

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE TO ADD TITLE \_\_ CHAPTER \_ OF THE CITY OF MEMPHIS, CODE OF ORDINANCE TO ESTABLISH RULES AND REGULATIONS RELATING TO THE OPERATION, REGISTRATION AND REGULATION OF SHORT TERM RENTALS IN MEMPHIS**

**WHEREAS**, pursuant to Article 40 Section 353 of the Memphis City Charter the City Council shall have the power to pass, for the government of the City, any ordinance not in conflict with the Constitution or laws of the United States or of the State of Tennessee; and

**WHEREAS**, the City Council has the power to pass any ordinance regulating the assessment, levy and collection of all City taxes not inconsistent with the provisions of the Constitution and laws of the United States and of the State of Tennessee; and

**WHEREAS**, the City Council finds that this ordinance is not inconsistent with the provisions of the Constitution and laws of the United States and of the State of Tennessee; and

**WHEREAS**, the technology-driven “sharing economy” and “collaborative consumption” of under-used assets like cars and homes are leading sustainable development and are expanding across cities nationwide; and

**WHEREAS**, research has proven short-term rentals contribute to local communities in myriad ways---the most obvious and easiest to measure is its economic impact; and

**WHEREAS**, short-term rentals allow guests to “live like a local” and explore neighborhoods that do not typically cater to tourists connecting visitors to local residents and even facilitating philanthropic efforts such as participating in community-service projects; and

**WHEREAS**, short-term rental of homes provide a flexible housing stock that allows travelers, especially families, to spend longer periods of time in Memphis and Shelby County and in turn are increasing their contributions to small business and the local economy; and

**WHEREAS**, short-term rental of homes can provide homeowners an opportunity to hold and revitalize property in difficult economic circumstances or as an investment; and promote a resilient and sustainable City of Memphis and Shelby County; and

**WHEREAS**, taxes from short-term rentals will fund the Memphis Convention and Visitors Bureau and support other activities which promote the cultural tourism industry and other civic and cultural interests in the City of Memphis and Shelby County; and

**WHEREAS**, regulations of short-term rentals establish a reliable way for City of Memphis to identify and contact the short-term rental owner, make the tax collection and remittance obligation efficiently; and

**WHEREAS**, the City Council finds that it is in the public's interest to establish rules and regulations relating to the operation of short-term rentals in the City Memphis to protect the

public health, safety, and general welfare of individuals and the community at large; to monitor and provide reasonable means for citizens to mitigate impacts created by occupancy of short-term rental units; and to implement rationally based, reasonably tailored regulations to protect the integrity of the City's neighborhoods.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that the findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**BE IT FURTHER ORDAINED** that the various sections of this ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

**BE IT FURTHER ORDAINED** that this ordinance shall become effective \_\_\_\_\_.

### **Section 1. SHORT TITLE**

This Ordinance shall be known as "Short Term Rental Ordinance".

### **Section 2. DEFINITIONS AND GENERAL PROVISIONS**

The following words and phrases when used when used in this ordinance shall have the meanings as set out herein:

- 1) "Short term rental property" means a residential dwelling unit or detached accessory dwelling unit containing not more than four (4) sleeping rooms which are used and/or advertised for rent for transient occupancy by guests as those terms are described in Ordinance No. 4824. Residential dwelling units rented to the same occupant for more than thirty continuous days, bed and breakfast establishments, boarding houses, hotels, and motels shall not be considered short term rental property.
- 2) "Owner" means a person or entity that holds the legal title of the short term rental property.
- 3) "Permit holder" means a person to whom a permit for a short term rental property has been issued by the Permits Office.
- 4) "Hosting platform" means a person or entity that participates in short term rental business by providing a means through which an owner may offer a short term rental property for transient use. This business service is usually, though not necessarily, provided through an online platform that allows an owner to advertise through a website or mobile application and provides a means for potential tourist or transient users to arrange transient use and payment, whether the transient pays directly to the owner or to the hosting platform.

**Section 3. PERMIT REQUIRED**

- 1) No person or entity shall operate a short term rental property or advertise a residential property for use as a short term rental property without the owner of the property first having obtained a Short Term Rental Property Permit issued by the City of Memphis for each sleeping room intended to be a short term rental unit on the residential property.
- 2) Any advertising or description of a short term rental property on any internet website, mobile application, or other hosting platform must prominently display a permit number for the short term rental unit issued by the Permit Office.

**Section 4. SHORT TERM RENTAL PERMIT APPLICATION**

- 1) Permits required by this ordinance shall be applied for electronically or in writing, on such forms as the Permits Office may prescribe which forms shall show:
  - a. The name, telephone number, address, and email address of the owner and of a person, entity, or business (“Responsible Party”) residing or located within twenty-five miles of the short term rental property that is responsible for addressing any complaints, maintenance, or safety concerns; and
  - b. Sworn proof of insurance evidencing homeowner’s fire, hazard, and liability insurance. Liability coverage shall have limits of not less than \$1,000,000.00 per occurrence; and
  - c. Such other information as the Permits Office shall find reasonably necessary to effectuate the general purpose of this ordinance; and
  - d. Each applicant for a permit under the provisions of this ordinance shall pay to the Permits Office a non-refundable application fee of \$100.00 at the time of the filing of the application to cover new applicant screening.
- 2) The Permits Office shall issue a permit under this ordinance under the following conditions:
  - a. That the applicant's application for a permit has been properly submitted with application fee; and
  - b. That the operation as proposed by the applicant, if permitted, will contemporaneously comply with this ordinance, as well as the city's current building and zoning regulations and required insurance coverages; and
  - c. That the applicant has not knowingly made any false, misleading or fraudulent statement of fact in the permit application or in any document required by the city in conjunction therewith; and

d. That the applicant has not had a similar permit denied, revoked or suspended for any cause by any city or state agency within three-hundred and sixty-five (365) days preceding the filing of the application; and

e. That the applicant has no unpaid assessed civil penalties related to this ordinance.

