

ORDINANCE NO. _____

**AN ORDINANCE TO FIX AND DETERMINE
SALARY AND COMPENSATION OF MAYOR
PURSUANT TO HOME RULE AMENDMENTS**

WHEREAS, Home Rule Charter Amendment No. 1509, adopted by qualified voters in Referendum Election of August, 1966, provided for the City Legislative Body to determine and fix compensation of the Mayor of the City of Memphis; and

WHEREAS, Home Rule Charter Amendment No. 1852, adopted by the qualified voters in Referendum Election of November 8, 1966, provided authority for the City Council, from time to time, to increase or decrease such salary of the Mayor and expense allowance, provided such change not to take effect in the term during which the change is made; and

WHEREAS, recommendation has been presented by members of the City Council for a decrease in salary.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Pursuant to authority granted in Charter provisions approved by Referendum Ordinances No. 1509 and 1852, that the compensation provisions for the Mayor be and the same are hereby decreased by five percent (5%) from \$171,500 to One Hundred Sixty Two Thousand Nine Hundred and Twenty Five Dollars (\$162,925) annually, and the use of a city vehicle beginning on January 1, 2012 and continuing until either increased or reduced by future Ordinance.

SECTION 2. 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.

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller

ORDINANCE NO. _____

**AN ORDINANCE TO FIX AND DETERMINE
SALARY AND COMPENSATION OF CITY COURT JUDGES
PURSUANT TO HOME RULE AMENDMENTS**

WHEREAS, Home Rule Charter Amendment No. 770, adopted by qualified voters in Referendum Election of November, 1970, provided authority for the City Council to determine and fix compensation of the City Judges and from time to time, to increase or decrease such salary of the Judges; provided such change not to take effect in the term during which the change is made; and

WHEREAS, recommendation has been presented by members of the City Council for a decrease in salary.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Pursuant to authority granted in Charter provisions approved by Referendum Ordinances No. 770 that the compensation provisions for the City Judges be and the same are hereby decreased by five percent (5%) for the term beginning January 1, 2012 and continuing until either increased or reduced by future Ordinance.

SECTION 2. 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.

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller

ORDINANCE NO. _____

**AN ORDINANCE TO FIX AND DETERMINE
SALARY AND COMPENSATION OF CITY COURT CLERK
PURSUANT TO HOME RULE AMENDMENTS**

WHEREAS, Home Rule Charter Amendment No. 2246, adopted by qualified voters in Referendum Election of October, 1975, provided authority for the City Council to determine and fix compensation of the City Court Clerk and from time to time, to increase or decrease such salary of the Clerk; provided such change not to take effect in the term during which the change is made; and

WHEREAS, recommendation has been presented by members of the City Council for a decrease in salary.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Pursuant to authority granted in Charter provisions approved by Referendum Ordinances No. 2246 that the compensation provisions for the City Court Clerk be and the same are hereby decreased by five percent (5%) for the term beginning January 1, 2012 and continuing until either increased or reduced by future Ordinance.

SECTION 2. 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.

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller

Name	Title	Salary
Wharton, A C Jr.	Mayor	171,500.00
Dorse, Earnestine Hunt	JudgeAdmin	134,048.98
Chandler, Jayne R.	Judge	132,024.36
Sugarmon, Tarik B.	Judge	132,024.36
Long, Thomas E. Sr	Court ClerkCity	130,024.44



Memphis City Council Summary Sheet

Resolution expressing support of acceptance of the Homeland Security/FEMA Urban Search and Rescue Grant.

- This item is a resolution in support of day to day operations and to maintain a maximum state of readiness in the event of man-made or natural disaster for Tennessee Task Force One (TNTF1).
- The Memphis Fire Services Division is the sponsoring agency for TNTF1 and is requesting to approve said Grant in support of TNTF 1 and Memphis Fire Services.
- This is a new Homeland Security Grant to support TNTF 1 and Memphis Fire Services.
- This Grant does not require any matching or in-kind funds from Memphis Fire Services or the City of Memphis, Shelby County Tennessee.

RESOLUTION

WHEREAS, the City of Memphis Division of Fire Services has received grant funds in the amount of One Million Seventy Eight Thousand Five Hundred Seventy Eight Dollars (\$1,078,578.00) from the U. S. Department of Homeland Security - FEMA; and

WHEREAS, these funds will be used for the annual sustainment of Tennessee Task Force One; and

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2012 Operating Budget to establish funds for the Urban Search & Rescue Grant; and

WHEREAS, it is necessary to appropriate the grant funds in the amount of One Million Seventy Eight Thousand Five Hundred Seventy Eight Dollars (\$1,078,578.00) for the Urban Search & Rescue Grant.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Urban Search & Rescue Grant funds in the amount of One Million Seventy Eight Thousand Five Hundred Seventy Eight Dollars (\$1,078,578.00) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2012 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Urban Search & Rescue Grant in the amount of One Million Seventy Eight Thousand Five Hundred Seventy Eight Dollars (\$1,078,578.00) as follows:

REVENUES	
FEMA	\$1,078,578.00
EXPENDITURES	
Administration	\$428,343.00
Training	\$112,117.00
Equipment	\$277,718.00
Storage	<u>\$260,400.00</u>
TOTAL	1,078,578.00

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 41 – WRECKERS OR TOWING OPERATOR – OF THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE

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

WHEREAS the Council wishes to better regulate the wrecker and towing industry to conform to present day conditions and to provide for the protection of the public interest as it relates to the towing of vehicles without the consent of the owner.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

That Chapter 41 – Wreckers and Towing Operator - of the Code of Ordinances, is hereby amended to read as follows:

Sec. 41-1. Purpose and Intent of Provisions.

It is declared to be the purpose and intent of this chapter that all wreckers, towing and wrecker services doing business within the corporate limits of the City of Memphis are hereby permitted to engage in such business provided that, such wrecker and towing services obtain the requisite permit, license, and insurance coverage as set forth in the governing provisions of this chapter. This chapter is also intended to ensure consumers are charged reasonable and customary fees for wrecker services as limited by this chapter and based upon the time, labor and skill required to properly perform wrecker service.

Sec. 41-2. Definitions:

Driver Permit – means a permit issued by the Permits Office authorizing a driver or driver to operate, drive or ride in a wrecker on the streets, alleys, roads, highways or thoroughfares within the city limits.

Sec. 41-3. License Requirements for Wrecker Services.

The current subsection "b" shall be added to Sec. 41-10 and replaced with new subsection (b):

(b) No driver shall operate a wrecker upon the streets of the City of Memphis without first having obtained a Wrecker Driver's Permit from the Permits Office.

Sec. 41-6. Wrecker Fees Prescribed.

The following fees shall apply for each class of wrecker services providing nonconsensual tow services:

(4) Rate Schedule for Non-consent Towing from Private Property. Any towing and storage firm engaged in the business of non-consent towing shall not charge the owner of any towed vehicle or personal property in excess of the following rates.

1. Towing:

- | | |
|--|------------------|
| a. Vehicles under seven thousand pounds GVWR | \$85.00 maximum |
| b. Vehicles over seven thousand pounds GVWR: | |
| i. Length of 26 feet and under | \$180.00 maximum |
| ii. Length over 26 feet | \$300.00 maximum |

The towing fee shall be all inclusive; no additional fees may be charged for using dollies, trailers, lifts, slim jims or any other equipment or service, or for mileage.

2. Storage:

The maximum fee for storage of any vehicle removed from private property is \$20.00 per day. No storage fee may be charged for vehicles stored twenty- hours or less from the time the vehicle reached the storage lot.

Sec. 41-10. Emergency Wrecker Service and Wrecker Service Requirements and Records.

(a) Emergency Wrecker Service.

In order to regulate, facilitate and provide for the proper and orderly flow of traffic upon the streets, alleys, roads, highways, and thoroughfares within the City of Memphis, including the regulation and control of parking and to promote public safety, the following acts and circumstances shall be deemed an emergency situation which shall require the immediate removal of a vehicle from the streets, alleys, roads, highways, and thoroughfares within the city limits:

1. When a vehicle is parked, stopped or standing in violation of any regulation or ordinance of the city government.

2. When a vehicle is parked, stopped or standing so as to obstruct the orderly flow of traffic.

3. When a vehicle is disabled by an accident and constitutes an obstruction of traffic, and its immediate removal or storage for safekeeping is necessary in the interest of public safety and protection of property.

(b) Except as otherwise provided in this chapter, for each vehicle towed by a wrecker services, the licensee shall retain at the wrecker owner's principal place of business all documents related to the towing of the vehicle along with any records required to be maintained pursuant to this chapter including, but not limited to, towing agreements, written authorizations for removal, and wrecker slips or tickets.

The wrecker owner shall make all towing records available for inspection by the Memphis Police Department and / or Permits Office upon request.

(c) Records location.

The records required by this subsection shall be maintained at the location where the vehicle is stored until the vehicle is recovered. Thereafter, such records shall be stored at a location within the city where members of the public may obtain such information during regular business hours. Further, all wrecker services, public and private, which tow impounded vehicles, shall register with the Permits Office and City Impound Lot the current telephone number of the person responsible for releasing vehicles on their behalf.

(d) A person desiring to engage in a wrecker service shall register with the Permits Office a trade name that clearly differentiates the person's company from all other companies engaging in vehicle tow services and shall use no other trade name in conducting vehicle tow services.

(e) Private Property Tows.

All private property tows must be reported to the City of Memphis Police Department prior to the vehicle being towed. All private property tows must be in compliance with TCA 55.5-122.

Sec. 41-11. Destination Requirements.

