amount of \$18,391,600.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish all supervision, labor, transportation, equipment, and such material to manage a block of the residential call center at MLGW when a need arises for necessary personnel and support services required to be responsible for managing customer interactions regarding their electric, gas and water accounts. This includes inquiries related to bill balance; starting, stopping, or transferring utility services; programs to assist with utility bill payments; and other general inquiries; and

WHEREAS, the selected Agency will provide qualified personnel in an estimated range of 75 to 125 (this includes experienced full-time Customer Service Representatives (CSR) and management staff) for the first year of the contract to handle inbound calls, chats, emails, and call backs on a short and long-term basis. The selected Agency will also be responsible for providing direct supervision of provided resources. A portion of the selected Agency's staff may be converted to MLGW staff over the life of the contract. The selected Agency personnel is anticipated to be reduced to 50 employees by year five (5) of the contract; and

WHEREAS, the Request for Proposal was advertised using MLGW's Online Bid Notification System on December 13, 2022. MLGW solicited 12 firms; and received six (8) proposals on January 19, 2023. Five (5) firms were included in the short list. After demonstrations were performed and completion of evaluation scoring, the most responsive proposal was received from DiRad Technologies, Incorporated. Proposals were evaluated on the following criteria: 1) Compensation; 2) Methodology in

meeting requirements; 3) References; 4) Experience in Call Center Staffing); and 5) Demonstration. The term of this contract is for 24 months from the date of the Notice to Proceed with an option of three (3) annual renewal terms. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12413, Managed Residential Contact Center to DiRad Technologies, Incorporated in the funded not-to-exceed amount of \$18,391,600.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, that it awards Contract No. 12413, Managed Residential Contact Center to DiRad Technologies, Incorporated in the funded not-to-exceed amount of \$18,391,600.00.

The project scope is to furnish all supervision, labor, transportation, equipment, and such material to manage a block of the residential call center at MLGW when a need arises for necessary personnel and support services required to be responsible for managing customer interactions regarding their electric, gas and water accounts. This includes inquiries related to bill balance; starting, stopping, or transferring utility services; programs to assist with utility bill payments; and other general inquiries.

The selected Agency will provide qualified personnel in an estimated range of 75 to 125 (this includes experienced full-time Customer Service Representatives (CSR) and management staff) for the first year of the contract to handle inbound calls, chats, emails, and call backs on a short and long-term basis. The selected Agency will also be responsible for providing direct supervision of provided resources. A portion of the selected Agency's staff may be converted to MLGW staff over the life of the contract. The selected Agency personnel is anticipated to be reduced to 50 employees by year five (5) of the contract.

The Request for Proposal was advertised using MLGW's Online Bid Notification System on December 13, 2022. MLGW solicited 12 firms; and received six (8) proposals on January 19, 2023. Five (5) firms were included in the short list. After demonstrations were performed and completion of evaluation scoring, the most responsive proposal was received from DiRad Technologies, Incorporated. Proposals were evaluated on the following criteria: 1) Compensation; 2) Methodology in meeting requirements; 3) References; 4) Experience in Call Center Staffing; and 5) Demonstration. The term of this contract is for 24 months from the date of the Notice to Proceed with an option of three (3) annual

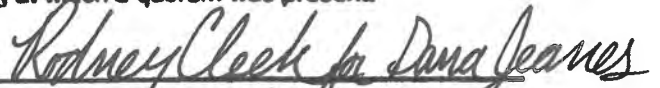
renewal terms. This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12413, Managed Residential Contact Center to DiRad Technologies, Incorporated in the funded not-to-exceed amount of \$18,391,600.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Award.

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 17th day of May, 2023, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving the ratification of Purchase Order Number 7043670 to Tyndale Enterprises, Inc., for flame-resistant clothing in the total amount of \$4,097,760.06.

2. Additional Information

The bids for the 55-month blanket for flame resistant clothing were evaluated and purchase order number 7043670 was issued to Tyndale Enterprises, Inc. The purchase order was issued to ensure we have a contract in place for Division employees to order flame resistant clothing upon expiration of the current contract on June 4, 2023.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of May 17, 2023 approved the ratification of Purchase Order Number 7043670 to Tyndale Enterprises, Inc. in the amount of \$4,097,760.06 for flame-resistant clothing, and is now recommending to the Council of the City of Memphis that it approves said ratification; and

WHEREAS, the bids for the 55-month blanket for flame resistant clothing were evaluated and purchase order number 7043670 was issued to Tyndale Enterprises, Inc. The purchase order was issued to ensure we have a contract in place for Division employees to order flame resistant clothing upon expiration of the current contract on June 4, 2023. The 55-month blanket purchase order will cover the period from June 5, 2023 through January 5, 2028. The flame-resistant clothing will meet the National Electric Safety Code and Occupational Safety & Health Administration (OSHA) regulations for the protection of employees exposed to arc flash while working on energized high-voltage conductors or apparatuses. Approval is needed to ratify purchase order number 7043670, issued to Tyndale Enterprises, Inc. This ratification complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved ratification of purchase order number 7043670 for a 55-month blanket for flame-resistant clothing in the amount of \$707,798.84 chargeable to the MLGW 2023 fiscal year budget and \$3,389,961.22 charged to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it approves the ratification of Purchase Order Number 7043670 to Tyndale Enterprises, Inc. for flame-resistant clothing in the total amount of \$4,097,760.06.

The bids for the 55-month blanket for flame resistant clothing were evaluated and purchase order number 7043670 was issued to Tyndale Enterprises, Inc. The purchase order was issued to ensure we have a contract in place for Division employees to order flame resistant clothing upon expiration of the current contract on June 4, 2023. The 55-month blanket purchase order will cover the period from June 5, 2023 through January 5, 2028. The flame-resistant clothing will meet the National Electric Safety Code and Occupational Safety & Health Administration (OSHA) regulations for the protection of employees exposed to arc flash while working on energized high-voltage conductors or apparatuses. Approval is needed to ratify purchase order number 7043670, issued to Tyndale Enterprises, Inc. This ratification complies with all applicable laws and policies.

The 2023 budgeted amount for Safety Training - Corporate Safety is \$976,188.00; the amount spent to date is \$15,725.95; leaving a balance available of \$960,462.05; of which \$707,798.84 will be spent on this purchase order in 2023; leaving a balance after award of \$252,663.21; the remaining balance of \$3,389,961.22 will be charged to subsequent budget years as approved; and

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

THAT, subject to the consent and approval after the fact of the Council of the City of Memphis, Purchase Order Number 7043670 to Tyndale Enterprises, Inc. is approved as outlined in the foregoing preamble.

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 ~~regular~~ ^{special} meeting held on 17th day of May, 2023, at which a quorum was present.

Rodney Clark for Donna Seaves
SVP, CFO & CAO Secretary ~~Treasurer~~

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12383, Voice and Data Services to AT&T in the funded not-to-exceed amount of \$310,000.00.

2. Additional Information

The project scope is to provide voice and data services for various MLGW locations to include phone lines (1FBs), low speed data connections and point-to-point ethernet communications.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of May 17, 2023, awarded Contract No. 12383, Voice and Data Services to AT&T in the funded not-to-exceed amount of \$310,000.00, and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to provide voice and data services for various MLGW locations to include phone lines (1FBs), low speed data connections and point-to-point ethernet communications; and

WHEREAS, the Request for Proposal was advertised using MLGW's Online Bid Notification System on January 12, 2023. MLGW solicited ten (10) firms; and received six (6) proposals on March 10, 2023 with the most responsive proposal being from AT&T in the amount of \$277,378.56. Proposals were evaluated on the following criteria: 1) References; 2) Licenses and Permits; 3) Existing circuit/infrastructure to provide Voice and Data Services; 4) Compensation (annually plus installation fee); 5) Disaster Recovery Plan; 6) Responsibilities for providing the proposed services; and 7) Service and Repair Coverage. MLGW is also requesting contingency funds in the amount of \$32,621.44 to cover mandatory federal fees which change periodically and circuit upgrades. The total amount of this award is not-to-exceed \$310,000.00 during the initial term. The term of this contract is for 36 months from the date of the Notice to Proceed with an option to renew for two (2) additional one-year terms or a 24-month option to renew for a combined total of five (5) years. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12383, Voice and Data Services to AT&T in the funded not-to-exceed amount of \$310,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, that it awards Contract No. 12383, Voice and Data Services to AT&T in the funded not-to-exceed amount of \$310,000.00.

The project scope is to provide voice and data services for various MLGW locations to include phone lines (1FBs), low speed data connections and point-to-point ethernet communications.

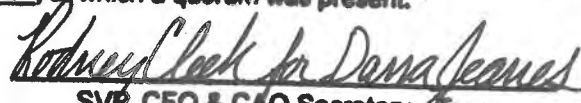
The Request for Proposal was advertised using MLGW's Online Bid Notification System on January 12, 2023. MLGW solicited ten (10) firms; and received six (6) proposals on March 10, 2023 with the most responsive proposal being from AT&T in the amount of \$277,378.56. Proposals were evaluated on the following criteria: 1) References; 2) Licenses and Permits; 3) Existing circuit/infrastructure to provide Voice and Data Services; 4) Compensation (annually plus installation fee); 5) Disaster Recovery Plan; 6) Responsibilities for providing the proposed services; and 7) Service and Repair Coverage. MLGW is also requesting contingency funds in the amount of \$32,621.44 to cover mandatory federal fees which change periodically and circuit upgrades. The total amount of this award is not-to-exceed \$310,000.00 during the initial term. The term of this contract is for 36 months from the date of the Notice to Proceed with an option to renew for two (2) additional one-year terms or a 24-month option to renew for a combined total of five (5) years. This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12383, Voice and Data Services to AT&T in the funded not-to-exceed amount of \$310,000.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Award.

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 17th day of May, 2023, at which a quorum was present.


SVP, CFO & CAO Secretary Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12174, Waste Management Services with Tradebe Environmental Services, LLC to renew the current contract in the funded amount of \$100,000.00. (This change is to renew the current contract for the second of four annual renewal terms for the period covering July 26, 2023 through July 25, 2024.

2. Additional Information

The project scope is to provide turnkey services for the characterization, handling, packaging, manifesting, transportation, treatment, and disposal of waste material to include, but not be limited to, the following categories of waste material: hazardous, non-hazardous, universal, construction and demolition, electronics (e-waste), special and recyclable waste management services at various MLGW locations.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of May 17, 2023, approved Change No. 2 to Contract No. 12174, Waste Management Services with Tradebe Environmental Services, LLC to renew the current contract in the funded amount of \$100,000.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is to provide turnkey services for the characterization, handling, packaging, manifesting, transportation, treatment, and disposal of waste material to include, but not be limited to, the following categories of waste material: hazardous, non-hazardous, universal, construction and demolition, electronics (e-waste), special and recyclable waste management services at various MLGW locations. This change is to renew the current contract for the second of four (4) annual renewal terms in the funded amount of \$100,000.00 for the period covering July 26, 2023 through July 25, 2024. There is a 10% increase in rates due to significant increases in third-party costs including incineration, waste to energy, mercury, and supply cost increases. This renewal complies with all applicable laws and policies. The new contract value is \$350,000.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12174, Waste Management Services with Tradebe Environmental Services, LLC to renew the current contract in the funded amount of \$100,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12174, Waste Management Services with Tradebe Environmental Services, LLC to renew the current contract in the funded amount of \$100,000.00.

The project scope is to provide turnkey services for the characterization, handling, packaging, manifesting, transportation, treatment, and disposal of waste material to include, but not be limited to, the following categories of waste material: hazardous, non-hazardous, universal, construction and demolition, electronics (e-waste), special and recyclable waste management services at various MLGW locations. This change is to renew the current contract for the second of four (4) annual renewal terms in the funded amount of \$100,000.00 for the period covering July 26, 2023 through July 25, 2024. There is a 10% increase in rates due to significant increases in third-party costs including incineration, waste to energy, mercury, and supply cost increases. This renewal complies with all applicable laws and policies. The new contract value is \$350,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12174, Waste Management Services with Tradebe Environmental Services, LLC to renew the current contract in the funded amount of \$100,000.00 as outlined in the above preamble, is approved; and further :

THAT, the President, or his designated representative is authorized to execute the Renewal.

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 17th day of May 2023, at which a quorum was present.

Rodney Cleck for Dana Jones
SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 2 to Contract No. 12245, Well Abandonment with Layne Christensen Company to renew the current contract in the funded amount of \$165,720.00. (This change is to renew the current contract for the second of four annual renewal terms for the period covering July 6, 2023 through July 5, 2024).

2. Additional Information

The project scope is the abandonment of four (4) MLGW Water Production Wells in full compliance with the Tennessee Department of Environment and Conservation's Well Construction Standards, Chapter 0400-45-09, and Shelby County's Rules and Regulations of Wells.

RESOLUTION

WHEREAS, the board of Light, Gas and Water Commissioners in their meeting of May 17, 2023 approved Change No. 2 to Contract No. 12245, Well Abandonment with Layne Christensen Company to renew the current contract in the funded amount of \$165,720.00, and is now recommending to the Council of the City of Memphis that it approves said renewal as approved; and

WHEREAS, the project scope is the abandonment of four (4) MLGW Water Production Wells in full compliance with the Tennessee Department of Environment and Conservation's Well Construction Standards, Chapter 0400-45-09, and Shelby County's Rules and Regulations of Wells. The Contractor shall furnish all permits, notices, material, equipment, labor, transportation, erosion control and all other appurtenances necessary for the completion of this work. This change is to renew the current contract for the second of four (4) annual renewal terms for the period covering July 6, 2023 through July 5, 2024 in the funded amount of \$165,720.00 with no increase in rates from the previous renewal term. This renewal complies with all applicable laws and policies. The new contract value is \$481,360.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12245, Well Abandonment with Layne Christensen Company to renew the current contract in the funded amount of \$165,720.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12245, Well Abandonment with Layne Christensen Company to renew the current contract in the funded amount of \$165,720.00.

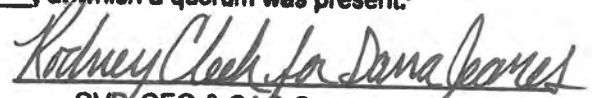
The project scope is the abandonment of four (4) MLGW Water Production Wells in full compliance with the Tennessee Department of Environment and Conservation's Well Construction Standards, Chapter 0400-45-09, and Shelby County's Rules and Regulations of Wells. The Contractor shall furnish all permits, notices, material, equipment, labor, transportation, erosion control and all other appurtenances necessary for the completion of this work. This change is to renew the current contract for the second of four (4) annual renewal terms for the period covering July 6, 2023 through July 5, 2024 in the funded amount of \$165,720.00 with no increase in rates from the previous renewal term. This renewal complies with all applicable laws and policies. The new contract value is \$481,360.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12245, Well Abandonment with Layne Christensen Company to renew the current contract in the funded amount of \$165,720.00, as outlined in the above preamble, is approved; and further

THAT, the President, or his designated representative is authorized to execute the Renewal.

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 17th day of May, 2023, at which a quorum was present.


SVR, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a purchase order to Hitachi Energy USA Inc. for Tropos mesh routers network equipment in the funded amount of \$579,942.00.

2. Additional Information

The mesh routers network equipment will expand the coverage of the current Tropos mesh network within Shelby County, Tennessee. The Tropos mesh network supports Distribution Automation, the Smart Meter Infrastructure, Commercial / Industrial EVC Gas meters and various communication needs for the Division.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of May 17, 2023 approved the purchase of Tropos mesh routers network equipment and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2023 fiscal year budget; and

WHEREAS, the mesh routers network equipment will expand the coverage of the current Tropos mesh network within Shelby County, Tennessee. The Tropos mesh network supports Distribution Automation, the Smart Meter Infrastructure, Commercial / Industrial EVC Gas meters and various communication needs for the Division; and

WHEREAS, a bid was opened on March 8, 2023, for Tropos mesh routers network equipment from Hitachi Energy USA Inc. in accordance with MLGW's Sole / Single Source Policy. The Tropos mesh routers and equipment have been defined as sole source material by MLGW's Telecommunications Engineering Department because it is the only equipment that will mesh with the existing Tropos network to expand the coverage within Shelby County, Tennessee. Hitachi Energy USA Inc. is the sole provider of the Tropos equipment. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of Tropos mesh routers network equipment from Hitachi Energy USA Inc. in the amount of \$579,942.00 chargeable to the MLGW 2023 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Hitachi Energy USA Inc. for Tropos mesh routers network equipment in the amount of \$579,942.00.