## **Section 5. REGULATION**

- 1) All short term rental property permit holders and their transient guests shall abide by all applicable noise control restrictions of Memphis City Code §22-1 and garbage collection and disposal provisions of Ordinance No. 4840 of the City of Memphis Ordinances.
- 2) The permit holder shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards and carbon monoxide detectors meeting applicable state law standards installed as follows:
  - a) In all sleeping areas.
  - b) In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
  - c) In each story within the sleeping unit, including basements.
- 3) It is the intent of the Council of the City of Memphis that short term rental properties should not require inspection for food or beverage contamination, spoilage, adulteration, or misbranding. As of the effective date of this ordinance, during the rental period transients shall only be provided food and beverages which are packaged, sealed and nonperishable.
- 4) The principal renter of a short term rental property unit shall be at least eighteen (18) years of age.
- 5) The permit holder shall not receive any compensation or remuneration to permit occupancy of a short term rental property for a period of less than twenty-four (24) hours.
- 6) A property owner may rent a detached accessory dwelling unit that complies with Ordinance No. 4232 governing the minimum conditions of property as short term rental property provided the detached accessory dwelling unit contains not more than four(4) sleeping rooms.
- 7) The name and telephone number of the local responsible party shall be conspicuously posted within the short term rental property unit. The responsible party shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental period to address problems or complaints associated with the short term rental property.

- 8) A Short Term Rental Property Permit shall expire three hundred sixty-five (365) days after it is issued. Short Term Rental Property Permits may be renewed upon the payment of \$100 renewal fee to the City Permits Office.
- 9) The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or City of Memphis Ordinance.
- 10) A Short Term Rental Property Permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a short term rental property on the property.
- 11) It is the intent of the Council of the City of Memphis that all owners, permit holders, hosting platforms and responsible parties refrain from discrimination against any person in the terms, conditions, or privileges of the rental of short term rental property because some or all of the transients are members of classes protected by the Tennessee Human Rights Act.

**Section 6. DENIAL OR REVOCATION OF A PERMIT**

- 1) The Permits Office shall notify the applicant of the denial of an application for a short term rental permit within fifteen days of application. The Permits Office shall notify the applicant of the determination of denial of a Short Term Rental Permit by certified mail. The notice shall cite to applicable laws or City of Memphis Ordinances and describe the reasons for denial with specificity. The notice of denial shall also inform the applicant of the right to request an appeal to the Short Term Rental Property Commission.
- 2) Should the Permits Office determine that a violation of this ordinance exists, the Permits Office may cite the responsible permit holder by enumerating all determinations meriting the revocation of a Short Term Rental Permit by certified mail and post a Short Term Rental Property Citation in a conspicuous location on, or if access to the property is not available in a conspicuous location as close as practicable to, the building or property where the short term rental property is located.
- 3) A Short Term Rental Property Citation in this ordinance shall cite applicable laws or City of Memphis Ordinances and describe the violation(s) with specificity. The citation shall: state that the permit holder shall correct all violations in a time not to exceed thirty (30) days; and assess any applicable administrative penalties as set forth in this ordinance. The citation shall also inform the permit holder of the right to request an appeal to the Short Term Rental Property Commission for the determination of violation and any assessed administrative penalties.
- 4) The Permits Office may elect to issue written warnings to permit holders for complaints which do not directly endanger public health or safety. The Permits Office may grant a reasonable period of time for the permit holder to come into compliance within a warning letter. Warning letters shall cite to applicable laws or City of Memphis Ordinances and describe the reasons for the warning with specificity.

- 5) Any permit holder issued a warning letter or citation under the provisions of this ordinance may be subject to an administrative penalty of not less than \$50.00 per day for each day of violations. Each day of violation may constitute a separate violation.

In assessing an administrative penalty, the Permits Office shall consider the following factors:

- a. The harm done to public health, safety, and general welfare of individuals and the community at large;
  - b. Whether the penalty imposed will be substantial economic deterrent to the activity;
  - c. The economic benefit gained by the permit holder;
  - d. The amount of effort put forth by the permit holder to remedy this violation;
  - e. Any unusual or extraordinary enforcement costs incurred by the city;
  - f. Any equities of the situation which outweigh the benefit of imposing a penalty.
- 6) For permit holders receiving Short Term Rental Property Citations in this ordinance which are not corrected or otherwise remedied within thirty (30) days, the Permits Office shall revoke the Short Term Rental Property Permit for one year even if the property otherwise meets the requirements for short term rental property. The Permits Office shall continue to supplement information regarding short term rental property citations, revocations, and renewals to hosting platforms in a timely manner.
  - 7) An applicant or permit holder may appeal any permit denial, citation, permit revocation, and administrative penalty assessment by filing a petition for review with the Memphis Short Term Rental Commission in accordance with Ordinance \_\_\_ within thirty (30) days of the date of the permit denial, citation, permit revocation, or administrative penalty assessment. Failure to file a timely petition for review with the Memphis Short Term Rental Commission shall deem a permit denial, citation, permit revocation and administrative penalty assessment noticed under this ordinance by the Permits Office as consensual and it shall become final.
  - 8) The owner may appeal a decision of the Memphis Short Term Rental Property Commission, pursuant to title 27, Chapter 9 of the T.C.A.
  - 9) The City of Memphis through the Permits Office may initiate proceedings in any court of competent jurisdiction against any person or entity that has or is about to:
    - a. Violate the provisions of this ordinance;
    - b. Violate the provisions of any permit issued pursuant to this ordinance;
    - c. Fail or refuse to comply with any lawful warning letter or order issued by the city which has not been timely appealed to the Short Term Rental Property Commission, within the time allowed by this ordinance.
  - 10) The Permits Office shall designate a contact person for members of the public who wish to file complaints or who otherwise seek information regarding this ordinance. The

Permits Office shall also provide additional information to the public on the City of Memphis website or other designated platforms.