(k) Whenever a wrecker company is involved In Non-consent towing and the storage lot is closed or has the gate locked, a conspicuous sign, no smaller than 36 inches by 36 inches with 4 inch lettering , must be posted at the entrance of the storage lot which provides instructions and a local telephone number for obtaining the release of a vehicle when the lot is not open, The local telephone number must be posted and shall be answered twenty-four (24) hours a day with someone available at the storage lot to release vehicles. The local telephone number posted and the name of a representative of the wrecker company shall be registered with the Permits Office. A wrecker company which fails to keep current phone and company representative information posted and

registered with the Permits Office will not be able to charge a storage fee if such failure interferes with the return of a vehicle to its owner.

(I) Any person operating a wrecker upon the streets of the City of Memphis and maintaining a storage lot must maintain personnel with authority to accept payment and to release any impounded vehicle, on duty seven days a week. Such person must be available within a maximum two (2) hour period from the time the owner contacts the company to release a vehicle upon the request of the owner. Vehicle access for the sole purpose of retrieving personal items shall be provided and owner personal items, not needed for evidentiary reasons, shall be released without charge.

Sec. 41-15. Private Property Tow Authorization.

- (a) Wrecker service operators shall comply with all federal, state, and local laws concerning the towing of vehicles from private property, including, but not limited to, Tenn. Code Ann. § 55-16-112 and Tenn. Code Ann. § 66-28-518.
- (b) The owner or person in lawful possession of private property, including an apartment complex or condominium association, may cause the removal of a vehicle parked on the property in compliance with applicable law, however there must be displayed, in plain view at all entrances to the property, a sign not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that vehicles will be removed at the owner's expense, and containing the telephone number of the local traffic law enforcement agency and the name and telephone number of each towing company that is a party to a written general towing authorization agreement with the owner or person in lawful possession of the property. The sign may also indicate that a citation may also be issued for the violation.
- (c) Prior to towing a vehicle (or personal property) from private property without the vehicle (or personal property) owner's consent, the towing company must have express written authorization for tow of that vehicle (or personal property) from the owner of the private property or designated agent. When an individual is designated by a private property owner to act as an agent to authorize towing from the property, such designation must be in writing and signed by the private property owner. There shall be some relationship between the private property owner and the designated agent, and there may be no relationship between the designated agent and the towing company. No employee of a wrecker company or designee of a wrecker company may patrol or otherwise participate in the decision making process about which vehicles are to be towed: this includes placing any sticker, signal or any other form of designation on any vehicle to be towed. Contracts or written agreements between a towing company and private property owners for non-consent towing must be retained by the towing company, and must include the property owner's signature and the signature(s) of any agent(s) designated by the private

property owner a copy of which must be filed with the Permits Office at the time of its execution.

Sec. 41-18. Rules and Regulations of the Permits Office.

The Permits Office may promulgate a complete set of rules and regulations describing in detail the procedures to be observed by licensed wrecker owners and operators, such rules and regulations shall be submitted to the City Council for approval. The Permits Office shall have authority to change such rules and regulations when the interest of the city requires such change or revision. Such change or revision shall be submitted to and approved by the City Council before becoming effective. The violation of such rules and regulations may be grounds for suspension or revocation of the wrecker or towing license or permit as provided in section 41-50 of this chapter.

Sec. 41-26. Permit Requirements

(a) License for Wrecker Service.

1. No wrecker service shall engage in business within the city limits or offer such service to any motor vehicle upon the streets, alleys, roads, highways, and thoroughfares of the city unless a license is obtained from the Permits office.

2. Each wrecker service owner must provide to the Permits Office a Certificate of Occupancy and Use from the Memphis and Shelby County Office of Construction and Code Enforcement and a current business license from the Shelby County Business Office.

(b) Emergency Wrecker Service.

No person shall engage in the business of providing emergency wrecker services within the corporate limits of the City of Memphis without first obtaining and keeping in force a license to operate an emergency wrecker service from the Permits Office,

(c) Wrecker Service owners with County Address.

Wrecker owners located in the county, but outside the city limits, who are licensed to operate in the county, pursuant to the provisions of Chapter 189 of the Private Acts of 1961, may apply for a license to operate in the city and such license shall be issued without the necessity of obtaining a Certificate Of Occupancy And Use from the Memphis and Shelby County Office of Construction and Code Enforcement as set forth above, provided that such operator meets the remaining qualifications for a license including a current Business License issued by the Shelby County Business Office and complies with all rules and regulations promulgated pursuant to this Chapter.

(d) Police Rotation List or Emergency Wrecker.

Only wrecker companies licensed to operate in the city who have been issued Certificates Of Occupancy And Use by the Memphis and Shelby County Office of Construction and Code Enforcement and satisfied each requirement set forth in this Chapter for emergency wrecker service shall be eligible to be included on the emergency wrecker rotation list maintained by the police services division for use in those instances in which wrecker operators are directed to the scene of a wreck by the police dispatcher.

(e) Storage.

No wrecker company shall hereafter be eligible to obtain a permit as a wrecker operator unless such operator shall have facilities for storage at the place from which its wreckers are to be operated sufficient for the storing of not less than twenty-five (25) disabled motor vehicles. "Storage" for the purpose of this Chapter

(f) Permit for Wrecker Service Drivers/Operators

No person shall operate a wrecker vehicle for hire upon the streets of the city of Memphis and no licensed wrecker service for hire shall permit towing at any time for hire, unless the driver of said wrecker for hire shall have first obtained and shall have a current and properly updated wrecker driver/operator's permit issued by the Permits Office.

1. Permits required by this division shall be applied for in person and in writing, on such forms as the Permits Office may prescribe which shall show:

A. The applicant has obtained a class "F" endorsement pursuant to the provisions of Chapter 7, Title 59, Tenn. Code Annotated.

B. All criminal statutes, whether federal or state, or city ordinance violations for which conviction, forfeiture of bond or pleading of nolo contendere has occurred, including motor vehicle and traffic violations. The applicant must have a Tennessee Bureau of Investigation criminal background check completed by the Permits Office within 30 days of the time the applicant submits his wrecker driver permit application.

C. Such other information as the Permits Office may require.

2. Such application shall be accompanied by a statement from a holder of a Wrecker Service License indicating that the applicant shall be affiliated with the license holder upon issuance of the permit.

3. Permits shall remain the property of the Permits Office, and may be canceled, revoked, or suspended at any time and will be surrendered on demand.

4. Each applicant applying for a permit shall appear before the Permits Office to complete an identification questionnaire on a form to be provided.

5. No Wrecker Driver's Permit shall be issued to any applicant who has been convicted of, forfeited bail or pleaded nolo contendere to a felony or any crime, involving moral turpitude, a controlled substance, obscenity or any crime of a sexual nature in any jurisdiction or been an inmate of reform school or penitentiary as a result of a conviction for a felony, within five (5) years prior to their application for such permit.

6. The Permits Office may refuse to issue a permit to and applicant whose police record shows conviction for driving under the influence of intoxicants, moving traffic violations, or any other good and just cause within five (5) years prior to their application

for such permit.

7. No permit shall be issued unless the applicant is at least twenty-one (21) years of age.
8. It shall be the duty of the Permits Office to issue a permit to any person applying therefor, showing compliance with the provisions of the chapter.
9. The holder of a Wrecker Driver's Permit shall advise the Permits Office immediately of all charges, arrests and indictments, including those for driving under the influence of intoxicants. The Permits Office may suspend a driver's permit for five (5) days prior to a hearing if driver is arrested, charged or indicted for any violation of city, state or federal laws. It shall also be the responsibility of the Wrecker Service License holder with which said driver is affiliated to notify the Permits Office of said charges, arrests or indictments. Failure to do so may result in suspension or revocation of said permit and/or of said license.
10. If a permit is issued, the driver must register with the Permits Office the name of the Wrecker Service License holder with which the driver intends to be affiliated, and the Permits Office will have stamped on the permit the name of the Wrecker Service License holder. If at any time a driver wishes to change wrecker service providers the driver must register the change with the Permits Office, and a fee of three dollars (\$3.00) will be charged to defray administrative cost. Failure to advise the Permits Office of any such changes may result in suspension or revocation of said permit. It shall be the responsibility of the holder of the Wrecker Service License holder to notify the Permits Office when affiliation with a driver is discontinued and any Wrecker Service License holder which allows a driver to operate a wrecker service vehicle for hire without a proper and complete permit may have its license suspended or revoked.
11. Each applicant for a permit under the provisions of this section shall pay to the Permits Office a fee of fifty dollars (\$50.00) at the time of filing the application to cover the cost of a criminal background check, application processing and a permit card. At the biannual renewal of such permit, the applicant shall pay the sum of fifty dollars (\$50.00). To replace a lost, destroyed or stolen permit that is current the fee shall be fifteen (\$15.00) dollars. The costs associated with a background check shall be paid by the applicant.
12. A permit issued under this chapter shall be in card form of such size and design as may be prescribed by the Permits Office, which shall bear on its face a photograph of the driver, the number of the permit the expiration date thereof the company with which the driver is affiliated, and such other information as the Permits Office may require. The driver shall also have a current driver's license.
13. A permit issued under this provision shall expire at midnight two (2) years after of the date of issuance. Every Wrecker Driver's Permit in good standing will be renewable during the renewal period. The renewal period shall be from three (3) months before until five (5) working days after the expiration date. Renewal shall be made by application, as set forth below, and payment of the fee to the Permit Office. At the end of the renewal period, the license shall become null and void. Failure to make timely application for renewal of the Wrecker Driver's Permit will result in the assessing of a reinstatement fee of fifteen dollars (\$15.00) per month for up to three (3) months from the expiration date in addition to the renewal fee. After three (3) months, a completed application for a new driver permit is required, including a new physical, within ninety (90) days of its issuance.
14. If the driver wishes that his permit be renewed, they shall furnish, in person, to the Permits Officer a statement from a Wrecker Service License holder indicating that the driver is a current driver for said certificate holder.

