

City of Memphis

TENNESSEE



A C WHARTON, JR.
MAYOR

February 1, 2010

The Honorable Jim Strickland, Chairman
Personnel, Intergovernmental & Annexation Committee
City Hall - Room 514
Memphis, TN 38103

Dear Chairman Strickland:

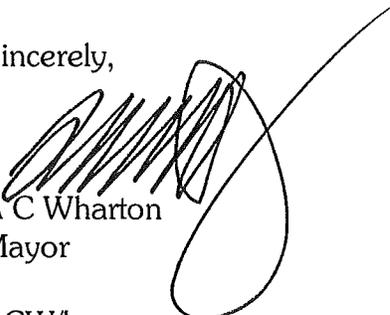
Subject to Council approval, it is my recommendation that:

Sheila Redick

be appointed to the Memphis Area Transit Authority with a term expiring January 31, 2013.

I have attached biographical information.

Sincerely,


A C Wharton
Mayor

ACW/lar

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

BOARD/COMMISSION

Name: Sheila Redick Race White M F X

E-Mail Address: seredick@gmail.com Fax n/a

Profession/Employer: Communications Director, Memphis Teacher Talent Initiative, The New Teacher Project, Memphis City Schools

Business Address: 2597 Avery Ave, Memphis TN Zip 38112
Phone: 901-412-4351

Education: B.A. Communications, Journalism, University of Memphis, May 1999

Name of Spouse: Geoffrey Redick Number of Children: 1

Home Address: 4935 Essexshire Ave. Phone: 901-683-9850

City: Memphis State: TN Zip: 38117

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding counties are not considered). Yes X or No If yes, how long? native

Professional Organization/Associations:

Other Organizations/Association:

Other Interests: urban issues, neighborhood revitalization, developing attracting and retaining talent to Memphis, public school reform, livability, connectivity, making the city attractive for families with children

Signature Sheila E. Redick Date 2/2/2010

Sheila Redick

4935 Essexshire Ave.
Memphis, TN 38117
901.412.4351
sredick@gmail.com

Profile

Communications strategist with extensive experience in marketing, public relations, branding and design, web development, fundraising, event planning and message development to create a cohesive organizational vision that is communicated to clients, funders, top executives, urban leaders, the press and general public.

Experience

Director of Communications, CEOs for Cities, Chicago, IL - 2006 to present

Direct internal and external communications for national non-profit organization focused on building and sustaining the next generation of great American cities. Accomplishments:

- Led strategic communication, message and brand development for organization; integrated new identity and narrative into all communication channels including web, printed collateral, membership materials, press materials and proposals;
- Developed and executed multiple communication plans for roll out of organizational research and programming to diverse stakeholders including elected officials, business, civic, educational and foundation leaders, urban advocates and practitioners, funders and media. Projects include "The Young and Restless in a Knowledge Economy," which first identified the importance of attracting young, mobile college-educated professionals to cities; "City Vitals," which outlined the success factors critical to urban vitality; "City Dividends," which calculated the monetary value cities gain by increasing college attainment, lowering vehicle miles traveled and reducing poverty; and, most recently, "Walking the Walk," an analysis of the effects of walkability on residential real estate values;
- Developed and disseminated press materials for organizational research to members of national media, translating complex ideas into clear, concise messaging for broad audiences, resulting in media coverage in dozens of national publications including the New York Times, Washington Post, USA Today, TODAYShow.com, MSNBC.com, CNN Money, Fortune and hundreds of local newspapers;
- Wrote and edited Op-Ed pieces and letters to the editor published in the Washington Post, Atlanta Journal Constitution, Charlotte Observer, Miami Herald, Akron Beacon Journal, Memphis Commercial Appeal and others;
- Was project manager for organization's development efforts including identification of funder prospects, proposal development, fulfillment of supporter benefits and grant reporting;
- Was project manager for the complete rebuild of the organization's website and updated the site to reflect new organizational identity, maintained and updated content regularly;
- Developed the first social networking site dedicated to people passionate about cities and urban issues;
- Developed and maintained the organization's first weekly e-newsletter, ReThink, designed to further messaging and point of view to stakeholders and the general public;
- Worked with staff on special events logistics and planning, including national membership meetings, webinars, workshops and board meetings;

Vice President, Smart City Consulting, Memphis, TN - 2002-2007

Member of a strategic consulting firm specializing in community and economic development.