- 11) It is the intent of the Council of the City of Memphis that short term rental property be regulated by this Short Term Rental Ordinance. As of the effective date of this ordinance, all short term rental properties shall be subject to the permitting processes of this ordinance and not those outlined for rooming houses in Section 2.5.2 of the Memphis and Shelby County Unified Development Code.
- 12) The Permits Office shall begin accepting Short Term Rental Property Permit applications on (date), and shall begin enforcing the provisions of this ordinance from and after (date).

## **CHAPTER \_\_\_\_\_ . - MEMPHIS SHORT TERM RENTAL PROPERTY COMMISSION**

### **1. Established**

There is hereby created and established a commission to be known as the Memphis Short Term Rental Property Commission.

### **2. Purpose**

Memphis Short Term Rental Property Commission shall serve as the regulatory body for all short term rental property within the city.

### **3. Membership**

A. The Memphis Short Term Rental Property Commission shall consist of five voting members.

B. Each member shall be appointed upon recommendation of the mayor with approval by the city council. At least one member shall be a short term property rental owner. All members shall be residents of the city and shall hold office for a term of two calendar years and thereafter until their successors are appointed and qualified. A term shall commence on the date of approval of such appointee by the city council. No member shall serve more than two consecutive two-year terms. Members shall serve without compensation. In the event of a vacancy in such appointed members, whether by reason of expiration of term, resignation, death or other cause, the commission shall recommend a successor who shall be appointed by the mayor with approval of the city council to fill such unexpired term.

C. The chairperson of the commission shall be elected by the commission from among its own membership to serve for a term of one year with the right of succession at the option of the commission. The city permits administrator shall serve as the commission's administrator. The commission shall have the power to appoint such other officers as determined by the members of the commission.

**4. Meetings; quorum; records.**

A. The Short Term Rental Property Commission shall conduct regular meetings at such time and place as the commission may fix by resolution. Such meetings will be open to the public with proper public notification.

B. The commission may hold special meetings when the chairperson determines the need for such meetings. Three members of the commission present for the meeting shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept of the proceedings. Written notice of any special meeting of the commission shall be given to the members at least 24 hours prior to the date set for the meeting.

**5. Powers; functions.**

A. Powers. The Short Term Rental Property Commission shall have all powers necessary and requisite to effectuate the purposes of the commission, and is empowered to make such rules procedures and regulations, not inconsistent with federal and state law and city ordinances as may be necessary or proper in the performance of its duties. All rules and regulations promulgated and adopted by the commission shall be submitted to the city council for approval.

B. Functions. Functions shall include, but not be limited to:

1. Administer and enforce the commission's written rules, procedures and regulations.

2. Review, issue, alter, deny, suspend or revoke all applications for permits and/or certificates of short term rental properties operating in the city.

3. Conduct public hearings and make final decision on violations, complaints or issues relative to the operation of short term rental property and their owners.

4. Maintain a close liaison with all city divisions and relevant planning and development organizations including, but not limited to, law division, general services, police services, community enhancement, finance, Memphis Area Transit Authority, Memphis Convention and Visitors Bureau as well as local hotels, motels, restaurants and interest groups on issues pertaining to tourism.

5. Assess penalties and fees for violations of short term rental property ordinances.

6. Purchases. The Short Term Rental Property Commission is authorized to purchase all necessary stationery, printing and supplies through the purchasing agent of the city.

7. Payment of expenses; annual financial statement.

All expenses of the Short Term Rental Property Commission shall be paid out of the general funds of the city, pursuant to an annual appropriation by ordinance, and it shall be the duty of the commission to prepare and submit to the director of finance and administration a statement of its expenditures for the previous year and an estimate of its current year's operating costs.

**6. Oath.**

Each member of the Short Term Rental Property Commission shall take an oath to faithfully perform the duties imposed upon him/her without fear or favor, and in full accordance with the constitution and laws of the state and the ordinances of the city.

**BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 5, Code of Ordinances, City of Memphis, be amended to read as follows:**

**CHAPTER 5-20. - HOTEL/MOTEL OCCUPANCY TAX**

Sections: Sec. 5-20-1. - 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:

*City treasurer* means the person serving in the office of city treasurer.

*Consideration* means the consideration charged, whether or not received, for occupancy in a hotel, valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits, property and services of any kind or nature, without any deduction therefrom whatsoever. Nothing in this definition shall be construed to imply that consideration is charged when the space provided to the person is complimentary from the operator and no consideration is charged to or received from any person.

*Hotel* means any structure or space, or any portion thereof, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist camp, tourist court, tourist cabin, motel, or any place in which rooms, lodgings or accommodations are furnished to transients for a consideration. Hotel does not include those hotels that are within a tourism surcharge district described in Ordinance No. 5583 existing on July 1, 2015. Further, hotel does not include: (1) those hotels that meet, at all times, both (i) 45 and fewer rooms and (ii) a maximum charge of \$35.00 or less per paid occupied room night; or (2) any “short term rental property” owner as described in Ordinance No. \_\_\_\_\_, whose which the annual short term rental property income is less than \$10,000.00.

*Occupancy* means the use or possession, or the right to the use or possession, of any room, lodgings or accommodations in any hotel.

*Operator* means the person operating the hotel whether as owner, lessee or otherwise.