15. The Permits Office and/or Transportation Commission is hereby given the authority to fine a penalty fee of no more than fifty dollars (\$50.00), to suspend or revoke any Wrecker Driver's Permit issued under this chapter for a driver's failure to comply with the provisions of this chapter or the rules and regulations specified by the Permits Office and/or Transportation Commission.

16. The Permits Office shall notify a driver and the associated Wrecker Service License holder of the violations with which they are charged and their right to a hearing before the Transportation Commission for any suspensions/revocation recommended by the Permits Office in excess of five (5) days. A hearing shall be held at such time as may be conveniently scheduled but within thirty days (30) days of the notification to the driver of the recommended suspension/revocation exceeding five (5) working days.

17. The Permits Office and / or Transportation Commission may suspend or revoke any driver and / or license of associated Wrecker Service License holder for allowing any other person to use the permit granted to said driver for the purpose of operating a wrecker, another type of passenger vehicle for hire, or for any other reason.

18. The Permits Office may suspend or revoke the Wrecker Driver's Permit of any driver who defaces, removes, or obliterates any official entry made upon the permit.

19. Every driver holding a valid wrecker driver's permit shall be subject to random drug screening as established in this section. Drivers may be selected for drug and alcohol testing on a random basis by using a scientifically valid random number generation method approved by the Permits Office. Upon selection, the Permits Office shall notify the Wrecker Service License holder for whom the driver works. The Wrecker Service License holder shall be responsible for notifying the driver. Once advised of the required test, a driver must take the test within twenty-four (24) hours. The Permits Office will use testing location already approved by the city.

20. The cost of the testing shall be borne by the certificate holder if the results are negative. If the results are positive, the cost of the test shall be borne by the driver tested. The results of all tests shall be immediately provided to the Permits Office.

21. Drivers will be subject to urine drug and breath alcohol testing. Drug testing will be for any illegal drug or substance' including but not limited to amphetamines, cocaine or its derivatives, marijuana, opiates, and phencyclidine (PCP). Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Breath alcohol testing will be considered positive at a 0.04 alcohol level or higher.

22. The use of a controlled substance is not prohibited, which is prescribed by a treating medical physician, if this physician makes a good faith judgment that use of the substance by the driver at the prescribed dosage level is consistent with the safe performance of the driver's duties. Drivers using a controlled substance prescribed by a treating physician must immediately notify the Wrecker Service License holder that they are taking such medication. The Wrecker Service License holder may request a doctor's certificate verifying the treatment. Abuse of a prescribed controlled substance is prohibited.

23. Any driver who refuses to comply with a request for testing, who provided false information in connection with a test, or who attempts to falsify tests results through tampering, contamination, adulteration, or substitution shall have his/her permit revoked immediately. Refusal can include an inability to provide a specimen or breath sample without a valid medical examination, and a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.
24. Any driver who test positive under the random testing procedure will be subject to the following:
- A. Suspension of permit for thirty (30) to one hundred twenty (120) days.
 - B. Referral to an assessment by a substance abuse professional (SAP).
Return to work drug and alcohol test at the end of suspension
 - C. Completing a return to work agreement outlining terms of return to work, including ongoing treatment and additional random testing for up to five (5) years with a minimum of six (6) tests that first year.
25. Any driver who has a second positive test under any testing circumstance within three (3) years is subject to revocation.
26. No driver who has had a permit revoked for failing drug screening shall be eligible for a permit for six (6) months following revocation. At the end of that period, any re-application must include evidence that the driver has undergone treatment for substance abuse and proof of a negative drug screen within one week of reinstatement.
27. A driver who fails a drug/alcohol test within three (3) years of a first suspension shall have his/her permit revoked for two (2) years. A third violation shall result in a permanent revocation.
28. Testing shall be done on all drivers subject to a fitness for work evaluation when there are reasons to believe that drug or alcohol use may be adversely affecting job performance. The Wrecker Service License holder and the permits office will make reasonable suspicion determinations.
29. Testing shall be done on all drivers involved in an accident that results in a fatality, or injuries requiring immediate transportation to a medical facility or the driver receives citation by local law enforcement officers, or if one or more vehicle incurs disabling damage that requires towing, pushing etc. from the site and driver receives a citation for a moving violation arising from the accident. Acceptance of a Wrecker Driver's Permit under this chapter signifies consent to testing if a driver is unconscious after being involved in such an accident.
30. Following an accident, the driver will be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. Any driver involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident test. Any employee who leaves the

scene of the accident prior to the submission to the drug/alcohol test will be considered to have refused the test and be subject to permit revocation.

31. Confidentiality will be maintained throughout the drug/ alcohol testing process. The Risk Management Department of the City of Memphis will maintain results in the strictest confidence in a medical file separate from the official personnel file. In cases where disciplinary action results from positive test, such information shall be shared only with those in a supervisory capacity involved in that action.

Sec. 41-30. Liability Insurance Required.

A wrecker service shall not operate upon the streets of the City of Memphis until it has obtained and kept in force all insurance required as established by the Risk Management Department of the City of Memphis which may be adjusted from time to time. The Company shall require all subcontractors to carry insurance as outlined below, in case they are not protected by the policies carried by the Company. The Company is required to provide copies of the insurance policies upon request. The Company shall furnish the Risk Manager a Certificate of Insurance and/or policies attested by a duly authorized representative of the insurance carrier evidencing that the insurance required hereunder is in effect. All insurance companies must be acceptable to the City of Memphis and licensed.

The Company shall indemnify, defend, save and hold harmless the City, its officers, employees, and agents, from and against any and all claims, demands, suits, actions, penalties, damages, settlements, costs, expenses, or other liabilities of any kind and character arising out of or in connection with the breach of this Agreement by Company, its employees, subcontractors, or agents, or any negligent act or omission of Company, its employees, subcontractors, or agents, which occurs pursuant to the performance of this Agreement, and this indemnification shall survive the expiration or earlier termination of this Agreement. The provisions of this paragraph shall not apply to any loss or damage caused solely by the acts, errors, or omissions of the City, its officers, employees and agents.

Each certificate or policy shall require and state in writing the following clauses:

Company shall provide notice to the City within three (3) business days following receipt of any notice of cancellation or material change in Company's insurance policy from Company's insurer. Such notice shall be provided to City by registered mail, to the following addresses:

City of Memphis
Attn: Risk Management
2714 Union Ext, # 200
Memphis, TN 38112

City of Memphis
Attn: Purchasing Agent
125 N Main, Rm 354
Memphis, TN 38103

Permits Office
Attn. Administrator
2714 Union Ave. Ex., #100
Memphis, TN 38112

The Certificate of Insurance shall state the following: "The City of Memphis, its officials, agents, employees and representatives shall be named as additional insured on all liability policies." The additional insured endorsements shall be attached to the Certificate of Insurance

and the Certificate of Insurance shall also state: "The additional insured endorsement is attached to the Certificate of Insurance."

WORKERS COMPENSATION:

The Company shall maintain in force Workers' Compensation coverage in accordance with the Statutory Requirements and Minimum Limits of the State of Tennessee and shall require all subcontractors to do likewise.

Employer's Liability	\$100,000	Each Accident
	\$500,000	Disease-Policy Limit
	\$100,000	Disease-Each Employee

AUTOMOBILE LIABILITY:

Covering owned, non-owned, and hired vehicles with Minimum LIMITS OF:

\$1,000,000 Each Occurrence – Combined Single Limits

COMMERCIAL GENERAL LIABILITY:

Comprehensive General Liability Insurance, including Premises and Operations, Contractual Liability, Independent Contractor's Liability, and Broad Form Property Damage Liability Coverage with minimum limits of:

\$1,000,000	General Aggregate
\$1,000,000	Products-Completed Operations
\$1,000,000	Personal and Advertising Injury
\$1,000,000	Each Occurrence (Bodily Injury & Property Damage)
\$ 50,000	Fire Damage any One Fire
\$ 5,000	Medical Expense any One Person

PROPERTY INSURANCE:

The Company shall be responsible for maintaining any and all property insurance on their own equipment and shall require all subcontractors to do likewise.

Section 41-31. Additional Insurance Required for Emergency Wrecker Service, and Non-Consent Wrecker Operators GARAGE LIABILITY:

With Minimum LIMITS OF:

\$1,000,000	Garage Liability General Aggregate
\$ 100,000	On Hook

\$ 200,000

Garage Keepers Legal Liability

Sec. 41-33. Issuance of Wrecker Decals; Transfer and Display.

Add section (d)

(d) Types of Decals

1. General Purpose – Permits towing of vehicles where the owner has consented to the control of the vehicle to a third party such as a repair shop; re-possession but not for violations whether private property or otherwise.
2. Non – Consent – Permits the towing of vehicles for violations whether private property, city, state or federal violations.
3. Emergency – "Emergency wrecker service" means the removal of motor vehicles from the streets, alleys, roads, highways and thoroughfares within the area of the metropolitan government when there is an emergency situation

Sec. 41-51. Suspension or Revocation.