The mesh routers network equipment will expand the coverage of the current Tropos mesh network within Shelby County, Tennessee. The Tropos mesh network supports Distribution Automation, the Smart Meter Infrastructure, Commercial / Industrial EVC Gas meters and various communication needs for the Division.

A bid was opened on March 8, 2023, for Tropos mesh routers network equipment from Hitachi Energy USA Inc. in accordance with MLGW's Sole / Single Source Policy. The Tropos mesh routers and equipment have been defined as sole source material by MLGW's Telecommunications Engineering Department because it is the only equipment that will mesh with the existing Tropos network to expand the coverage within Shelby County, Tennessee. Hitachi Energy USA Inc. is the sole provider of the Tropos equipment. This award complies with all applicable laws and policies.

The 2023 budgeted amount for Telecommunications Networks is \$22,509,000.00; the amount spent to date is \$45,014.37; leaving a balance of \$22,463,985.63; of which \$579,942.00 will be spent on this purchase order in 2023; leaving a balance of \$21,884,043.63 after award; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of purchase order to Hitachi Energy USA Inc. is approved for furnishing:

200 - TropOS 1420 Outdoor mesh edge node with Dual band radio 2.4 & 5 GHz and built in GPS; Part #14203060G.

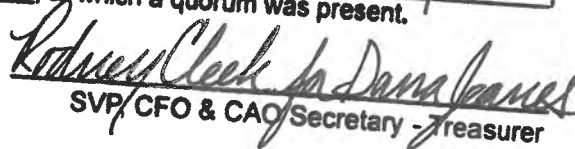
200 - Ceraun 2 outdoor power supply and battery backup unit that provide dual PoE ports; Part #PS064001.

200 - SuprOS router license for the TropOS outdoor mesh edge node; Part #NMCROUTER.

1 – Shipping and handling.

Total award is \$579,942.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; said prices being firm; terms net 45 days; delivery 26 weeks ARO.

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 ~~regular~~ meeting held on 17th day of May, 2023, at which a quorum was present.


SVP/CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 17 to Contract No. 10793, Professional Portfolio Software with Advent Software, Incorporated in the funded amount of \$35,418.30. (This change is to ratify and renew the current contract for an additional year for the period covering May 11, 2023 through May 10, 2024).

2. Additional Information

The project scope is to provide accounting and portfolio management for MLGW's Treasury Management Department.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of May 17, 2023 approved Change No. 17 to Contract No. 10793, Professional Portfolio Software with Advent Software, Incorporated to ratify and renew the current contract in the funded amount of \$35,418.30, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to provide accounting and portfolio management for MLGW's Treasury Management Department. This change is to ratify and renew the current contract for an additional year for the period covering May 11, 2023 through May 10, 2024 in the amount of \$35,418.30, which reflects a 3% increase in rates from the previous term. The increase is due to continued development and the cost of supporting software products, as well as increases in the cost of doing business. MLGW is requesting approval of continuous maintenance support of the acquired system, which can only be performed by Advent Software, Incorporated. This sole source renewal complies with all applicable laws and policies. The new contract value is \$648,851.51; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 17 to Contract No. 10793, Professional Portfolio Software with Advent Software, Incorporated to ratify and renew the current contract in the funded amount of \$35,418.30 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners, the approval of Change No. 17 to Contract No. 10793, Professional Portfolio Software with Advent Software, Incorporated to ratify and renew the current contract in the funded amount of \$35,418.30.

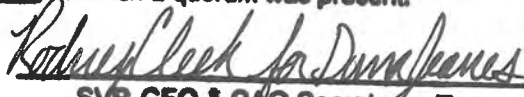
The project scope is to provide accounting and portfolio management for MLGW's Treasury Management Department. This change is to ratify and renew the current contract for an additional year for the period covering May 11, 2023 through May 10, 2024 in the amount of \$35,418.30, which reflects a 3% increase in rates from the previous term. The increase is due to continued development and the cost of supporting software products, as well as increases in the cost of doing business. MLGW is requesting approval of continuous maintenance support of the acquired system, which can only be performed by Advent Software, Incorporated. This sole source renewal complies with all applicable laws and policies. The new contract value is \$648,851.51.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 17 to Contract No. 10793, Professional Portfolio Software, with Advent Software, Incorporated to ratify and renew the current contract in the funded amount of \$35,418.30, as outlined in the above preamble, is approved; and further

THAT, the President, or his designated representative is authorized to execute the Ratification and Renewal.

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 17th day of May, 2023, at which a quorum was present.



SYP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding Contract No. 12415, Water, Gas, Booster and Vacant Lots Grounds Maintenance to Rotolo Consultants, Incorporated in the funded amount of \$338,543.28.

2. Additional Information

The project scope is to furnish at the Contractor's expense, all supervision, labor, transportation, equipment, material, tools, and chemicals to perform spraying, trimming, limb removal, weed-eating, brush clearing, fence clearing, mowing, removing debris and discarded items and other grounds maintenance duties at the referenced locations in Memphis and Shelby County, Tennessee in accordance as outlined in the Contract Documents and Specifications.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of May 17, 2023 awarded Contract No. 12415, Water, Gas, Booster and Vacant Lots Grounds Maintenance to Rotolo Consultants, Incorporated in the funded amount of \$338,543.28 and is now recommending to the Council of the City of Memphis that it approves said award as approved; and

WHEREAS, the project scope is to furnish at the Contractor's expense, all supervision, labor, transportation, equipment, material, tools, and chemicals to perform spraying, trimming, limb removal, weed-eating, brush clearing, fence clearing, mowing, removing debris and discarded items and other grounds maintenance duties at the referenced locations in Memphis and Shelby County, Tennessee in accordance as outlined in the Contract Documents and Specifications; and

WHEREAS, the Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on February 10, 2023. MLGW solicited 20 bids; and received three (3) bids on March 14, 2023. The lowest and best bid was received from Rotolo Consultants, Incorporated in the funded amount of \$338,543.28. The term of this contract is one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved an award of Contract No. 12415, Water, Gas, Booster and Vacant Lots Grounds Maintenance to Rotolo Consultants, Incorporated in the funded amount of \$338,543.28.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards Contract No. 12415, Water, Gas, Booster and Vacant Lots Grounds Maintenance to Rotolo Consultants, Incorporated in the funded amount of \$338,543.28.

The project scope is to furnish at the Contractor's expense, all supervision, labor, transportation, equipment, material, tools, and chemicals to perform spraying, trimming, limb removal, weed-eating, brush clearing, fence clearing, mowing, removing debris and discarded items and other grounds maintenance duties at the referenced locations in Memphis and Shelby County, Tennessee in accordance as outlined in the Contract Documents and Specifications.

The Notice to Bidders was advertised using MLGW's Online Bid Notification System and the Memphis Daily News on February 10, 2023. MLGW solicited 20 bids; and received three (3) bids on March 14, 2023. The lowest and best bid was received from Rotolo Consultants, Incorporated in the funded amount of \$338,543.28. The term of this contract is one (1) year from the date of the Notice to Proceed with an option of four (4) annual renewal terms. This award complies with all applicable laws and policies.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the award of Contract No. 12415, Water, Gas, Booster and Vacant Lots Grounds Maintenance to Rotolo Consultants, Incorporated in the funded amount of \$338,543.28, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Award.

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 17th day of May, 2023, at which a quorum was present.

Rodney Clark for Dana Seavelle
SVF, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding purchase order to Brighter Days and Nites, Inc., for three phase pole mount vacuum reclosers in the funded amount of \$3,579,000.00.

2. Additional Information

The three-phase pole mount vacuum reclosers act as fault interrupting devices used on the electric distribution system for isolating faults such as downed trees and hit poles, etc. The vacuum reclosers reduce the number of customers impacted by outages.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of May 17, 2023 approved the purchase of three-phase pole mount vacuum reclosers and is now recommending to the Council of the City of Memphis that it approves said purchase contingent upon approval of the 2024 fiscal year budget; and

WHEREAS, the three-phase pole mount vacuum reclosers act as fault interrupting devices used on the electric distribution system for isolating faults such as downed trees, and hit poles, etc. The vacuum reclosers reduce the number of customers impacted by outages; and

WHEREAS, bids were opened on February 22, 2023. Notice to Bidders was advertised. Thirteen bids were solicited, and five bids were received with the best complying bidder in accordance with MLGW's Local Bidding Preference policy being the firm of Brighter Days and Nites, Inc. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of three-phase pole mount reclosers from Brighter Days and Nites, Inc. for the sum of \$3,579,000.00 chargeable to the MLGW 2024 fiscal year budget contingent upon approval.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a purchase order to Brighter Days and Nites, Inc. for three-phase pole mount vacuum reclosers in the amount of \$3,579,000.00.

The three-phase pole mount vacuum reclosers act as fault interrupting devices used on the electric distribution system for isolating faults such as downed trees and hit poles, etc. The vacuum reclosers reduce the number of customers impacted by outages.

Bids were opened on February 22, 2023. Notice to Bidders was advertised. Thirteen bids were solicited, and five bids were received with the best complying bidder in accordance with MLGW's Local Bidding Preference policy being the firm of Brighter Days and Nites, Inc. This award complies with all applicable laws and policies.

The 2023 budgeted amount for Electric - Distribution Automation is \$31,000,000.00; of which \$3,579,000.00 will be spent contingent upon approval of the 2024 fiscal year budget; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Brighter Days and Nites, Inc. is approved for furnishing:

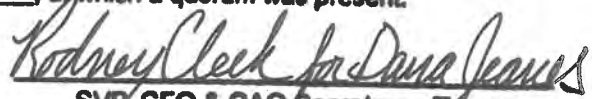
50 - Recloser Vac 600A 3PH 12KV site ready pole mounted, three-phase, 27KV rated vacuum interrupters, minimum 125 BIL, 600A continuous current rating, 12.5KA fault rating, shall be made in accordance with MLGW Specification #40-27XX dated May 27, 2022.

50 – Recloser Vac 600A 3PH 23KV site ready pole mounted, three-phase, 27KV rated vacuum interrupters, minimum 125 BIL, 600A continuous current rating,

12.5KA fault rating, two control power transformers and fault rating, shall be made in accordance with MLGW Specification #40-27XX dated May 27, 2022.

Totaling \$3,579,000.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; said prices being firm; delivery in 30 weeks; terms net 15 days.

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 17th day of May, 2023, at which a quorum was present.


SVR, CFO & CAO, Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a purchase order to Brighter Days and Nites, Inc., for reclosers vacuum 16KA in the funded amount of \$562,275.00.

2. Additional Information

The reclosers vacuum are high current interrupting devices used on the electric distribution system to isolate faults such as fallen trees and hit poles. The reclosers vacuum reduces the number of customers impacted by power outages.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of May 17, 2023 approved the purchase of reclosers vacuum 16KA and is now recommending to the Council of the City of Memphis that it approves said purchase contingent upon approval of the 2024 fiscal year budget; and

WHEREAS, the reclosers vacuum are high current interrupting devices used on the electric distribution system to isolate faults such as fallen trees and hit poles. The reclosers vacuum reduces the number of customers impacted by power outages; and

WHEREAS, bids were opened on February 22, 2023. Notice to Bidders was advertised. Sixteen bids were solicited, and seven bids were received with the best complying bidder in accordance with MLGW's Local Bidding Preference policy being the firm of Brighter Days and Nites, Inc. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of reclosers vacuum 16KA from Brighter Days and Nites, Inc. for the sum of \$562,275.00 chargeable to the MLGW 2024 fiscal year budget contingent upon approval.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a purchase order to Brighter Days and Nites, Inc. for reclosers vacuum 16KA in the amount of \$562,275.00.

The reclosers vacuum are high current interrupting devices used on the electric distribution system to isolate faults such as fallen trees and hit poles. The reclosers vacuum reduces the number of customers impacted by power outages.

Bids were opened on February 22, 2023. Notice to Bidders was advertised. Sixteen bids were solicited, and seven bids were received with the best complying bidder in accordance with MLGW's Local Bidding Preference policy being the firm of Brighter Days and Nites, Inc. This award complies with all applicable laws and policies.

The 2023 budgeted amount for Electric – Distribution Automation is \$31,000,000.00; of which \$562,275.00 will be spent contingent upon approval of the 2024 fiscal year budget; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to Brighter Days and Nites, Inc. is approved for furnishing:

10 - Recloser Vac 600A 3PH 12KV 16KA site ready pole mounted, three-phase, 27KV rated vacuum interrupters, minimum 125 BIL, 600A continuous current rating, 16KA fault rating, two control power transformers and lighting arrestors rated for 12,470Y / 7200 volts primary system shall be made in accordance with MLGW Specification #40-27XX dated May 27, 2022.

5 – Recloser Vac 600A 3PH 23KV 16KA site ready pole mounted, three-phase, 27KV rated vacuum interrupters, minimum 125 BIL, 600A continuous current rating, 16KA

fault rating, two control power transformers and lightning arrestors rated for 23,000Y / 13280 volts primary system, shall be made in accordance with MLGW Specification #40-27XX dated May 27, 2022.

Totaling \$562,275.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; said prices being firm; delivery in 30 weeks; terms net 15 days.

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 17th day of May, 2023, at which a quorum was present.

Rodney Clook for Dana Jeanes
SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving the ratification of Purchase Order Number 7030651 to Automotive Tool Group for gas transition tees in the funded amount of \$278,329.80.

2. Additional Information

The ratification is needed to approve the increase in the purchase order, for an additional \$278,329.80 as a result of an increase in the unit price for the tees. The manufacturer, Hubbell announced they are experiencing increased costs for raw materials and other key components which forced them to pass along a price increase to their customers.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of May 17, 2023 approved ratification of Purchase Order Number 7030651 for gas transition tees, and is now recommending to the Council of the City of Memphis that it approves said ratification as approved in the 2023 fiscal year budget; and

WHEREAS, on November 17, 2021 the Board of Light, Gas and Water Commissioners approved a purchase order for gas transition tees in the amount of \$381,696.00. The ratification is needed to approve the increase in the purchase order, for an additional \$278,329.80 as a result of an increase in the unit price for the tees. The manufacturer, Hubbell announced they are experiencing increased costs for raw materials and other key components which forced them to pass along a price increase to their customers. The new purchase order value is \$660,025.80. All existing terms and conditions will remain the same. This ratification complies with all applicable laws and policies.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved ratification of Purchase Order Number 7030651 for gas transition tees in the amount of \$278,329.80 chargeable to the MLGW 2023 fiscal year budget.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it approves the ratification of Purchase Order Number 7030651 to Automotive Tool Group for gas transition tees in the amount of \$278,329.80.

On November 17, 2021 the Board of Light, Gas and Water Commissioners approved a purchase order for gas transition tees in the amount of \$381,696.00. The ratification is needed to approve the increase in the purchase order, for an additional \$278,329.80 as a result of an increase in the unit price for the tees. The manufacturer, Hubbell announced they are experiencing increased costs for raw materials and other key components which forced them to pass along a price increase to their customers. The new purchase order value is \$660,025.80. All existing terms and conditions will remain the same. This ratification complies with all applicable laws and policies.

The 2023 budgeted amount for Gas Main – Service Replacement (DOT) is \$6,156,000.00; the amount spent to date is \$76,989.91; leaving a balance available of \$6,079,010.09; of which \$278,329.80 will be spent on this purchase order; leaving a balance of \$5,800,680.29 after award; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, approve the ratification of Purchase Order Number 7030651 with Automotive Tool Group for gas tees as outlined in the foregoing preamble.

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 ~~regular~~ ^{special} meeting held on 17th day of May 2023, at which a quorum was present.

Rodney Cleck for Dana Jones
SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a twelve-month blanket purchase order for the purchase of precast concrete m-pads to Automotive Tool Group in the funded amount of \$461,778.00 and Universal Scaffold & Equipment, LLC. in the funded amount of \$2,798,400.00.