*Person* means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

*Transient* means any natural person who exercises occupancy or is entitled to occupancy for any rooms, lodgings or accommodation in a hotel for a period of less than 90 continuous days. (Code 1985, § 36-121; Ord. No. 4824, § 1, 11-7-2000; Ord. No. 5614, § 1, 5-3-2016)



## Memphis City Council Summary Sheet

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

Resolution approving transfer of funds from the Common Fund to the OPEB Trust in an estimated amount of \$14,014,476.00, with a settlement at year-end to equal the 2016 Annual OPEB cost.

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

This Resolution is being initiated by MLGW on behalf of the MLGW Retirement and Pension System.

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

This is an addition to the Division contributions in relation to the annual required contribution (ARC) for post-employment benefits paid by the Division on behalf of retirees.

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

N/A

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

No.



**WHEREAS**, the Board of Light, Gas and Water Commissioners in their meeting of August 3, 2016 approved a transfer of funds to equal the 2016 Annual OPEB Cost from the MLGW common fund to the MLGW OPEB Trust. The estimated amount of \$14,014,476.00 will be transferred with a settlement at year-end to equal the Annual OPEB Cost;

**NOW THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that the transfer of funds equal to the 2016 Annual OPEB Cost, estimated at \$14,014,476.00, from the MLGW Common Fund to the MLGW OPEB Trust is approved as outlined in the foregoing preamble.

**EXCERPT**  
from  
**MINUTES OF MEETING**  
of  
**BOARD OF LIGHT, GAS AND WATER COMMISSIONERS**  
**CITY OF MEMPHIS**  
held  
**August 3, 2016**

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The Secretary-Treasurer submitted for approval of the Board, a transfer of funds equal the 2016 Annual OPEB Cost from the Common Fund to the OPEB Trust. The transfer is estimated to be \$14,014,476.00. This is an addition to the Division contributions in relation to the annual required contribution (ARC) for post-employment benefits paid by the Division on behalf of retirees.

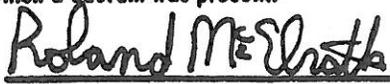
NOW, THEREFORE, BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, the estimated amount of \$14,014,476.00 be transferred from the Common Fund to the OPEB Trust with a settlement at year-end to equal the 2016 Annual OPEB Cost.

The transfer of funds for the 2016 Annual OPEB Cost is hereby approved; and further,

THAT, said transfer will be submitted to the Council of the City of Memphis for approval.

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 3<sup>rd</sup> day of August, 2016, at which a quorum was present.

  
**Acting Secretary - Treasurer**



**AN ORDINANCE TO AMEND CHAPTER 20 OF THE CITY OF MEMPHIS CODE OF ORDINANCES RELATIVE TO MISCELLANEOUS OFFENSES AND PROVISIONS BY ADDING SECTION 33 TO INSTITUTE A CIVIL PENALTY FOR THE KNOWING POSSESSION OR CASUAL EXCHANGE OF LESS THAN ONE HALF OUNCE OF MARIJUANA**

**WHEREAS**, Tennessee Code Annotated § 39-17-418(a) & (b) makes it a misdemeanor for individuals to knowingly possess or casually exchange a small amount of marijuana not in excess of one-half ounce; and,

**WHEREAS**, the City Council finds that, when an individual's only offense is possession or casual exchange of marijuana, criminal penalties and criminal records are disproportionate to the severity of the offense; and,

**WHEREAS**, the City Council finds that civil penalties and community service are more commensurate with the offense of possession or casual exchange of one-half ounce or less of marijuana, when that is the only chargeable offense.

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

**SECTION 1.** Chapter 20 of the City of Memphis Code of Ordinances is hereby amended by creating a new section to read as follows:

**Sec. 20-33. Possession and Casual Exchange of Marijuana in Certain Amounts**

A. It is violation of this section for a person to knowingly possess or casually exchange a small amount of marijuana not in excess of one-half ounce (14.175 grams).

B. Persons found in violation of this section shall be issued a citation for a civil penalty of fifty dollars for each violation. The court may, in its discretion, suspend the civil penalty imposed under this subsection if the person found liable agrees to and does in fact perform such community service as the court deems appropriate, up to ten hours.

**SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held

unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Sponsors: Berlin Boyd, Councilman  
Martavius Jones, Councilman

Kemp Conrad, Chairman  
Memphis City Council

ATTEST:

Comptroller



## Memphis City Council Summary Sheet

1. Description of the Item ( Resolution, Ordinance, etc)
2. Initiating Party (e.g. Public Works, at request of City Council, etc.)
3. State whether this is a change to an existing ordinance or resolution, if applicable.
4. State whether this requires a new contract, or amends an existing contract, if applicable.
5. State whether this requires an expenditure of funds/requires a budget amendment.



## Memphis City Council Summary Sheet

Resolution to appropriate G. O. Bonds to replace, test, and repair self contained breathing apparatus from Capital Project FS04001 Personal Protective Equipment in the amount of \$171,997.00.

1. This item is a resolution to appropriate G. O. Bonds to replace, test, and repair self-contained breathing apparatus.
2. Fire Service is continually replacing, testing, and repairing self-contained breathing apparatus on an annual basis.
3. The original contract was signed on February 12, 2004 between the City of Memphis and Draeger Safety, Inc. and extended until February 28, 2017 with renewals until February 28, 2019.
4. This item requires an appropriation of G.O. Bonds that were allocated in the FY17 Capital Improvement Budget.