- (a) Suspension less than 10 days: No Hearing required. The *Permits Office*, shall have the power to suspend a Wrecker Service License and/or Wrecker Driver's Permit for a period not to exceed ten (10) days without a hearing, if it is found that a wrecker operator has violated any of the aforementioned requirements or rules and regulations. After the suspension expires, the wrecker operator License and/or Permit will not be reinstated until such time the requirement, rule or regulation violation is corrected and the wrecker operator meets all provisions of this Chapter.
- (b) Suspension more than 10 days: Hearing required. If any wrecker operator has been charged by the Permits Office with any of the aforementioned violations which do not immediately endanger public safety and the nature or gravity of the violation indicates that if found guilty the penalty may require suspension from wrecker service upon the streets of the City of Memphis for a period of more than ten (10) days, the Permits Office shall notify the wrecker operator in writing of the nature of the offense and shall schedule an administrative hearing to be held by the Permits Office or Transportation Commission. At such hearing, the wrecker operator shall be allowed to answer such charges. Suspension from wrecker service is not subject to appeal, the decision of the Permits Office or Transportation Commission is final.
- (c) Suspension not to exceed 30 days. Suspension from wrecker service shall not exceed thirty (30) days for a violation or violations heard in any one administrative hearing. After the suspension expires, the wrecker operator will not be approved to be returned to wrecker service such time as the requirement, rule or regulation violation is corrected and the wrecker operator meets all

provisions of this Chapter. Any more severe penalty shall require the procedure outlined under paragraph (d) of this section.

- (d) Suspension exceeding 30 days. If a wrecker operator has been charged by the Permits Office, with any of the above mentioned violations which could result in suspension or removal from wrecker service for a period exceeding thirty (30) days, or revocation or suspension of the a Wrecker Service License and/or Wrecker Driver's Permit, the Permits Office shall notify the wrecker operator in writing of the nature of the violation and shall schedule an administrative hearing to be held by the Permits Office or Transportation Commission. At such hearing, the wrecker operator shall be allowed to answer such charges. Permits Office or Transportation Commission shall have power to suspend or remove the wrecker operator from wrecker service or to suspend or revoke the a Wrecker Service License and/or Wrecker Driver's Permit of the wrecker operator if it is found that the operator has violated any of the aforementioned requirements or the rules and regulations.

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 remained 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 on the later of: after it is 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.

HAROLD COLLINS
Memphis City Council

MYRON LOWERY
Council Chairman

Attest:
Patrice Thomas, Comptroller

**AN ORDINANCE TO AMEND, CHAPTER 39 OF THE CITY OF
MEMPHIS CODE OF ORDINANCES SO AS TO ESTABLISH
THE MEMPHIS TRANSPORTATION COMMISSION**

WHEREAS, The City of Memphis is responsible for issuing permits and certificates of public convenience and necessity regulating all taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, courtesy cars and their drivers operating on the streets of Memphis; and

WHEREAS, The City of Memphis, has established rules and regulations on the proper and safe operation of horse carriages within the City of Memphis, and the humane treatment of the animals employed; and

WHEREAS, The City of Memphis, to promote public safety, has established rules and regulations designed to facilitate and provide for emergency towing services upon the streets, alleys, roads, highways, and thoroughfares within the City of Memphis, including the regulation and control of parking; and

WHEREAS, citizens, visitors and tourists have issued numerous complaints to city administrators of pricing abuses committed by taxicab drivers, shuttle services, limousines and horse carriage operators and other vehicles for hire; and

WHEREAS, citizens, visitors and tourists have been victims of pricing abuses and property damages resulting from predatory towing practices of licensed and unlicensed wrecker services and towing services operating within the City of Memphis; and

WHEREAS, City officials have received repeated complaints from citizens, vehicle for hire industry representatives, and professional drivers, citing the existence and operation of unlicensed, non-permitted vehicles for hire, commonly known as "bandit-cabs" and predatory towing; and

WHEREAS, City officials have issued ordinance violations to various vehicles for hire and wreckers or towing services operating within the corporate limits of the city without certificates of convenience and necessity, or permits from the City; and

WHEREAS, due to the growth of these industries within the city, and the corresponding increase in reported violations of city ordinances, the need exists to form a board to approve, monitor and maintain non-

judicial oversight of the aforementioned transportation industries operating within the city; and

WHEREAS, the City Council of the City of Memphis has the authority under City Ordinance, (Article 8 section 57, and Article 40, sections 353 and 354), to establish and assign commissions and boards.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 39 is hereby amended to create Article IV which shall read as follows:

Section 39-240. Memphis Transportation Commission Established

There is hereby created and established a transportation commission to be known as the Memphis Transportation Commission.

Section 39-241. Purpose

The Memphis Transportation Commission shall serve as the regulatory body for all taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, tow trucks, wreckers and their drivers operating on the streets of Memphis.

Section 39-242. Membership

A. The Memphis Transportation Commission shall consist of seven (7) voting members.

B. Each member shall be appointed upon recommendation of the mayor with approval by the city council. These members shall be residents of Memphis 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 (2) 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 Transportation Commission shall recommend a successor who shall be appointed by the Mayor with approval of the city council to fill such unexpired term or terms.

C. Three members of the Commission shall represent the following organizations:

1. Memphis Convention and Visitors Bureau
2. Memphis International Airport

3. Memphis Area Hotel and Lodging Association

4. The taxicab / vehicle for hire industry

D. 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 of Memphis Permits Administrator shall serve as the Commission's Executive Secretary. The commission shall have the power to appoint such other officers as determined by the members of the commission.

Section 39-243. Meetings – Quorum – Records

A. The 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. Four (4) 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 twenty-four (24) hours prior to the date set for the meeting.

Section 39-244. Powers – Functions

A. Powers. The 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.

B. 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 public convenience and necessity under this chapter relative to taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, tow trucks, wreckers and their drivers operating on the streets of Memphis.

3. Conduct public hearings and make final decision on violations, complaints or issues relative to the operation of taxicabs, vehicles for hire, limousines, shuttle services, horse carriages, tow trucks, courtesy cars, wreckers and their drivers.

4. Maintain a close liaison with all city divisions and relevant transportation organizations including, but not limited to, law division, general services, police services, community enhancement, finance, Memphis Area Transit Authority, Memphis Convention and Visitors Bureau & Memphis-Shelby County Airport Authority on issues pertaining to the aforementioned transportation industries.

5. Assess penalties and fees for violations of vehicles for hire and related transportation ordinances.

Section 39-245. Purchases

The transportation commission is authorized to purchase all necessary stationery, printing and supplies through the purchasing agent of the city.

Section 39-246. Payment of Expenses—Annual Financial Statement

All expenses of the transportation 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 cost.

Section 39-247. Oath

Each member of the transportation commission shall take an oath to faithfully perform the duties imposed upon him without fear or favor, and in full accordance with the constitution and laws of the state and the ordinances of the city.

Secs. 39-248 - 39-255. Reserved.

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

Harold Collins
Memphis City Council

Myron Lowery
Memphis City Council

Chairman

Attest:



Memphis City Council Summary Sheet

Resolution appropriating funds for Mitsubishi Power Electric

- This item is a resolution to appropriate funds for drive piles for the foundation of Mitsubishi Electric Power Products, Inc.
- The Engineering Division requests the appropriation of this year's allocation.
- This does not reflect a change in an existing resolution.
- This project will require a new contract.
- A new contract and expenditure of funds are required.

RESOLUTION

WHEREAS, the City of Memphis Division of Engineering has received state grant funds in the amount of Eleven Million Dollars (\$11,000,000) from the Tennessee Department of Economic and Community Development through its FastTrack Infrastructure Development Program to fund infrastructure improvements related to Mitsubishi Electric Power Product, Inc.'s (MEPPI) Memphis manufacturing facility; and

WHEREAS, the city has entered an agreement with Mitsubishi Electric Power Products, Inc. in the event the Cost and Expenses exceed the Grant Amount, MEPPI agrees to reimburse the City for any and all such Excess Costs and Expenses; and

WHEREAS, bids were taken on September 30, 2011 with the lowest complying bid being \$12,963,741.00 submitted by CONTINENTAL CONSTRUCTION; and

WHEREAS, it is necessary to accept and appropriate funds from MEPPI in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) from Local Other to Contract Construction Cost, Mitsubishi Power Electric, Project Number EN90027 as follows:

Contract Amount	\$12,963,741.00
Project Contingencies	<u>536,259.00</u>
Total	\$13,500,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2012 Capital Improvement Budget be and is hereby amended by appropriating additional funds into Project Number EN90027 - Mitsubishi Power Electric; and

BE IT FURTHER RESOLVED, that there be and is hereby appropriated the sum of \$2,500,000.00 funded by MEPPI and chargeable to the Fiscal Year 2012 Capital Improvement Budget and credited as follows:

Contract Construction	\$2,500,000.00
Project Number	EN90027



Memphis City Council Summary Sheet Instructions

Please provide a brief summary of the item, in bullet form, not to exceed one page:

1. Describe item (Resolution, Ordinance, etc.)
Resolution
2. Identify initiating party (e.g., Public Works; at request of City Council, etc.)
Division of Engineering at the request of City Council
3. State whether this is a change to an existing ordinance or resolution, if applicable.
This is not a change to an existing ordinance.
4. State whether this requires a new contract, or amends an existing contract, if applicable.
This will require a new contract.
5. State whether this requires an expenditure of funds/requires a budget amendment.
This requires an expenditure of funds and requires a budget amendment.

RESOLUTION

WHEREAS, The City of Memphis Fiscal Year 2012 Operating Budget Ordinance directed the administration to study the feasibility of revising its parking fees and structure of service delivery by January 2012; and

WHEREAS, a revised parking strategy would encourage on-street parking turnover to maximize business activity, as well as, provide an improved system to increase the availability of parking; and

WHEREAS, the development of a revised parking strategy would upgrade technology that creates more options for payment, provide less cluttered streets (fewer parking meter poles), and enhance compliance; and

WHEREAS, new costs will be incurred to increase compliance and support a comprehensive study to implement the most user friendly and focused program; and

WHEREAS, it is the administration's desire to pay for this parking study with parking funds generated from increased parking fees; and

WHEREAS, parking fees for the City of Memphis were far behind comparable metropolitan cities; and

WHEREAS, on-street parking rates were recently increased from \$0.75 per hour to \$1.00 per hour to bring rates more in line with rates of comparable cities; and

WHEREAS, the administration has the opportunity to enhance its on-street parking system and increase parking revenue with a modest investment in this underperforming city asset.