2. Additional Information

The precast concrete m-pads are needed to ensure we maintain adequate inventory and to meet work order demands.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of May 17, 2023 approved the twelve-month blanket purchase of precast concrete m-pads and is now recommending to the Council of the City of Memphis that it approves said purchase; and

WHEREAS, the precast concrete m-pads are needed to ensure we maintain adequate inventory and to meet work order demands; and

WHEREAS, bids were opened on October 19, 2022. Notice to Bidders was advertised. Twenty bids were solicited and seven bids were received with the most responsive and best complying bidders being Automotive Tool Group and Universal Scaffold & Equipment, LLC. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of precast concrete m-pads from Automotive Tool Group in the amount of \$461,778.00 and Universal Scaffold & Equipment, LLC. in the amount of \$2,798,400.00. The total of both awards is \$3,260,178.00; \$1,630,089.00 chargeable to the MLGW 2023 fiscal year budget and \$1,630,089.00 to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
May 17, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a twelve-month blanket purchase order for the purchase of precast concrete m-pads to Automotive Tool Group in the amount of \$461,778.00 and Universal Scaffold & Equipment, LLC. in the amount of \$2,798,400.00.

The precast concrete m-pads are needed to ensure we maintain adequate inventory and to meet work order demands.

Bids were opened on October 19, 2022. Notice to Bidders was advertised. Twenty bids were solicited and seven bids were received with the most responsive and best complying bidders being Automotive Tool Group and Universal Scaffold & Equipment, LLC. This award complies with all applicable laws and policies.

The 2023 budgeted amount for E-General Power Service is \$17,455,726.00; the amount spent to date is \$461,921.99; leaving a balance available of \$16,993,804.01; of which \$1,630,089.00 will be spent on this purchase order in 2023; the remaining balance of \$1,630,089.00 to be charged to subsequent budget years as approved; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a twelve-month purchase order to Automotive Tool Group is approved for furnishing:

300 – Pad M-24 PMD XFMR precast concrete for 2000 KVA to 75 KVA three-phase grounded front pad mounted transformer, furnished in accordance with MLGW Specification No. 67-6565 dated March 25, 2019;

600 – Pad M-29 PMD XFMR (100-25KVA) & CJE (200A) PC 1PH 25KV; pad precast concrete for 100 KVA TO 25 KVA single-phase grounded front pad mounted transformer and 200 amperes 25 KV single-phase cable junction enclosure, furnished in accordance with MLGW Specification No. 67-6555 dated November 27, 2002;

Totaling \$461,778.00; f.o.b. Memphis, Tennessee, our dock, transportation prepaid; said prices being firm until June 23, 2024; delivery in 15–16 weeks; terms net 15 days.

Universal Scaffold & Equipment, LLC. be, and is hereby, awarded a twelve-month purchase order for furnishing:

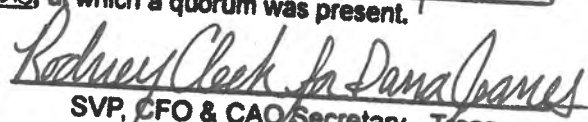
1,200 – Pad M-24 PMD XFMR precast concrete for 2000 KVA to 75 KVA three-phase grounded front pad mounted transformer, furnished in accordance with MLGW Specification No. 67-6565 dated March 25, 2019;

2,400 – Pad M-29 PMD XFMR (100-25KVA) & CJE (200A) PC 1PH 25KV; pad precast concrete for 100 KVA TO 25 KVA single-phase grounded front pad mounted transformer and 200 amperes 25 KV single-phase cable junction enclosure, furnished in accordance with MLGW Specification No. 67-6555 dated November 27, 2002;

Totaling \$2,798,400.00; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm until June 23, 2024; delivery in 4 weeks; terms net 30 days;

The total of both awards amount to \$3,260,178.00.

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 17th day of May 2023, at which a quorum was present.


SVP, CFO & CAO Secretary - Treasurer

City of Memphis



TENNESSEE

JIM STRICKLAND
MAYOR

April 18, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

Laurie Hall

be appointed to the Memphis Civil Service Commission with a term expiration date of November 30, 2025.

I have attached biographical information.

Sincerely,

Jim Strickland
Mayor

JSS/sss

Cc: Council Members

CIVIL SERVICE COMMISSION
14 Member Board
3 Year Staggered Terms
Oath of Office Required

The Civil Service Commission conducts hearings to review disciplinary actions, limited to suspensions, dismissals, or demotions of any employees not exempted from the provisions of the Charter and Code.

At least seven (7) of Commissioners shall be licensed attorneys, current or former judges and/or individuals with prior experience as an administrative law judge for any local, state or federal agency

Chris Williams	M/W	11-30-2025	
Jayniece Harris	F/B	11-30-2026	
Sarah Johnson Carter	F/W	11-30-2023	Chair
Vacancy	M/W	11-30-2022	
Vacancy	F/B	11-30-2021	
Vacancy	M/W	11-30-2020	
Brandon Ingram	M/B	11-30-2020	
Robert Mebane	M/B	11-30-2022	
Jeffrey Land	M/W	11-30-2022	
Mark Allen	M/B	11-30-2022	
Vacancy	M/B	11-30-2022	
Laurice Smith	F/B	11-30-2022	
Vacancy	F/B	11-30-2020	
Edward L. Vaughn	M/B	11-30-2020	

Updated May 2023

City of Memphis



TENNESSEE

JIM STRICKLAND
MAYOR

May 9, 2023

The Honorable Michalyn Easter-Thomas, Chairman
Personnel, Government Affairs, and Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

James Lewellen

be appointed to the Memphis Light, Gas, and Water Commission as a non-voting County wide advisory member with a term expiration date of July 30, 2026.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland", written over a circular stamp.

Jim Strickland
Mayor

MEMPHIS LIGHT, GAS & WATER COMMISSION
Oath of Office Required
5 Member Board
3 Year Term

Purpose:

The Memphis Light, Gas & Water Board is responsible for providing oversight to the municipal utility system which provides electricity, natural or artificial gas, or water to the citizens of Memphis

		Term ends:	Terms served:
Leon Dickinson, Sr	M/B	10-30-25	
Mitch Graves	M/W	06-30-25	
Carl Person	M/B	10-30-25	
Cheryl Pesce	F/B	10-30-25	
Pohlman, Michael	M/W	07-30-23	

Non-voting County Wide Advisory Members:

Vacancy	M/W	07-30-20
Kevin Young	M/B	07-30-20

2023 Council Liaison: Patrice Robinson

Updated 050922

ORDINANCE NO. 5869

AN ORDINANCE TO REVISE AND CHANGE CERTAIN COUNCIL DISTRICTS AS A RESULT OF POPULATION CHANGES REFLECTED IN THE 2020 FEDERAL CENSUS SO THAT ALL SUCH DISTRICTS WILL REMAIN AS EQUAL AS PRACTICABLE

P R E A M B L E

WHEREAS, the Constitution of the United States requires each Council District be as equal in population as practicable in order to satisfy the “one-man, one vote” principle; and

WHEREAS, the Council adopted Ordinance No. 5833 effective August 23, 2022 to make said revisions and changes in the boundaries of all Council Districts to address the population changes in the 2020 United States Census Data results; and

WHEREAS, the Tennessee Code Annotated, Section 6-54-102 provides that municipalities may redistrict into new wards whenever, for proper reasons, they deem expedient to do so; the 2020 United States Census Data providing proper reasons; and

WHEREAS, the Council adopted a Resolution on October 18, 2022 to establish the 2022 Redistricting Committee to reapportion council districts to ensure council members represent substantially equal populations based upon the 2020 United States Census Data; and

WHEREAS, the 2022 Redistricting Committee has submitted its final recommendations for the redistricting plans for Council Districts of the City of Memphis to the Memphis City Council for consideration for the **next municipal election or the 2027 municipal election**.

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

Section 1. Redistricting Amendment. That the Council Districts 1 through 7, both inclusive, which are represented, by one council member each and multi-member Districts 8 and 9, which are composed of approximately one-half the total city's population and are each represented by three (3) council members elected by position, shall each be amended and reconstituted to include the following Wards and Precincts:

Districts 1 through 7 (City Wide Population)

District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
1	90,534	16,440	54,847	19,247	17,367	64,669	13,627	39,097	11,945	10,408
2	88,264	34,319	38,761	15,184	9,901	69,917	29,624	29,637	10,656	6,505
3	89,521	4,785	75,162	9,574	8,366	65,355	4,160	54,829	6,366	5,393
4	88,663	16,870	56,985	14,808	12,495	66,242	14,530	42,328	9,384	7,625
5	91,390	60,866	17,961	12,563	7,050	73,961	51,289	13,632	9,040	4,911
6	90,651	4,438	80,916	5,297	3,366	67,933	3,822	60,501	3,610	2,130
7	88,425	17,561	63,453	7,411	3,376	68,934	16,166	47,079	5,689	2,494
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

DISTRICT ONE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

- District 1**
- Voting Precincts**
- 501**
- 601**
- 602**
- 603**
- 604**
- 605**
- 606**
- 607**
- 608**
- 609**
- 703**
- 707**
- 709**
- 1301**

DISTRICT TWO shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 2

Voting Precincts
108
109
110
111
202
307
308
311
403
407
408
409
411
501
502
503
504
505
507
508
509
1202
1203
1204
1303

DISTRICT THREE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 3
Voting Precincts
905
907
908
911
1009
1010
1102
1104
1105
1106
1107
1108
1201
1202
1204
1205
1207
1208

DISTRICT FOUR shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 4
Voting Precincts
1001
1003
1004
1005
1007
1008
1101
1102
1103
1104
1304
1305
1308
1309

DISTRICT FIVE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 5
Voting Precincts
401
402
403
406
407
708
709
710
1301
1302
1303
1305
1306
1307
1308

DISTRICT SIX shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 6
Voting Precincts
808
809
810
811
812
901
902
903
904
905
906
909
910
911
1002
1003
1006
1007
1009
1010

DISTRICT SEVEN shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

District 7

Voting Precincts
104
105
701
702
703
704
705
706
708
801
802
803
804
805
806
807
808
809

Districts 8 & 9 (City Wide Population)

Super District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
8	315,824	39,677	241,496	34,651	26,551	236,978	34,601	179,355	23,022	16,560
9	311,624	115,602	146,589	49,433	35,370	240,033	98,617	107,748	33,668	22,906
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

DISTRICT EIGHT shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

Super District 8
Voting Precincts
104
601
603
604
605
606
607
701
702
703
704
705
706
707
801
802
803
804
805
806
807
808
809
810
811
812

901
902
903
904
905
906
907
908
909
910
911
1001
1002
1003
1004
1006
1007
1008
1009
1010
1107
1301
1302

DISTRICT NINE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

Super District 9
Voting Precincts
108
109
110
111
202
401
402
403
404
407
408
409
412
501
502
504
505
507
508
509
510
511
608
609
708
709
710
1005
1101
1102
1103
1104

1105
1106
1108
1201
1202
1203
1204
1205
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1301
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1309
1310
1311
1312

Wards and Precincts have been allocated between the various districts using the U.S. Census Bureau's block and ward/precinct data released by the U.S. Census Department to the Governor and General Assembly of the State of Tennessee. Such data may vary from the wards and precincts split or consolidated by the Shelby County Election Commission after the compilation of census data by the U.S. Census Bureau.

Reference is made to the Memphis Municipal Code, as amended, and to the Official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts One (1) through Nine (9), both inclusive. Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners of Shelby County, Tennessee, for ordinances and resolutions establishing precinct lines. A map describing said Districts, as amended, is hereby adopted, and is ordered to be filed with the Comptroller of the City of Memphis. Should there be discrepancies between the official U.S. census districts and the voting districts assigned by the Shelby County Election Commission and the text of this Ordinance using the Election Commission's descriptions of voting districts and precincts such discrepancies shall be resolved by the Election Commission by reference to the official map filed with the Comptroller of the City, which shall control.

Section 2. Nonconflicting-Conflicting Laws.

BE IT FURTHER ORDAINED, that all laws or ordinances of the City of Memphis, not in conflict with this Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, that if any clause, sentence, paragraph, section, or part of this ordinance shall be held or declared to be unconstitutional or 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 4. Effective Date.

BE IT FURTHER ORDAINED, that this ordinance shall take effect immediately after its adoption, the public welfare requiring it.

SPONSORS(S):

COUNCILWOMAN EASTER-THOMAS, DISTRICT 7

COUNCILMAN MARTAVIUS JONES, SUPER DISTRICT 8-3

**MARTAVIUS D. JONES
CHAIRMAN OF COUNCIL**

Attest:

VALERIE C. SNIPES
Deputy City Comptroller

District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
1	90,534	16,440	54,847	19,247	17,367	64,669	13,627	39,097	11,945	10,408
2	88,264	34,319	38,761	15,184	9,901	69,917	29,624	29,637	10,656	6,505
3	89,521	4,785	75,162	9,574	8,366	65,355	4,160	54,829	6,366	5,393
4	88,663	16,870	56,985	14,808	12,495	66,242	14,530	42,328	9,384	7,625
5	91,390	60,866	17,961	12,563	7,050	73,961	51,289	13,632	9,040	4,911
6	90,651	4,438	80,916	5,297	3,366	67,933	3,822	60,501	3,610	2,130
7	88,425	17,561	63,453	7,411	3,376	68,934	16,166	47,079	5,689	2,494
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

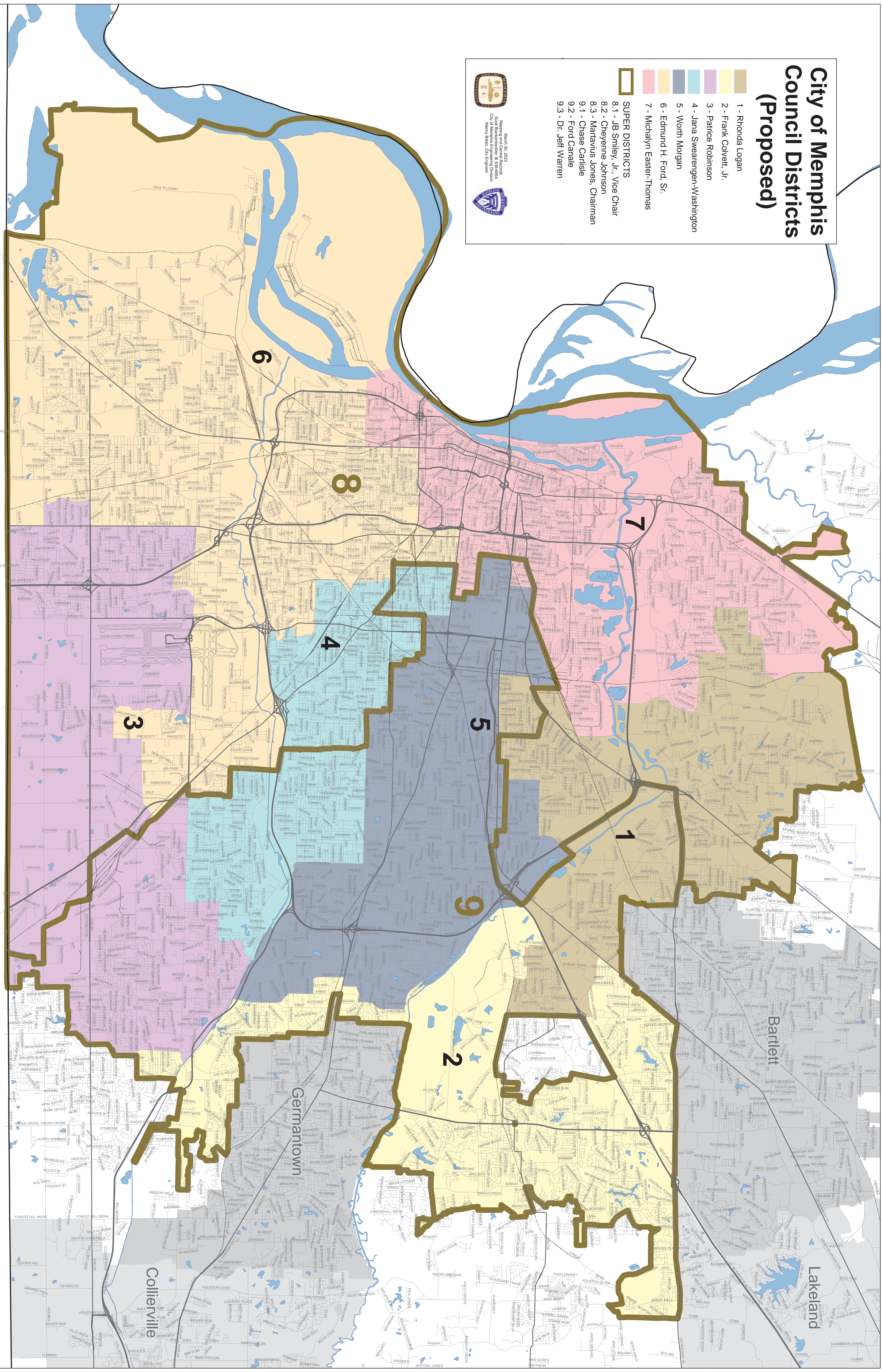
Super District	Total Population	White Population	Black Population	Other Population	Hispanic Population	Total Population 18+	White Population 18+	Black Population 18+	Other Population 18+	Hispanic Population 18+
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9	311,624	115,602	146,589	49,433	35,370	240,033	98,617	107,748	33,668	22,906
Totals	627,448	155,279	388,085	84,084	61,921	477,011	133,218	287,103	56,690	39,466

City of Memphis Council Districts (Proposed)

- 1 - Rhonda Logan
 - 2 - Frank Colvett, Jr.
 - 3 - Patrice Robinson
 - 4 - Jana Swearingen-Washington
 - 5 - Worth Morgan
 - 6 - Edmund H. Ford, Sr.
 - 7 - Michalyn Easter-Thomas
- SUPER DISTRICTS**
- 8.1 - JB Smiley, Jr., Vice Chair
 - 8.2 - Chyenne Johnson
 - 8.3 - Martavius Jones, Chairman
 - 9.1 - Chase Carlisle
 - 9.2 - Ford Canale
 - 9.3 - Dr. Jeff Warren



March 18, 2020
Mapping and Geomatics Services
Scott Blumensack & Associates
City of Memphis, City Engineer

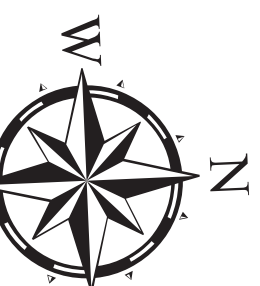


2021 to 2023 City of Memphis Council Districts Additions

- District 1 Unchanged
- District 2 Unchanged
- District 3 Unchanged
- District 4 Unchanged
- District 5 Unchanged
- District 6 Unchanged
- District 7 Unchanged
- Areas added to District 1
- Areas added to District 2
- Areas added to District 3
- Areas added to District 4
- Areas added to District 5
- Areas added to District 6
- Areas added to District 7



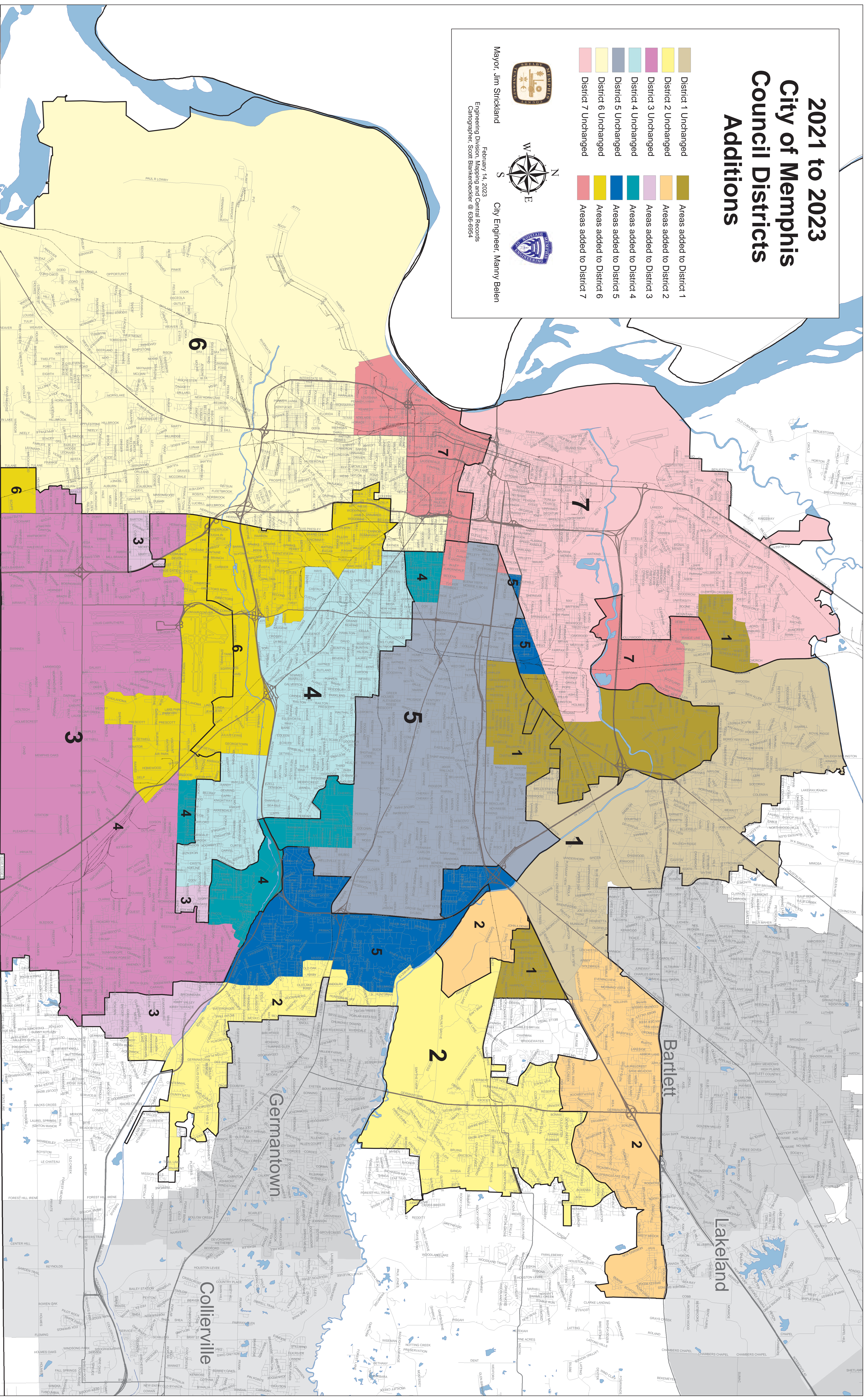
Mayor, Jim Strickland



City Engineer, Manny Beien



February 14, 2023
Engineering Division Mapping and Central Records
Cartographer, Scott Barmenochter | 901.527.8554



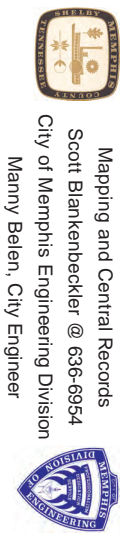
District	Total Population	White Population	Black Population	Other Population	Hispanic Population
1	90,534	16,440	54,847	19,247	17,367
2	88,264	34,319	38,761	15,184	9,901
3	89,521	4,785	75,162	9,574	8,366
4	88,663	16,870	56,985	14,808	12,495
5	91,390	60,866	17,961	12,563	7,050
6	90,651	4,438	80,916	5,297	3,366
7	88,425	17,561	63,453	7,411	3,376

Memphis City Council Districts

(Single Member Districts)



April 24, 2023

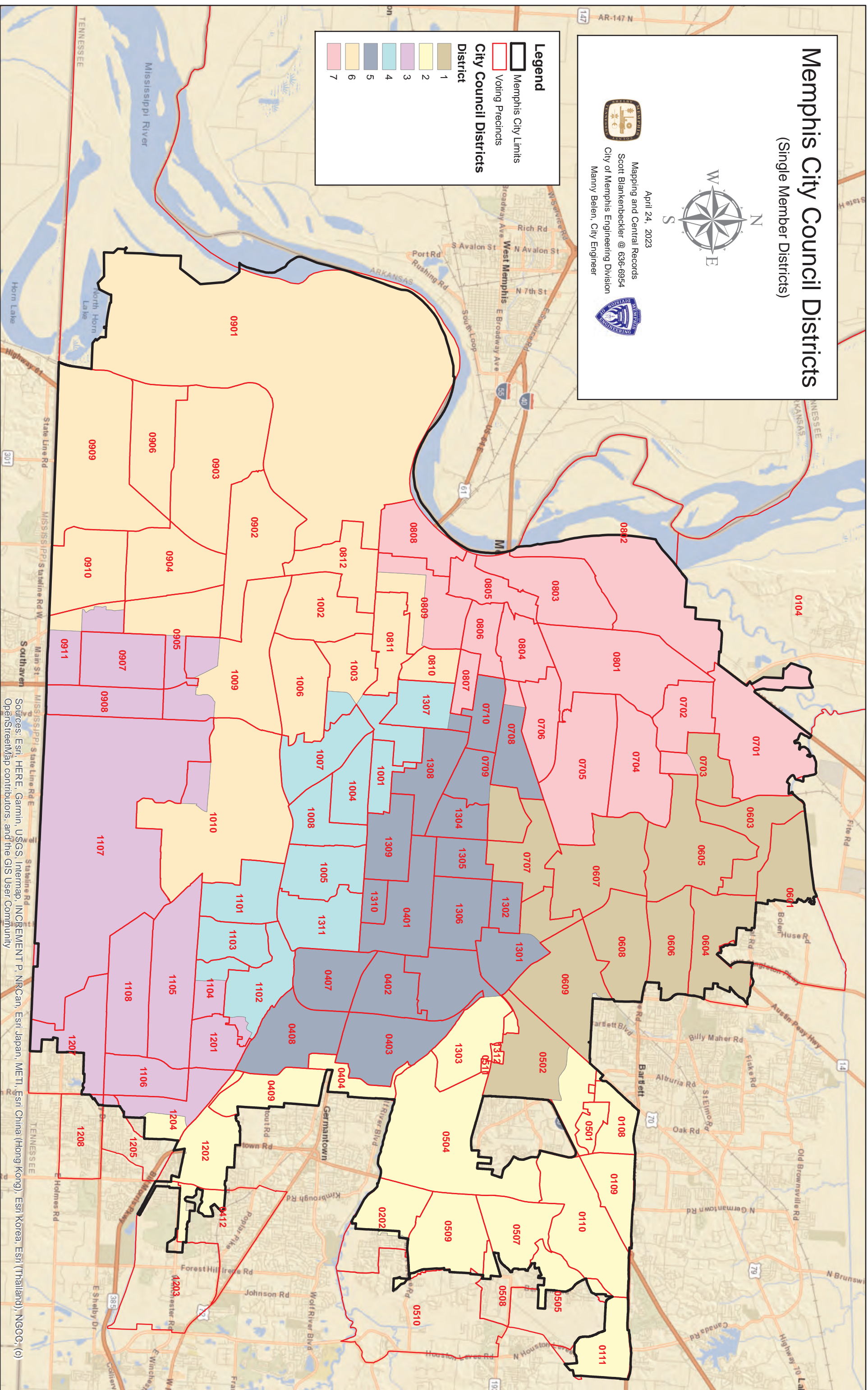


Mapping and Central Records
 Scott Blankenbecker @ 636-6954
 City of Memphis Engineering Division
 Manny Belen, City Engineer

Legend

- Memphis City Limits
- Voting Precincts
- City Council Districts**

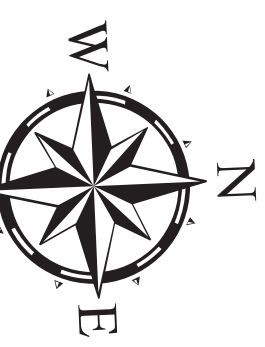
District	Color
1	Light Green
2	Light Yellow
3	Light Purple
4	Light Blue
5	Light Cyan
6	Light Orange
7	Light Pink



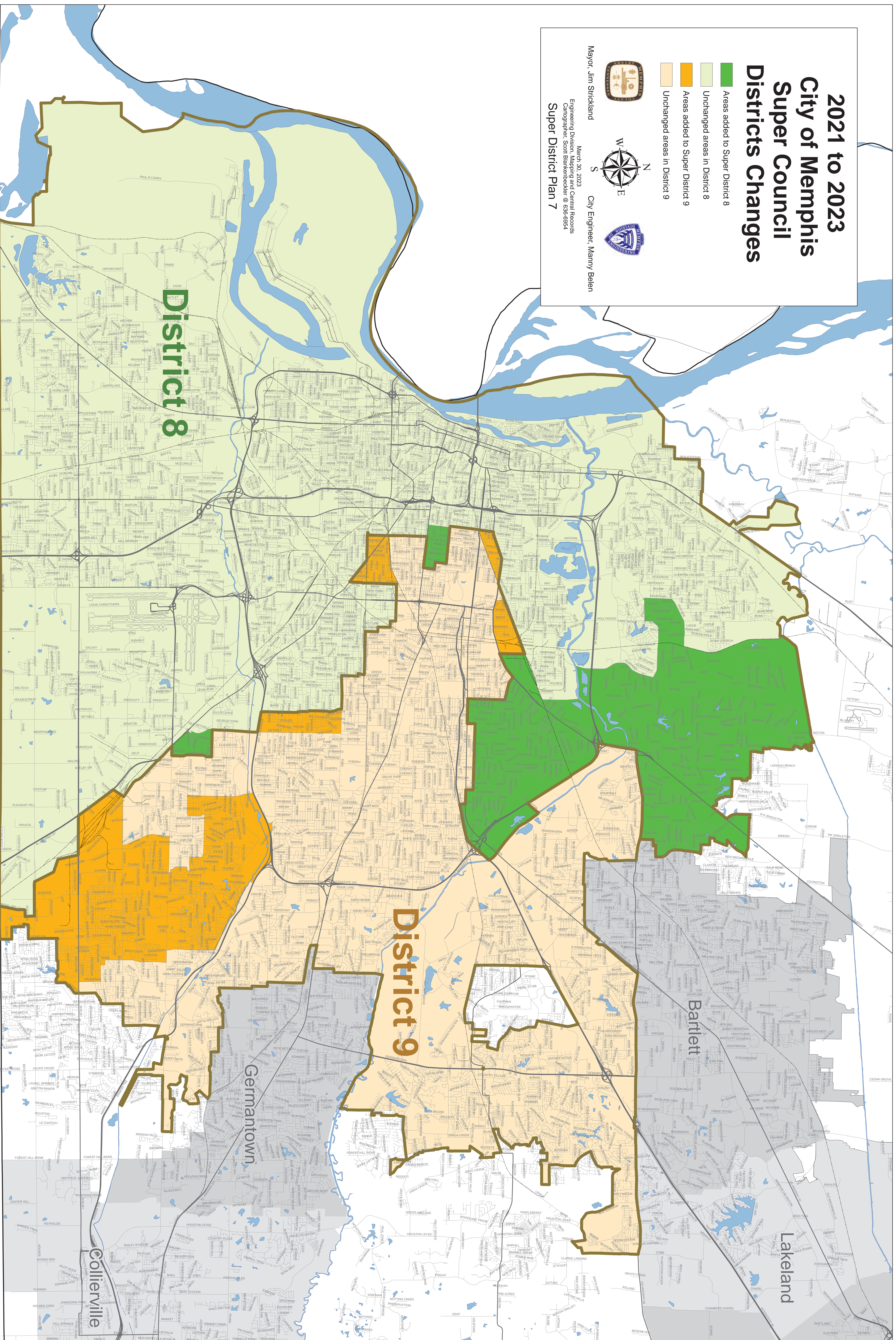
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