## RESOLUTION

**WHEREAS**, Project Number FS04001, Personal Protective Equipment, Other Costs, for the purchase of Airmask System Units and Accessories, is included in the FY 2017 Capital Improvement budget; and

**WHEREAS**, the original contract was signed on February 12, 2004 in the amount of \$2,696,169.00 and extension provides renewals until February 28, 2019 between the City of Memphis and Draeger Safety, Inc.; and

**WHEREAS**, the funding for the purchase of the Airmask System Units and Accessories has been allocated in Capital Improvement Project Number FS04001, Personal Protective Equipment, Other Costs; and

**WHEREAS**, it is necessary to appropriate \$171,997.00 in General Obligation Bonds for the purchase of these Airmask System Units and Accessories designated for annual procurement of replacement Airmask Units:

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$171,997.00 in General Obligation Bonds chargeable to the FY 2017 Capital Improvement Budget and credited as follows:

<b>Project Title</b>	<b>Personal Protective Equipment</b>
<b>Project Number</b>	<b>FS04001</b>
<b>Amount</b>	<b>\$171,997.00</b>

**General Obligation Bonds**



## Memphis City Council Summary Sheet

1. Resolution seeking acceptance of a donation:
  - It is the intent of Charles Boyd to purchase (1) SkyCop Security Enclosure w/cameras
  - (1) MLGW Pole Permit Fees
  - (1) 12mo. Verizon Wireless Cellular Service (MPD) Data Plans
  - The cumulative total of the complete donation has an estimated value of Five Thousand Seven Hundred Sixty-three Dollars and 09/100 (\$5,763.09) after installation.
  - The donor is the Memphis/Shelby County Law Enforcement Foundation. **(See Exhibit A)**
  
2. The City of Memphis Division of Police Services is awarded the equipment valued at Five Thousand Seven Hundred Sixty-three Dollars and 09/100 (\$5,763.09) and will serve as the fiscal agent.
  
3. Resolution will not change an existing ordinance or resolution.
  
4. Resolution will not require a new contract or amendment to an existing contract.
  
5. Resolution will not require an expenditure of funds or a budget amendment.



## RESOLUTION

**WHEREAS**, it is the intent of Charles Boyd at 1273 S Lions Gate Drive to purchase one SkyCop Security Enclosure w/ Cameras, compatible with existing MPD equipment, to be installed on Lions Gate Drive. Through the agreement with SkyCop, Inc., Charles Boyd, will obtain the camera system and donate the equipment to MPD through the Memphis/Shelby County Law Enforcement Foundation.

**WHEREAS**, the City of Memphis Division of Police Services Real Time Crime Center has been awarded (1) SkyCop® Security Enclosure w/Cameras, (1) 12 mo. Verizon Wireless Cellular Service (MPD Data Plan) and (1) MLGW Pole Permit. The cumulative total of the complete donation has an estimated value of Five Thousand Seven Hundred Sixty-three Dollars and 09/100 (\$5,763.09) after installation. The donor is the Memphis/Shelby County Law Enforcement Foundation. **(See Exhibit A)**

**WHEREAS**, the equipment becomes the property of MPD after one year warranty period, and

**WHEREAS**, the donations are designated for use on Saint Nick Drive; and

**WHEREAS**, it is necessary to accept the donations; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the donation of SkyCop® cameras with a total value of Five Thousand Seven Hundred Sixty-three Dollars and 09/100 (\$5,763.09); be accepted by the City of Memphis

**EXHIBIT A**



# Quote

Quote Number: 357

Payment Terms: 50% Down Payment with 50% Due upon Completion  
Expiration Date: 06/30/2016

## Quote Prepared For

**Mr. Charles Boyd**  
**Lions Gate Community**  
1273 S. Lions Gate  
Memphis, TN 38116  
Phone:(901) 270-8300  
cbson01@gmail.com

## Quote Prepared By

**Ken Shackelford**  
**SCI TECHNOLOGIES INC**  
3736 Getwell Cove  
Memphis, Tennessee 38118  
Phone:9014102151  
Fax:  
[Kshackelford@skycopinc.com](mailto:Kshackelford@skycopinc.com)  
TN License #1899

Item#	Quantity	Item	Unit Price	Unit Discount	Adjusted Unit Price	Extended Price
<b>One-Time Items</b>						
1)	1	SC-123E-2F-1080P-2TB SkyCop Dual Camera Security Enclosure w/ (2) 2MP (1080P) 5-50mm zoom lens, Edge Recorder w/ 2TB Hard Drive, 4G LTE Embedded Router, Broadband Omni Antenna, Surge Protection, Micro UPS, (2) Flashing Blue Lights, MPD/SkyCop Logos	\$4,795.00	\$0.00	\$4,795.00	\$4,795.00
2)	1	MLG&W Pole Permit Fee	\$488.09	\$0.00	\$488.09	\$488.09
3)	1	Verizon Wireless Cellular Service 12 Months of Verizon Wireless Service (MPD Data Plan)	\$480.00	\$0.00	\$480.00	\$480.00
<b>One-Time Subtotal</b>						<b>\$5,763.09</b>
<b>Total</b>						<b>\$5,763.09</b>

Authorizing Signature \_\_\_\_\_

Date \_\_\_\_\_

Interest Charges on Past Due Accounts and Collection Costs Overdue amounts shall be subject to a monthly finance charge. In addition, customer shall reimburse all costs and expenses for attorney's fees incurred in collecting any amounts past due. Additional training or Professional Services can be provided at our standard rates.

Charles S. Boyd  
1273 S. Lions Gate Dr.  
Memphis, TN 38116  
901-270-8300  
cbson01@gmail.com

07/20/2016

Director of Police Services  
Memphis Police Department  
201 Poplar Avenue, Ste. 12-16  
Memphis TN, 38103-1945  
(901) 636-3700

Dear Interim Director Michael W. Rallings,

Subject: Donation of SkyCop System

The residents of the **Lions Gate Owners Association, Inc.** appreciate the brave officers of the Memphis Police Department and the Raines Station precinct who work diligently to protect our community. Our neighborhood was recently awarded a Neighborhood Crime Prevention Grant, and we have been working hard to raise additional funding to procure SkyCop cameras for our neighborhood.