NOW, THEREFORE, BE IT RESOLVED, that funds raised through the recent parking rate increase will be used to add one (1) compliance employee, at a cost of \$30,000 plus fringes, to undertake a feasibility study and program implementation at a cost of \$170,000 and to pay the miscellaneous set-up cost for field testing the parking meters at a cost of \$15,000.

BE IT FURTHER RESOLVED, that the Engineering Division Fiscal Year 2012 Operating Budget be and is hereby amended by appropriating the Revenues from the rate increase for the following Expenditures:

Revenue

Parking Fees \$ 215,000.00

Expenditures

Personnel \$ 30,000.00

Misc. & Professional Services \$ 170,000.00

Misc Services/Charges \$ 15,000.00

Total \$215,000.00



Memphis City Council Summary Sheet

- Resolution to appropriate \$340,000 for CIP Project IS01070, Website/Intranet Upgrade which was approved by City Council in the FY2012 CIP Budget. This project will fund the upgrade of the City's internet website, as well as the intranet site.
- The Division of Information Service is requesting this action.
- There is no change to an existing ordinance or resolution.
- The City of Memphis entered into an agreement with Linx Consulting for the development work.
- This item requires the appropriation of \$340,000 in General Obligation Bonds chargeable to the FY2012 Capital Improvement Budget.

RESOLUTION

WHEREAS, the Fiscal Year 2012 Capital Improvement Budget approved by the City Council did include the CIP project number IS01070, Website/Intranet Upgrade; and

WHEREAS, Information Services has a project to upgrade the City of Memphis website/intranet; and

WHEREAS, the City of Memphis entered into an agreement with Linx Consulting for the provision of IT services including the procurement of the items pertaining to the services, and

WHEREAS, it is necessary to appropriate \$340,000 in G. O. Bonds general in CIP Project IS01070, Website/Intranet Upgrade.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated \$340,000 in General Obligation Bonds chargeable to the FY2012 Capital Improvement Budget and credited as follows:

Project Title: Website/Intranet Upgrade

CIP Project Number: IS01070

Amount: \$340,000. G. O. Bonds General



Memphis City Council Summary Sheet

Ordinance for Skate Park

- This Ordinance seeks to establish the requirement for all users of the skate park to wear a helmet for personal safety purposes.
- The initiating party is the Division of Park Services.
- This Ordinance will revise the existing Chapter 23 of the City Ordinance by adding section 23-86
- This Resolution does not require a contract.
- This Resolution does not require an expenditure of funds.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 23 OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO ADD SECTION 23-86 WHICH SHALL REQUIRE THE USE OF HELMETS FOR PERSONAL SAFETY DURING SKATING AND OTHER ACTIVITIES WITHIN THE SKATE PARKS

WHEREAS, city parks are intended to be used and enjoyed by all citizens of the City of Memphis and the public has an expectation of personal safety within public parks; and

WHEREAS, the Division of Park Services will soon complete and open the first skate park in the city; and

WHEREAS, the Memphis City Council and Administration of the City of Memphis believe it to be in the best interest of the users of the skate park to require the use of helmets for personal safety during skating activities; and

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 23 of the City Code of Ordinances is hereby amended to add Section 23-86 which shall read as follows:

Section 23-86. Use of helmets required in skate parks.

- (a) It is unlawful for any person to utilize the skate park(s) with skateboards, bicycles, or inline skates without the use of a helmet as a protective measure.
- (b) Violation of this Section shall result in a fine of \$50.00, unless otherwise waived at the discretion of the Court and dismissed as a warning for a first offender.

SECTION 2. 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.

SECTION 3. BE IT FURTHER ORDAINED, 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.

Myron Lowery
Chairman of the Council



THE CASE FOR OVERTON PARK

RECLAIMING MEMPHIS' CROWN JEWEL

*"Overton Park is a treasure and we want to maximize it as such."*¹

A C Wharton, Jr
Mayor of Memphis

¹ Commercial Appeal (October 21, 2010)

SUMMARY

As detailed in the following pages, the Overton Park volunteer study group, having incorporated substantial public feedback over the summer, 2011, proposes the following to the Memphis City Council for their approval, toward the objective of revitalizing Overton Park:

Create the Overton Park Conservancy, which will manage the forest and parkland areas of the Park under a management agreement with the City. The Conservancy will manage the 126-acre Old Forest (under conditions of the contract to be negotiated between the City and TDEC for the Old Forest State Natural Area, as approved by the State legislature in May, 2011). Further, the Conservancy will manage the Park's parkland areas (the picnic area along East Parkway; the "Greensward" (including Rainbow Lake and the west playground area, and the proposed dog park) in the heart of the Park; and the peripheral areas along Kenilworth. These areas total about 65 acres.

Excluded from Conservancy management will be those portions of the 342-acre Park already covered by other agreements with the City: the Brooks Museum of Art, Levitt Shell, Memphis College of Art, Memphis Zoo, Overton Park golf course, and fire station and General Services areas on East Parkway.

The Conservancy will be responsible for raising the bulk of the capital and operating funds for Park revitalization and operation, with the City being asked for 25% of the necessary funds in 2012 (\$150,000 for operations plus \$179,000 for capital improvements, totaling \$329,000), then dropping by \$50,000 each year to a floor of \$150,000 (13% of needs) in 2016 and thereafter. For the initial five years, the City's contribution to the Park will be 19% of Park needs for capital and operations. The City will be spending less, each year, than is presently being spent on Overton Park.

As detailed in the budget, the Conservancy will raise almost \$5 million in the coming five years for the operation and improvement of the Park, over and above the need from the City.

The Conservancy will staff for operation and improvement of the Park and its physical condition, cleanliness, educational programs, volunteers, festivals & events, communications, development, and general management. The funding model evolves from primary dependency upon foundation support (in the first five years), to depending upon individuals, events & festivals, and corporations for most of Park funding by the sixth year of the Conservancy.

The Conservancy, working with all the other existing Park entities, will in the coming years seek funding (local, state, federal, private) and development of a 500-car parking garage (approximately \$5.5 million), to be built in the present Zoo service area along North Parkway. The development of this critically-needed parking facility will permit the Zoo to discontinue overflow parking on the Greensward – the very heart of Overton Park – at peak times of need.

The Conservancy will seek the removal of General Services and the fire station from the east side of the Park, and the return of those areas to parkland uses.



OVERVIEW

For 110 years, Overton Park of Midtown Memphis has been immensely popular with Memphians in search of exploration, entertainment, exercise, and enjoyment. This 342-acre City-owned asset boasts a wide variety of natural and cultural attractions.

On a beautiful day in Overton Park, the outdoor scene is breathtaking! At the 126-acre Old Forest, hikers, joggers and strollers trek along the trails that are festooned with markers featuring 32 species of trees, 340 plant species, and many individual trees older than 200 years. Nature enthusiasts marvel at the diverse wildlife, which includes 160 species of birds that frequent the authentic old growth forest.

Free-form activities abound along 17 acres of the Greensward and Rainbow Lake area. Kite flyers, ball players, and tag chasers roam the open green space before jaunting off to the two major playgrounds and the spacious picnic area. Golfers gear up to play nine holes at the public golf course. Children and parents hurry to the Memphis Zoo, where they spend hours marching across 70 acres to observe 3,500 animals in natural settings, representing over 500 different species. Families travel to Overton Park to experience nature, but they stay to experience good-natured fun.

Rain or shine, the arts scene of Overton Park is awesome! Thousands visit the Brooks Museum of Art and the Memphis College of Art. Quiet visitors tour Veterans Plaza to appreciate the memorials and to remember our fallen heroes. Others marvel at the unique architecture and attractions of the Memphis Zoo. And excited music lovers crowd the stage of the Levitt Shell to tap, wiggle, and shake to free live performances. With ten acres dedicated to the arts scene, visitors immerse themselves in works of art, art history, and the art of music.

Long revered as the “crown jewel” of Memphis’ public parks, Overton Park is today a place of paradox. Our treasure is overrun with trash. Our public asset lacks adequate public funding. City-run programs have been cut, while the unwanted, unnatural privet in the Old Forest continues to invade. As the number of park visitors soars to an all time high, park maintenance sinks to an all time low. *The time has come to reinvigorate Overton Park. Our treasure needs to be restored.* Our public asset needs both public and private support. Our nostalgia for Overton Park of the past needs to match our commitment to Overton Park of the future.

In early 2011, a group of committed volunteers organized to seek the optimum strategic plan to return excellence to Overton Park: its preservation, revitalization, and sustainable use. The volunteers include professionals, community leaders, representatives of all of the Park’s primary interest groups, and concerned citizens who are motivated by their enthusiasm for and dedication to Overton Park.

Their mission is to help return Overton Park to its former position of excellence as the “crown jewel” of Memphis’ public parks, a City treasure that continues to attract locals and visitors alike. Their goal is to reverse the park’s current state of decline by advocating for developments that position Overton Park as a nucleus of urban life and activities in Memphis. The Park’s central location, its extensive and diverse facilities open to the public year-round,



and its history as one of the City's most beloved and popular spots: all make it the most natural of spaces to continue to bring together, and help to unify, the diversity that is Memphis.

With substantial input from the public, the volunteers propose an overall strategic plan for Overton Park that seeks to:

- Maintain City ownership, while decreasing the City's financial obligation over time;
- Establish an independent fundraising capability through the creation of the Overton Park Conservancy, partnering with the City to fund maintenance of and capital improvements to approximately 184 acres of parkland and forest;
- Protect the entire park permanently, including the Old Forest;
- Advance the cultural arts as a key asset in Overton Park, centered around the Arts Zone
- Increase public use, programs, and volunteerism; and
- Improve the care and maintenance of Overton Park in an ecologically sustainable and socially responsible manner.