Accomplishments:

- Developed and executed strategic programming, projects and communications for diverse clients including:
 - The Hyde Family Foundations – designed public relations campaigns for education initiatives including the local launch of New Leaders for New Schools, The New Teacher Project and Teach for America as well as the release of charter school research;
 - Pensacola Chamber of Commerce – part of team that designed and led city branding initiative and coordinated roll out of messaging with local creative firm;
 - Delray Beach, Florida – led public input process, focus groups, data analysis, ideation and writing of the Delray Beach Creative City project;
 - Atlanta Metro Chamber of Commerce – led focus groups, marketing analysis and recommendation development for Atlanta's Young and Restless in a Knowledge Economy study;
 - Economic Development Corporation of Kansas City – led focus groups, marketing analysis and recommendation development for Kansas City's Young and Restless in a Knowledge Economy study;
 - City of Huntsville – led focus groups, analysis and writing of the Huntsville Talent Magnet Project;
 - Ballet Memphis – served as Director of Strategic Communication and Corporate and Foundation Development. Guided the development of marketing and collateral each performance season, ensuring that the Ballet Memphis brand was applied to all materials; developed marketing budgets and deadlines, and met goals in both areas annually.
 - Memphis Tomorrow – helped conceive, organize and launch the Memphis Manifesto Summit, the first meeting of the "creative class" to develop a call to action for cities of North America.
 - Shelby County Mayor A.C. Wharton – helped organize Alliance for Equitable Growth smart growth initiative; conceived the Sustainable Shelby project public input process including public polling and committee meetings to inform recommendations to ensure a green and sustainable future.
- Served as the communications liaison for the firm, handling public relations and strategic communications for all clients and the firm principals;
- Launched the award-winning Smart City Memphis blog.

Reporter, The Commercial Appeal, Memphis, TN - 2000-2002

Writer for major daily newspaper covering education, business, government and development for fast-growing communities in DeSoto County, outside of Memphis.

Education

University of Memphis, B.A. Communications, Print Journalism - May 1999

Skills

Excellent writer and copy editor with experience in basic print page design (newsletters, brochures, basic collateral); knowledge and application of basic HTML and web design; keen understanding of new media tools including Facebook, Twitter and LinkedIn with particular understanding of using them for organizational

MEMPHIS AREA TRANSIT AUTHORITY

9 Member Board

Oath of Office Required

3 Year Term

3 Vacant

Birkholz, Karl	M/W	01-31-11	3yr.	Term
Carter, Mattie	F/B	06-30-08	3yr.	Term
Holt, E. Ray -deceased	M/W	01-31-10	3yr.	Term
Johnson, Fred	M/B	08-31-11	3yr.	Term
McClendon, Marion 'Dale'	M/B	01-22-11	3yr.	Term
Pugh, Cliffie	F/B	09-30-10	3yr.	Term
Vergos, John	M/W	06-30-12	3yr.	Term
Joe Brown (City Council Liaison)				
Vacant				
Vacant				

**RESOLUTION TO RECOGNIZE CERTAIN POSITIONS
AS APPOINTED AND EXEMPT FROM CIVIL SERVICE**

WHEREAS, Section 250 of the Memphis City Charter provides that the Director of Personnel shall classify all offices and positions in the City service; and

WHEREAS, Section 250 of the Memphis City Charter sets forth certain positions as appointed and allows for the creation of additional appointed positions with the concurrence of the Council of the City of Memphis; and

WHEREAS, the administration deems it necessary and appropriate to reinstate each employment position included within the Workforce Investment Network (WIN) program as appointed, and thereby exempt such positions from civil service classification; and

WHEREAS, WIN is a one-hundred percent (100%) federally funded program established in accordance with the Workforce Investment Act (WIA) passed by Congress in 1998 and administered by the Tennessee Department of Labor; and

WHEREAS, the Tennessee Department of Labor has strongly urged the City of Memphis to exempt each employment position within the WIN program from civil service classification in light of past and recent audit findings related to WIN's failure to satisfy programmatic and fiscal performance measures; and

WHEREAS, the administration has also been advised that no other WIA program is staffed by civil service protected employees; and

WHEREAS, the program's continued failure to satisfy mandatory performance measures and failure to reclassify such positions may result in the future de-obligation of existing funding or the total abolishment of the WIN program; and

WHEREAS, the administration deems it in the best interest of the City to comply with the guidance issued by the Tennessee Department of Labor and reinstate such positions to the appointed classification.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the Council concurs with the recommendation of the Mayor and Interim Director of Human Resources that the following positions in WIN (Workforce Investment Network) shall be classified as appointed pursuant to Section 250 of the Memphis City Charter:

WIN Executive Director	Office Coordinator
WIN Deputy Director	Senior Accountant
Fiscal Officer	Quality Assurance Analyst
Fiscal Manager	Workforce Development Specialist
Performance Manager	Business Services Analyst
Quality Assurance Manager	Contract Analyst
WIN Program Manager	Performance Analyst
Career Center Systems Manager	Youth Programs Specialist
Contracts Manager	Fiscal Technicians
Business Services Manager	Network Technician
Youth Services Manager	WIN Clerical Assistant
Public Affairs Manager	Career Center Specialist
Training Coordinator	Receptionist
Non-training Coordinator	Disability Program Navigator
Administrative Assistant	

Approved:

Council Chairman, Harold Collins

RESOLUTION

WHEREAS, the Council of the City of Memphis did include *Greenway Improvements*, CIP Project Number PK07012, as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, the Administration proposes to construct *Wolf River Greenway Improvements – Phase Three* at an estimated construction cost of \$1,232,000.00; and

WHEREAS, the Administration is required to present a schematic design to the appropriate Council Committee and obtain Council approval prior to continuation of the project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that *Wolf River Greenway Improvements – Phase Three*, CIP Project Number PK07012, is hereby approved for completion of plans and specifications and taking of bids at an estimated construction cost of \$1,232,000.00.

Project Title:	Greenway Improvements – Phase Three
Project Number:	PK07012

CITY OF MEMPHIS

Report Date: Tuesday, January 26 2010

Capital Project Report
 CWEM Capital Project Report (MGR)
 For the Period Ending: January 31, 2010

Page: 1 of 1

Park Services

PK07012

Greenway Improvements

Description	Current Allocations	Total Appropriations	Current Mch Cost	Project Cost	Encumbered Commitments	Unencumbered Appropriations	Unappropriated Allocations
Funding Sources							
General Obligation	2,838,000	2,838,000	0	0	0	0	0
Bonds							
Total Funding Sources	2,838,000	2,838,000	0	0	0	0	0
Planning							
Architecture and Engineering	483,000	483,000	0	168,011	314,989	0	0
Land Acquisition	680,000	680,000	0	4,508	0	675,493	0
Total Planning	1,163,000	1,163,000	0	172,518	314,989	675,493	0
Construction							
Contract Construction	1,675,000	1,675,000	0	0	1,407,721	267,279	0
Total Construction	1,675,000	1,675,000	0	0	1,407,721	267,279	0
Total Project Costs:	2,838,000	2,838,000	0	172,518	1,722,710	267,279	0
Net Funding & Costs:	0	0	0	<172,518>	<1,722,710>	<942,772>	0

RESOLUTION

WHEREAS, the City of Memphis wishes to create “gateway” public art landmarks in each Council district; and

WHEREAS, the City of Memphis has Public Art Funds in the amount of Seven Hundred Thousand Dollars (\$700,000) due to the cancellation of previously approved projects; and

WHEREAS, the UrbanArt Commission has identified or is working to identify gateway locations in each Council District, as follows:

- District 1 To be determined with Council member, or through Public Art Oversight Committee
- District 2 Park Avenue and Ridgeway Road
- District 3 To be determined with Council member, or through Public Art Oversight Committee
- District 4 To be determined with Council member, or through Public Art Oversight Committee
- District 5 Sam Cooper and East Parkway
- District 6 To be determined with Council member, or through Public Art Oversight Committee
- District 7 To be determined with Council member, or through Public Art Oversight Committee

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the FY 2010 Public Art Plan is hereby amended to add seven (7) One Hundred Thousand Dollar (\$100,000) projects. /

ORDINANCE NO. _____

An ordinance to amend Chapter 2 Code of Ordinances, City of Memphis to amend certain sections of 2-291 relating to Real Property.

WHEREAS, the Code of Ordinances provide language and processes for the disposition of city properties through sale, exchange or transfer; and

WHEREAS, it is necessary to ensure that there is clear and concise language that related to the disposition of real property belonging to the City of Memphis; and

NOW, THEREFORE,

SECTION 1, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 2, Section 2-291 (10) to add a new section to read as follows:

(10) Lease agreements involving real property

“For the purposes of this Section any lease or license agreement over six (6) months shall be considered a conveyance and shall be submitted to City Council for approval, except for Right of Entry Agreements, Encroachment Agreements, and Easement Agreements.”

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, phrased, 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 Mayor in writing by the comptroller and become effective as otherwise provided by law.

Jim Strickland

Harold Collins, Chairman

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of One Million, Eight Hundred Eighty Seven Thousand, Nine Hundred Eighteen Dollars, Seventy Five Cents, (\$1,887,918.75) from the State of Tennessee Department of Labor Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Dislocated Worker and Admin Services Grant; and

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

WHEREAS, it is necessary to appropriate the grant funds in the amount One Million, Eight Hundred Eighty Seven Thousand, Nine Hundred Eighteen Dollars, Seventy Five Cents, (\$1,887,918.75) for the WIA Title One Dislocated Worker and Admin Services Grant

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Dislocated Worker and Admin Services Grant in the amount of One Million, Eight Hundred Eighty Seven Thousand, Nine Hundred Eighteen Dollars, Seventy Five Cents, (\$1,887,918.75) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Dislocated Worker and Admin Services Grant in the amount of One Million, Eight Hundred Eighty Seven Thousand, Nine Hundred Eighteen Dollars, Seventy Five Cents, (\$1,887,918.75) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Dislocated Worker Services	\$1,669,127.75
Administrative Services	<u>\$188,791.00</u>
TOTAL	\$1,887,918.75

Expense

WIA Title One Dislocated Worker Services	\$1,669,127.75
Administrative Services	<u>\$188,791.00</u>
TOTAL	\$1,887,918.00

RESOLUTION

WHEREAS, the City of Memphis Workforce Investment Network has received grant funds in the amount of Two Million, Four Hundred One Thousand, Two Hundred Forty Two Dollars, Eighty Cents (\$2,401,242.80) from the State of Tennessee Department of Labor Workforce Development; and

WHEREAS, these funds will be used to provide a contingency fund for WIA Title One Adult and Admin Services Grant; and

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

WHEREAS, it is necessary to appropriate the grant funds in the amount Two Million, Four Hundred One Thousand, Two Hundred Forty Two Dollars, Eighty Cents (\$2,401,242.80) for the WIA Title Adult and Admin Worker Services Grant

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the WIA Title One Adult and Admin Services Grant in the amount of Two Million, Four Hundred One Thousand, Two Hundred Forty Two Dollars, Eighty Cents (\$2,401,242.80) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the WIA Title One Adult and Admin Services Grant in the amount of Two Million, Four Hundred One Thousand, Two Hundred Forty Two Dollars, Eighty Cents (\$2,401,242.80) as follows:

Revenue

State of Tennessee Department of Labor	
WIA Title One Adult Services	\$2,161,118.80
Administrative Services	<u>\$240,124.00</u>
TOTAL	\$2,401,242.80

Expense

WIA Title One Adult Services	\$2,161,118.80
Administrative Services	<u>\$240,124.00</u>
TOTAL	\$2,401,242.80

RESOLUTION

WHEREAS, the Council of the City of Memphis approved the Motor Vehicle Inspection Station, CIP #PS01009, as part of the Public Services and Neighborhoods Fiscal Year 2009 Capital Improvement Budget; and

WHEREAS, it is necessary to appropriate \$374,500.00 in Information Technology, funded by G.O. Bonds and Local Other CIP from Project #PS01009 for the Motor Vehicle Inspection Station for the following:

Expenses:

Network Equipment	\$ 20,000.00
PC/Printer and other Hardware	\$ 25,000.00
Telephone System	\$ 90,000.00
Cameras (Security & Web)	\$ 45,000.00
Cabling	\$ 20,000.00
Fiber	\$ 60,000.00
Desktop Services Resources	\$ 2,500.00
Labor (includes 6 months Project Management)	\$ 92,000.00
Software	<u>\$ 20,000.00</u>
Total	\$ 374,500.00

Funding Sources:

20% G.O.Bonds	\$ 74,900.00
80% Local Other CIP	<u>\$ 299,600.00</u>
Total	\$ 374,500.00

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$374,500.00 in General Obligation Bonds and Local Other CIP for CIP #PS01009, Motor Vehicle Inspection Station, chargeable to the FY2010 Capital Improvement Budget and credited as follows:

Project Title:	Motor Vehicle Inspection Station	
CIP Project No.:	PS01009	
Funding Sources:	\$ 74,900.00	G. O. Bonds General
	\$299,600.00	Local Other CIP
Total:	\$374,500.00	

RESOLUTION

WHEREAS, the Memphis Sexual Assault Resource Center (MSARC) has received reimbursement of fees in the amount of Fifty-Nine Thousand Seven Hundred Seventy Five Dollars (\$59,775) for forensic medical examinations and related services performed in sexual assault cases from the State of Tennessee pursuant to Tennessee Code Ann. Section 29-13-118; and

WHEREAS, the funds were applicable to FY2009 operations while the MSARC agency remained a service department under the Public Services Division of the City of Memphis; and

WHEREAS, it is necessary to pay prior existing contractual obligations relative to Rent, Utilities, and Professional Services incurred by the MSARC agency while functioning as a service department of the City until the agency is fully placed with Shelby County; and

WHEREAS, these funds will be used to pay the above mentioned expenses through March 2010; and

WHEREAS, it is necessary to accept such funding and amend the 2010 Operating Budget for the Memphis Sexual Assault Resource Center (MSARC);

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the revenues received by the Division of Public Services on behalf of MSARC for services rendered while the agency remained a service department with the City of Memphis be accepted and appropriated in the FY 2010 Operating Budget and that such funds be appropriated as follows:

General Fund

Revenues

State Reimbursements	\$59,775
Total Revenues	\$59,775

Expenditures

Rent	\$21,000
Utilities	\$ 4,000
Misc Professional Services	\$27,000
Total Expenditures	\$52,000

RESOLUTION

WHEREAS, the Council of the City of Memphis approved the Motor Vehicle Inspection Station, CIP #PS01009, as part of the Public Services and Neighborhoods Fiscal Year 2009 Capital Improvement Budget; and

WHEREAS, it is necessary to appropriate \$60,000.00 in Furniture, Fixture, & Equipment, funded by G.O. Bonds and Local Other CIP from Project #PS01009 for the Motor Vehicle Inspection Station for the following:

Expenses:

Interior Signage	\$10,000.00
Furniture	\$40,000.00
Miscellaneous Equipment	<u>\$10,000.00</u>
Total	\$60,000.00

Funding Sources:

20% G.O.Bonds	\$12,000.00
80% Local Other CIP	<u>\$48,000.00</u>
Total	\$60,000.00

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$60,000.00 in General Obligation Bonds and Local Other CIP for CIP #PS01009, Motor Vehicle Inspection Station, chargeable to the FY2010 Capital Improvement Budget and credited as follows:

Project Title:	Motor Vehicle Inspection Station	
CIP Project No.:	PS01009	
Funding Sources:	\$12,000.00	G. O. Bonds General
	\$48,000.00	Local Other CIP
Total:	\$60,000.00	



MEMPHIS CITY COUNCIL

Ordinance Summary Sheet

PSN Committee - Tuesday, January 12, 2010

Sponsor: Councilman Flinn

Caption: AN ORDINANCE TO AMEND TITLE 8 – ANIMALS
OF THE CODE OF ORDINANCES, CITY OF MEMPHIS TO
REQUIRE MANDATORY SPAYING AND NEUTERING OF
PIT BULLS

Content: § 1 - Definition of “Pit Bull” and determination of breed
§ 2 – Exception to mandatory spaying / neutering of Pit Bulls
§ 3 - Penalties for Failure to Spay or Neuter Pit Bull

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND TITLE 8 – ANIMALS
OF THE CODE OF ORDINANCES, CITY OF MEMPHIS
TO REQUIRE MANDATORY SPAYING AND NEUTERING OF PIT BULLS**

WHEREAS, the Memphis City Council desires to protect the citizens and pets of Memphis from the dangers of overpopulation of dogs, the overcrowding of the Memphis Animal Shelter and prevalence of Pit Bulls that are abused and abandoned; and

WHEREAS, current code does not properly address these dangers and how they can be eliminated.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That Title 8 – Animals – of the Code of Ordinances, City of Memphis, are hereby amended to add Chapter 8-17 which is adopted to read as follows:

CHAPTER 8-17 - MANDATORY SPAYING AND NEUTERING OF PIT BULLS

Sec. 8-17-1 Definition of Pit Bull

A. Definition. For the purposes of this Article, the word "pit bull" includes any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics that conform to the standards established by the American Kennel Club ("AKC") or United Kennel Club ("UKC") for any of the above breeds. The AKC and UKC standards for the above breeds are listed on their websites as well as online through the City of Memphis Division of Public Service and Neighborhoods / Memphis Animal Services' ("Animal Services") website.

B. Determination of Breed. If an owner, guardian or keeper is unsure as to whether or not his/her unspayed and unneutered dog is a pit bull, s/he may make an appointment with Animal Services at which an Animal Services staff member shall make a determination as to whether or not the dog is a pit bull. If the dog owner, guardian or keeper wishes to appeal the determination that the dog is a pit bull, within five business days of the staff member's determination s/he may request a hearing before the Public Service and Neighborhoods Division Director or his/her designee. The hearing shall be held no more than 30 days after the Director receives the request. The hearing may be informal and rules of evidence not strictly observed. The decision of the Director or his/her designee is final.

Sec. 8-17-2 Mandatory Spaying and Neutering of Pit Bulls; Exceptions.

A. No person may own, keep, or harbor any dog within the City of Memphis that the person in possession knew, or should have known, was a pit bull that has not been spayed or neutered unless:

1. The pit bull is under eight weeks of age;
2. The pit bull cannot be spayed or neutered without a high likelihood of suffering serious bodily harm or death due to a physical abnormality. A veterinarian must certify such a condition, determine the time frame after which the pit bull can be spayed/neutered. Within 30 days of the operative date of this ordinance, or within 30 days of, taking possession or ownership of an unspayed or unneutered pit bull, the owner, guardian or keeper must submit such documentation to be verified by Animal Services;
3. The pit bull has been present in the City Memphis for less than thirty days;
4. The owner, guardian or keeper operates a commercial kennel licensed pursuant to Sec. 8-16-4 – Kennel license fees.;
5. Determination of breed is under appeal pursuant to Sec. 8-17-1 B above; or
6. The pit bull is a show dog. Within 30 days of the operative date of this ordinance, or within 30 days of taking possession or ownership of an unspayed or unneutered pit bull, the owner, guardian or keeper must submit a copy of the organization papers (AKC or UKC) to Animal Services demonstrating the pedigree information and show dog registration.

Sec. 8-17-3 Penalties for Failure to Spay or Neuter Pit Bull

Violation of Sec. 8-17-2 may result in the following penalties:

A. Impounding the pit bull and disposing of the pit bull in accordance with Sec. 8-16-7 – Impounding and redemption of dogs. Sections A. 1.(a); 2.(a); 3.(a) and B. A violation shall be an infraction punishable by a fine not to exceed fifty dollars (\$50). Each day's continuance of a violation shall be considered a separate offense. In addition to the party violating this title, any other person who may have knowingly assisted in the commission of any such violation shall be guilty of a separate offense. In order for the owner, guardian or keeper to reclaim the pit bull from Animal Services, in addition to paying the other charges and fees set out in Sec. 8-16-7, one of the following must occur:

1. Animal Services shall have a veterinarian spay or neuter the dog at the animal shelter pursuant to Sec. 8-16-7 B. The dog owner, guardian or keeper shall pay a deposit of \$100 prior to the procedure and will be charged the fee for such services consisting of the actual expense incurred as established by Animal Services. There may be additional fees for any extraordinary care provided.
2. In the alternative, the owner, guardian or keeper shall arrange for another veterinarian within the County of Shelby to spay or neuter and shall pay Animal Services a fee of \$60, which shall cover Animal Services' costs of delivering the

dog to a vet of the owner, guardian or keeper's choosing. Animal Services shall deliver the dog to the vet, and the vet shall release the dog to the owner, guardian or keeper only after the spaying or neutering is complete.

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

SHEA FLINN
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller

CITY COUNCIL RESOLUTION

WHEREAS, the Vice President and General Counsel of Memphis Light, Gas and Water requested authority to pay a claims settlement in excess of \$25,000.00.

NOW, THEREFORE, BE IT RESOLVED THAT MLGW'S Vice President and General Counsel is hereby given settlement authority to pay a claim in the amount of \$65,755.00.

EXECUTIVE SUMMARY

AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI, DIVISION 3 OF THE CODE OF ORDINANCES SO AS TO REDUCE THE NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE CIVIL DAMAGES AND ADD NOTIFICATION PROCESS OF ALARM USERS OPERATING WITHOUT A PERMIT

Purpose: The original ordinance was passed in 1999 to address the 100,000+ false alarms that occurred annually and detracted from MPD's ability to handle real alarms, respond to emergency calls or proactively suppress crime. Since the implementation of the Metro Alarm Office, false alarms have decreased significantly; however, the number is still much higher than it should be. For example, in 2002 there were 115,450 false alarms while in 2008 52,257 false alarms were responded to by MPD.

Challenge: In 2008, the Memphis Police Department received 96,949 total alarm calls. Of that number, 899 were good calls reflecting .009% of all calls received. Out of the 96,949 total calls, 52,257 were actual false alarms that were responded to by MPD – thus the 899 “good alarms” represented 2% of the total actual false alarm calls.

Please see the detail below.

Citation issued (false alarm): 14,499 (total included in False alarm category). This is 28% of the actual 51,257 false alarms. MPD has committed to writing citations for every false alarm – this is a must for the system to work.

Cancelled by alarm company: 13,092 (14%). These are false alarms that are correctly cancelled by the alarm company before MPD responds.

Actual False Alarms w MPD Response: 52,257 (54% of all calls). The ordinance is designed to drive this number down.

Good Alarms: 899 (2% of actual alarms when MPD responded were legitimate)

Erroneous disposition code 16,110

Financial Impact of Current Situation: At least two officers are put on a call for at least 20 minutes a piece, which results in 34,838 man hours for false alarms last year. At a cost of \$90 per man hour (Per MPD) false alarms caused approximately \$3.1 MM in wasted resources when officers could have been responding to an actual emergency or crime suppression.

Resource Calculation: (40 minutes is .67 of an hour @ 52,257 false calls = 34,838 hours @ \$90 and hour = \$3.1MM)

After gathering data from the Metro Alarm Office, it became evident that several alarm users are abusing the system. For example during a period of time last year, an alarm at a business on Getwell had false alarms 26 times in January, 22 times in February, 14 times in March, and 13 times in April. In addition for the month of January, 67 locations had six or more false alarms for a total of 561 for the month.

Proposed Changes:

1. The city's current ordinance does not call for a fine, suspension, or removal of the alarm until after the sixth (6th) false alarm in a twelve month period. The proposed amendment reduces the number of allowable false alarms from six (6) to five (5) in a twelve month period. After the fifth false alarm, the user will have to pay a fine and upon the 7th false alarm civil damages will be added. This change will bring Memphis in line with comparable cities.
2. The current ordinance does not allow the city to recoup costs from answering these false alarms. The proposed amendment requires payment of civil damages for actual costs of answering the false alarm call. MPD has calculated that amount to be \$90 per hour.
3. The current ordinance requires users found to be operating an alarm without a permit to be fined and given a citation that can be waived by the Metro Alarm Board. The proposed amendment gives the user 30 days to come into compliance and not receive a fine. If permit is not obtained, then the user will be placed on a "Do Not Respond" list with MPD until obtainment and will be subject to fine and civil damages.
4. The current ordinance does not provide for a "Do Not Respond" list for MPD. The proposed amendment imposes users being placed on the list after the seventh false alarm in a twelve month period for a year.
5. The new ordinance will also accelerate training classes for those that need additional training and this has decreased false alarms in other cities. The current ordinance does not require the training class until after the seventh false alarm. The new ordinance moves it up until after the 4th.

Fiscal Note and Other:

There will be a need to expand the staffing of the Metro Alarm Office to handle the expected increase of fines assessed due to the change in the number of allowable false alarms. Some have also suggested researching outsourcing the office as there are many companies that perform this work very well. Administration should research this path.

In addition, Information Services will be asked to implement software that will enable the Metro Alarm system, MPD dispatch and Sheriff's Deputy dispatch to "talk" to one another. Director has committed to a 60 day timeline.

MPD must write citations every time an infraction is committed.

The ordinance must pass the County Commission. Mike Carpenter is the Co-sponsor.

**AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI,
DIVISION 3 OF THE CODE OF ORDINANCES SO AS TO REDUCE THE
NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE CIVIL DAMAGES
AND ADD NOTIFICATION PROCESS OF ALARM USERS OPERATING
WITHOUT A PERMIT**

WHEREAS, the Memphis City Council recognizes the amount of man hours dedicated by the Memphis Police Department for investigating crimes is significantly impacted by the number of false alarms received daily; and

WHEREAS, the current ordinance is excessively lenient in false alarm allowances and fines compared to that of cities of comparable size and demographics; and

WHEREAS, the Memphis City Council deems it appropriate to amend this ordinance to ensure the health, safety and welfare of the citizens of Memphis are protected by the Memphis Police Department.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 28, Article VI, Division 3, Section 28-130 (b) is hereby amended to delete the current language and insert the following

Sec.28 -130. False alarms fines; dispatch records; appeals.

(b) An alarm user shall be subject to fines, warnings, and suspensions or revocation of permit after the fifth false alarm dispatch within a twelve-month period based upon the following schedules:

Number of False Alarm Dispatches	Action Taken	Fines
1	On-site written notice and warning letter #1.	No Fine
2	On-site written notice and warning letter #2.	No Fine
3	On-site written notice and warning letter #3.	No Fine

4	On-site written notice, warning letter # 4 and mandatory alarm users class.	No Fine
5	On-site written notice, letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine.	\$25.00
6	On-site written notice, letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine.	\$25.00
7	On-site written notice, letter to user requiring alarm inspection, mandatory fine and civil damages.	\$25.00
8 or more	On-site written notice, mandatory fine, civil damages, revocation of permit and placed on "Do Not Respond" list.	\$25.00

1. Failure to comply with the above conditions will result in alarm operator being summoned into city court, or a court of competent jurisdiction, by issuance of a mandatory court summons issued by authorized officers. In accordance with City Code section 1-8, Fine and Penalties, violators are subject to a fine of up to fifty dollars (\$50.00), for each separate violation, with each day constituting a separate offense.

2. Any owner, user or operator of any alarm system, as defined in § 28-126 found to have violated this section seven times or more in any twelve-month period shall also be liable for civil damages to the city for the actual cost of any response by law enforcement or emergency personnel, and for the actual cost to the city for any interruption of public services or closure of public facilities reasonably necessitated by response to such false alarm, in an amount up to the maximum allowed by state law.

3. Except for fire or mechanically-activated water flow alarm devices and alarm systems owned and operated by any governmental entity or subdivision, upon a finding that an owner, user or operator has violated this section seven times in any twelve-month period, said owner, user or operator shall further be prohibited from operating the alarm system at issue in such a manner as to be the sole basis for a request for response by law enforcement personnel for a period of one (1) year from the date of the finding. Said owner shall also be placed on a "Do Not Respond" list for either the Memphis Police Department or Shelby County Sheriff. The Metro Alarm Board shall have discretion to waive this prohibition upon proof satisfactory that the alarm system at issue has been replaced, repaired or modified so as to substantially reduce the risk of further false alarms. The Metro Alarm Board shall also notify the Memphis Police Department or Shelby County Sheriff of the reinstatement for removal from the "Do Not Respond" list.

4. In the event an alarm user is experiencing maintenance issues with his alarm user, the alarm company may contact the Alarm Administrator and inform him that the company is currently working to correct system problems. The Alarm Administrator with notice to the Metro Alarm Review Board and Memphis Police Department shall note on the alarm users file that the system is currently under maintenance and any false alarms incurred during a thirty (30) day period after notification from the alarm company shall not be counted against the alarm user. The alarm company shall have the responsibility of notifying the Alarm Administrator in writing that the problem has been resolved. Should the alarm problem persist for a period longer than thirty (30) days then the Alarm Administrator with approval from the Metro Alarm Review Board shall have the option to remove the exception or extend the maintenance period for an additional period of time.

SECTION 2. BE IT FURTHER ORDAINED that Chapter 28, Article VI, Division 3, Section 28-130 (c) is hereby amended to delete the current language and insert the following

(c) Any person operating a non-permitted alarm system (whether revoked or suspended) will be subject to a citation and a false alarm penalty (as defined in section 28-137) in addition to any other fines. Persons operating an alarm system that was never permitted shall receive a citation and will have ten (10) business days after such violation to apply for a permit. The Metro Alarm Office shall send a certified letter to users that have not applied within the ten (10) days notifying alarm user that a false alarm fine and civil damages will be levied if application is not complete a total of thirty (30) days after the original violation. In addition, alarm user will further be prohibited from operating the alarm system at issue in such a manner as to be the sole basis for a request by law enforcement personnel until application has been submitted and all fees and fines have been paid.

SECTION 3. BE IT FURTHER ORDAINED that Chapter 28, Article VI, Division 3, Section 28-130 (d) is hereby amended to read as follows:

An alarm user with four (4) false alarm dispatches shall be required to attend the false alarm user class. Failure to attend the class shall result in a one hundred fifty dollars (\$150.00) penalty.

SECTION 4. 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 5. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

KEMP CONRAD
Council Member