It is our desire to improve the security of our neighborhood and we believe that implementing SkyCop security cameras will serve as a deterrence, and provide valuable evidence for detectives should criminal activity occur.

Through an agreement with SkyCop, Inc., We will obtain the security system with a one-year warranty. We will donate the camera equipment to MPD through the Memphis and Shelby County Law Enforcement Foundation. We will also donate funds to cover 12 months of MPD's Verizon wireless service plan, at \$39.99 per month, for connectivity to the Real Time Crime Center.

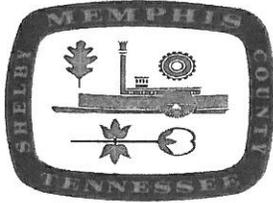
We respectfully request your approval of the donation and confirmation that the system will remain in place for access by the Memphis Police Department.

Thank you,

Charles S. Boyd

Neighborhood Watch Coordinator

+1 (901) 270-8300



## Memphis City Council Summary Sheet

1. Resolution seeking acceptance of a donation:
  - It is the intent of Brett Kyle to purchase (2) SkyCop Security Enclosure w/cameras
  - (1) MLGW Pole Permit Fees
  - (1) License Plate Recognition System
  - (2) 12mo. Verizon Wireless Cellular Service (MPD) Data Plans
  - The cumulative total of the complete donation has an estimated value of Twenty Thousand Nine Hundred Thirty-six Dollars and 18/100 (\$20,936.18) after installation.
  - The donor is the Memphis/Shelby County Law Enforcement Foundation. **(See Exhibit A)**
  
2. The City of Memphis Division of Police Services is awarded the equipment valued at Twenty Thousand Nine Hundred Thirty-Six Dollars and 18/100 (\$20,936.18) and will serve as the fiscal agent.
  
3. Resolution will not change an existing ordinance or resolution.
  
4. Resolution will not require a new contract or amendment to an existing contract.
  
5. Resolution will not require an expenditure of funds or a budget amendment.



## RESOLUTION

**WHEREAS**, it is the intent of Brett Kyle at 456 Saint Nick to purchase two SkyCop Security Enclosure w/ Cameras, one with License Plate Recognition (LPR), compatible with existing MPD equipment, to be installed on Saint Nick Drive. Through the agreement with SkyCop, Inc., Brett Kyle, will obtain the camera system and donate the equipment to MPD through the Memphis/Shelby County Law Enforcement Foundation.

**WHEREAS**, the City of Memphis Division of Police Services Real Time Crime Center has been awarded (2) SkyCop® Security Enclosure w/Cameras, one with LPR, (2) 12 mo. Verizon Wireless Cellular Service (MPD Data Plan) and (1) MLGW Pole Permit. The cumulative total of the complete donation has an estimated value of Twenty Thousand Nine Hundred Thirty-six Dollars and 18/100 (\$20,936.18) after installation. The donor is the Memphis/Shelby County Law Enforcement Foundation. **(See Exhibit A)**

**WHEREAS**, the equipment becomes the property of MPD after one year warranty period, and

**WHEREAS**, the donations are designated for use on Saint Nick Drive; and

**WHEREAS**, it is necessary to accept the donations; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the donation of SkyCop® cameras with a total value of Twenty Thousand Nine Hundred Thirty-six Dollars and 18/100 (\$20,936.18); be accepted by the City of Memphis

## EXHIBIT A



# Quote

Quote Number: 432

Payment Terms:  
Expiration Date: 08/31/2016

### Quote Prepared For

**Brett Kyle**  
Saint Nick St.  
456 Saint Nick  
Memphis , TN 38117  
Phone:(901) 870-7566  
bkyle@medicalventures.com

### Quote Prepared By

**Ken Shackelford**  
**SCI TECHNOLOGIES INC**  
3736 Getwell Cove  
Memphis, Tennessee 38118  
Phone:9014102151  
Fax:  
[Kshackelford@skycopinc.com](mailto:Kshackelford@skycopinc.com)  
TN License #1899

Item#	Quantity	Item	Unit Price	Unit Discount	Adjusted Unit Price	Extended Price
<b>One-Time Items</b>						
1)	2	SC-123-2F-1080P-5-50MZ-2TB-4G SkyCop Pro Enclosure System w/ (2) flashing blue lights, MPD/ SkyCop Logos (2) Fixed 2.1MP Bullet Cameras, DVR w/ 2TB storage, Power & Surge Protection, 4G LTE Embedded SIM Card Wireless Broadband Router for communications to the MPD Real Time Crime Center.	\$5,500.00	\$0.00	\$5,500.00	\$11,000.00
2)	1	SC-ALPR-SHARP2 Integrated automatic license plate recognition (ALPR) camera and onboard processing. Includes license for connectivity to MPD server.	\$8,000.00	\$0.00	\$8,000.00	\$8,000.00
3)	2	MPD - Verizon Wireless MPD air card donation for one year. (1) each SkyCop Security Enclosure	\$480.00	\$0.00	\$480.00	\$960.00
4)	2	MLGW-FEES MLG&W Pole Permit Fee	\$488.09	\$0.00	\$488.09	\$976.18
					<b>One-Time Subtotal</b>	<b>\$20,936.18</b>
					<b>Total</b>	<b>\$20,936.18</b>

Authorizing Signature

Date

*Brett Kyle*  
7/27/16

Interest Charges on Past Due Accounts and Collection Costs Overdue amounts shall be subject to a monthly finance charge. In addition, customer shall reimburse all costs and expenses for attorney's fees incurred in collecting any amounts past due. Additional training or Professional Services can be provided at our standard rates.