The volunteer group will dissolve once its recommendations to the public, and subsequently to the Mayor of Memphis and City Council, are finalized. The plan involved a summer-long public process, beginning with public meetings in June 2011, to inform citizens of the group's propositions for Overton Park, and – following incorporation of the public feedback reflected in this Case Statement – submittal of a recommendation to the Mayor, and a request for affirming action by the City Council.

BENEFITS OF OVERTON PARK

Green, beautiful cities are competitive cities. Preserving Overton Park at the highest level of excellence will improve the quality of life for Memphians and lead to investment opportunities that ultimately benefit all Memphians.

A Place Where Lasting Connections Are Made

The Park entities and the Park itself have long been, and continue as, some of the predominant, truly integrated institutions in Memphis. With renewed and focused programs on diversity and meeting the wants and needs of the City's entire population, Overton Park will continue to be, and grow as, a source of pride to all of Memphis.

Overton Park has always been a place where social connections are made, but it is increasingly becoming a place where City and County connections are being made. Livable Memphis is spearheading a multi-use path that connects the western terminus of the Shelby Farms Greenline to Overton Park through the Binghamton Neighborhood and the Historic Broad Avenue Arts District.

Coined the Overton-Broad Connector, this 2-mile route links to the 7-mile Shelby Farms Greenline and facilitates a park to park connection ideal for walkers, joggers, runners, and



bikers. The Overton-Broad Connector is poised to enhance transit and economic opportunities for traditionally underserved communities within the project area.

Overton Park is the center of the “Heart of the Arts” zone, which stretches from Cooper Young and Christian Brothers University to the south, and Rhodes College to the north. By further connecting the historic Broad Avenue Arts District to Overton Park, the Park will be the central gateway to the arts scene of Memphis – the heart of the “Heart of the Arts”!

One More Good Reason To Live in Memphis

Superior public spaces are a measure of community health and vitality that attract businesses and residents, and Overton Park is in the forefront of the City’s prominent public spaces. Overton Park is a good reason to stay and live in Memphis. Overton Park tangibly represents and permits a more desirable quality of life. Enhancing Overton Park will contribute to the beautification and safe enjoyment of a more vibrant Memphis community.

Enhancement of Neighborhood & Commercial Values

Overton Park is more than a local attraction to visitors. Located in the heart of the City, the Park is surrounded by the homes of thousands of Memphians. Property values within walking distance of the park range across a broad spectrum, from modest and steadily recovering west Binghamton, upwards to some of the City’s higher valuations to the north, west, and south – especially those fronting or near the Park. At a time when the City’s assessed tax base is weakened by the recession, the prices of homes in and surrounding Overton Park remain stable and experience low turnover, validating the view of the National Association of Homebuilders that “parks and recreation areas ...enhance value of nearby property up to 15 – 20 percent.”

Overton Park is a *value-added investment for the City*, with its dependable Park-area property tax base and, with the prospect for a return to excellence of Overton Park, the expectation of renewed increases in property valuations and tax receipts for the City.

The Brooks, Levitt Shell, and Memphis College of Art make Overton Park a center point in the city for creativity and the economic and civic benefits of the arts for all of Memphis.

SURVEY RESULTS

1,679 park users participated in the survey component of the summer-long public phase. Results are summarized in Appendix "A" and may be reviewed in comprehensive detail at www.overtonpark.org. Some of the highlights of the survey:

Would you support non-profit Conservancy management of Overton Park?: 68% said “yes”, a further 15% said “yes” with conditions attached (see Appendix “A”), 12% wanted more information, 3% were unsure or did not answer the question, and only 1% said no. ***The proposed Conservancy has very strong public support.***



What do you love most about Overton Park? Levitt Shell (43%), Memphis Zoo (40%), Old Forest (35%), Brooks Museum (34%), Greensward & open spaces (32%), location (30%), place to walk/run (27%), natural beauty (25%), sense of community (22%), quiet refuge (22%).

Describe your ideal Overton Park. Clean & well maintained (32%), safe (18%), updated playgrounds (13%), Old Forest protected (13%), more community activities (11%), restrooms (11%), fenced dog park (11%), Greensward & open space protected (10%), café/food carts (9%), bicycle/pedestrian links to neighborhoods & Greenline (9%)

What problems must be addressed? Safety/security (32%), cleanliness (24%), illegal activity (22%), parking/traffic (18%), maintenance (17%), restrooms (11%), cars on Greensward (10%), threat of losing golf course (10%), lack of police presence (7%), outdated playgrounds (6%)

THREATS TO OVERTON PARK

Overton Park faces these major threats:

- Lack of protection from future development or further encroachment;
- Lack of adequate funding for maintenance and capital needs;
- Lack of parking for the growing number of visitors; and
- Lack of adequate flood control measures for Lick Creek.

LACK OF PROTECTION FROM FUTURE DEVELOPMENT

Of the Park's 342 total acres, approximately 184 acres (54%) remain as parkland or forest freely usable by the public. Over the past hundred years, the original parkland has been apportioned off to other uses: some excellent, some regrettable, but all diminishing the parkland and forest area.

The Park avoided the extreme threat of an interstate highway dividing the Park, through concerted public action in the 1960's, 1970's, and 1980's, although hundreds of nearby homes were obliterated during that period, only slowly rebuilding.

PROTECTION PROPOSAL

The strategic plan for Overton Park proposed that the 126 remaining acres of the "Old Forest" be placed in a State Natural Area. With the strong support of the Mayor of Memphis, the unanimous support of the Overton Park volunteer group, and backed by the legislative leadership of Senators Beverly Marrero and Mark Norris and Rep. Jeanne Richardson, the Tennessee legislature accepted the Old Forest as a State Natural Area this Spring 2011, thus establishing the highest level of protection available under Tennessee law. We recommend that the Old Forest be managed by the Overton Park Conservancy in partnership with the Tennessee Department of Environment & Conservation (TDEC), under State Natural Area guidelines, once the Old Forest management plan is approved by TDEC.



Preservation of many of the old structures in the Park – the stone bridges on its interior roads, the golf clubhouse, McFarland Clock Tower, Willingham Fountain, Higbee Memorial, the Doughboy statue, and many others – will be protected under Conservancy management.

The strategic plan urges the City to make every possible effort to remove the General Services site and the Fire Departments from Overton Park, so that in due time that land (about 15 acres) will be returned to parkland use as envisioned in the original 1901 plan and the 1988 Master Plan. One immediate step may be the return to parkland use of the southern portion of the General Services site, presently used for night/weekend equipment parking and inefficient dead storage.

Depending upon timing and the need for visitor parking (especially on the east side of Overton Park, where there is very little parking available for those entering the Park from the east) and maintenance, a minor portion of that General Services and Fire Department area may be devoted to parking (Park access will be limited solely to foot and bicycle traffic) and a maintenance area for the Conservancy and the Zoo.

LACK OF FUNDING

The City of Memphis presently spends an estimated* \$329,000 annually in Overton Park for various parkland services, *excluding* City outlays for the City's participation in the golf course, the Memphis Zoo, Brooks Museum of Art, and the Levitt Shell. This funding is proving inadequate; the condition of the Park has steadily eroded over the years until the present day.

*Precise cost information for Overton Park unavailable due to how the City categorizes Park costs. However, a reasonable estimate can be made. Three peer cities (Nashville, Charlotte, and Atlanta) publish their parks operating costs, which averaged \$5,599 per acre in 2008 (latest data). Memphis spent \$3,582 per acre (56% below its peer group), based on \$17.2 million by Park Services on operational spending on 4,802 total Park Services acres. Multiplying that average by the 184 acres of Overton Park managed area equals \$659,000. We conservatively estimate \$329,000 current rate for operations is being spent on Overton Park's managed acres, 32% of the Nashville, Charlotte, and Atlanta peer group average.

FUNDING PROPOSAL

The strategic plan of Overton Park proposes to establish a non-profit 501c3 **Overton Park Conservancy** (OPC) for Overton Park. The OPC will be charged with the governance of Overton Park's approximate 184-acre "managed area", its Old Forest and parkland space (not to include either the areas already managed ably by existing Park Art Zone entities - the Brooks Museum, the Memphis College of Art, and the Levitt Shell - and the Memphis Zoo, or the public golf course). The OPC will complement the arts in the Park by creating an improved environment for those Art Zone entities, though not replacing any public or private support needed by them, each of which serves Memphis in its own irreplaceable ways.

The OPC will be a **fundraising** entity charged with broadening the financial support for Overton Park, by bringing foundation, corporate and individual private gift funding to the City's base participation (similar to the models established by other City entities including the Memphis Zoo and the Botanic Garden).



As proposed, the ***governance*** of the OPC will be by an independent Board of approximately 20-30 members, broadly representative of the Memphis community itself. Two voting members will be from the public sector, appointed by the City Mayor and Council, to include the City Parks Division Director. Each of the affiliated and independent Park entities (Zoo, Brooks, College of Art, Levitt Shell, Park Friends, and Citizens to Preserve Overton Park) will be invited to hold an ex-officio Board seat on the OPC Board.

Under a ***management contract*** to be agreed upon with the City (which will continue to own Overton Park in its entirety) the OPC will be responsible for the management, maintenance, cleanliness, and capital improvements of Overton Park's "managed area", with only fixed and limited City support and funding (other than occasional capital projects in which the City may elect to participate) as to be determined and agreed upon with the City.