2021 to 2023 City of Memphis Super Council Districts Changes

- Areas added to Super District 8
- Unchanged areas in District 8
- Areas added to Super District 9
- Unchanged areas in District 9



Mayor, Jim Strickland
 March 30, 2023
 Engineering Division, Mapping and Central Records
 Cartographer, Scott Barkmischer @ 639-9524
 Super District Plan 7



District	2021 Area	2023 Area	Change
8	315,824	39,677	241,496
9	311,644	115,610	146,598
			34,651
			49,436
			26,551
			35,370

Memphis City Council Districts (Super Districts)



April 24, 2023



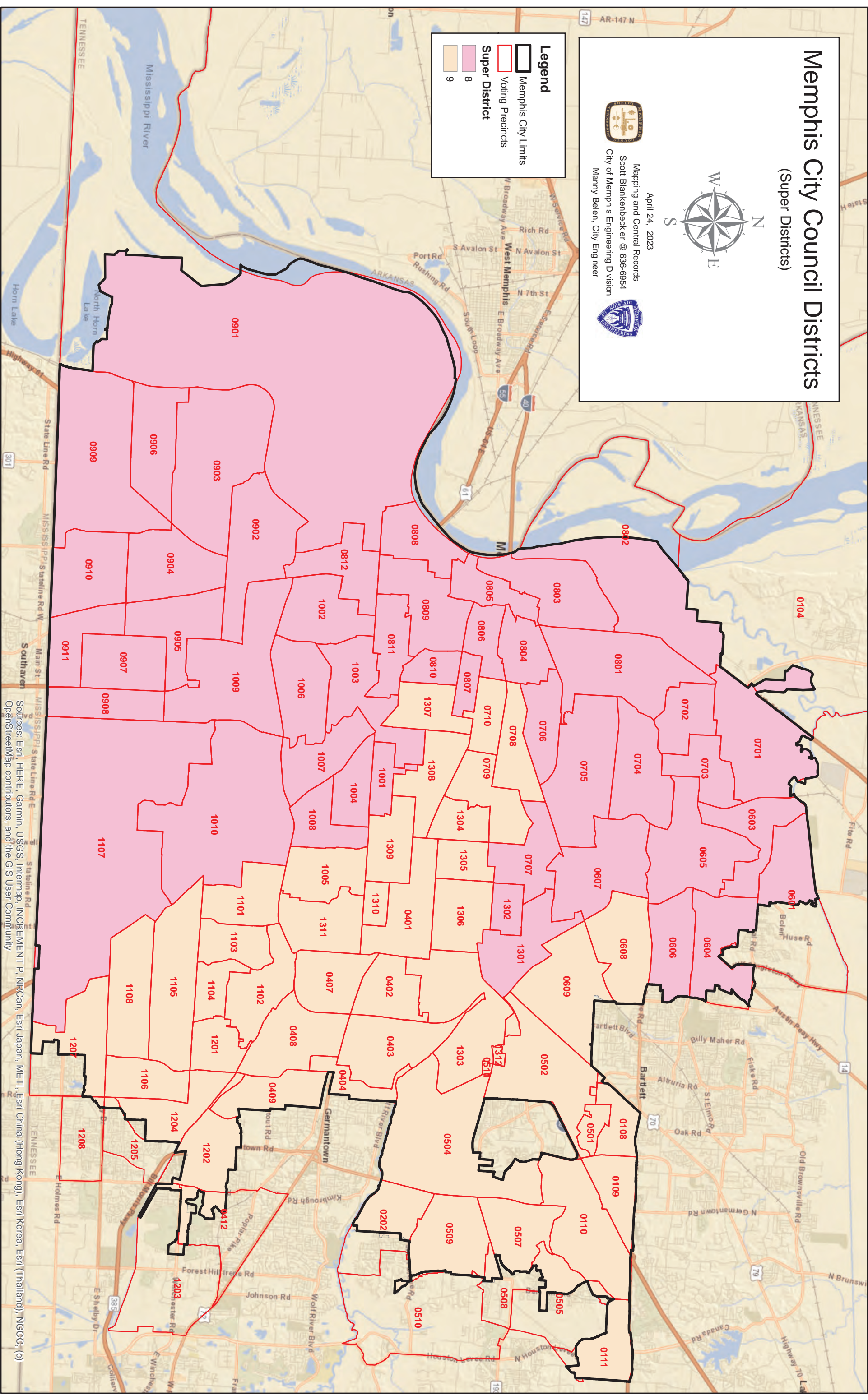
Mapping and Central Records
Scott Blankenbecker @ 636-6954
City of Memphis Engineering Division
Manny Belen, City Engineer



Legend

- Memphis City Limits
- Voting Precincts
- Super District

8
9



ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, CHAPTER 6, TO DEFINE ENTERTAINMENT TRANSPORTATION VEHICLES, AND TO PROVIDE FOR THE LICENSING AND REGULATION OF THE SAME

WHEREAS, in recent years a new type of transportation business has emerged in various cities within the United States in which the passengers hire a motor vehicle not only as a means of transportation but also for some entertainment or social purpose; and

WHEREAS, the General Assembly of the State of Tennessee did in its recent session amend Tennessee Code Annotated, Section 7-51-1007, to recognize Entertainment Transportation Vehicles as a category separate from other types of vehicles already included in said law, and to allow municipalities within Tennessee to regulate the operation of Entertainment Transportation Vehicles; and

WHEREAS, in other cities in which such vehicles operate, governments have encountered various problems caused by the vehicles in the area of public safety and welfare, including accidents resulting in damage and injury, the commission of crimes related to operation of the vehicles, and complaints from businesses and citizens about noise and offensive behavior by patrons; and

WHEREAS, the Memphis City Council deems it necessary for the health, safety, and welfare of citizens to amend the code of ordinances to regulate the operation of entertainment vehicles in the City of Memphis.

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

Article 1. Definitions.

For purposes of this chapter:

"Certificate" means a certificate of public convenience and necessity, a license granted, upon application and approval, by the Memphis Transportation Commission (MTC) for the sole purpose of authorizing the certificate holder to provide entertainment transportation through an entertainment transportation vehicle.

"Certificate holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"Customer" means any person on an entertainment transportation vehicle other than the driver or other employee of the entertainment transportation business, who has paid money for the services of the business or is attached to a party that has done so.

"Driver" means any individual who physically operates an entertainment transportation vehicle as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTC to drive and operate an entertainment transportation vehicle.

"Enclosed vehicle" means any motor vehicle that is fully enclosed by metal, plexiglass or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an "unenclosed vehicle." A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a pickup truck or a

wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle "side" must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows shall be fully raised while the vehicle is in operation and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.

"Entertainment transportation vehicle" means any motor vehicle that is designed or constructed to accommodate and transport more than one passenger for hire, the principal operation of which is confined to the area within the Memphis City Limits, whether it is operated on a fixed route or schedule, and where the passengers hire the motor vehicle not only as a means of transportation but also for some entertainment or social purpose. "Entertainment transportation" includes, but is not limited to, trucks, buses, and wagons/trailers pulled by a motor vehicle. "Entertainment transportation" does not include a limousine, sedan, shuttle, taxicab, horse-drawn carriages, or electric-assist pedal carriage.

"Entertainment transportation vehicle permit" means a permit issued by the MTC for an entertainment transportation vehicle to carry passengers.

"Entertainment transportation vehicle driver's permit" means a permit issued by the MTC for a person to operate an entertainment transportation vehicle to carry passengers.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of an entertainment transportation vehicle in exchange for the temporary

use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of any other services wherein the entertainment transportation is part of the services provided.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued by the commission.

"Inspector(s)" means the inspector(s) for the commission.

"Memphis Transportation Commission," also referred to as "MTC" or "the commission," means the Memphis Transportation Commission as established by the City of Memphis Code of Ordinances, Chapter 39.

"MTC Director" means the Executive Secretary of the MTC, as employed by the City of Memphis on behalf of the MTC.

"Owner" means the person who holds the legal title of the entertainment transportation vehicle.

"Passenger" means any person on an entertainment transportation vehicle other than the driver.

"Person" means any individual, partnership, corporation, association or public or private organization of any character. "Permittee" means a holder of any permit issued under this chapter.

"Solicit" means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, donation, gratuity or any other form of remuneration, having a seating capacity of less than nine persons and not operated on a fixed route.

Article 2. Certificate of Public Convenience and Necessity

Section 1. Required and term.

A. No entertainment transportation vehicle shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the Memphis City government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. Applications will be reviewed and considered as they come in to the MTC.

B. It shall be unlawful for any person to transport or offer to transport passengers in any entertainment transportation vehicle which does not have affixed to the entertainment transportation vehicle a valid permit issued through the MTC.

C. Certificates shall not be transferred, sold or given from one owner to another, including the sale of one entertainment transportation vehicle company in its entirety to another, without approval of the MTC upon the filing of an application for such transfer.

D. The MTC shall track all certificates, and after the renewal period, if the certificate has not been renewed it shall be determined to be void.

Section 2. Findings - Issuance of certificate or additional permits.

A. If the MTC finds that further or additional entertainment transportation vehicle service within the Memphis City Limits is required by the public convenience and necessity and that the applicant is fit, willing, and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTC, the MTC may issue a certificate of public convenience and necessity, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance.

B. In making the above findings, the MTC shall, at a minimum, take into consideration the number of entertainment transportation vehicles already in operation, whether existing service is adequate to meet the public need; the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTC in its rules.

Section 3. Application - Information and fees required.

A. An application for a certificate of public convenience and necessity shall be filed with the MTC for each classification of service to be provided. Forms will be provided by the MTC and payment of a nonrefundable fee will be charged. The amount of the application fee shall be established by the MTC based the cost of processing the application.

B. The application shall require the following information:

1. Name and address of applicant;

a. Sole-proprietor: Name and address of the owner.

b. Partnership: Names and addresses of all partners.

c. Corporation or association: Names and addresses of all the officers, directors, and members.

2. Business name (d/b/a), business address and telephone number if different from above;
3. A background check of each person;
4. Proof of U.S. citizenship or legal residency;
5. Names and addresses of two references as to the applicant's financial responsibility;
6. Prior experience of applicant in transport of passengers;
7. Number of vehicle permits requested, and copy of proof of ownership or other evidence of lawful control for each vehicle to be operated under the certificate;
8. Procedures for training drivers;
9. Rules and regulations governing driver appearance and conduct;
10. Disclosure of prior state law or City of Memphis Code of Ordinances violations pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, or alcoholic beverage open container laws;
11. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued;
12. Such further information as the MTC may require.

C. An applicant will be ineligible for consideration if:

1. Any of the owners, partners, officers, directors, or members are under twenty-one years of age and/or the entertainment transportation vehicle business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of twenty-one years of age;
3. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter of the City of Memphis Code of Ordinances within five years immediately preceding the date of application.

4. Any portion of the application is incomplete or contains incorrect or untruthful information.

D. An applicant will be ineligible for consideration for a one-year period if any owner, partner, officer, director, or member has been found guilty by a court of competent jurisdiction of violating state law or City of Memphis Code provisions three or more times within the past three hundred sixty-five days pertaining to noise from motor vehicles and/ or lewd conduct as part of a commercial business.

Section 4. Issuance and Denial – Fees.

A. If the MTC or the MTC director determines that further entertainment transportation vehicle services are required and the applicant is qualified, the MTC or MTC director may issue a certificate.

B. The MTC shall adopt the criteria for determining the necessity for additional entertainment transportation vehicle certificates.

C. Any person whose application for a certificate is denied by the MTC director may file a written appeal with the MTC within thirty days of denial and request an appearance before the MTC and appear in-person for consideration of the certificate application.

D. The certificate shall state the name, business address and telephone number of the applicant and the date of expiration.

E. The MTC will set a fee to be charged for the issuance of each approved entertainment transportation vehicle permit associated with the certificate.

Section 5. Annual renewal.

A. All certificates issued under the provisions of this chapter shall expire on April 30 of the year following the date on which the certificate was issued. All certificates may be renewed by the MTC director for each successive year between April 1 and 30 of each year. A renewal fee for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.

B. All applicants for renewal must be current with all assessments and taxes due to the City of Memphis.

C. If a licensed entertainment transportation vehicle company or individual fails to renew prior to the end of the renewal period, the renewal applicant shall be treated as a new applicant.

Section 6. Insurance required.

A. Before any certificate shall be issued by the commission director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of insurance with the MTC director evidencing insurance coverage as required in this section.

B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the City of Memphis as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any entertainment transportation vehicle insured thereunder shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any entertainment

transportation vehicle, with the minimum amount of insurance to be one million dollars, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the commission director.

C. Such certificate will certify that the policy provides for a minimum of one million dollars per entertainment transportation vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such entertainment transportation vehicle. The certificate of insurance shall also list the serial number or identification number of each entertainment transportation vehicle that is insured.

D. The operation of any entertainment transportation vehicle within the Memphis City Limits without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this article, subjecting the owner and/or certificate holder to all applicable penalties provided in this article and this chapter.

E. Any changes in insurance must be reported to the commission immediately.

Section 7. Request for additional vehicle permits.

An application for additional entertainment transportation vehicle permits under the certificate issued pursuant to this article must be filed with the MTC director. If approved, the established permit fee will be applied.

Section 8. Suspension and revocation.

A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTC if the holder thereof has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTC;

2. Violated any provision of this code or other ordinances of the City of Memphis or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise;

3. Failed to pay assessments or taxes due to the City of Memphis; or

4. Made a misrepresentation or false statement when obtaining a certificate or additional permits, or transferring a certificate.

B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTC.

C. If the holder commits an act in violation of the criminal laws of the United States of America or state of Tennessee Code and the MTC director determines that holder poses a threat to the public safety, the MTC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTC at the next available meeting, but in no circumstance later than sixty days from the date of the emergency suspension.

Article 3. Vehicle and Driver Permits

Section 1. Permit required- Violations and term.

A. No person shall drive or otherwise operate an entertainment transportation vehicle engaged in the transportation of passengers unless he or she has a driver's permit and a currently effective Tennessee commercial driver's license. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter and any rules and regulations adopted by the MTC.

B. A person commits an offense if he or she operates an entertainment transportation vehicle in the Memphis City Limits without a driver's permit issued by the MTC.

C. A business commits an offense if it employs or otherwise allows a person to operate an entertainment transportation vehicle owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the MTC.

D. Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

Section 2. Application-Information and fees required.

A. An application for an entertainment transportation vehicle driver's permit shall be filed with the MTC on forms provided by the MTC.

B. Such application shall be certified under oath and shall at a minimum contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant.

No applicant under eighteen years of age will be accepted.

2. The type(s) of vehicle(s) which the applicant will drive under the certificate.
3. The years of experience of the applicant in the transportation industry.
4. A concise history of the applicant's employment.

C. The applicant shall provide copies of the following documents in order to submit his application:

1. A valid driver's license issued by one of the fifty states within the United States of America for the issuance or renewal of an entertainment transportation vehicle driver's permit corresponding with the type/classification of entertainment transportation vehicle to be operated (i.e., commercial driver license, for-hire endorsement, etc.).

2. A Social Security card or birth certificate.

3. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement document.

4. A copy of a currently effective Tennessee commercial driver's license.

D. Each application shall be accompanied by an official driver record obtained no longer than thirty days previous to the date of application. All applicants are required to meet the following standards:

1. No convictions in the last five years for any of the following offenses involving bodily injury or death and no convictions in the last three years for any of the following offenses not involving injury or death:

- a. Hit and run;
- b. Driving under the influence of an alcoholic beverage or drug;
- c. Reckless or careless driving.

2. For an initial permit, no more than three moving violations within the last three years and no more than two moving violations in the last year.

3. For a renewal permit, no more than four moving violations within the last three years and no more than two moving violations in the last year.

Section 3. Fingerprint-based criminal background investigation.

A. All applicants for an entertainment transportation vehicle driver's permit must undergo a fingerprint-based identification and background check. The MTC staff shall collect background check fees from applicants and schedule them for fingerprinting. A background check report and a copy of the driving record (MVR) of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTC.

B. Any applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:

1. Has been convicted, pleaded guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States:

- Homicide,
- Rape,
- Aggravated assault,
- Kidnapping,
- Robbery,
- Felony theft,

- Burglary,
- Child sexual abuse,
- Domestic violence,
- Any sex-related offense,
- Leaving the scene of an accident,
- Criminal solicitation, or criminal attempt to commit any of above,
- Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or
- The felony possession, sale or distribution of narcotic drugs or controlled substances.

2. If, at the time of application, the applicant is charged with any offenses in subsection (1) of this section, consideration of the application shall be deferred until the applicant's entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

3. Has been convicted of or released from incarceration due to two or more felony offenses within the past seven years.

4. Has been convicted for a period of two years prior to the date of application of the violation of two or more sections of this Code or other ordinances governing the operation of entertainment transportation vehicles.

If the applicant fails to disclose any criminal conviction, except traffic citations, on the application for a permit, the application may be referred to the MTC for consideration.

Section 4. Application - Approval or disapproval.

The MTC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected

by the MTC staff may file an appeal within thirty days of denial and request an appearance before the MTC. The appeal shall be heard by the MTC at the next available MTC meeting with the appellant appearing in-person for consideration of the application.

Section 5. Issuance - Permit contents and display.

A. Upon approval of an application for an entertainment transportation vehicle driver's permit, the MTC director shall issue a permit to the applicant, which shall bear the name, driver's permit number, height, date of birth, photograph of the applicant, and other information deemed appropriate.

B. Every driver shall at all times conspicuously display a permit either on the clothing of the driver's upper body or within the entertainment transportation vehicle. A driver shall allow the MTC director, MTC inspector, or a police officer to examine the permit upon request.

Section 6. Unpermitted drivers.

A. If any person is found operating any entertainment transportation vehicle within the Memphis City Limits without a valid entertainment transportation vehicle driver's permit on behalf of any holder of a certificate of necessity and public convenience, the MTC director may immediately take action to suspend or revoke the certificate.

B. A person whose entertainment transportation vehicle driver's permit is suspended shall not drive an entertainment transportation vehicle within the Memphis City Limits during the period of suspension.

Section 7. New application after denial.

Upon denial of an application for a driver's permit, no new application shall be considered for a period of three months.

Section 8. Expiration - Issuance and replacement fee.

A. Each entertainment transportation vehicle driver's permit shall be issued for a period of one year.

B. A permit may be issued to qualified applicants upon the payment of a fee established by the MTC plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior MTC approval. A fee established by the MTC shall be charged for all replacement driver permits. Such fees shall be in addition to the cost of any investigation.

Section 9. Suspension, revocation, and appeal.

A. The MTC director may suspend or revoke any applicant's certificate if the director determines that the applicant fails to comply with any requirement of this chapter. The director shall notify the applicant of any specific failure to comply with this chapter resulting in the suspension or revocation of their certificate and the applicant's right to an appeal by first class mail, express mail, overnight carrier, or personal service. If the MTC director suspends or revokes a certificate, the applicant may appeal within ten days of such suspension or revocation to the MTC for a hearing to determine if such suspension or revocation is justified. The decision of the MTC shall be final, subject to any appropriate judicial review.

B. The MTC director is hereby given authority to suspend any entertainment transportation vehicle driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article. Such suspensions may not last for a period of more than thirty days. The MTC director is also given authority to revoke any permit for failure to comply with the provisions of this article.

C. If a driver is charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this article, the MTC director is hereby given authority to suspend the driver's permit pending final disposition of the charges against them, and to revoke such permit upon conviction thereof.

D. The MTC director may revoke an entertainment transportation vehicle driver's permit if the director determines that the permittee has engaged in conduct detrimental to the public safety.

E. The MTC director may not suspend or revoke any permit unless the driver has received notice of the charges against them and has had the opportunity to present evidence on their behalf.

F. Any permittee whose license has been suspended or revoked by the MTC director may file a written appeal with the MTC within ten days. If an appeal is not made to the MTC within ten days of the MTC director's decision, the MTC director's decision shall be final. A letter addressed to the MTC and delivered to the MTC office stating that an appeal from the decision of the MTC director is desired shall perfect such appeal. The MTC, as soon as practicable after receiving such notice of appeal, shall notify the applicant or permittee of the date and time of the hearing which shall be not less than five days after the mailing of such notice. After the hearing of the appeal, the MTC shall sustain, modify or reverse the findings of the MTC director, and shall

notify the MTC director and the applicant or permittee of its findings. The findings of the MTC shall be final, subject to any applicable legal processes.

G. A driver whose permit is revoked may not reapply for ninety days from the date of revocation and will be treated as a new applicant.

Section 10. Revocation of a valid driver's license.

An entertainment transportation vehicle driver's permit issued under this chapter shall be coterminous with the permittee's valid driver's license issued by one of the fifty states in the United States of America for the type/classification of entertainment transportation vehicle to be operated. Any time that a permittee's driver's license is suspended, revoked, or cancelled, their entertainment transportation vehicle driver's permit shall likewise be immediately suspended, revoked, or cancelled. The entertainment transportation vehicle driver's permit shall immediately be surrendered to the MTC until such time as their driver's license is reinstated.

Section 11. Conduct of drivers.

A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;
2. Not permit a person not possessing an entertainment transportation vehicle driver's permit to operate the entertainment transportation vehicle;
3. Not permit more passengers to be carried in an entertainment transportation vehicle than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the entertainment transportation vehicle not specifically designed or designated as a seat;

4. Not permit any passenger sixteen years of age or younger to ride in an entertainment transportation vehicle unaccompanied by an adult;
5. Not operate an entertainment transportation vehicle while under the influence of intoxicating beverages or drugs;
6. Not operate an entertainment transportation vehicle while possessing a lighted cigarette, cigar, or pipe at any time;
7. Observe and obey all state and local noise and traffic laws and regulations;
8. Not permit a customer to stand or ride on any part of the entertainment transportation vehicle other than the designated seating area while the entertainment transportation vehicle is in motion and to advise the passengers that they must be seated except when loading or unloading.

Section 12. Return of passengers' property.

A driver of an entertainment transportation vehicle shall immediately attempt to return to a passenger any property left by the passenger in the entertainment transportation vehicle. If unable to locate the passenger, the driver shall turn the property into the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least thirty days, unless otherwise directed by the director.

Section 13. Compliance with provisions.

Every driver granted a permit under this article shall comply with all City of Memphis, state, and federal laws. Failure to do so may result in disciplinary actions including suspension and up to revocation of the entertainment transportation vehicle driver's permit.

Article 4. Equipment and Operation

Section 1. Vehicle permit required.

Each entertainment transportation vehicle must have a permit issued by the MTC. The permit will identify each entertainment transportation vehicle by a unique number in accordance with rules and procedures established by the MTC and will be associated with the specific classification and by certificate holder. Permits are not transferable to other entertainment transportation vehicles or other certificate holders.

Section 2. Ownership and control of vehicles.

All entertainment transportation vehicles permitted under this chapter must be under the lawful control of a certificate holder demonstrated either by proof of ownership or a copy of a valid lease agreement and must be under the direct control of a permitted driver while in operation or use.

Section 3. Vehicle to display identification.

All entertainment transportation vehicles operated under the authority of this chapter shall be equipped with identification as prescribed by the MTC in rules and regulations.

Section 4. Vehicle requirements; safety standards.

A. To the fullest extent permitted by Tennessee and federal law, prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected by the certificate holder or a third party in accordance with rules and regulations prescribed by the MTC. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTC shall

deem necessary. When a certificate holder finds that a vehicle has met all the terms established by the MTC, the holder shall certify this to the MTC director, who shall authorize a permit to be issued.

B. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter is subject to random and periodic inspections to ensure the continued maintenance of safe operating conditions. A certificate holder shall make an entertainment vehicle available for inspection upon or prior to the expiration of the notice period provided for in the rules and regulations adopted by the MTC, when ordered to do so by MTC staff. If, upon inspection it is determined that an entertainment vehicle for hire is not in compliance with this chapter or MTC rules, the MTC staff shall order the vehicle to be removed from service or brought into compliance within a reasonable period of time and require it to be re-inspected.

C. Every vehicle operating under this chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTC.

D. Every vehicle operating under this chapter must be equipped with seats for each passenger.

E. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter shall undergo an annual detailed mechanical inspection conducted by an approved mechanic pursuant to the requirements of rules and regulations adopted by the MTC. The records of these inspections must be maintained and made available to MTC staff as provided by the rules and regulations adopted by the MTC. The certificate holder shall certify to the MTC director compliance with this subsection.

F. The MTC may, by rule, establish additional inspection requirements for entertainment transportation vehicles and other equipment used in the entertainment transportation vehicle service.

G. The MTC shall have the authority to promulgate rules and regulations related to vehicle safety that are consistent with applicable law to ensure the safe operation of entertainment transportation vehicles.

Section 5. Operating area.

Entertainment transportation vehicles shall operate upon the streets in the Memphis City Limits on routes or zones delineated by the Memphis Transportation Commission, within the selected portion of the Central Business Improvement District (Core District, Edge/Medical District, and South District - see Exhibit A). Any deviation or amendments to routes or zones must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

Section 6. Operating hours.

Entertainment transportation vehicles shall operate between the hours of 11 AM to 11 PM. Any deviation from these hours must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

Section 7. Records and reports.

A. Each holder shall maintain at a single location business records of its entertainment transportation vehicle business. The records must be maintained in a manner approved by the MTC director and contain the following information:

1. An identification of the entertainment transportation vehicles operating each day;
2. An identification of the drivers operating the entertainment transportation vehicles each day and a statement of the hours each driver operated the vehicle each day; and
3. Any other information the MTC director determines necessary for monitoring the activities, operations, service, and safety record of the licensee.

B. A certificate holder shall make its records available for inspection by the MTC director, inspector, law enforcement officer or designated officials.

Section 8. Accidents

A. All accidents arising from or in connection with the operation of an entertainment transportation vehicle shall be reported within seventy-two hours from the time of occurrence to the MTC director if the accident results in:

1. Death or bodily injury to any person, or
2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars.

B. An entertainment transportation vehicle damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two weeks of the accident or removed from operation until repaired and inspected.

Section 9. Passengers-Receiving and discharging by drivers.

A. Drivers shall only receive and discharge passengers at designated staging areas/locations approved by the MTC.

B. Drivers shall not allow additional passengers to board the entertainment transportation vehicle after the vehicle has left its fixed starting point.

Section 10. Disposition of disorderly passengers.

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

Section 11. Soliciting business.

No certificate holder or driver of an entertainment transportation vehicle shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that entertainment transportation vehicle, provided that this section shall not prohibit certificate holders from advertising their entertainment transportation business.

Section 12. Compliance with other laws.

It shall be a violation of this chapter for a certificate holder or driver to violate any other applicable federal, state or local law or regulation in offering or providing entertainment transportation vehicle services.

Section 13. Enforcement.

A. The inspectors of the Memphis Transportation Commission are authorized and are instructed to observe the conduct of holders of certificates and permits operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector may either report the violation to the MTC, which will order or take appropriate action, or issue a citation as authorized under Article IV, Section 1 A.

B. In addition to the enforcement authority provided to MTC inspectors in subsection A. of this section, officers of the Memphis Police Department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter or of any regulation or rule established by the MTC or the MTC director pursuant to this chapter, may take necessary enforcement action to insure effective regulation of entertainment transportation vehicles.

Section 14. Limitation of service due to weather conditions.

Entertainment transportation vehicles shall not receive passengers when weather conditions are sufficiently adverse or inclement so as to endanger passengers or the public. The MTC, by rule, may adopt specific guidelines for the operation of entertainment transportation vehicles in inclement weather conditions.

Article 5. Violations – Civil Penalty Schedules

Section 1. Violations-Penalties-Additional regulations.

A. All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations set forth in the Code of Ordinances of Memphis, Tennessee, 1-24-1.

B. Notwithstanding any provision contained herein, the MTC shall have the authority to enforce the provisions of this chapter.

C. The MTC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this chapter, and prior approval is obtained from the Memphis City Council.

Section 2. Severability.

The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 3. Effective Date.

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.

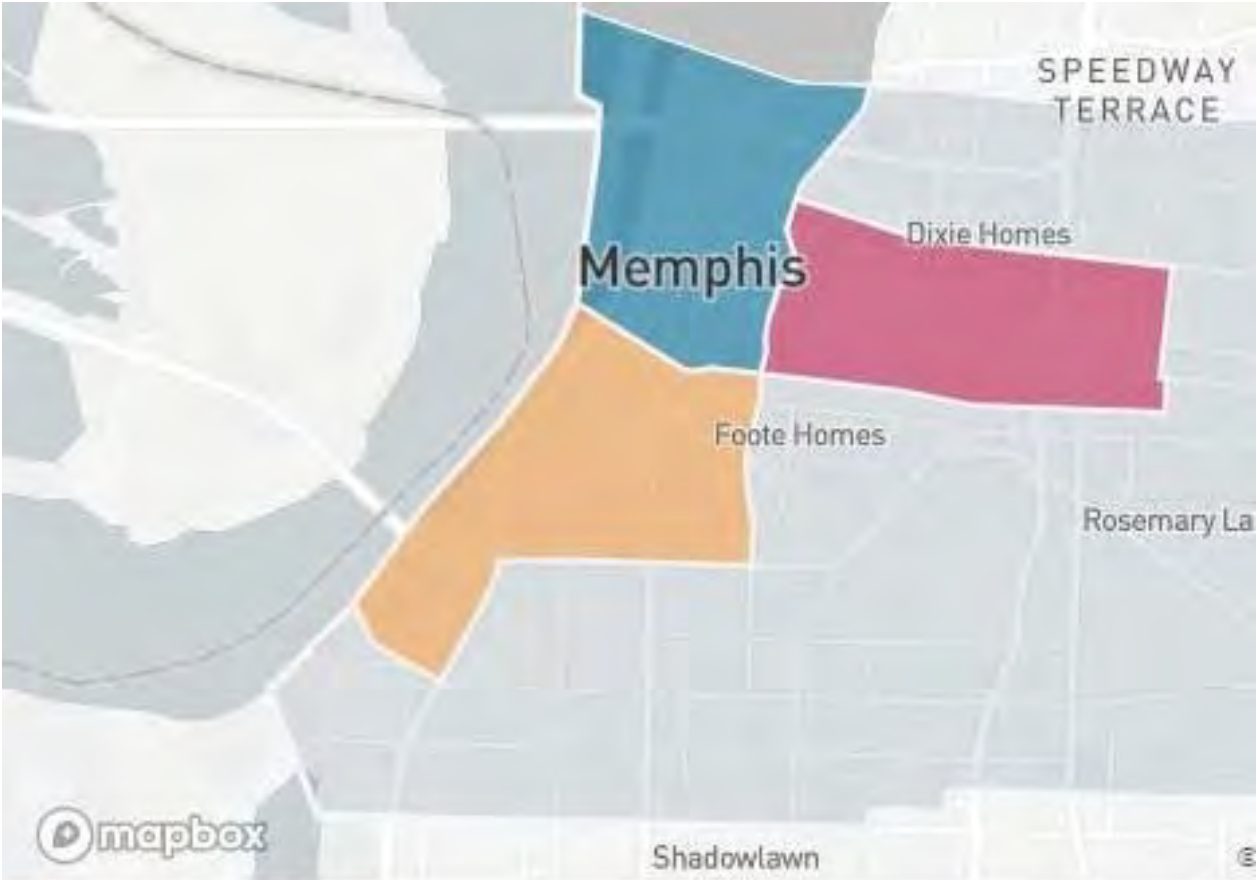
SPONSOR

Ford Canale

CHAIRMAN

Martavius Jones

Exhibit A



- South District
- North District
- Core District
- Edge/Medical District
- Core City District

Ordinance No. _____

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, CHAPTER 2-16., CITY REAL PROPERTY MANAGEMENT, TO REQUIRE THAT ANY CONTRACTS FOR THE EXTERIOR MODIFICATION OF CITY-OWNED PROPERTY THAT IS LEASED TO ANY UNAFFILIATED NONPROFIT ORGANIZATION, WITH A COST IN EXCESS OF \$3,000,000, BE PRESENTED TO THE MEMPHIS CITY COUNCIL FOR APPROVAL

WHEREAS, the Memphis City Council is committed to the growth and development of the City of Memphis, and maintains its support of the continuous improvement and maintenance of City-owned properties; and

WHEREAS, the Memphis City Council recognizes that its commitment to the City's growth includes the responsibility to consider the needs of the properties and residents that surround such developments; and

WHEREAS, the Memphis City Council understands that improvements to any City-owned property will affect the surrounding areas, and wants to ensure that such improvements are made known to the local residents and are done in consideration of the needs and desires of that community; and

WHEREAS, Chapter 2-6- 1. of the Code of Ordinances of the City of Memphis grants the Memphis City Council with the power to authorize contracts entered into by the Mayor; and

WHEREAS, the Memphis City Council seeks to utilize that authority to require that contracts for the modification or improvement of the exterior of City-owned property that is leased to any nonprofit entity that is unaffiliated with the City of Memphis receive prior authorization from the Council when the cost of the improvement or modification is in excess of \$3,000,000.

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

Section 1. Chapter 2-16., City Real Property Management, of the Code of Ordinances is hereby amended to add the following provision:

Sec. 2-16-3. Improvement or Modification to City-owned Property.

A. Property Leased to Nonprofit Entities

Any real property that is owned by the City of Memphis that has been leased to, or is otherwise occupied by, a nonprofit organization that is not affiliated with the City of Memphis, or is not under the sole supervision and control of the Mayor, shall not enter into an agreement regarding the improvement or modification to the exterior of such land, building, or facility without prior

authorization of the Memphis City Council if the cost associated therewith is in excess of three million (\$3,000,000) dollars.

Such proposed agreements for modification or improvement shall be brought before the Memphis City Council for authorization within a reasonable time, as determined by the City Council.

Section 2. Severability. 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 5. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

Sponsors:

Martavius Jones

Edmund Ford, Sr.

Cheyenne Johnson

Rhonda Logan

Jana Swearngen-Washington

Dr. Jeff Warren

Chairman:

Martavius Jones

Ordinance No. _____

**ORDINANCE RENAMING SOUTH SECOND STREET BETWEEN BEALE STREET
AND G.E. PATTERSON AVENUE AS REP. BARBARA COOPER 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; 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 Tennessee State Representative Barbara Cooper - a Memphis native, educator, and civil rights activist; Rep. Cooper represented the 86th District for 26 years.

NOW THEREFORE BE IT RESOLVED, that South Second Street between Beale Street and G.E. Patterson Avenue be officially renamed “Rep. Barbara Cooper Street.”

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

Sponsored by:
Edmund Ford, Sr.

RESOLUTION REQUESTING THE CITY ATTORNEY TO PROVIDE A MONTHLY LITIGATION
REPORT TO THE MEMPHIS CITY COUNCIL

WHEREAS, the Memphis City Council recognizes the impact that litigation can have on the City of Memphis; and

WHEREAS, it is the intent of the Council to remain fully informed on any matters that could directly or indirectly affect the people of the City of Memphis; and

WHEREAS, Article 5, Section 33 of the City's Charter grants the Council the authority to request information, reports or data concerning any and all expenditures, salaries, disbursements or costs, from any and all boards, commissions or agencies appointed by the Mayor or Board of Commissioners, or from any board, commission, agency, department or officer thereof expending any tax funds of the City of Memphis; and

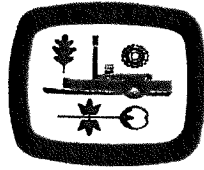
WHEREAS, litigation involving the City of Memphis often creates the possibility that taxpayer funds would be expended depending on its outcome; and

WHEREAS, as such, the report should include pertinent information, such as the complainant, a brief description of the nature of the case, and, if outside counsel is being used, the name of the firm.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby requests that the City Attorney provide the Council with a monthly litigation report.

Sponsor:

Martavius Jones



Memphis City Council Summary Sheet

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

This is a Resolution to transfer and appropriate additional construction funds in the amount of \$380,573.00 from FY23 Bridge Repair Coverline, #PW23400 to Holmes BNSF Approach Repair, #PW04122 to repair bridges.

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

This project is being initiated by the Public Works Division with the Engineering Division administering the project.

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

NA

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

This project will impact Districts 3, 6 and Super District 8.

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

This project will require an amendment to an existing construction contract.

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

This resolution requires the amendment of the FY23 Capital Budget to transfer and appropriate construction funds in the amount of \$380,573.00.

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

The recommended MWBE goals are split with MBE at 6% and WBE at 1%.
The Contractor responded with 24% MBE and 1% WBE.



RESOLUTION

This is a Resolution to transfer and appropriate additional construction funds in the amount of \$380,573.00 from FY23 Bridge Repair Coverline, Project Number PW23400 to Holmes BNSF Approach Repair, Project Number PW04122 to repair bridges. This project is in Council Districts 3, 6 and Super District 8.

WHEREAS, the Council of the City of Memphis approved FY23 Bridge Repair Coverline, Project Number PW23400 and Holmes BNSF Approach Repair, Project Number PW04122 as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, the Council of the City of Memphis approved appropriations on May 18, 2021, (amount of \$800,000) and October 18, 2022, (amount of \$419,427) for the purpose as stated above. Total amount of appropriations for the purpose as stated above being \$1,219,427.

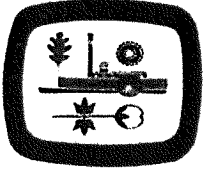
WHEREAS, it is now necessary to transfer an additional construction allocation in the amount of \$380,573.00 funded by G.O. Bonds from FY23 Bridge Repair Coverline, Project Number PW23400, to Holmes BNSF Approach Repair, Project Number PW04122, to attain additional funding for the purpose as stated above to complete project number PW04122; and

WHEREAS, it is necessary to appropriate the additional construction funding in amount of \$380,573.00 funded by G.O. Bonds from FY23 Bridge Repair Coverline, Project Number PW23400, to Holmes BNSF Approach Repair, Project Number PW04122, to attain the additional construction funds for the purpose as stated above; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transferring a construction allocation in the amount of \$380,573.00 funded by G.O. Bonds from FY23 Bridge Repair Coverline, Project Number PW23400 to Holmes BNSF Approach Repair, Project Number PW04122 to attain the additional construction funds for the purpose as stated above; and

BE IT FURTHER RESOLVED that there be and is hereby appropriated the sum of \$380,573.00 funded by G.O. Bonds chargeable to the FY 2023 Capital Improvement Budget and credited as follows:

Project Title	Holmes BNSF Approach Repair
Project Number	PW04122
Total Amount	\$380,573.00



A resolution to amend the Fiscal Year 2023 CIP Budget by allocating and appropriating Six Million Eight Hundred Thousand Dollars (\$6,800,000) in funds for the purchase of various vehicles and equipment through incurrence of indebtedness via the execution of a loan agreement through the Tennessee Municipal Bond Fund.

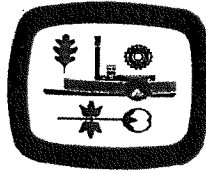
WHEREAS it is necessary and in the public interest that the City of Memphis Solid Waste Division incur indebtedness through the execution of a loan agreement through the Tennessee Municipal Bond Fund for the purpose of financing Solid Waste projects as hereinafter more fully described;

WHEREAS the Solid Waste Division is committed to the improvement of quality of life for all citizens of the City of Memphis; and

WHEREAS it is necessary for the financing to procure various vehicles for the Solid Waste Division, including but not limited to, single axle dump trucks, garbage packer trucks, lightening loaders, and a roll-off truck, and to pay costs incident thereto and costs in connection with the incurrence of the indebtedness, in the amount of Six Million Eight Hundred Thousand Dollars (\$6,800,000), through the execution of a loan agreement through the Tennessee Municipal Bond Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2023 CIP Budget be and is hereby amended by allocating and appropriating Six Million Eight Hundred Thousand Dollars (\$6,800,000) in funds for the purchase of various vehicles and equipment for the Solid Waste Division.

Project Title	Vehicle & Equipment Purchase
Project Number	SW Acquisition TMBF Loan
Total Amount	\$6,800,000.00



Memphis City Council Summary Sheet

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

A resolution to amend the Fiscal Year 2023 CIP Budget by allocating and appropriating \$6,800,000.00 in funds for the purchase of various vehicles equipment through incurrence of indebtedness via the execution of a loan loan agreement through the Tennessee Municipal Bond Fund.
- 2. Initiating Party (e.g., Public Works, at request of City Council, etc.)**

The Finance Division is the initiating party.
- 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.**

All council/super districts will benefit.
- 5. State whether this requires a new contract, or amends an existing contract, if applicable.**

This project requires an amendment to the FY23 CIP Budget.
- 6. State whether this requires an expenditure of funds/requires a budget amendment**

Yes, this project requires an amendment to the FY23 CIP Budget.
- 7. If applicable, please list the MWBE goal and any additional information needed**

N/A



Memphis City Council Summary Sheet

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

Initial resolution authorizing the incurrence of indebtedness by the City of not to exceed \$6,800,000 by the execution of a loan agreement with The Public Building Authority of the City of Clarksville to fund public works projects.

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

The Finance Division is the initiating party.

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.

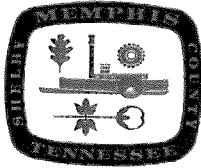
N.A.

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

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

This requires an amendment to the FY 2023 CIP Budget.

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



INITIAL RESOLUTION AUTHORIZING THE INCURRENCE OF INDEBTEDNESS BY THE CITY OF MEMPHIS, TENNESSEE, OF NOT TO EXCEED \$6,800,000, BY THE EXECUTION WITH THE PUBLIC BUILDING AUTHORITY OF THE CITY OF CLARKSVILLE, TENNESSEE, OF A LOAN AGREEMENT TO PROVIDE FUNDING FOR PUBLIC WORKS PROJECTS

WHEREAS, it is necessary and in the public interest of the City of Memphis, Tennessee (the "City"), to incur indebtedness, through the execution with The Public Building Authority of the City of Clarksville, Tennessee (the "Authority"), of a loan agreement, for the purpose of financing public works projects as hereinafter more fully described.

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

SECTION 1. For the purpose of financing the acquisition of various vehicles for the Solid Waste Division of the City, including but not limited to, single axle dump trucks, packer trucks, lightening loaders, and a roll-off truck, the acquisition of other property real and personal appurtenant thereto and connected with such work, and to pay costs incident thereto and costs in connection with the incurrence of the indebtedness (the "Project"), the City is hereby authorized to incur indebtedness in the amount of not to exceed \$6,800,000, for the financing of the Project through the execution of a Loan Agreement with the Authority. The rate of interest payable pursuant to the provisions of a Loan Agreement shall be a fixed rate, which shall not exceed the maximum rate of interest permitted under the laws of the State of Tennessee.

SECTION 2. The indebtedness evidenced by the Loan Agreement shall be payable from funds of the City legally available therefor and to the extent necessary from ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the City, without limitation as to time, rate, and amount and for the punctual payment of said principal of, and interest on, the Loan Agreement, the full faith and credit of the City will be irrevocably pledged.

SECTION 3. The Loan Agreement shall be executed pursuant to the provisions of Title 9, Chapter 21, Tennessee Code Annotated, as amended (the "Act"), and Title 12, Chapter 10, Tennessee Code Annotated, as amended.

SECTION 4. After the adoption of this Resolution, the Comptroller is directed to cause this Resolution, with the notice prescribed by the Act, to be published in full once in a newspaper published and having general circulation in the City.

NOTICE

The foregoing Resolution has been adopted. Unless within twenty (20) days from the date of publication hereof a petition, signed by at least ten percent (10%) of the registered voters of the City of Memphis, Tennessee, shall have been filed with the Comptroller of the City of Memphis, Tennessee, protesting the incurrence of the indebtedness by the execution of the Loan Agreement, such Loan

SECTION 5. This Resolution shall take effect from and after its adoption, the welfare of the City requiring it.



RESOLUTION AUTHORIZING A LOAN PURSUANT TO A LOAN AGREEMENT BETWEEN THE CITY OF MEMPHIS, TENNESSEE, AND THE PUBLIC BUILDING AUTHORITY OF THE CITY OF CLARKSVILLE, TENNESSEE, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$6,800,000; AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH LOAN AGREEMENT AND OTHER DOCUMENTS RELATING TO SAID LOAN; APPROVING THE ISSUANCE OF A BOND BY SUCH PUBLIC BUILDING AUTHORITY; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF SAID LOAN AND THE PAYMENT OF SUCH INDEBTEDNESS; AND CONSENTING TO THE ASSIGNMENT OF THE CITY'S OBLIGATION UNDER SUCH LOAN AGREEMENT

WHEREAS, the City Council (the "City Council"), of the City of Memphis, Tennessee (the "City"), has determined that it is necessary to finance the acquisition of various vehicles for the Solid Waste Division of the City, including but not limited to, single axle dump trucks, packer trucks, lightening loaders, and a roll-off truck, the acquisition of other property real and personal appurtenant thereto and connected with such work, and to pay costs incident to the issuance of the Bond and the loan of the proceeds thereof to the City (collectively, the "Project"), by obtaining a loan from The Public Building Authority of the City of Clarksville, Tennessee (the "Authority");

WHEREAS, it has been determined by the City Council of the City to be in the best interests of the City to finance the Project through The Tennessee Municipal Bond Fund ("TMBF") fixed rate loan program;

WHEREAS, the Authority has been established pursuant to the provisions of Title 12, Chapter 10, Tennessee Code Annotated, as amended (the "Act"), and is authorized pursuant to the provisions of the Act to issue its bonds from time to time, in one more series, and to loan the proceeds thereof to the City for the above described purposes;

WHEREAS, in order to effectuate the program, the Issuer has authorized and approved by its Resolution, adopted July 13, 2022, the issuance of its Local Government Loan Program Bonds, in an aggregate principal amount not to exceed \$300,000,000;

WHEREAS, the Authority will issue its Local Government Loan Program Bond, Series 2023 (City of Memphis Solid Waste Division Loan) (the "Bond"), in the principal amount of not to exceed \$6,800,000, and loan the proceeds thereof to the City pursuant to the provisions of a Loan Agreement, by and among the City, the Authority, and the Purchaser, as hereinafter defined, to be dated the date of issuance and delivery (the "Loan Agreement");

WHEREAS, the City Council of the City has on the date hereof adopted an Initial Resolution authorizing the borrowing of funds and the incurring of indebtedness for the purpose of financing the Project in the amount of not to exceed \$6,800,000, and the Comptroller has been instructed to publish such Initial Resolution together with the Notice required by Section 9-21-206, Tennessee Code Annotated, as amended, in a local newspaper in the City;

WHEREAS, the indebtedness evidenced by the Loan Agreement shall be payable from any and all funds of the City legally available therefor, including, but not necessarily limited to, ad valorem taxes to be levied for such purpose on all taxable property within the corporate limits of the City, without limitation as to time, rate, and amount and for the punctual payment of said principal of, premium, if any, and interest on, the Loan Agreement, the full faith and credit of the City will be irrevocably pledged; and,

WHEREAS, the Bond is to be secured by and contain such terms and provisions as set forth in a Bond Purchase Agreement, entered into between the Authority and the purchaser of the Bond (the "Purchaser").

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

Section 1. Approval of the Loan. (a) For the purpose of providing funds to finance the Project and to pay costs incident to the issuance and sale of the Bond and the loan of the proceeds thereof to the City, the loan to the City from the Authority is hereby authorized in the principal amount of not to exceed \$6,800,000 and the City is hereby authorized to borrow such funds from the Authority (the "Loan").