7/26/2016

Brett Kyle  
456 St. Nick Dr.  
Memphis, TN 38117  
901.870.7566)  
brettkyle@comcast.net

Subject: Donation of SkyCop System

Dear Interim Director Michael W. Rallings,

The residents of Saint Nick Street appreciate the brave officers of the Memphis Police Department and the Appling Farms Station precinct who work diligently to protect our community.

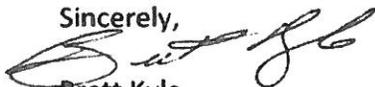
We worked hard to raise funding to procure two (2) SkyCop camera systems for our neighborhood. It is our desire to improve the security of Saint Nick St. We believe that implementing the additional SkyCop Security Cameras will help deter crime, while providing your department with valuable equipment that may not otherwise be available.

Through an agreement with SkyCop, Inc., we will obtain the security system with a one-year warranty. We will donate the camera equipment to MPD through the Memphis and Shelby County Law Enforcement Foundation.

All camera signals and video data will be provided directly to MPD for its access. We will also donate funds to cover 12 months of MPD's Verizon wireless service plan, at \$39.99 per month, for connectivity to the Real Time Crime Center.

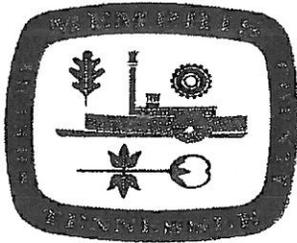
We request your approval of the donation and confirmation that the system will remain in place for use and access by your department.

Sincerely,



Brett Kyle

I will include a signed project quote and I will Cc: Lieutenant Joseph Patty



## Memphis City Council Summary Sheet

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

A Resolution to Appropriate CIP funds (Furniture Fixture Equipment) for Traffic Signal Construction.

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

The Engineering Division 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 requires a new contract, or amends an existing contract, if applicable.**

The resolution does not require a new contract, or amends an existing contract.

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

The resolution does require an expenditure of funds.

## RESOLUTION

**WHEREAS**, the Council of the City of Memphis did include Traffic Signals, Project Number EN01004 as part of the Fiscal Year 2017 Capital Improvement Budget; and

**WHEREAS**, bids are taken during the year for various purchases of traffic signal equipment needed in traffic control; and

**WHEREAS**, to expedite these bids and purchases the Engineering Division requests that this years allocation be appropriated; and

**WHEREAS**, it is necessary to appropriate \$415,000.00 to Traffic Signals, Project number EN01004 in Furniture, Fixtures and Equipment funded by G. O. General Bond funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$415,000.00 chargeable to the 2017 Capital Improvement Budget, with said appropriation to be funded from G. O. General Bond funds and the resulting appropriation being credited as follows:

G. O. General Bond Funds	\$415,000.00
Furniture Fixture & Equipment	\$415,000.00



## Memphis City Council Summary Sheet

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

This is a resolution to accept a \$10,000 sponsorship from the United Way of The Mid-South, to support our Make the Right Call Campaign.

**2.) Initiating Party**

Executive Division- Communications and Marketing

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

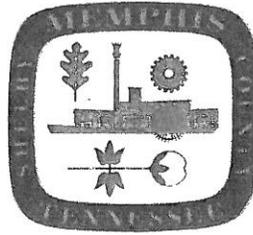
No

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

No

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

No City funds are required.



**A Resolution to accept sponsorship funds in the amount of Ten Thousand Dollars (\$10,000) from United Way of the Mid-South for the "Make the Right Call" Campaign.**

**WHEREAS**, the City of Memphis Executive Division, Office of Communications has been awarded by the United Way of The Mid-South a grant in the amount of Ten Thousand Dollars (\$10,000.00) to continue to support the outreach and promotion of the Make the Right Call campaign; and

**WHEREAS**, the funds will support marketing to launch an informational campaign to educate, differentiate, and promote 311, 211, 911. The Make the Right Call campaign will not only help our citizens use the right number, but will also help reduce non-urgent calls to 911.

**WHEREAS**, it is necessary to accept the FY 2017 sponsorship in the amount Ten Thousand Dollars (\$10,000.00) from the United Way of the Mid-South.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the sponsorship in the amount of Ten Thousand Dollars (\$10,000.00) from the United Way of the Mid-South be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2017 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the United Way sponsorship in the amount of Ten Thousand Dollars (\$10,000.00) as follows:

<u>Revenue</u>	
United Way of The Mid-South	\$10,000.00
<u>Expenditures</u>	
PSA creation (Video and Audio)	\$5,000.00
Advertising (Social Media, Radio and TV)	<u>\$5,000.00</u>
Total	\$10,000.00

## Fouche, Allison

---

**From:** Fouche, Allison  
**Sent:** Friday, May 20, 2016 4:49 PM  
**To:** Reginald Green  
**Subject:** Make the Right Call Campaign  
**Attachments:** 311, 211, 911.pdf

Dear Reginald,

Per our conversation, I kindly submit to you more information about United Way partnering with us for our "Make the Right Call" campaign.

Each year about 30% of the City's 911 call volume should be directed to either 211 or 311. The "Make the Right Call" campaign will not only help our citizens use the right number, but will help reduce non-urgent calls to 911 and help our officers increase their response time. We want to also better communicate to our citizens that finding help is easy, while also presenting the difference between the three numbers.

We invite United Way to serve as a partner in this campaign. Since many of the questions regarding the agencies that you fund get answered through Linc 211, this will be an opportunity to ensure that our residents are aware of the many services that United Way helps to fund. This will be a comprehensive campaign that will include advertising and will utilize radio, television, social media advertising and grassroots marketing.

Attached you will find a synopsis of the campaign, along with our tentative marketing budget and we are asking that United Way provide us with a \$10,000 sponsorship. In return, United Way will be featured on all of the advertisements, collateral and included in all of the publicity surrounding this campaign.