Substantial ***capital spending*** is needed to revitalize the parkland and forest. The Overton Park parkland area is not presently irrigated, and weeds and hardpan are prevalent throughout formerly turf areas. Undesirable invasive species such as privet abound in the Old Forest, creating a perceived public safety risk, as well as being very unsightly and emphatically not a desired or authentic part of an old growth forest. One of the OPC's first priorities will be the carefully planned and supervised removal of invasive plants from the Old Forest. Also high priority will be major playground upgrades, both in the picnic and Rainbow Lake areas; restroom facilities in both areas; new signage throughout; and many others.

Just within the specific 184-acre management area of the OPC, the parkland and the forest, there is approximately \$2,250,000 of identified capital needs, over and above the ongoing needs of the historic Park entities. The OPC proposes to raise the great majority of those funds (with only limited City participation, as to be agreed upon in a Memorandum of Understanding with the City). A preliminary listing of capital projects and their approximate schedule is attached as Appendix "B".

One capital item of importance which is not included in the OPC capital plan is a permeable, porous perimeter walkway along North and East Parkways, and Poplar Avenue. This needs be a City infrastructure improvement project and it has our enthusiastic endorsement.

Overton Park was for many years characterized by vigorous and abundant ***recreational and educational programs*** for the public, both youth and adult. Such programs have, in large part, disappeared. A top priority of the OPC will be to recreate, manage, and promote broad and dynamic programs for children and adults at the Park, to include festivals, events, educational outings in the Old Forest, and many other such programs limited only by the imagination. An ambitious ***communications*** program will be initiated by the OPC. The OPC can play a constructive role in providing greater coordination between the entities in the Park and myriad special events.

The OPC foresees an annual need of, initially, \$627,500 (growing steadily thereafter) to properly ***manage and operate*** the 184-acre management area. Some portion of OPC funding needs to come from the City (though less than its apparent present level, approximately \$329,000 for operations alone), with all subsequent growth and inflationary and programmatic increases in such costs to be met solely by the OPC so that, over time, *the City's financial*



obligations for the Park diminish steadily. The projected operating budget for the initial five years is shown in Attachment "C".

Under this budget, the City's proposed contribution shrinks steadily to a base below its present costs. The City's share of total Park funding drops from an initial 25% of required funding to about half of that, only 13% by the fifth year.

As will be noted from the attachments, the funding is provided mostly (52%) by foundations during the initial five-year period, during which capital needs represent about 37% of funding requirements. Funding gradually evolves toward a majority of gifts coming from corporations, individuals, and generated event fees after the initial "startup boost" from foundations.

Of the use of funds, after the relatively heavy outlay of capital spending during the initial five years, expenditures drop materially as primary capital needs will by then have been met in large part. The average outlay (for both capital and expenses) for the first five years averages slightly over \$1,200,000 annually, but upon completion of most capital projects is expected to drop to a "run rate" of around \$900,000 annually (plus inflation) thereafter, of which the City's ongoing \$150,000 per year for operations will represent 17%.

As a City-operated facility, the golf course would remain outside the scope of the Overton Park Conservancy; operations would remain unchanged under the sole direction of the City or a private professional golf course manager. Regardless, the volunteer group makes no recommendation or request to the Council pertaining to the golf course or its operation, as operation of the golf course is beyond the contemplated scope of the Conservancy.

(Should the City ever elect to terminate the Overton golf course operation, that land should be returned to parkland uses as stipulated in the original 1901 plan, and also envisioned in the 1988 Park Master Plan, in which case the OPC would stand ready to assist in its design and implementation.)

LACK OF PARKING

At its creation in 1901, parking was not a factor in the Park plan - there were 8 autos in the entire City. We are now an auto-dependent City with thousands of cars, but the Park was not designed to accommodate that modern need.

Along with its own parkland and picnic areas, the major attractions of Overton Park that often bring thousands of visitors per event are the Memphis Zoo, the Levitt Shell, and the Memphis Brooks Museum of Art, as well as the golf course. The Memphis College of Art needs parking for both students and faculty. As Park conditions improve toward excellence, Park traffic and the demand for parking – already stressed greatly, with much overflow into the contiguous neighborhoods - will increase materially.

That forthcoming increase in park visitors will result in a greater demand for parking spaces to accommodate those additional visitors. Currently, the Memphis Zoo attracts more visitors than can be accommodated by the parking spaces it has available. *Visitors in search of parking must regularly park on the Greensward of Overton Park, a public green space in the very heart of the Park (about 15 acres). On many days throughout the year, especially the warmer months, more than 500 vehicles visiting the Memphis Zoo overflow onto the Greensward.*



The Greensward, both condition and usage, has deteriorated from this serious misuse of park grounds - and yet the Zoo's million annual visitors must have a reasonable place to Park (even with the undesirable Greensward parking, many Zoo visitors must find on-street parking in the neighborhoods to the west of the Park).

Overton Park suffers significantly from the loss of this prime, central-area parkland to parking. As envisioned in the original 1901 plan, the 1988 master plan, and the current prevailing view, a way must be found to return the Greensward to public parkland use by finding a permanent option to move the overflow parking to another location or facility as accessible to the Zoo as is the Greensward.

PARKING PROPOSAL

The strategic plan for Overton Park proposes to remove parking from the Greensward and return the entire area to parkland, non-vehicular use. To accomplish this and in exchange, a new **500-space, ~\$5.5 million parking garage** is to be funded by City capital funds/bonds and other sources as may be found, and constructed by the City within the Zoo boundary, probably within the present Zoo maintenance service area.

The strategic plan further proposes to increase parking options for general use of Overton Park (including the Zoo and other Park entities), toward the objective of relieving overflow parking from the neighborhoods while also better providing for the parking needed to meet the anticipated growth in Park traffic as the Park returns to excellence.

By providing curbside parking along the south side of North Parkway (between East Parkway and McLean), approximately 177 spaces could be provided at minimal expense (such parking is already permitted on the remainder of North Parkway westward). While that incremental parking on North Parkway will not alone replace the use of the Greensward for zoo overflow parking, it can provide much-needed parking relief, both to the Park itself as well as the Zoo.

A north entry to the Zoo and the Park would need to be provided, which would add materially to the appeal of the Park to visitors from the neighborhoods to the north of the Park - Vollintine-Evergreen, Rhodes College, Hein Park and others. The City is studying how best to add compatible bicycle lanes along this segment of North Parkway, as well, which would improve the possibility and the desirability of a large increase in bicycling visitors to the Park (in which case the OPC will provide bicycle racks appropriately placed throughout the park).

As noted previously, there will be an increasing need for parking on the east side of the Park as Park popularity and use grows. This east side parking, proposed to be placed in a small portion of the present General Services area, could add needed parking spaces and will invite greater pedestrian and bicycle use of the Park, from that parking area, by the City and neighborhoods to the east of the Park, where there is presently virtually no parking available.



LACK OF FLOOD CONTROL MEASURES

Lick Creek runs through the middle of the Park from south to north. A significant portion of Overton Park immediately adjacent to Lick Creek is inundated during periods of uncontrolled flooding of Lick Creek. Memphis College of Art, the Memphis Zoo, and other facilities located in the Park have also suffered considerable flood damage. Such regular flooding creates material maintenance issues and diminishes Park use.

FLOOD CONTROL PROPOSAL

The May 2011 study of Lick Creek and related flooding, by the independent engineering firm Tetra Tech, considered three possible sites for flood control within Overton Park. The first, using the Greensward itself for flood control, was correctly rejected, largely because it would cause harm to the park greatly in excess of any flood control benefit it would bring, and also because it was deemed unnecessary. The second was to build wet and dry detention facilities into the Overton Park Golf Course, which were estimated by Tetra Tech to detain some 465,000 cubic feet of water. The third was some sort of underground detention under the Memphis Zoo parking lot, at its East end where it borders the greensward. We are advised that, if the proposed flood control facility at Overton Square is built, another couple of small projects south of the Park are built, and the proposed flood detention (above) is provided on the golf course, then the underground detention at the Memphis Zoo parking lot will not be needed. *That recommendation by Tetra Tech is the flood control solution the Conservancy strongly endorses.* We believe that the flood control detention in the golf course would improve the golf course itself as well as contribute greatly to needed flood control. We also think that any type of underground detention under the Zoo's parking lot will require construction which will cause great damage and disruption to the Park, will do permanent harm to the Greensward, will require removal of precious trees which separate the greensward from the parking, and will be inadequate to ameliorate the problems caused by allowing parking on the Greensward.

IN CLOSING

Now is the time to decide to preserve, revitalize and sustain the use of Overton Park. Maximizing Memphis' treasure requires a public-private partnership. The strategic plan for Overton Park seeks to protect the entire park from future encroachment and the ill effects of flooding conditions, while increasing access to dedicated funding, maintenance, and parking. An overarching purpose of the strategic plan is to maintain Overton Park as a City-owned asset, while gradually reducing the City's financial obligation for Overton Park in the future.

Overton Park is poised to redefine how locals and visitors experience arts, culture, and recreation in Memphis, but its future is at risk. On the one hand Overton Park symbolizes a desirable quality of life. On the other hand, Overton Park symbolizes a public asset on the decline. The 'crown jewel' of Memphis' park system needs, now, to be restored to excellence.



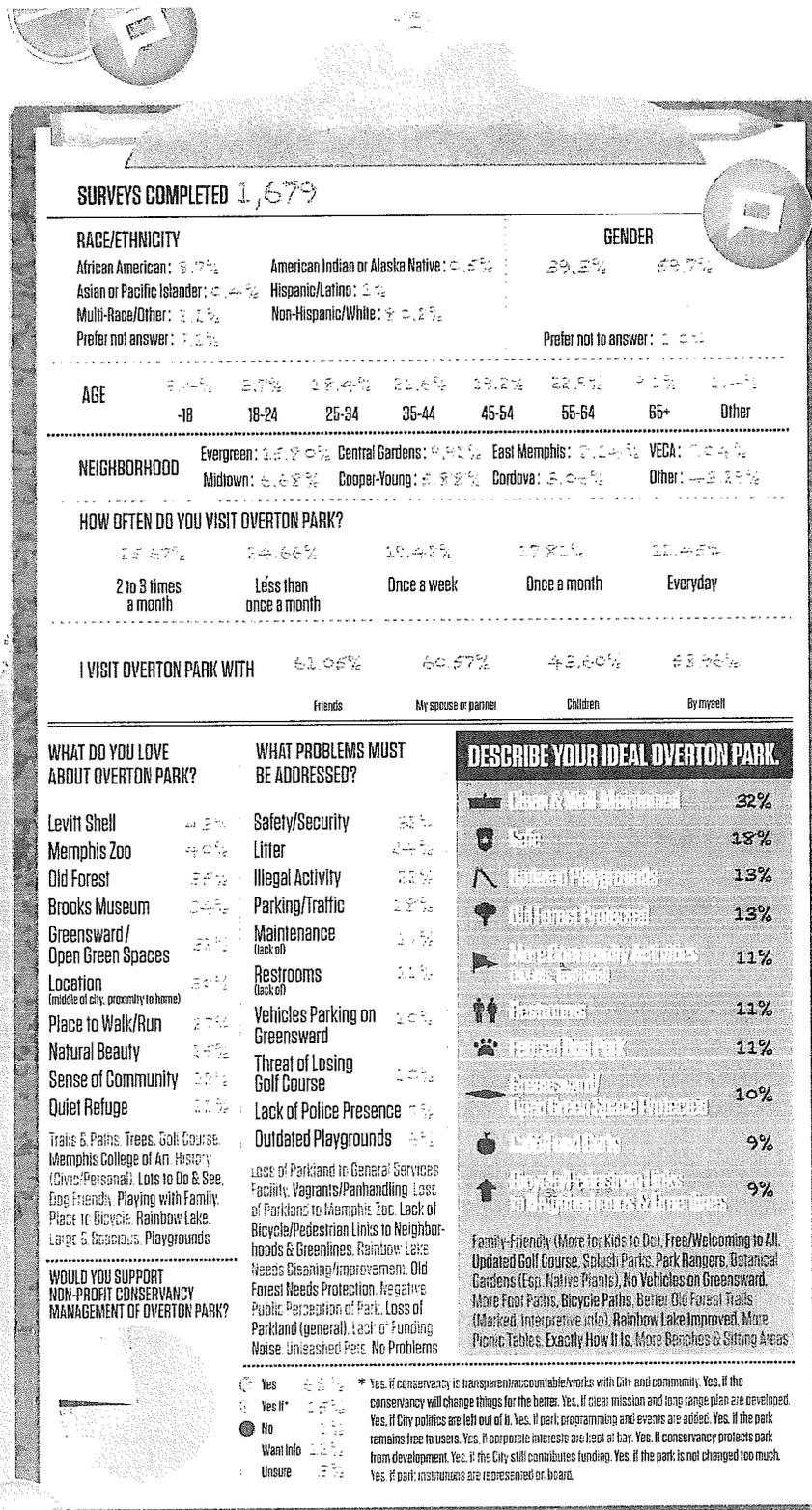
Proposed to the public by the following on May 2, 2011; submitted to the Memphis Mayor and Council for action in October, 2011.

Lee Askew – Levitt Shell
Sam Blair – Lick Creek Coalition
Lucille Booker – Citizen At Large
Chuck Brady – Memphis Zoo
Nathan Bicks – Memphis Brooks Museum of Art
Darrell Cobbins – Citizen At Large
Jean Fisher – Citizen At Large
Jim Jalenak – Memphis Zoo
Martha Kelly – Park Friends
Ernest Kelly – Park Friends
Cameron Kitchin -Memphis Brooks Museum of Art
Barry Lichterman – Levitt Shell
Margaret Metz – Memphis College of Art
Charlie Newman – Citizen At Large
Jimmy Ogle – Citizen At Large
Lauren Taylor – Hyde Family Foundations
Naomi Van Tol – Citizens to Preserve Overton Park
Jonathan Welden – Memphis College of Art
George Cates – Citizen At Large & Co chairman
Gary Shorb – Citizen At Large & Co chairman

For supporting endorsers, see Appendix “D”



Appendix "A" : Surveys Completed



Appendix "B" - Capital Projects

	Year 1	Year 2	Year 3	Year 4	Year 5	5-yr total
Remove privet & other invasives from Forest	90,000	5,000	5,000	5,000	5,000	110,000
Dog park	150,000					150,000
New signage program, comprehensive	75,000	25,000				100,000
Playground upgrade - Rainbow Lake	175,000					175,000
Upgrade Old Forest pathways, signage	75,000					75,000
Golf carts, office equipment	25,000		10,000		10,000	45,000
Playground upgrade - Picnic Area		150,000				150,000
Restroom rehab: Rainbow Lake		150,000				150,000
Donor recognition flags, poles	30,000	40,000	30,000			100,000
New restroom: Picnic Area	300,000					300,000
Old Forest entry shelters (~4)	30,000	30,000	30,000	30,000		120,000
Walking trail around Greensward			50,000			50,000
Irrigation system installations		25,000	100,000	50,000	50,000	225,000
Convert General Services area to parkland			250,000	125,000	125,000	500,000
Total	950,000	425,000	475,000	210,000	190,000	2,250,000
Less City match, new areas capital projects	(179,000)	(129,000)	(79,000)	(29,000)	-	-
Net funding by Conservancy	771,000	296,000	396,000	181,000	190,000	1,834,000



Appendix "C" - Overall Budget	2012	2013	2014	2015	2016	5-yr total
Sources of funds						
City management agreement, operations	150,000	150,000	150,000	150,000	150,000	750,000
City management agreement, capital	179,000	129,000	79,000	29,000	-	416,000
Gifts: Foundations	691,667	691,667	691,667	535,000	535,000	3,145,000
Gifts: Corporate - recognition & dedicated	100,000	20,000	40,000	65,000	90,000	315,000
Gifts - individuals	200,000	210,000	220,000	235,000	250,000	1,115,000
Memberships	1,000	3,000	5,000	7,000	9,000	25,000
Fees, festivals, events, miscellaneous	10,000	30,000	50,000	70,000	90,000	250,000
Annual OPC fall fund raising event	-	5,000	15,000	25,000	35,000	80,000
Event revenue from converted Fire Station	-	-	-	-	-	-
Total, all sources	1,331,667	1,238,667	1,250,667	1,116,000	1,159,000	6,096,000
City share of total	11%	12%	12%	13%	13%	12%
Operating & capital uses of funds						
Staffing & consultants, all areas	335,000	397,700	403,245	456,599	495,430	2,087,974
Basic operations						
Lawns & grounds, chemicals	225,000	230,625	237,544	244,670	252,010	1,189,849
Vehicles	10,000	12,000	14,000	16,000	18,000	70,000
Programs: cost	4,000	6,000	8,000	10,000	12,000	40,000
Volunteers: out of pocket costs	4,000	6,000	8,000	10,000	12,000	40,000
Development: out of pocket costs	2,000	4,000	6,000	8,000	10,000	30,000
Sanitation: two restrooms	12,500	27,000	29,000	31,000	33,000	132,500
Insurance, net of City allowance	15,000	16,000	17,000	18,000	19,000	85,000
Water / sewer	10,000	12,000	14,000	16,000	18,000	70,000
Office rent	5,000	5,000	5,000	5,000	5,000	25,000
Membership program costs	5,000	10,000	15,000	20,000	25,000	75,000
Sub total operating costs	627,500	726,325	756,789	835,269	899,440	3,745,323
Plus net capital expenditures (Sheet 2)	950,000	425,000	475,000	210,000	190,000	2,250,000
Total uses of funds	1,577,500	1,151,325	1,231,789	1,045,269	1,089,440	6,095,323
Net of sources & uses, to/(from) reserve	(245,833)	87,342	18,878	70,731	69,560	677



Appendix "D": Partial list, Public Phase Endorsers (listed alphabetically)

Current endorsers of final Case Statement indicated by asterisk

Arts Memphis

Askew Nixon Ferguson

Bridges

Burch, Porter & Johnson

*Church Health Center

Citizens to Preserve Overton Park

Clean Memphis

Crosstown Arts

Cultural Arts For Everyone

*Evergreen Historic District Association

Evergreen Yoga

Friends for Our Riverfront

Get Green Recycleworks

Greater Memphis Greenline

*Harahan Bridge Project

Historic Broad Business Association

*Hi-Tone Cafe

Huey's

Idlewild Presbyterian Church

Launch Memphis

Levitt Shell

Lick Creek Stormwater Coalition

Livable Memphis

Live At The Garden

Live From Memphis

Loeb Properties



Memphis Botanic Garden

Memphis Brooks Museum of Art

Memphis City Beautiful

Memphis College of Art

Memphis Heritage

*Memphis Regional Design Center

Memphis Urban League Young Professionals

Memphis Zoo

Methodist Le Bonheur Healthcare

*Memphis Ultimate Disc Association

Midtown Memphis Development Corporation

Mid-South Peace & Justice Center

Mind Over Memphis

*New Ballet Ensemble

Otherlands Coffee Bar

Park Friends Inc.

Perdue Creative

*Playhouse on the Square

Project Green Fork

John Pruett Architects

*Rock-N-Romp

*Shelby Farms Park Conservancy

Sierra Club - Chickasaw Group

Skatelite Memphis

*Smart City Consulting

Councilman Jim Strickland

*Tucker-Jefferson Neighborhood Association

*Utopia Animal Hospital

YMCA of Memphis & the Mid-South