(b) The Bond to be issued by the Authority shall bear interest at a fixed rate to be determined at the time of the issuance of the Bond, as provided in the Loan Agreement. The Mayor and Comptroller are authorized to enter into the Loan Agreement, such Loan Agreement to bear interest at a fixed rate, as the Mayor and Comptroller shall determine is in the best interest of the City. The City shall make payments of interest and principal in the amounts and on the dates set forth in the Loan Agreement from the sources and funds described herein and in the Loan Agreement. The final rate of interest payable on the Loan Agreement shall not exceed the maximum rate of interest permitted by applicable law. The Loan Agreement shall be for a term of nine years. The final principal and interest payment dates, final interest rate payable, amortization of principal amounts of the Loan evidenced by the Loan Agreement, and prepayment provisions of such Loan Agreement, may be established by the Mayor and the Purchaser, at the time of the sale of the Bond and the execution and delivery of the Loan Agreement, as shall be determined to be in the best interests of the City, in accordance with the terms of this Resolution and the Loan Agreement. If the City enters into the Loan Agreement with the Authority to finance the Project, the rate of interest on the Loan will include an annual administration fee equal to ten basis points (0.10%), payable to TMBF, as the program administrator, by the Purchaser, to be paid from each periodic payment of interest on the Loan Agreement, based on the outstanding principal amount of the Loan. The weighted average maturity of the Loan shall not exceed the reasonably expected weighted average life of the Project which is hereby estimated to be in excess of nine (9) years.

Section 2. Approval of Loan Agreement. The form, terms, and provision of the Loan Agreement are in the best interest of the City and are hereby approved and the City Council hereby authorizes the Mayor and the Comptroller of the City to execute and deliver such Loan Agreement, such Loan Agreement to be in substantially the form of the Loan Agreement presented to this meeting, the execution of such Loan Agreement by the Mayor and the Comptroller to evidence their approval of any and all changes to such Loan Agreement, and any related documents necessary to the consummation of the transactions contemplated by the Loan Agreement.

Section 3. Fulfillment of Obligations. The City Council of the City is authorized and directed to fulfill all obligations of the City under the terms of the Loan Agreement.

Section 4. Tax Levy. There shall be levied and collected in the same manner as other ad valorem taxes of the City on all taxable property within the corporate limits of the City without limitation as to time, rate, or amount, to the extent necessary in the event funds of the City legally available to pay the indebtedness evidenced by the Loan Agreement are insufficient, a tax sufficient to pay when due the amounts payable under the Loan Agreement, as and when they become due, and to pay any expenses of maintaining and operating the Project required to be paid by the City under the terms and provisions of the Loan Agreement. For the prompt payment of the Loan Agreement, both principal and interest, as the same shall become due, the full faith and credit of the City are irrevocably pledged.

Section 5. Approval of Bond. For the purpose of providing funds to make the Loan to the City evidenced by the Loan Agreement, as provided herein and in the Loan Agreement, and to pay legal, fiscal, and administrative costs incident thereto, including costs incident to the issuance and sale of the Bond related to the Loan Agreement, the issuance and sale of the Bond by the Authority in connection with the Loan Agreement is hereby approved.

Section 6. Disposition of Proceeds. The proceeds from the sale of the Bond shall be paid to the official of the City designated by law as the custodian of the funds, upon submission of a requisition for such funds by the City to the Purchaser, in accordance with the terms of the Loan Agreement. Such proceeds shall be disbursed solely to finance the costs of the Project and to pay costs incurred in connection with the issuance of the Bond and the Loan of the proceeds thereof to the City. Any monies remaining in the Project Fund after completion of the Project shall be used to pay debt service on the Bond.

Section 7. Consent to Assignment. The City hereby consents to the assignment of all of the Authority's right, title, and interest in and to the Loan Agreement as security for the Bond to which such Loan Agreement relates, except for certain reserved rights of the Authority, to the Purchaser.

Section 8. Reimbursement Provisions. The City may have made or may hereafter make expenditures with respect to the Project from a source of funds other than proceeds of the Loan from the Authority under the Loan Agreement, such expenditures occurring prior to the execution and delivery of the Loan Agreement. The City reasonably expects that it will reimburse such original expenditures with proceeds of the Loan from the City made pursuant to the Loan Agreement to the extent permissible under Treasury Regulation 1.150-2.

Section 9. Arbitrage Certification. The City recognizes that the purchaser and owner of the Bond will have accepted it on, and paid therefor a price, that reflects the understanding that interest thereon is excludable from gross income for purposes of federal income taxation under laws in force on the date of delivery of the Bond. In this connection, the City agrees that it shall take no action which may cause the interest on said Bond to be included in gross income for federal income taxation. It is the reasonable expectation of the City Council of the City that the proceeds of the Bond will not be used in a manner which will cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code, and to this end the proceeds of the Bond and other related funds established for the purposes herein set out shall be used and spent expeditiously for the purposes described herein. The City Council further covenants and represents that in the event it shall be required by Section 148(f) of the Code to pay any investment proceeds of the Bond to the United States government, it will make such payments as and when required by said Section 148(f) and will take such other actions as shall be necessary or permitted to prevent the interest on the Bond from becoming taxable. The Mayor and Comptroller, or either of them, are authorized and directed to make such certifications in this regard in connection with the sale of the Bond as either or both shall deem appropriate, and such certifications shall constitute a representation and certification of the City.

Section 10. Miscellaneous Acts. The Mayor, the Comptroller, the City Attorney, and all other appropriate officials of the City are hereby authorized, empowered, and directed to do any and all such acts and things, and to execute, acknowledge, and deliver all such documents, instruments, and certifications, in connection with the execution of the Loan Agreement and the issuance of the Bond by the Authority, in addition to those acts, things, documents, instruments, and certifications hereinbefore authorized and approved, as may in their discretion, be necessary or desirable to implement or comply with the intent of this Resolution or any of the documents herein authorized and approved.

Section 11. Captions. The captions or headings in this Resolution are for convenience only and shall in no way define, limit, or describe the scope or intent of any provision hereof.

Section 12. Severability. Should any provision or provisions of this Resolution be declared invalid or unenforceable in any respect by final decree of any court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, ordinance, or provisions shall not affect the remaining provisions of such Resolution.

Section 13. Repeal of Conflicting Resolutions. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 14. Effective Date. This Resolution shall take effect upon its adoption, the welfare of the City requiring it.

**RESOLUTION TO ALLOCATE AND APPROPRIATE AMERICAN RESCUE PLAN
ACT FUNDS FOR A SHELBY COUNTY ENVIRONMENTAL COURT INDIGENT
FUND**

WHEREAS, the City Council has made it a top priority to address blight remediation, alleviate the prevalence of neglected properties, and take proactive steps to beautify the city; and

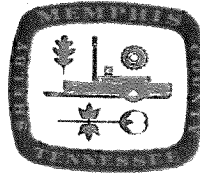
WHEREAS, there currently exists a need for funding at Shelby County Environmental Court, which maintains a waiting-list of citizens willing to remediate blight on their properties but are unable to do so due to the cost; and

WHEREAS, the City of Memphis American Rescue Plan Act funding previously allocated to the “Community Micro Grocery Initiative” will no longer be able to be completed, making these funds now available for reallocation.

NOW, THEREFORE, BE IT RESOLVED that the City of Memphis ARPA allocations shall be amended by reallocating and reappropriating \$150,000.00 from the Community Micro Grocery Initiative project line item to the Shelby County Environmental Court for the purposes of establishing an indigent fund to help citizens remediate blighted properties.

Sponsors
Rhonda Logan

Chairman
Martavius Jones



Memphis City Council Summary Sheet

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

Resolution approving proposed consolidated plan PY23/FY24 Annual Action Plan and appropriating federal entitlement funds to the PY23/FY24 Housing and Community Development budget.

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

The Division of Housing and Community Development

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

Not applicable.

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

Various council districts or super districts may be impacted.

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

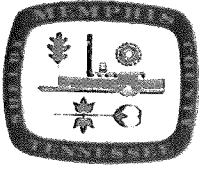
New contracts and contract amendments will be required.

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

Expenditure of funds will be required.

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

Some funding may be applicable to MWBE goals once awarded.



A resolution approving proposed consolidated plan PY23/FY24 Annual Action Plan and appropriating federal entitlement funds to the PY23/FY24 Housing and Community Development budget.

WHEREAS, the purpose of the City of Memphis' Consolidated Plan for Housing and Community Development is to foster the development of viable urban neighborhoods which include decent housing for everyone, a suitable living environment, and expanded economic opportunities, especially for low and moderate-income citizens; and

WHEREAS, specific projects and activities within the Consolidated Plan PY23/FY24 Annual Action Plan address the needs of low-and moderate-income persons through goals, objectives, priorities, and strategies for housing, community and public services, assistance for the homeless and special needs populations, neighborhood, economic and community development; and

WHEREAS, projects and activities proposed to be implemented in the Consolidated Plan PY23/FY24 Annual Action Plan will draw upon and augment the resources of the public, private, and nonprofit sectors to meet low and moderate income needs in the community; and

WHEREAS, the plan contains a description of anticipated federal, state, and local housing resources for PY23/FY24, including Community Development Block Grant (CDBG) funds received under Title I of the Housing and Community Development Act of 1974, HOME funds received under Title II of the National Affordable Housing Act of 1990, Emergency Solutions Grant (ESG) funds authorized under the HEARTH Act of 2009, and Housing Opportunities for Person with AIDS (HOPWA) funds, as shown in the following tables:

Estimated FY2023 Funds to be received from HUD

Program Name	Estimated Funds	Percent of Total
CDBG Program	\$ 6,437,795.00	42%
Bass Pro - PI	\$ 750,000.00	5%
HOME Program	\$ 3,884,058.00	25%
HOME Program Income	\$ 277,880.00	2%
Emergency Solutions Grant Program (ESG)	\$ 562,255.00	4%
HOPWA	\$ 3,497,115.00	23%
Total	\$ 15,409,103.00	100%

WHEREAS, in PY23/FY24, the expected program income for the Community Development Block Grant (CDBG) will be to the amount of \$1m, and not to exceed \$1.2m.
;and

WHEREAS, the plan identifies and describes the following priority areas of projects and activities to be implemented in PY23/FY24 by the federal entitlement funds received from the U.S Department of Housing and Urban Development (HUD):

FY2024 Priority Areas

Program Name	Estimated Funds	Percent of Total
Housing	\$ 4,662,260.00	30%
Homeless	\$ 825,086.00	5%
Special Needs	\$ 3,767,202.00	24%
Neighborhood, Economic, & Community Development	\$ 4,109,517.00	27%
General Administration & Planning	\$ 2,045,038.00	13%
Total	\$ 15,409,103.00	100%

and,

WHEREAS, the Consolidated Plan PY23/FY24 Annual Action Plan includes and was developed within a framework of a citizen participation plan, requiring consultation with citizens and other social service and housing agencies; and

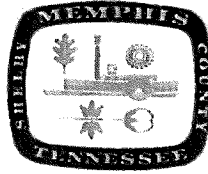
WHEREAS, the Consolidated Plan PY23/FY24 Annual Action Plan was available for a 30-day public review and comment period beginning April 14, 2023 and ending May 14, 2023, and

WHEREAS, the CDBG entitlement, estimated program income, the HOME, ESG, and HOPWA entitlement grants must be appropriated in the FY 2024 Operating Budget for HCD.

NOW, THEREFORE, BE IT RESOLVED that the Council and the City of Memphis hereby adopts and approves the proposed Consolidated Plan PY23/FY24 Annual Action Plan.

BE IT FURTHER RESOLVED that there be and is hereby accepted and appropriated the amount of **\$15,409,103.00.00** by federal resources for FY2024, including Community Development Block Grant (CDBG) funds, Projected Program Income from CDBG and HOME, HOME Program funds, Emergency Solutions Grant (ESG) funds, and Housing Opportunities for Person with AIDS (HOPWA) chargeable to the FY2024 Operating Budget and credited as follows:

Program Name	Estimated Funds	Percent of Total
CDBG Program	\$ 6,437,795.00	42%
Bass Pro - PI	\$ 750,000.00	5%
HOME Program	\$ 3,884,058.00	25%
HOME Program Income	\$ 277,880.00	2%
Emergency Solutions Grant Program (ESG)	\$ 562,255.00	4%
HOPWA	\$ 3,497,115.00	23%
Total	\$ 15,409,103.00	100%



Memphis City Council Summary Sheet

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

A resolution to transfer a portion of the City of Memphis Division of Police Services CIP Project PD02018, Violent Crimes Unit Renovation from Construction to Architecture and Engineering. The cost of the Architect was

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

The Division of Police Services is the initiating party of this resolution.

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

There is no change to an existing ordinance or resolution.

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

This will impact all districts.

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

There resolution does not require a new contract, or amendments to existing contract(s).

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

The resolution does require an expenditure of funds.

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

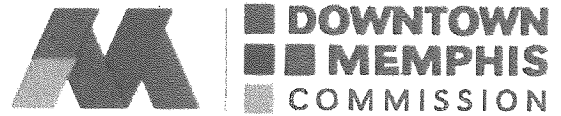


RESOLUTION

WHEREAS, A Resolution to transfer a portion of the City of Memphis Division of Police Services CIP Project PD02018, Violent Crimes Unit Renovation from the Construction line to Architecture and Engineering (A&E) line based on the quote received; and

WHEREAS, the transfer of Four Thousand Dollars and 00/100 (\$4,000.00) will be transferred from CIP Project PD02018 Construction line to A&E line; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transferring \$4,000.00 from PD02018, Construction to A&E funded by G.O. Bonds from Violent Crimes Unit Renovation, Project PD02018.



Memorandum

TO: Memphis City Council
FROM: Paul A. Young, President

DATE: April 24, 2023

RE: Downtown Memphis Commission FY24 Operating Budget

1. The Downtown Memphis Commission (DMC) is the organization charged with:
 - Advancing Memphis and Shelby County by making Downtown Memphis a better place to work, live, invest, and visit
 - Attracting more people to Memphis and Shelby County with a vibrant Downtown that is densely developed, authentic, mixed-use, walkable, clean, safe, and fun
 - Increasing property values Downtown, thereby increasing the City's revenue
2. Thank you for your consideration of the approval of our FY24 budget. As you review, please note that no City funds, property tax or otherwise, are being requested.

Highlights include:

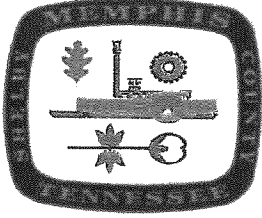
- We are budgeting a flat assessment
- The FY24 budget reflects our priorities:
 - Creating a Safe and Welcoming Downtown
 - Encouraging MWBE Participation in Downtown Business and Development via our Programs and Initiatives
 - Utilizing Technology to Enhance Quality of Life
- We are continuing to fund the Hospitality Hub's Work Local and Outreach programs. This work is done in partnership with the City and County and helps to create solutions to address street-level homelessness. The Work Local program also addresses district cleanliness by employing people who are currently experiencing homelessness.
- Our programs and incentives continue to support and encourage local entrepreneurs, MWBE, and small businesses.
- This budget includes a strengthened Blue Suede Brigade Hospitality & Safety team, furthering our efforts to create a safe and welcoming environment in Downtown.

We respectfully request the City Council's approval of the FY24 operating budget so that we can continue to make Downtown better for the benefit of the entire City, and continue to pursue our primary metrics of increased property values and population.

Thank you very much for your consideration and your continued partnership.

A handwritten signature in black ink, appearing to read 'Paul A. Young', is written over a horizontal line.

Paul A. Young, President & CEO, Downtown Memphis Commission



Resolution approving Downtown Memphis Commission's FY24 Budget

WHEREAS, the Memphis City Council authorized the Downtown Memphis Commission to manage the Central Business Improvement District in 1997, and to determine annually the cost and expenses necessary to be funded by special assessment; and

WHEREAS, the Downtown Memphis Commission submitted their FY2024 Budget in the amount of \$5,132,567 for approval by the Memphis City Council; and

WHEREAS, full Council approval is also needed for the Downtown Memphis Commission budget; and

WHEREAS, the Council affirms that the assessment rate approved by Council in 1997, of \$0.65 per \$100 of assessed value, was used to determine the revenues listed below.

NOW, THEREFORE, BE IT RESOLVED that the FY2024 Budget for the Downtown Memphis Commission be and is hereby approved.

DOWNTOWN MEMPHIS COMMISSION BUDGET

	FY2024
Safety & Hospitality	\$1,931,845
Beautification and Clean & Green	\$1,398,578
Community Planning/Development & Diversity	\$ 988,680
Activation & Community Engagement	<u>\$ 813,464</u>
	\$5,132,567