Communicating more effectively with our residents is a top priority for this administration, and we are excited about the opportunity to partner you. If you have additional questions, please do not hesitate to contact me at 576-6881 or [Allison.fouche@memphistn.gov](mailto:Allison.fouche@memphistn.gov).

Yours in Service,

Allison



Allison J. Fouché  
Marketing Manager  
125 North Main Street | Suite 280  
Memphis, TN 38103  
901-636-6881 (o) 901-378-1152 (c)  
[Allison.Fouche@memphistn.gov](mailto:Allison.Fouche@memphistn.gov)



## Make the Right Call: 311, 211, and 911

**Objective:** Launch an informative campaign to educate, differentiate, and promote 311, 211, 911

**Scope:** Each year, about 30% of our call volume that should go to either 211 or 311 ends up with 911. The Make the Right Call campaign will not only help our citizens use the right number, but will also help reduce non-urgent calls to 911. Finding help is easy, when you make the right call. Knowing the right number will help people find the right services for their situation.

### 311

Residents can call 3-1-1 for non-emergency assistance for City Services. Memphis residents can contact 311 via phone, mobile app, website, or in person. Requests are assigned to the appropriate Division or supporting agency for resolution. Common requests; Debris in yard, Vehicle violation, Weeds, Pothole, Cart Repair, Trash collection, New Garbage request, Recycle Bin, Sewer Backup, Drain Flooding, Traffic Sign Maintenance, Loose/stray dog

#### Hours:

Monday - Friday 8:00 a.m. - 6:00 p.m.

### 211

Residents can call 2-1-1 for information on community, social and health services, as well as federally funded services like housing, employment, food banks and mental health and addiction agencies.

Call 2-1-1 for: Food banks, Alzheimer support, mental health help, MIFA info, emergency shelters for homeless, services for domestic violence victims, public health, crisis services, local helpline phone numbers, housing help, youth programs, child, youth and family counseling

#### Hours:

Monday - Thursday 10:00 a.m. to 8:00 p.m.

Friday - Saturday 10:00 a.m. to 5:00 p.m.

Sunday 1:00 p.m. - 5:00 p.m.

### 911 Emergency

Residents should always call 9-1-1 for life-threatening emergencies or crimes in progress that require police, fire or paramedic services. In an emergency, call 911 immediately. An emergency is any situation that requires immediate assistance from the police, fire department or paramedics. Examples include: a fire, a crime, especially if in progress, a car crash, especially if someone is injured, a medical emergency, such as someone who is unconscious, gasping for air or not breathing, experiencing an allergic reaction, having chest pain, having uncontrollable bleeding, or any other symptoms that require immediate medical attention

#### Hours:

24 Hours

**Marketing Tactics:**

**Town Hall on Public Safety** – Conduct a Town Hall meeting with a focus on public safety and have a presentation regarding the 3 numbers

**You Tube Channel-** Create a YouTube Channel with videos that breakdown scenarios that explain the importance of “Making the Right Call”

**Website, Facebook, Twitter-** Create content and graphic assets for the City’s social media pages that will promote and differentiate the numbers

**Advertising** – Create :30 second spots that will air on both television and radio and can also be used on social media.

**Marketing Collateral**

Create brochures, flyers, etc. that can be disseminated to community and neighborhood associations.

**Budget**

Facebook Ads	\$1,000
You Tube- Google Ad Word	\$1,000
TV and Radio Spots including animation and production	\$15,000
Collateral, i.e. brochures, door hangers, magnets	\$3,000
On Hold Message	Gratis
<b>Total</b>	<b>\$20,000</b>

## TV/Radio Script

### Make the Right Call

If you're in the city of Memphis and need assistance

Finding help is easy when you Make the Right Call

Meet John and his family

They are new to the community

But they need help

Are they making the right call?

For life threatening emergencies of course John would call 911.

...but not for noise complaints or things like loose dogs, vacant lots with weeds and garbage collection. That's 311.

Call 311 - when you don't know where to turn

Call 211

For things like home care support, mental health, employment services, community programs, housing and income supports and so much more.

Whether its 311, 211 or 911 finding help is easy when you Make the Right Call.

Resolution amending the FY2017 budget to reallocate and appropriate \$150,000.00 from the Parks Professional Services Budget to the City Attorney's outside legal budget account and/or to City Council legal contingency budget account

WHEREAS, a management agreement put in place in 2011 and approved by the city council gave management authority to the Overton Park Conservancy(OPC) to manage 184 acres of public parkland in Overton Park; and

WHEREAS, the Contract provided for \$150,000 in annual funding in the City's operating budget for the OPC management agreement subject to appropriation by the City Council;

WHEREAS, the City has incurred legal expenses related to the defense of an action brought against the City Council regarding a resolution adopted by the Council on March 1, 2016 ("Open Meetings Suit");

WHEREAS, one of the Plaintiffs in the Open Meetings Suit has admitted to council members that OPC provided information and language for the Open Meetings lawsuit and may have been a motivating factor in the filing of the lawsuit and that the Plaintiffs agreed to bring the suit because OPC was reluctant to do so;

WHEREAS, the Council does not believe it is appropriate for City funded organizations to use public funding, in whole or in part, to bring lawsuits against their funding body or to promote others to do so;

WHEREAS, the Council believes that the OPC's FY 2017 funding should be reduced in order offset legal expenses for the Open Meetings Suit paid with public funds in part because of OPC's actions and that such funds should replace funds budgeted for other legitimate and more important legal disputes .

NOW, THEREFORE BE IT RESOLVED by the Memphis City Council that the fiscal year 2017 budget be amended by reducing funding in the Parks Department Professional Services budget by \$150,000.00 and allocating that reduced sum among the budgets of the City Attorney or City Council's legal contingency account as the case may be.

Sponsor: