

Joint Ordinance

**JOINT ORDINANCE OF SHELBY COUNTY GOVERNMENT AND THE CITY OF MEMPHIS
TO CONTINUE A PROGRAM FOR A HIGH-QUALITY EARLY CHILDHOOD PRE-
KINDERGARTEN ("PRE-K") FOR ALL**

WHEREAS, The City of Memphis is one of the most impoverished metropolitan statistical areas in the country, and according to the University of Memphis Poverty Fact Sheet 2024, the poverty rate in the City is 22.6%; and

WHEREAS, In the City of Memphis and surrounding areas, 17.7% of the population lives below the poverty line, a number that is higher than the national average of 11%; and

WHEREAS, in the City of Memphis and surrounding areas, the average cost of childcare is \$1,000 per month and businesses face increased hiring and retention costs due to childcare needs ;

WHEREAS, High-quality early childhood education is essential to combat poverty and crime and increases workforce participation opportunities; and

WHEREAS, For every dollar invested in early childhood education, there is a thirteen-dollar return yielded to the economy; and

WHEREAS, Pre-K instruction improves the odds of a child graduating from high school; and

WHEREAS, According to 2021-2022 Memphis Shelby County Schools data, only 32% of kindergarten students arrive at kindergarten ready to learn; and

WHEREAS, Memphis Shelby County System has a goal of having 90% of students arrive to kindergarten ready to learn; and

WHEREAS, Approximately 6,500 students receive Pre-K instruction each year under the Tennessee Voluntary Pre-K Act and Federal Head Start programs; and

WHEREAS, The City of Memphis and Shelby County desire to establish the need to support other publicly funded Pre-K programs.

WHEREAS, Approximately 1,000 low-income Pre-K students are wait-listed for entry in the State of Tennessee's Voluntary Pre-K program; and

WHEREAS, Over 75% of Tennessee school districts have wait lists for Pre-K.

WHEREAS, The City of Memphis and Shelby County Governments have adopted Resolutions in support of Pre-K education; and

WHEREAS, The City of Memphis and Shelby County Governments need an integrated and aligned strategy that will govern the delivery of Pre-K services and

WHEREAS, The City of Memphis and Shelby County Governments desire to have a coordinated program that governs the distribution of City and County funds for the, benefit of funding high-quality Pre-K in Memphis and Shelby County; and

WHEREAS, It is the desire of both the City of Memphis, and Shelby County Governments to establish a funding structure for a high-quality early childhood Pre-K for All program for the children of Shelby County; and

WHEREAS, The administration and funding structure for such a high-quality Pre-K program must be overseen by a fiscal agent; and

WHEREAS, The City of Memphis and Shelby County Governments desire to jointly exercise their powers to ensure all children have a means to achieve a successful start to their education.

NOW, THEREFORE, BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL AND SHELBY COUNTY BOARD OF COMMISSIONERS, that the following Early Childhood Education, High-Quality Pre-Kindergarten for All Funding Ordinance be adopted as follows:

Early Childhood Education

Pre-Kindergarten Education Funding

Section 1. Purpose of Ordinance

The purpose of this Ordinance is to continue an integrated strategy and the mechanism and oversight for joint City of Memphis and Shelby County funding for a high-quality Pre-K for All program for Shelby County children.

Section 2. Definitions and Rules of Construction

In the construction of this Chapter, the following definitions and rules of construction shall be observed, unless inconsistent with the manifest intent of the City Council and County Commission or the context clearly requires otherwise.

Board. The terms "the board" or "board" shall refer to the board of the Fiscal Agent as described herein.

City. The terms "the city" or "this city" mean the City of Memphis, in the County of Shelby and State of Tennessee.

City Council. The term "City Council" means the legislative branch of the City Government of

Memphis, Tennessee.

County. The terms "the county" or "this county" mean Shelby County, Tennessee.

County Commission. The term "County Commission" means the legislative branch of the County Government of Shelby County, Tennessee,

Pre-K student. The term "Pre-K student" means any three (3) to four-year-old (4) preschool-aged child in Memphis and Shelby County, including any such children that qualify for Pre-K under the Tennessee Voluntary Pre-K Act of 2005 and the Head Start Act of 2007. and that comes from families (or guardians) with incomes that would qualify them for reduced or free lunch consistent with 42 United States Code, Section 1771 (Federal School Lunch Program).

Pre-K for All. The term "Pre-K for All" means a high-quality program dedicated to preparing all Memphis and Shelby County students for lifelong success.

Fiscal Agent. The term "fiscal agent" shall refer to First 8 Memphis, LLC which has been previously selected by the City and the County to oversee and administer the funds designated for Pre-K education.

Mayoral appointee. The term "mayoral appointee" shall mean an appointee of the City or County Mayor, and shall refer to a resident of Shelby County, consistent with Section 6, who is representative of parents of students along the Pre-K to third grade education continuum.

Mayoral liaison. The term "Mayoral liaison" shall refer to a representative of the City or County Mayor who represents the City or County Administration.

Generational Approach. This term refers to creating opportunities for and addressing the needs of both children and adults in their lives together, including non-academic factors that impact classroom performance.

Section 3. Delegation of authority.

The authority to distribute funds and oversight of the overall program for a high-quality Pre-K for All program and to provide wraparound and support to pre-existing Pre-K Programs is hereby granted to a fiscal agent as described herein below and such authority shall be renewed every school year by the City and County Mayors with such renewal occurring not later than prior to the start of the school year for which City and/or County funds will be utilized

Section 4. Selection of Fiscal Agent

The Mayor of the City of Memphis and the Mayor of Shelby County shall jointly select the authorized fiscal agent.

Section 5. Term

The fiscal agent shall serve for a period of three (3) years. The City and the County shall have the contractual right to terminate the fiscal agent.

Section 6. Fiscal Agent Board

The selected fiscal agent shall create or maintain a Fiscal Agent Board to act as its governing body. The board will include City and County mayoral appointees and appointees made by the City and County legislative bodies, as set forth below. These appointees shall comprise 25 percent of the overall board.

- (A) Membership. The board shall include an equal share of Mayoral appointees appointed by the City Mayor and County Mayor.
- (B) The Memphis City Council and the Shelby County Commission shall each appoint one (1) member of the board.
- (C) Qualifications. All Mayoral-appointed board members shall have been residents of the City or the County for a period of one (1) year prior to the start of his/her term.
- (D) Term. The Mayoral appointed board members shall serve a term of three (3) years, expiring with the calendar year.
- (E) Compensation and Expenses. All Mayoral appointed board members shall serve without pay. All said members shall be entitled to reimbursement for any actual reasonable expenses incurred in connection with such membership, provided the same was authorized in advance by the city and county chief administrative officers. Such administrative expenses shall not exceed seven percent (7%) of overall grant funding secured by the fiscal agent.
- (F) Vacancy. Vacancy created by any cause shall be filled for the unexpired term in the same manner and by the same authority as made the original appointment.
- (G) Duties and Responsibilities. The board shall provide oversight and guidance to the Fiscal Agent. The board shall review and approve the fiscal agent's annual report prior to its submission to the Mayors, City Council, and County Commission.

Section 7. Responsibilities of the Fiscal Agent

- (A) General Duties. With the guidance of its board, the Fiscal Agent shall provide and maintain such health, development, early enrichment, parenting and advocacy services as are needed for improving "kindergarten readiness" for the children of Shelby County. The Fiscal Agent shall provide a written description of the activities, services and opportunities to be provided to the children along with the anticipated schedule for providing same. The description should include the following: agreements made with community organizations and all public and private agencies; details of all outreach efforts to provide services for children; the strategy for interagency coordination to maximize existing resources; procedures for early identification of children and individualized family needs; strategy for ensuring equitable distribution of classrooms throughout Shelby County to maximize opportunities for all Pre-K students to receive Pre-K instruction; and the manner in which the Fiscal Agent will seek funding for unmet needs.

- (B) Finances. The Fiscal Agent shall manage and allocate the moneys dedicated to this project by the City and the County, The Fiscal Agent is empowered to seek loans, grants from state, federal and local agencies and to accept loans, grants or donations from public and private sources provided that a clear accounting of each revenue stream is maintained and provided that the City and County are in no way obligated to contribute money beyond that approved by their respective legislative bodies. A detailed budget shall be provided as part of the Annual Report which shall be presented to the Council and Commission not later than April preceding the fiscal year.
- (C) Data and Research. The Fiscal Agent shall collect information and statistical data and conduct research to assist the City and the County in meeting the needs of the children of the county. The Fiscal Agent shall provide technical expertise in education data management. The Fiscal Agent shall use data for continuous improvement of programs and fiscal management of public funds. All student data shall be collected and maintained in compliance with the Family Educational Rights and Family Act of 1974.
- (D) Consultation and Coordination. The Fiscal Agent shall consult and coordinate with other agencies dedicated to child welfare and shall provide programmatic expertise for key indicators of success in early childhood education. The Fiscal Agent shall serve as the accountability agent for community partners in the delivery of Pre-K services.
- (E) Quality and Standards. The Fiscal Agent shall be charged with establishing and enforcing quality standards for all Pre-K classrooms funded under this Ordinance. The minimum standard shall be as follows:
- (1) Curriculum, approved by the Fiscal Agent, that focuses on the main categories of child development which may include, but not be limited to physical (fine & gross motor skills), cognitive (foundational literacy skills and approaches to learning), language (expressive & receptive communication skills), and social-emotional (including child well being), a curriculum aligned with the Head Start Early Learning Outcomes Framework (or similar) and/or consistent with Tennessee Voluntary Pre-K and Tennessee Department of Education early education standards including, but not limited to, the requirements for programs set forth in Tennessee Code Annotated, Section 49-6-104 which is incorporated herein by reference;
 - (2) a focus on classrooms with teachers holding credentials in early childhood education ; and
 - (3) a focus on classrooms that offer two-generational support programs.
- (F) Quarterly Reports. The Fiscal Agent shall provide quarterly reports to the Board, the City, and the County which shall include, but are not limited to, the following:
- (1) The number of three and four year old children in City and County provided classrooms;

- (2) Pre-K testing outcomes including the number and percentage of children considered "kindergarten ready" as that term is defined by the State of Tennessee. The data shall include specific information relating to the children participating in Pre-K services;
 - (3) Financial report detailing the use of public funds; and,
 - (4) A report detailing parent and community engagement on placement of classrooms, delivery of services and alignment for the type (i.e. STEM, Montessori, traditional college track, etc.) of K-12 instruction.
- (G) Annual Report. The Fiscal Agent shall provide the Mayors, City Council and County Commission with an annual report in April after it is approved by the Board of each year of its activities and findings regarding the needs of children the extent to which those needs are being met. It shall also include recommendations as to strategies for meeting any unmet needs. Recommendations regarding pending legislation or needed legislation shall be brought to the attention of the Mayors, City Council and County Commission at appropriate times during the year and shall be included in the annual report.

Section 8. Amendments and Severability

This section may from time to time require amendment to remain in compliance with statutory requirements for early childhood education and shall be amended accordingly. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected by such Invalidity.

Section 9. Effective Date

This Ordinance shall become effective upon _

BE IT FURTHER ORDAINED, That terms providing for the selection of a Fiscal Agent for joint services described above is hereby permitted by Shelby County Charter, Article III, Section 3.03(E).

BE IT FURTHER ORDAINED, That the Mayor of Shelby County is hereby authorized to execute an agreement securing the fiscal agent.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect fifteen (15) days after its passage on the third and final reading, the public welfare requiring it.

SPONSOR:
Jana Swearngen-Washington
VICE-CHAIRWOMAN

J. Ford Canale
CHAIRMAN

RESOLUTION SUMMARY

1. **Short title description** – Contract No. 12238 - Substation Construction & Maintenance Services
2. **Funded Amount** - \$12,000,000.00
3. **Award Duration** – 3rd of four (4) annual renewals covering the period June 1, 2025 through May 31, 2026
4. **Type of Bid** – Sealed Bid
5. **Awarded to** – RMS Energy Company, LLC
6. **LSB/MWBE Goal Assigned/Committed** – Yes, there was a 10% Supplier Diversity goal assigned. The actual participation is 33% LSB-UCA- Northwest Contracting Services.
7. **Plain Language Description** – This contract supplements MLGW resources regarding the construction & maintenance of MLGW Electric Substation facilities. The services include replacement/installation of electrical apparatus including power circuit breakers, CVTs, relays, RTUs, etc.
8. **Impact** – The need for supplemental labor exists to comply with R2I [Renewal & Replacement of Infrastructure] goals.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 19, 2025 approved Change No. 4 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount of \$12,000,000.00, and is now recommending to the Council of the City of Memphis that it approves said change as approved; and

WHEREAS, the project scope is to furnish all supervision, labor, equipment, tools, supplies, transportation of equipment, labor, and materials to construct, test, commission and maintain MLGW Electric Substation facilities as directed by MLGW throughout Memphis and Shelby County, Tennessee. The contract award was selected based on the lowest and best bid received using the Sealed Bid process; and

WHEREAS, this change is to renew the current contract for the third of four (4) annual renewal terms for the period covering June 1, 2025 through May 31, 2026 in the funded amount of \$12,000,000.00. The total requested amount is based on the estimated cost for the projected workload for planned projects. In addition, there is a 2.5% increase in labor rates that is consistent with the US Bureau of Labor Statistics and the Consumer Price Index (CPI). This renewal complies with all applicable laws and policies. The new contract value is \$34,500,000.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 4 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount of \$12,000,000.00 as approved.

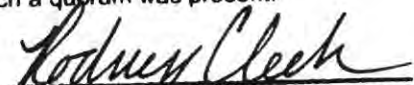
EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 19, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 4 to Contract No. 12238, Electric Substation Construction and Maintenance Services with RMS Energy Company, LLC to renew the current contract in the funded amount of \$12,000,000.00.

The project scope is to furnish all supervision, labor, equipment, tools, supplies, transportation of equipment, labor, and materials to construct, test, commission and maintain MLGW Electric Substation facilities as directed by MLGW throughout Memphis and Shelby County, Tennessee. The contract award was selected based on the lowest and best bid received using the Sealed Bid process.

This change is to renew the current contract for the third of four (4) annual renewal terms for the period covering June 1, 2025 through May 31, 2026 in the funded amount of \$12,000,000.00. The total requested amount is based on the estimated cost for the projected workload for planned projects. In addition, there is a 2.5% increase in labor rates that is consistent with the US Bureau of Labor Statistics and the Consumer Price Index (CPI). This renewal complies with all applicable laws and policies. The new contract value is \$34,500,000.00.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 19th day of March, 2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short title description** – Contract No. 12236 – Meter Support Maintenance
2. **Funded Amount** - \$280,031.00
3. **Award Duration** – December 22, 2020 through December 21, 2025
4. **Type of Bid** – Sole Source
5. **Awarded to** – Honeywell International, Inc.
6. **LSB/MWBE Goal Assigned/Committed** – N/A
7. **Plain Language Description** – This is to provide 50 additional handheld units (CT60) used to program the meters, 25 Bluetooth belt clips used to communicate to the meters, and 4 docking stations for the installation of the gas and water meters for the emergency delayed bills project. All devices are covered under the Honeywell maintenance plan and have a 1-year warranty.
8. **Impact** – MLGW needs to be able to minimize the number of bills being delayed because of faulty metering equipment.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 19, 2025 approved emergency Change No. 2 to Contract No. 12236, Meter Support Maintenance with Honeywell to ratify and change the current contract in the funded not-to-exceed amount of \$280,031.00, and is now recommending to the Council of the City of Memphis that it approves said ratification and change as approved; and

WHEREAS, the project scope is to allow Honeywell as a sole source provider to provide software maintenance, license, and support services for MLGW's metering infrastructure. MLGW is requesting approval of this emergency change order, which can only be provided by Honeywell due to Honeywell's metering platform currently integrated with MLGW's existing Customer Information System (CIS) and Advanced Metering System (AMI) systems. An interruption in service would directly impact MLGW customers.

WHEREAS, this change is to ratify and change the current contract to add additional emergency equipment: 50 handhelds, 25 Bluetooth belt clips, and four (4) handheld docking stations in the amount of \$195,031.00. MLGW is requesting contingency funds in the amount of \$85,000.00 for the purchase of additional equipment as needed. Additional equipment is required by Honeywell to install, troubleshoot, and verify gas and water meter installations for the emergency delayed bills project. The handhelds will be used by Utility Partners of America to work on MLGW's meters. The contract term will remain through December 21, 2025. The total amount of this ratification and change is \$280,031.00. This ratification and change complies with all applicable laws and policies. The new contract value is \$5,678,470.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12236, Meter Support Maintenance with Honeywell to ratify and change the current contract in the funded not-to-exceed amount of \$280,031.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 19, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of emergency Change No. 2 to Contract No. 12236, Meter Support Maintenance with Honeywell to ratify and change the current contract in the funded not-to-exceed amount of \$280,031.00

The project scope is to allow Honeywell as a sole source provider to provide software maintenance, license, and support services for MLGW's metering infrastructure. MLGW is requesting approval of this emergency change order, which can only be provided by Honeywell due to Honeywell's metering platform currently integrated with MLGW's existing Customer Information System (CIS) and Advanced Metering System (AMI) systems. An interruption in service would directly impact MLGW customers.

This change is to ratify and change the current contract to add additional emergency equipment: 50 handhelds, 25 Bluetooth belt clips, and four (4) handheld docking stations in the amount of \$195,031.00. MLGW is requesting contingency funds in the amount of \$85,000.00 for the purchase of additional equipment as needed. Additional equipment is required by Honeywell to install, troubleshoot, and verify gas and water meter installations for the emergency delayed bills project. The handhelds will be used by Utility Partners of America to work on MLGW's meters. The contract term will remain through December 21, 2025. The total amount of this ratification and change is \$280,031.00. This ratification and change complies with all applicable laws and policies. The new contract value is \$5,678,470.00.

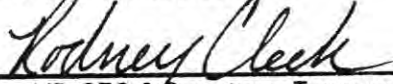
NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12236, Meter Support Maintenance with Honeywell, in the

funded not-to-exceed amount of \$280,031.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President or his designated representative is authorized to execute the Ratification and Change.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 19th day of March, 2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short title description** – Contract No. 12581 – Oracle Talent Acquisition Cloud Service
2. **Funded Amount** – \$159,957.31
3. **Award Duration** – May 31, 2025 through May 30, 2027
4. **Type of Bid** – Single Source
5. **Awarded to** – Mythics, LLC
6. **LSB/MWBE Goal Assigned/Committed** – 0%
7. **Plain Language Description** – This is a 2-year renewal of the Oracle Software as a Services (SaaS) for the Taleo Cloud-based Subscription. This service provides the job career application software used by MLGW Talent Acquisition department to advertise positions both for internal and external applicants.
8. **Impact** – MLGW would need to provide another service by May 30, 2025 (end of current subscription) to replace the HR job posting and application process.

RESOLUTION

WHEREAS, the board of Light, Gas and Water Commissioners in their meeting of March 19, 2025 approved Change No. 2 to Contract No. 12581, (*Formerly Contract No. C2730*) Oracle Talent Acquisition Cloud Services with Mythics, to renew the current contract in the funded amount of \$159,957.31, and is now recommending to the Council of the City of Memphis that it approves said change as approved; and

WHEREAS, the project scope is to provide annual software maintenance, support services, and licenses for Oracle Taleo SaaS application for Oracle HR recruitment and Onboarding software licenses. The contract award was based on the Single Source procurement process.

WHEREAS, this change is to renew the application licenses, maintenance and support services of Oracle Taleo Software as a Service (SaaS) for the period covering May 31, 2025 through May 30, 2027. Initially, Mythics, LLC requested an increase of 8%, but after negotiations the agreed-upon increase was 0%. This renewal complies with all applicable laws and policies. The new contract value will be \$249,957.31; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12581 (*Formerly Contract No. C2730*), with Mythics, LLC to renew the current contract in the funded amount of \$159,957.31 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 19, 2025

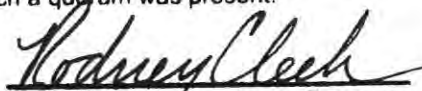
The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 2 to Contract No. 12581 (*Formerly Contract No. C2730*), Oracle Talent Acquisition Cloud Service with Mythics, LLC to renew the current contract in the funded amount of \$159,957.31.

The project scope is to provide annual software maintenance, support services, and licenses for Oracle Taleo SaaS application for Oracle HR recruitment and Onboarding software licenses. The contract award was based on the Single Source procurement process.

This change is to renew the application licenses, maintenance and support services of Oracle Taleo Software as a Service (SaaS) for the period covering May 31, 2025 through May 30, 2027. Initially, Mythics, LLC requested an increase of 8%, but after negotiations the agreed-upon increase was 0%. This renewal complies with all applicable laws and policies. The new contract value will be \$249,957.31.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:
THAT, the approval of Change No. 2 to Contract No. 12581 (*Formerly Contract No. C2730*), Oracle Talent Acquisition Cloud Services with Mythics, LLC to renew the current contract in the funded amount of \$159,957.31 as outlined in the foregoing preamble, is approved; and further,
THAT, the President, or his designated representative is authorized to execute the Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 19th day of March, 2025 at which a quorum was present.


VP. CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short title description** – Contract No. 12257 - Synergy
2. **Funded Amount** - \$9,915.24
3. **Award Duration** – June 9, 2022 through June 8, 2027
4. **Type of Bid** – Sealed Bid
5. **Awarded to** – Logicalis, Inc.
6. **LSB/MWBE Goal Assigned/Committed** – N/A
7. **Plain Language Description** – To upgrade the support plan for Hewlett Packard Enterprise (HPE) Synergy equipment (this support involves 58 HPE hardware units) purchased in 2022. The current plan, HPE Tech Care, reacts to issues when they happen. The new plan, HPE Complete Care, adds proactive services, to help detect and prevent problems before they occur.
8. **Impact** – For the remaining 2 years of the contract, the Synergy equipment will continue to receive the basic level of nondedicated Offshore (non-US) HPE reactive support with no specialized services. The critical incident response times will remain at 4 to 6 hours, instead of the 2 to 4 hours afforded in the uplift to the HPE Complete Care plan.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 19, 2025 approved Change No. 1 to Contract No. 12257, Synergy with Logicalis, Inc. to expand the scope and increase the current contract value in the amount of \$9,915.24, and is now recommending to the Council of the City of Memphis that it approves said change as approved; and

WHEREAS, the project scope is to purchase and install Hewlett-Packard Enterprise Synergy 12000 Frames and HPE Synergy 480 Gen 10 Compute Modules at the following MLGW Data Centers: the Netters Business Center, 1665 Whitten Road, Memphis, TN 38134; and the Hansen Administration Building, 220 South Main Street, Memphis, TN 38103. The contract will include hardware, software, and support services, and a five (5) year Tech Care Critical Support Arrangement (HP Base Part Number HU4A3A5 or equivalent). The Frames (Server Blade Chassis) and compute modules (server blades) will host the virtual server systems such as Enterprise Business System, Smart Meter, Geographical Information System, Mobile Dispatch, G & H drives, Interactive Voice Response system, and other systems. The contract was awarded based on the lowest and best bid using the Sealed Bid process; and

WHEREAS, this change is to expand the scope to upgrade the maintenance and support services in the funded amount of \$9,915.24. The equipment Synergy Frames and Compute Modules was purchased in the year 2022; however, this level of maintenance/support was not available to MLGW. The upgrade to HPE Complete Care will provide MLGW with onshore (US), priority, and comprehensive support as well as provide faster response times, on-site service, extended warranties, and hardware replacements. The contract term will remain June 9, 2022 through June 8, 2027. This change complies with all applicable laws and policies. The new contract value is \$568,246.78; and.

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12257 with Logicalis, Inc to change the current contract in the funded amount of \$9,915.24 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 19, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12257, Synergy with Logicalis, Inc. to expand the scope and increase the current contract in the amount of \$9,915.24.

The project scope is to purchase and install Hewlett-Packard Enterprise Synergy 12000 Frames and HPE Synergy 480 Gen 10 Compute Modules at the following MLGW Data Centers: the Netters Business Center, 1665 Whitten Road, Memphis, TN 38134; and the Hansen Administration Building, 220 South Main Street, Memphis, TN 38103. The contract will include hardware, software, and support services, and a five (5) year Tech Care Critical Support Arrangement (HP Base Part Number HU4A3A5 or equivalent). The Frames (Server Blade Chassis) and compute modules (server blades) will host the virtual server systems such as Enterprise Business System, Smart Meter, Geographical Information System, Mobile Dispatch, G & H drives, Interactive Voice Response system, and other systems. The contract was awarded based on the lowest and best bid using the Sealed Bid process.

This change is to expand the project scope to upgrade the maintenance and support services in the funded amount of \$9,915.24. The equipment Synergy Frames and Compute Modules was purchased in the year 2022; however, this level of maintenance/support was not available to MLGW. The upgrade to HPE Complete Care will provide MLGW with onshore (US), priority, and comprehensive support as well as provide faster response times, on-site service, extended warranties, and hardware replacements. The contract term will remain June 9, 2022 through June 8, 2027. This change complies with all applicable laws and policies. The new contract value is \$568,246.78.

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

THAT, the approval of Change No. 1 to Contract No. 12257, Synergy with Logicalis, Inc. to change the current scope and contract in the funded amount of \$9,915.24 as outlined in the foregoing preamble, is approved; and further,

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

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 19th day of March 2025, at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short title description** – Contract No. 12295 - Oracle Maintenance and Support
2. **Funded Amount** – \$31,027,393.62
3. **Award Duration** – May 31, 2025 through May 30, 2030
4. **Type of Bid** – Sole Source
5. **Awarded to** – Mythics, LLC
6. **LSB/MWBE Goal Assigned/Committed** – 0%
7. **Plain Language Description** – This is the 5-year renewal of the Oracle Unlimited License Agreement (ULA) as well as the Maintenance and Support renewals for the Oracle eBusiness Suite. The ULA provides licenses and support for the software that runs on the computer servers used by the Customer Information Systems, MyAccount, Geographic Information Systems, Oracle eBusiness Suite (Finance, Payroll, HR, Asset Management, etc.), Meter Data Management and other applications that support MLGW departments.
8. **Impact** – MLGW must maintain appropriate software license compliance and support for Oracle databases, server software and vendor applications.

RESOLUTION

WHEREAS, the board of Light, Gas and Water Commissioners in their meeting of March 19, 2025 approved Change No. 4 to Contract No. 12295, Oracle Maintenance and Support with Mythics, Incorporated to renew a payment authorization and change the current contract in the funded amount of \$31,027,393.62, and is now recommending to the Council of the City of Memphis that it approves said ratification and change as approved; and

WHEREAS, the project scope is to provide annual software maintenance, support services, and licenses for Oracle E-Business Suite modules for Human Resources, Advance Benefits, E-Business Suite 2003 Professional User licenses, Oracle Enterprise Databases, Audit Vault, Data Masking, Meter Data Management, CIS, GIS and Project Inspire Oracle software licenses. The contract award was selected based on the Sole Source procurement process.

WHEREAS, the change is to renew the contract for software maintenance, support, and licenses in the amount of \$24,102,922.33. In addition, this change is to reflect additional Oracle database and application licenses, maintenance, support and services, in the amount of \$6,924,471.29. The total funded amount of this renewal and change is \$31,027,393.62 for the period covering May 31, 2025 through May 30, 2030. Oracle maintenance and support is required to maintain MLGW's Oracle Database systems that support vital applications such as Customer Information System, Geographical Information System, Oracle eBusiness Suite, Smart Meter etc. This change also includes the technology product Oracle ULA (Unlimited License Agreement) for five (5) years, with no price increase for maintenance and support during the five (5) year term. This sole source renewal and change complies with all applicable laws and policies. The new contract value is \$52,683,493.35; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 4 to Contract No. 12295, Oracle Maintenance and Support with Mythics, Incorporated to renew a payment authorization and change the current contract in the funded amount of \$31,027,393.62 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 19, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 4 to Contract No. 12295, Oracle Maintenance and Support with Mythics, Incorporated to renew and change the current contract in the funded amount of \$31,027,393.62.

The project scope is to provide annual software maintenance, support services, and licenses for Oracle E-Business Suite modules for Human Resources, Advance Benefits, E-Business Suite 2003 Professional User licenses, Oracle Enterprise Databases, Audit Vault, Data Masking, Meter Data Management, CIS, GIS and Oracle software licenses. The contract award was selected based on the Sole Source procurement process.

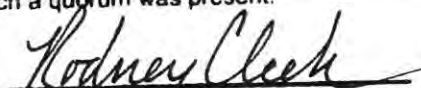
This change is to renew the contract for software maintenance, support, and licenses in the amount of \$24,102,922.33. In addition, this change is to reflect additional Oracle database and application licenses, maintenance, support and services, in the amount of \$6,924,471.29. The total funded amount of this renewal and change is \$31,027,393.62 for the period covering May 31, 2025 through May 30, 2030. Oracle maintenance and support is required to maintain MLGW's Oracle Database systems that support vital applications such as Customer Information System, Geographical Information System, Oracle eBusiness Suite, Smart Meter etc. This change also includes the technology product Oracle ULA (Unlimited License Agreement) for five (5) years, with no price increase for maintenance and support during the five (5) year term. This sole source renewal and change complies with all applicable laws and policies. The new contract value is \$52,683,493.35.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 4 to Contract No. 12295, Oracle Maintenance and Support with Mythics, Incorporated to renew a payment authorization and change the current contract in the funded amount of \$31,027,393.62, as outlined in the above preamble, is approved; and further,

THAT, the President, or his designated representative is authorized to execute the Renewal and Change.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 19th day of March 2025 at which a quorum was present.


VP. CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short title description** – Contract No. 12253 - On-Call Consulting (Allen & Hoshall, Inc.)
2. **Funded Amount** - \$300,000.00
3. **Award Duration** – 2nd of four renewals (March 15, 2025 through March 14, 2026)
4. **Type of Bid** – RFQ
5. **Awarded to** – Allen & Hoshall, Inc.
6. **LSB/MWBE Goal Assigned/Committed** – Yes, a goal of 5% was assigned. The actual participation is 10%: 5% SBE/WBE-COM - Smith Seckman Reid, Incorporated; 5% WBE-SCG/SOTN - Smith Seckman Reid, Incorporated.
7. **Plain Language Description** – This contract is for professional engineering services for various projects at MLGW on an as needed basis.

Example Projects

ESO Pumping Station Replacement
Netters Business Center Roof Replacement
North Service Center #2 Roof Replacement
North Service Center #3 Roof Replacement
North Service Center #6 Roof Replacement
North Service Center #6 AC Installation
North Service Center #8 Generator/Transfer Switch Replacement
McCord Pumping Station Aerator and Maintenance Building Roof

8. **Impact** – This contract will provide engineering design consulting services for Facilities projects at MLGW. This will help ensure we can carry on various construction projects in Facilities.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 19, 2025 approved Change No. 2 to Contract No. 12253, On-Call Consulting Services with Allen & Hoshall, Incorporated to ratify and renew the current contract in the funded amount of \$300,000.00, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process; and

WHEREAS, this change is to ratify and renew the current contract for the second of four (4) annual renewal terms covering the period from March 15, 2025 through March 14, 2026 in the amount of \$300,000.00, with no increase in rates from the initial term. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$800,000.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12253, On-Call Consulting Services with Allen & Hoshall, Incorporated to ratify and renew the current contract in the funded amount of \$300,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 19, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners the approval of Change No. 2 to Contract No. 12253, On-Call Consulting Services with Allen & Hoshall, Incorporated, to ratify and renew the current contract in the funded amount of \$300,000.00.

The project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process.

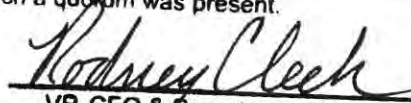
This change is to ratify and renew the current contract for the second of four (4) annual renewal terms covering the period from March 15, 2025 through March 14, 2026 in the amount of \$300,000.00, with no increase in rates from the initial term. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$800,000.00.

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

THAT, the approval of Change No. 2 to Contract No. 12253, On-Call Consulting Services with Allen & Hoshall, Incorporated, to ratify and renew the current contract in the funded amount of \$300,000.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Ratification and Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 19th day of March, 2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short title description** – Contract No. 12410 - On-Call Consulting (Smith Seckman & Reid, Inc.)
2. **Funded Amount** - \$75,000.00
3. **Award Duration** – 2nd of four renewals (March 13, 2025 through March 12, 2026)
4. **Type of Bid** – RFQ
5. **Awarded to** – Smith Seckman & Reid, Inc.
6. **LSB/MWBE Goal Assigned/Committed** – Yes, a goal of 5% was assigned. The actual participation is 10%: 5% SBE/WBE-COM - Smith Seckman Reid, Incorporated; 5% WBE-SCG/SOTN - Smith Seckman Reid, Incorporated.
7. **Plain Language Description** – This contract is for professional engineering services for various projects at MLGW on an as needed basis.

Example Projects

South Service Center Employee Parking Lot Paving
Hickory Hill Service Center Canopy Roof
Hickory Hill Service Center Employee Parking Lot Paving
Choctaw Wash Bay
Arlington LNG Drives

8. **Impact** – This contract will provide engineering design consulting services for Facilities projects at MLGW. This will help ensure we can carry on various construction projects in Facilities.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 19, 2025 approved Change No. 2 to Contract No. 12410 (*solicited under Contract No. 12253*), On-Call Consulting Services with Smith Seckman Reid, Incorporated to ratify and renew the current contract in the funded amount of \$75,000.00, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, the project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process; and

WHEREAS, This change is to ratify and renew the current contract for the second of four (4) annual renewal terms covering the period from March 13, 2025 through March 12, 2026 in the amount of \$75,000.00, with a 4.5% increase in rates as a result of wage increases over the last few years. The increase in contract value is necessary to complete design work for MLGW's Facilities Department's newly identified projects in the 2024 budget. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$675,000.00; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that there be and is hereby approved Change No. 2 to Contract No. 12410 (*solicited under Contract No. 12253*), On-Call Consulting Services with Smith Seckman Reid, Incorporated to ratify and renew the current contract in the funded amount of \$75,000.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 19, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas, and Water Commissioners the approval of Change No. 2 to Contract No. 12410 (*solicited under Contract No. 12253*), On-Call Consulting Services with Smith Seckman Reid, Incorporated to ratify and renew the current contract in the funded amount of \$75,000.00

The project scope is to provide engineering consulting services on an as-needed basis for various projects for MLGW's Facilities Department. The contract award was based on the Request for Qualifications (RFQ) selection process.

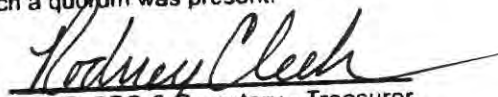
This change is to ratify and renew the current contract for the second of four (4) annual renewal terms covering the period from March 13, 2025 through March 12, 2026 in the amount of \$75,000.00, with a 4.5% increase in rates as a result of wage increases over the last few years. The increase in contract value is necessary to complete design work for MLGW's Facilities Department's newly identified projects in the 2024 budget. This ratification and renewal complies with all applicable laws and policies. The new contract value is \$675,000.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 2 to Contract No. 12410 (*solicited under Contract No. 12253*), On-Call Consulting Services with Smith Seckman Reid, Incorporated to ratify and renew the current contract in the funded amount of \$75,000.00, as outlined in the foregoing preamble, is approved and further,

THAT, the President, or his designated representative is authorized to execute the Ratification and Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 19th day of March, 2022 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short Title Description** – Gas Meters and Smart Meter Components to Ratify Purchase Orders
2. **Requested Funding** – \$7,367,558.22
3. **Award Duration** – One-Time Purchases
4. **Type of Bid** – In Accordance with MLGW's Emergency Policy
5. **Awarded To** – Ed Young Sales Company, Inc.
6. **LSB/MWBE Goal Assigned/Committed** – N/A
7. **Plain Language Description** – To purchase multiple residential, commercial, and industrial gas meters and smart meter components (e.g., registers, indexes, wrigglers, modules) to replace failing MLGW meters.
 - 15,000 – EG215000000 V4 integral mount gas residential AMCO
 - 15,000 – EG210011000 4 mounting kit, AMCO integral mount kit, pan head
 - 19,250 – Index, 2 ft., 4C TC
 - 750 – Index, 2 ft., 5C TC
 - 30,000 – Index box, vented, UV part number 39865W053
 - 1,000 – Security seal, red, 60/BAG52548K002
 - 15,000 – Wiggler shaft assembly part number 1C12551G01
 - 15,000 – Neoprene gaskets part number 1B11776H01
 - 25,000 – 04972G039 index, 2ft., 4C TC4 dial rotary indexes for AO meters
 - 2,500 – Meter, gas, smart, 250; gas smart meter, Honeywell Elster AC-250 with EG214000000 module pre-installed. Temperature compensated, with dial face index, two cubic foot drive, 20 LT, 5 PSIG MAOP, UV protected index.
 - 100 – Meter, gas, smart, 425; gas smart meter, Honeywell Elster AC-425 with EG214000000 module pre-installed. Temperature compensated, with dial face index, two cubic foot drive, 45 LT, 10 PSIG MAOP, UV protected index.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 19, 2025 approved the ratification of Purchase Order Numbers 7053045, 7055862, 7057778, 7059712, and 7060685 for gas meters and smart meter components and is now recommending to the Council of the City of Memphis that it approves said purchases; and

WHEREAS, the gas meters and smart meter components are used to measure the consumption of gas for customer billing. Failing gas meters and smart meter components impacted customer service, disrupted business operations, and created an emergency requiring immediate action. In accordance with MLGW's emergency policy, Purchase Order Numbers 7053045, 7055862, 7057778, 7059712, and 7060685 were issued to procure the gas meters and smart meter components needed to replace failing meters and components. This ratification complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the ratification of Purchase Order Numbers 7053045, 7055862, 7057778, 7059712, and 7060685 to Ed Young Sales Company, Inc. in the amount of \$6,096,995.54 charged to the MLGW 2024 fiscal year budget and Purchase Order Numbers 7057778 and 7059712 in the amount of \$1,270,562.68 charged to the MLGW 2025 fiscal year.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 19, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it approves the ratification of Purchase Order Numbers 7053045, 7055862, 7057778, 7059712, and 7060685 to Ed Young Sales Company, Inc. for gas meters and smart meter components in the amount of \$7,367,558.22.

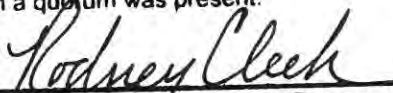
The gas meters and smart meter components are used to measure the consumption of gas for customer billing. Failing gas meters and smart meter components impacted customer service, disrupted business operations, and created an emergency requiring immediate action. In accordance with MLGW's emergency policy, Purchase Order Numbers 7053045, 7055862, 7057778, 7059712, and 7060685 were issued to procure the gas meters and smart meter components needed to replace failing meters and components. This ratification complies with all applicable laws and policies.

The 2024 budgeted amount for Gas Meter Shop is \$1,664,000.00; the amount spent year-to-date is \$4,201,021.20; of which \$6,096,995.54 was spent on these purchase orders in 2024; the overage of \$8,634,016.74 will be absorbed within the 2024 Gas Division's capital budget; \$1,270,562.68 will be spent on these purchase orders in 2025; and

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

THAT, subject to the consent and approval of the Council of the City of Memphis, approve the ratification of Purchase Order Numbers 7053045, 7055862, 7057778, 7059712, and 7060685 with Ed Young Sales Company, Inc. for gas meters and smart meter components is approved as outlined in the foregoing preamble.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 19th day of March 2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. Description of the Item

Resolution approving the recommended annual salary of \$160,014.40 to fill the vacant new hire position of HPPD Manager.

2. Additional Information

The President & CEO and the Chief People Officer have recommended to the Board of Light, Gas and Water Commissioners to approve an annual salary in the amount of \$160,014.40 for a new hire HPPD Manager position subject to the consent and approval of the City Council of the City of Memphis.

RESOLUTION

WHEREAS, MLGW desires to hire a candidate to fill the vacant position of HPPD Manager; and

WHEREAS, the Board of Memphis Light, Gas, and Water Commissioners at their meeting on March 19, 2025, approved an annual salary of \$160,014.40 for the HPPD Manager position; and

WHEREAS, Memphis City Substitute Ordinance No. 5897 provides that the salary of executive management or other employees over \$120,000.00 be approved by the City Council.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis, that the annual salary of \$160,014.40 is hereby approved for the vacant HPPD Manager position.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 19, 2025

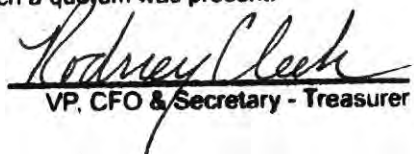
WHEREAS MLGW desires to hire a candidate to fill the vacant position of HPPD Manager at an annual salary of \$160,014.40; and

WHEREAS, the President & CEO and the Chief People Officer recommend to the Board of Memphis Light, Gas & Water Commissioners an annual salary in the amount of \$160,014.40 for a candidate for the HPPD Manager.

NOW THEREFORE BE IT RESOLVED by the Board of Memphis Light, Gas & Water Commissioners:

THAT, subject to the consent and approval of the City Council of the City of Memphis, the annual salary for the HPPD Manager in the amount of \$160,014.40 is hereby approved.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 19th day of March, 2025 at which a quorum was present.


VP, CFO & Secretary - Treasurer

RESOLUTION SUMMARY

1. **Short title description** – Contract No. 12583 (formerly Contract No. C2572) - Commercial Auto Insurance for Out-of-Town Travel
2. **Funded Amount** - \$181,321.00
3. **Award Duration** – 1st of four renewals (March 14, 2025 through March 13, 2026)
4. **Type of Bid** – RFP
5. **Awarded to** – Pete Mitchell and Associates, LLC
6. **LSB/MWBE Goal Assigned/Committed** - No goal was assigned; however, 100% participation MBE - Pete Mitchell and Associates
7. **Plain Language Description** – This contract is to provide insurance for vehicles traveling out of Tennessee.
8. **Impact** – This policy is needed to provide \$1,000,000 in insurance coverage for MLGW to travel within the continental United States to assist in energy restoration as requested during emergencies.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of March 19, 2025 approved Change No. 1 to Contract No. 12583 (*formerly Contract No. C2572*), Commercial Auto Insurance for Out-of-State Travel with Pete Mitchell and Associates, Incorporated to ratify and renew the current contract in the funded amount of \$181,321.00, and is now recommending to the Council of the City of Memphis that it approves said ratification and renewal as approved; and

WHEREAS, The project scope is to provide a minimum of \$1,000,000.00 liability coverage for approximately eighty (80) commercial automobiles traveling within a fifty (50) mile radius into Arkansas and Mississippi or any place in the contiguous United States on an emergency basis.

WHEREAS, this change is to ratify and renew the current contract for the first of four (4) annual renewal terms for the period covering March 14, 2025 through March 13, 2026 in the funded amount of \$181,321.00, with no increase in rates from the initial term. The initial contract was coverage for 80 vehicles and this renewal is for coverage of 85 vehicles. MLGW received a \$10,053.00 discount by adding Telematic (GPS tracking system). This ratification and renewal complies with all applicable laws and policies. The new contract value is \$365,848.00; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12583 (*formerly Contract No. C2572*), Commercial Auto Insurance for Out-of-State Travel with Pete Mitchell and Associates, Incorporated to ratify and renew the current contract in the funded amount of \$181,321.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
March 19, 2025

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12583 (*formerly Contract No. C2572*), Commercial Auto Insurance for Out-of-State Travel with Pete Mitchell and Associates, Incorporated to ratify and renew the current contract in the funded amount of \$181,321.00.

The project scope is to provide a minimum of \$1,000,000.00 liability coverage for approximately eighty (80) commercial automobiles traveling within a fifty (50) mile radius into Arkansas and Mississippi or any place in the contiguous United States on an emergency basis.

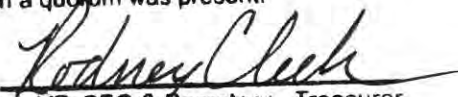
This change is to ratify and renew the current contract for the first of four (4) annual renewal terms for the period covering March 14, 2025 through March 13, 2026 in the funded amount of \$181,321.00, with no increase in rates from the initial term. The initial contract was coverage for 80 vehicles and this renewal is for coverage of 85 vehicles. MLGW received a \$10,053.00 discount by adding Telematice (GPS tracking system). This ratification and renewal complies with all applicable laws and policies. The new contract value is \$365,848.00.

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

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. C2572 (*formerly Contract No. C2572*), Commercial Auto Insurance for Out-of-State Travel with Pete Mitchell and Associates, Incorporated to ratify and renew the current contract in the funded amount of \$181,321.00, as outlined in the above preamble, is approved; and further

THAT, the President, or his designated representative is authorized to execute the Ratification and Renewal.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular meeting held on 19th day of March 2025 at which a quorum was present.


VP. CFO & Secretary - Treasurer

**A JOINT ORDINANCE OF THE CITY OF MEMPHIS AND COUNTY OF
SHELBY COUNTY, TENNESSEE ENACTED PURSUANT TO THE
COMMUNITY REDEVELOPMENT ACT OF 1998 AND THE
UNIFORMITY IN TAX INCREMENT FINANCING ACT OF 2012;
PROVIDING FOR THE ESTABLISHMENT OF THE CLEVELAND
STREET CORRIDOR REDEVELOPMENT TRUST FUND**

WHEREAS, pursuant to the Community Redevelopment Act of 1998 (the “Act”) Shelby County, Tennessee (the "County") and the City of Memphis, Tennessee (the "City") established a joint Community Redevelopment Agency ("CRA") to ameliorate the slum and blight conditions within the City of Memphis and the unincorporated areas of Shelby County; and

WHEREAS, on January 9, 2025, pursuant to Section 11 of the Act and the provisions of the Uniformity in Tax Increment Financing Act of 2012 (the “TIF Uniformity Act”), the CRA approved a proposal to establish the Cleveland Street Corridor Tax Increment Financing District (the “Cleveland Street Corridor TIF”) pursuant to the Cleveland Street Corridor Redevelopment Area (the “Plan);

WHEREAS, the City Council (the “Council”) of the City of Memphis, Tennessee considered the adoption of the Cleveland Street Corridor Community Redevelopment Plan pursuant to the requirements of the Act; and

WHEREAS, the Board of County Commissioners of Shelby County, Tennessee (the "Board") considered the adoption of the Cleveland Street Corridor Community Redevelopment Plan pursuant to the requirements of the Act; and

WHEREAS, this Ordinance shall not become effective until after the adoption of the Plan by the Board and the Council; and

NOW, THEREFORE, BE IT RESOLVED by The Council Of The City Of Memphis And The Board Of County Commissioners Of Shelby County, Tennessee that the Community Redevelopment Plan for Cleveland Street Corridor Area be established as follows:

SECTION 1. COMMUNITY REDEVELOPMENT AREA

The Cleveland Street Corridor Community Redevelopment Area shall be as shown in the Legal Description attached as Exhibit A.

SECTION 2. FUNDING OF THE REDEVELOPMENT TRUST FUND

Pursuant to the provisions of Section 21 of the Community Redevelopment Act of 1998 the hereby Redevelopment Trust Fund for the Cleveland Street Corridor Community Redevelopment Area shall include the increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of the community redevelopment under the Act.

Pursuant to the requirements of the Act, each taxing authority located within the Cleveland Street Corridor Community Redevelopment Area shall by January 1 of each year commencing January 1, 2025 appropriate to the Redevelopment Trust Fund for the Cleveland Street Corridor Area for so long as any indebtedness pledging increment revenue to the payment thereof is outstanding the earliest of thirty (30) years or January 1, 2055, a sum that is no less than the increment as defined and described in this Section accruing to such taxing authority.

SECTION 3. DISCRETION TO GRANT EXEMPTIONS

Subject to further proceedings of the Council and the Board pursuant to the requirements of Section 21(b)(4) of the Act, the City and the County reserve the discretion to grant an exemption to any special district that levies taxes within the Cleveland Street Corridor Community Redevelopment Area from the funding requirements of Section 5 of this Ordinance; provided such grant of an exemption shall not violate Article 1, Section 20 of the Tennessee Constitution or Article 1, Section 10 of the United States Constitution, relating to impairment of contracts.

SECTION 4. TERM OF THE REDEVELOPMENT TRUST FUND

The Redevelopment Trust Fund for the Cleveland Street Corridor Area shall remain in existence for thirty (30) years after the date of adoption of the original Plan. Notwithstanding anything in this Ordinance to contrary, the obligation to fund the Redevelopment Trust Fund annually shall continue until all loans, advances and indebtedness, if any, and interest thereon, of the CRA incurred as a result of redevelopment in a Community Redevelopment Area have been paid. Upon termination of the Redevelopment Trust Fund, subject to payment of all amounts required to be paid from such Redevelopment Trust Fund, any remaining moneys in the Redevelopment Trust Fund shall be returned to each taxing authority, which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the Redevelopment Trust Fund by all taxing authorities within the Cleveland Street Corridor Community Redevelopment Area during that year of the last appropriation.

SECTION 5. EXPENDITURE OF MONEYS IN THE REDEVELOPMENT TRUST FUND

A. Moneys in the Redevelopment Trust Fund may be expended from time to time for the

following purposes, when directly related to financing or refinancing of redevelopment in a Community Redevelopment Area pursuant to the Plan:

(a) administrative and overhead expenses necessary or incidental to the implementation of Plan pursuant to the Uniformity in Tax Increment Financing Act of 2012 (the "TIF Uniformity Act").

(b) expenses of redevelopment planning, surveys and financial analysis, including the reimbursement of the City or the County or the CRA for such expenses incurred before the Plan was approved and adopted.

(c) the acquisition of real property in the Community Redevelopment Area.

(d) The clearance and preparation of any portion of the Community Redevelopment Area for redevelopment and relocation of site occupants as provided in Section 17 of the Act.

(e) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes and any other form of indebtedness.

(f) All expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of CRA bonds, bond anticipation notes or other form of indebtedness, including fund or any reserve, redemption or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness.

(g) The development of affordable housing within the Community Redevelopment Area.

B. On the last day of each fiscal year of the CRA, any money which remains in the Cleveland Street Corridor Redevelopment Trust Fund after the payment of expenses pursuant to subsection "A" of this Section 5 for such year shall be:

(a) returned to each taxing authority, which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities within the Cleveland Street Corridor Community Redevelopment Area for that year;

(b) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) appropriated to a specific redevelopment project pursuant to the Plan which project will be completed within three (3) years from the date of such appropriation.

C. As allowed in Section 2 of the "Uniformity in Tax Increment Financing Act of 2012" a total of up to five percent (5%) of incremental tax revenues will be set aside for administrative expenses incurred by the CRA (Tennessee Code Annotated 9- 23-104).

D. As allowed in the "Uniformity in Tax Increment Financing Act of 2012" the tax increment base and dedicated taxes shall be calculated on the basis of each parcel within the area subject to the Community Redevelopment Plan for the Cleveland Street Corridor Area (Tennessee Code Annotated 9-23-102).

E. In accordance with the provisions of the Act and the TIF Uniformity Act, the City and the County shall cause the CRA to provide for an independent financial audit of the trust fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the Redevelopment Trust Fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The CRA shall provide a copy of the report to each taxing authority.

BE IT FURTHER ORDAINED, that to the extent that the CRA shall approve developers to execute the redevelopment, said developers shall provide annual financial statements, including balance sheets and detailed income and expense statements to the CRA Board.

BE IT FURTHER ORDAINED, that this joint ordinance shall take effect from and after the date it shall have been enacted according to due process of law by virtue of the concurring and separate passage thereof by the Council of the City of Memphis and by the Board of Commissioners of Shelby County, Tennessee.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance are severable and that any portion declared or found to be unlawful shall not affect the remaining portions.

Sponsor:
Dr. Michalyn Easter-Thomas

Chair:
J Ford Canale

Ordinance No: _____

AN ORDINANCE TO AMEND Title 9- Chapter 16 – Health and Sanitation OF THE CITY OF MEMPHIS CODE OF ORDINANCES RELATIVE TO THE ASSESSMENT OF FEES TO PROPERTY OWNERS WITH AN ABANDONED OR VACANT PROPERTY OR PROPERTIES WITHIN THE CITY OF MEMPHIS LIMITS

WHEREAS, the City of Memphis has ordinances in place and has adopted property maintenance codes to regulate building standards for the exterior of structures and conditions of properties as a whole; and

WHEREAS, the City observes the conditions of properties within the City limits and assesses fees for services rendered to properties for reasons such as weed cutting, grass mitigation, environmental billing, boarding and securing properties, demolition of properties due to condemnation, clearing sidewalk obstructions and sanitation including, but not limited to, cleanup of yard waste composting and household waste that may be hazardous; and

WHEREAS, the City of Memphis as the authority under Tennessee Code § 6-54-113 to assess fees for the removal of debris, trash, litter, or garbage from properties where such conditions endanger the health, safety, or welfare of citizens, and to recover the costs incurred through an assessment against the property owner, including placing a lien on the property for unpaid costs; and

WHEREAS, the City also incurs a cost and must employ multiple divisions to maintain or care for abandoned properties and vacant properties to include, but not limited to:

(1) Staff time, resources, monetary costs, and opportunity costs incurred by the City, including but not limited to public safety officers addressing unlawful occupancy, illegal activities, or hazards in abandoned buildings; receiving and addressing complaints; reviewing, investigating, documenting, and issuing warnings or citations; cleaning, clearing, and removing refuse or illegally dumped items; patrolling properties; addressing pest control or similar issues; and repairing City infrastructure and structures damaged due to vagrancy or other activities on such properties; and

(2) administrative costs

WHEREAS, the purpose of this ordinance is to address illegal or unwanted dumping and abandoned or vacant properties by assessing a fee to the owners of abandoned or vacant properties;

WHEREAS, another purpose of this ordinance is to hold out-of-state and absentee property owners accountable for neglecting properties that fall into disrepair, causing safety hazards, reduced property values, and other quality-of-life concerns for entire neighborhoods.

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

SECTION 1. Title 9- Chapter~~(00)~~ 16 –Health and Sanitation– of the Code of Ordinances of Memphis, Tennessee is hereby amended to add sections 16-506 – 16-511 to read as follows:

Sec. 16-506 Purpose and Intent.

It is declared to be the purpose and intent of Chapter 16, Section 16-506 – 16-511 that all owners of abandoned or vacant properties within the limits of the City of Memphis are hereby assessed an annual deeper property in order to remediate the cost effects to the City of Memphis caused by illegal dumping at abandoned or vacant properties.

Sec. 16-507 Definitions.

The following words and terms shall have the meanings herein, except where otherwise specifically indicated.

- (a) Abandoned Real Property means any real property, commercial or residential, that is vacant, is subject to unauthorized occupancy and, has been determined abandoned by evidence of an affidavit by an agent or officer of the City of Memphis Housing Code Enforcement. Bulky Refuse means discarded appliances such as stoves, refrigerators, water tanks, washing machines, and discarded furniture or similar materials having a weight greater than 75 pounds and/or volume greater than 35 gallons.
- (b) Evidence of Vacancy means any condition that, on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; electricity, water or other utilities turned off, stagnant swimming pool; or statement by neighbors, passers-by, delivery agents or government agents.
- (c) Garbage includes every accumulation of both animal and vegetable matter, liquid or otherwise, that attends the preparation, use of cooking, dealing in storage of meat, fish, fowl, fruits, or vegetables, cans or other containers originally used for foodstuffs.

- (d) Hazardous Waste means a hazardous waste as defined in T.C.A. § 68-46-104.
- (e) Industrial Waste means solid waste produced in, or generated by, industrial or manufacturing processes. The term does not include commercial or domestic waste as defined in T.C.A. § 68-211-802(a)(10)(E).
- (f) Owner means any person who alone, jointly, or severally with others:
 - i. Has legal title to the property, with or without accompanying actual possession thereof;
 - ii. Has charge, care or control of the property as owner or agent of the owner or an executor, administrator, trustee or guardian of the estate of the owner; or
 - iii. Is the agent or the owner for the purpose of managing, controlling the property or collecting rents, or is any other person managing or controlling the property or is any person entitled to the control or direction of the management or disposition of the property. This ordinance definition excludes Real Estate Listing Agents when acting exclusively in that capacity.
- (g) Property means any real, residential, commercial, industrial property, or portion thereof, located within the City of Memphis, including buildings or structures situated on the property.
- (h) Refuse is a comprehensive term meaning any worthless leaving to be discarded; including, but not limited to, garbage, bulky refuse, rubbish, and industrial and hazardous waste.
- (i) Rubbish/trash includes all non-putrescible solid waste except building material, bulky refuse, hazardous waste, and industrial waste.
- (j) Vacant means any building or structure that is not lawfully occupied or inhabited as evidenced by the conditions set forth in the definition of “Evidence of Vacancy” in Sec. 16-507(c) and as defined in § T.C.A. 13-21-202.

Sec. 16-508 Determination of Abandoned or Vacant Properties.

(a) Annual Compilation of the List -Each year, no later than January 31, the Division of Public Works shall compile a list of abandoned or vacant properties within the City of Memphis limits. The determination of whether a property is considered abandoned or vacant shall be in accordance with the definitions outlined in this section.

(b) Composition of the List- The list shall include properties identified as abandoned or vacant during the current calendar year. The list may also include properties from previous years that have retained their abandoned or vacant designation due to the property owner's failure to remediate the conditions. The final determination of whether a property is included on the list shall be made by the Division of Public Works.

(c) Estimated Cost of Remediation- The list shall include, for each property, an estimated cost to remediate the conditions that led to the property being identified as abandoned or vacant. The Division of Public Works may, at its discretion, maintain an itemized estimation of costs based on the types of services required, such as the removal and mitigation of refuse.

(d) Additions to the List- The Division of Public Works may make additions to the list of abandoned or vacant properties throughout the year. When such additions occur, the provisions of Section 16-509 – Notice to the Owners of Abandoned or Vacant Properties shall apply.

(e) Collaboration with Memphis Light, Gas and Water (MLGW)-The Division of Public Works may collaborate with Memphis Light, Gas, and Water (MLGW) to identify properties that have previously had utility service but have remained without electricity or water for over six (6) months, as this may indicate the property is vacant.

Sec. 16-509 Notice to the Owners of Abandoned or Vacant Properties.

- (a) Provision of Notice –** The Division of Public Works shall provide notice to the owner of an abandoned or vacant property or properties as defined herein to remedy the condition immediately if it is determined that the owner has created, maintained or permitted to be maintained on such property the accumulation of refuse, or any combination of the preceding elements, so as to endanger the health, safety or welfare of other citizens or to encourage the infestation of rats and other harmful animals.
- (b) Method of Notice –** The Division of Public Works shall publish the notice in a newspaper of general circulation in the City of Memphis where the property sits for no less than two (2) consecutive issues or personally deliver the notice to the owner of record when the required attempt at notification by United States mail addressed to the last known address of the owner fails or no valid last known address exists for the owner of record.
- (c) Content of Notice –** The notice shall state that the owner of the property is entitled to a hearing and shall also include, but not be limited to, the following:

- (1) A brief statement of this section, which shall contain the consequences of failing to remedy the noted condition; and
- (2) The person, office, address, and telephone number of the Division of Public Works as the issuer of the notice; and
- (3) The list of abandoned or vacant properties created by the Office of Neighborhood Improvement within the Division of Public Works; and
- (4) A cost estimate for remedying the noted condition; and
- (5) A place where the property owner may return a copy of the notice, within fourteen (14) business days of receipt, indicating the desire for a hearing/meeting of consideration regarding fees; and
- (6) The rules for hearings/meetings of consideration regarding abandoned or vacant property fees, as determined by the Division of Public Works.

(d) Receipt of Notice – Receipt of notice shall be considered effective on the date of the second consecutive publication of the notice in a newspaper of general circulation in the county where the property sits and immediately upon delivery when the notice is by personal delivery.

Sec. 16-510 Fee for Abandoned or Vacant Properties.

(a) Fee Assessment

- i. **Yearly Fee** - The City of Memphis shall assess a fee each year of \$300 per property to the owners of abandoned and vacant properties situated within the limits of the City of Memphis that are included on the list of abandoned and vacant properties for that year.
- ii. **Monthly Fee** - The City of Memphis may in its discretion, instead of a yearly fee of \$300, assess a fee each month of \$25 per property to the owners of abandoned and vacant properties situated within the limits of the City of Memphis if the property owner demonstrates hardship.
- iii. **Hearing/Meeting of Consideration Regarding Fees** - The Division of Public Works shall determine and provide rules for hearings/meetings of consideration regarding abandoned or vacant property fees. These rules shall be included within the notice sent to the property owner and shall also be made available to any person requesting a hearing/meeting of consideration regarding fees, either by providing a physical copy upon request at the Division of Public Works office, by mail, or electronically via email or a designated online portal.

(b) Billing of Fees

- i. The Division of Public Works shall create and provide to the Office of the City of Memphis Treasurer a bill outlining the fee assessed and the requirement to pay for the owner of each property on the abandoned or vacant property list. The bill shall be included as an insert with the City of Memphis tax bill but not included on the bill as a tax or fee associated with the collection of taxes for the year.
- ii. The Division of Public Works may, in lieu of providing the bill insert to the Office of the Treasurer, directly provide the bill to the owner of each property on the abandoned or vacant property list. The bill shall reflect the fee amount determined by the results of the hearing conducted by the Division of Public Works, which may be either a one-time payment of \$300 or a \$25 monthly payment for a period of twelve (12) months. Any changes to the structure or frequency of billing shall be included in the notice for abandoned or vacant properties for the subsequent year.

(c) Method of Receiving Payment – The owner of each property on the abandoned or vacant property list shall render payment of the fee directly to the Division of Public Works Office of Neighborhood Improvement. The funds shall be collected through the Finance Division and shall be accounted on the appropriations statement for Code Enforcement. Within thirty (30) days of collection, the funds shall then be placed in the City of Memphis General Fund.

(d) Failure of a Property Owner to Pay the Abandoned or Vacant Property Fee – The City of Memphis shall have the option to place a lien against any property owner who fails to pay the required abandoned or vacant property fee.

(e) Allocation of Collected Fees

- i. The first \$200,000 collected annually from the abandoned and vacant property fees shall be allocated exclusively to the Shelby County Environmental Court Foundation to assist senior citizens in addressing issues related to blighted properties. Assistance shall not exceed \$25,000 per property, and these funds may not be used for any purpose other than assisting senior citizens with blighted property remediation.
- ii. The Shelby County Environmental Court must submit an annual written report detailing the usage of these funds to the Memphis City Council no later than January 31st of each year. This report must include the total

amount distributed, the number of senior citizens assisted, and a record of the priority given to local Minority and Women-Owned Business Enterprises (MWBE) for these projects.

- iii. Additionally, the report must be accompanied by an in-person presentation delivered by the presiding judge or an appointed representative of the Environmental Court at the last Council meeting in January of each year. This ensures accountability and transparency regarding the allocation and usage of these funds.

Sec. 16-511 Standard Provisions for Fees Not Associated with the Abandoned or Vacant Property Fee.

- (a) The owners of properties who receive notice under this section, for which a City of Memphis division, office, or area renders or causes to be rendered services to a property on the abandoned or vacant properties list, shall be charged the single \$300 fee. This fee will be collected by the Division of Public Works or the Office of the Treasurer.
- (b) The \$300 fee covers the initial cost of services rendered under this section; however, if the total cost of services performed by the City exceeds this amount, the property owner may be billed for the full cost of services rendered at the discretion of the Division of Public Works. Additionally, if the property is later brought into compliance and subsequently falls back into non-compliance, the Division of Public Works may assess a new fee as deemed necessary.
- (c) If the property owner does not resolve the issues defined in Section 16-507, as outlined in the official notice, within ten (10) days of receiving it, the appropriate city department will arrange for the necessary remediation or removal of the condition at a cost that reflects fair and standard rates for such services.
- (d) Each City of Memphis Division rendering services to an abandoned or vacant property may provide a record of the services it provides to the properties on the abandoned or vacant properties list and the cost for such services to the Division of Public Works by the last day of each month. The Division of Public Works shall retain this information for its records.

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

SECTION 3. BE IT FURTHER ORDAINED, That as amended the remaining provisions of CHAPTER 16 remain in full force and effect.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance amends Chapter 16 of the Official City Code. The City has authorized the Municipal Code Corporation to provide a republication of the City's Ordinances in the Official City Code, as amended from time to time, for the convenience of the public. The Official City Code and the official version of all new, amending, repealing and clarifying ordinances adopted by the City Council are maintained by the City's Comptroller in the Office of Council Records.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect after having been passed by City Council, signed by the Chair of Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and becomes effective as otherwise provided by law and shall remain effective and operative unless and until the City Council alters, amends clarifies or repeals it by a superseding, amending, clarifying or codifying ordinance.

SPONSOR:
Jerri Green

J. Ford Canale
CHAIRMAN

ORDINANCE NO. _____**ORDINANCE TO AMEND TITLE 5, CHAPTER 5-20 OF
THE MEMPHIS MUNICIPAL CODE TO INCREASE
THE EXISTING HOTEL/MOTEL OCCUPANCY TAX TO 4.0%**

WHEREAS, pursuant to and in accordance with the applicable legal provisions of Tennessee law, particularly including Section 67-4-1402 of the Tennessee Code Annotated, as amended, a municipality is authorized to impose a hotel/motel occupancy tax in an amount up to four percent (4%) of the consideration charged to a transient by each hotel operator; and

WHEREAS, for the express purpose of establishing a hotel/motel occupancy tax for the City of Memphis, Tennessee (the “**City**”), Ordinance No. 4824 was duly adopted and enacted by the Council of the City of Memphis, Tennessee (the “**City Council**”), on November 7, 2000; and

WHEREAS, pursuant to and in accordance with Ordinance No. 4824, the City initially imposed a hotel/motel occupancy tax in the amount of one and seven-tenths percent (1.7%) of the consideration charged by the hotel operator against each transient occupying a hotel room within the municipal limits of the City; and

WHEREAS, pursuant to and in accordance with the applicable legal provisions of Tennessee law, Ordinance No. 4824 was amended by Ordinance No. 4939 and was duly adopted and enacted by the City Council on May 21, 2002, which specified, among other things, the distribution of all proceeds of the City’s hotel/motel occupancy tax and eliminated the sunset provision set forth in Ordinance No. 4824; and

WHEREAS, pursuant to and in accordance with the applicable legal provisions of Tennessee law, Ordinance No. 4939 was amended by Ordinance No. 5596 and was duly adopted and enacted by the City Council on September 1, 2015, which specified, among other things, that the then-existing hotel/motel tax set at one and seven-tenths percent (1.7%) shall be increased by one and eight-tenths percent (1.8%) to a total of three and one-half percent (3.5%); and

WHEREAS, pursuant to and in accordance with the applicable legal provisions of Tennessee law, Ordinance No. 5596 was amended by Ordinance No. 5619 and was duly adopted and enacted by the City Council on July 5, 2016, which specified, among other things, that the City could apply the additional revenues received from the one and eight-tenths percent (1.8%) portion of the total three and one-half percent (3.5%) towards funding immediate repairs required for the convention center, for the period from December 1, 2015 through June 30, 2016, and thereafter, on and after July 1, 2016, to permit City to apply the same additional revenues to fund additional construction or renovation of convention or meeting facilities in conformity with the terms and provisions of the Amended And Restated Interlocal Agreement Relating To The Financing Of The Proposed Sports And Basketball Arena To Be Financed By The Memphis And Shelby County Sports Authority, Inc., dated May 15, 2002, as heretofore amended and supplemented; and

WHEREAS, the City Council believes that it is appropriate and in the best interests of the citizens of the City that the existing hotel/motel tax be increased by one-half of one percent (0.5%) to a total of four percent (4.0%); and

WHEREAS, pursuant to and in accordance with the applicable legal provisions of Tennessee law, Ordinance No. 5619 is proposed to be adopted and enacted by the City Council to increase the existing hotel/motel tax to the maximum amount of four percent (4%).

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that Part 1, Section 2 of Ordinance No. 4824, as amended, codified as Section 5-20-2 of the Memphis Municipal Code is hereby amended to read as follows:

Section 2. Levy of Occupancy Tax.

The City levies a privilege tax upon the privilege of occupancy in a hotel of each transient. Except as provided below, such tax shall be in the amount of four percent (4%) of the consideration charged by the operator for such occupancy. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this chapter.

Notwithstanding the foregoing, the City levies a privilege tax upon the privilege of occupancy in a hotel of each transient in a hotel which is in: (i) a Tourism Development Zone and subject to the maximum privilege tax; and (ii) a Tourism Surcharge District as described in Ordinance No. 5583 existing on July 1, 2015. Such tax shall be in the amount of one and seven-tenths percent (1.7%) of the consideration charged by the operator for such occupancy. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this chapter.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that Part 1, Section 9 of Ordinance No. 4824, as amended, and codified as Section 5-20-9 of the Memphis Municipal Code is hereby amended to read as follows:

Section 9. Allocation of Funds.

The proceeds of the four percent (4%) tax levied under this section shall be collected by the City and distributed as follows:

(a) From July 1, 2016, and thereafter, the first one and seven-tenths percent (1.7%) tax of the total four percent (4%) tax levied hereunder shall be collected by the City and applied to payment of bonded indebtedness, principal and interest, of the bond sale or sales by The Memphis and Shelby County Sports Authority, Inc. (the "Sports Authority Bonds") for the purpose of development and construction costs of a new Memphis Sports Arena, built by the New Memphis Arena Public Building

Authority, to fund the construction of the National Basketball Association Arena, until paid in full, and thereafter to such other projects and purposes as the City Council shall determine.

(b) From July 1, 2016, and thereafter, the second one and eight-tenths percent (1.8%) tax of the total four percent (4%) tax levied hereunder shall be used for the purpose of funding the following:

1. To make up any deficiencies in the payment of administrative expenses of The Memphis and Shelby County Sports Authority, Inc.'s payments to the Bond Fund, Rebate Fund, or Debt Service Reserve Fund for the Sports Authority Bonds;
2. To reimburse, on a pro rata basis, monies paid by the City or by Shelby County, Tennessee, to replenish the Debt Service Reserve Fund for the Sports Authority Bonds; and
3. For deposit to the Capital Improvement Reserve Fund to make capital improvements, to pay administrative costs, and/or to purchase or redeem the Sports Authority Bonds, as directed by The Memphis and Shelby County Sports Authority, Inc.

(c) Notwithstanding any of the provisions contained herein to the contrary, any revenues produced from the taxes levied under this chapter over and above the sum of (i) that amount which satisfies subsections (b)1, (b)2, and (b)3 of this section, and (ii) the greater of: (x) the amount of such tax revenue projected for the current fiscal year at the time of the original issuance of the Sports Authority Bonds and (y) the amount the one and seven-tenths percent (1.7%) tax rate would have provided for such fiscal year, shall be applied to the payment of principal of and interest on additional bonded indebtedness, and non-capitalized expenses of the bond sale or sales and bond-related continuing costs, to fund additional construction or renovation of convention or meeting facilities.

(d) Upon the effective date of this Ordinance, the remaining one-half of one percent (0.5%) tax of the total four percent (4%) tax levied hereunder shall be used by the City for the use and purpose of funding the following:

1. To fund ongoing obligations pertaining to the National Basketball Association Arena including, but not limited to, the payment of bonded indebtedness, capital repairs, improvements, replacements, and ongoing maintenance, including the professional services rendered for the design, architectural, engineering, management and oversight associated therewith; and
2. To fund such other projects and purposes, as the City shall determine, for the purposes of promoting tourism and tourism development, as permitted by state law.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that the provisions of this Ordinance shall not be effective unless and until the execution and delivery, hereby authorized on behalf of the City, of an agreement or agreements by and among the City, Shelby County, Tennessee, and The Memphis and Shelby County Sports Authority, Inc. consistent with the provisions hereof, either in addition to or by amendment of the Amended And Restated Interlocal Agreement Relating To The Financing Of The Proposed Sports And Basketball Arena To Be Financed By The Memphis And Shelby County Sports Authority, Inc., dated May 15, 2002, as heretofore amended and supplemented, or both.

SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 5. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that all parts of Ordinance No. 4824, Ordinance No. 4939, Ordinance No. 5596, and Ordinance No. 5619, except as amended herein, shall remain in full force and effect.

SECTION 6. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, TENNESSEE, that this Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the City Council, certified and delivered to the Office of the Mayor in writing by the City Comptroller, and become effective as otherwise provided by law.

Ordinance No. _____

Ordinance Establishing an Elective Neighborhood Parking Permit Program

WHEREAS, in 2014, the City Council passed Ordinance No. 5550 that provided a pilot permit parking program near Overton Square for a one-year period; and

WHEREAS, in 2016, the City Council passed Ordinance No. 5610, which amended the Code of Ordinances to continue the program and allow for a process for additional residential districts with excess parking demands; and

WHEREAS, it has come to the attention of the City Council that citizens have identified issues with vehicles parked in front of owner-occupied residences, causing obstructed driveways and mailboxes, which is against existing ordinance provisions outlined in City of Memphis Code of Ordinances Sec. 21-136; and

WHEREAS, this issue has been exacerbated by adjacent multifamily residences that utilize street parking for residents and their guests due to the lack of sufficient designated parking lots or structures; and

WHEREAS, the Council desires to establish an elective neighborhood parking permit program that neighborhood residents can pursue through the process outlined in this ordinance.

NOW THEREFORE BE IT ORDAINED by the Council of the City of Memphis that the Code of Ordinances shall be amended to add the following language in Section 21-136.1:

SECTION 1: Parking permit program for neighborhoods.

a) Definitions: For the purpose of this section, the following words and phrases are defined and shall be construed as hereinafter set out, unless it shall be apparent from the context that they have a different meaning:

1. A non-resident vehicle shall mean a motor vehicle parked in a residential area which is not owned, leased or otherwise controlled by:

a. A resident who lives in the area designated as a permit parking district.

b. A guest visiting residents living in the area designated as a permit parking district.

2. Resident shall mean person who lives in a dwelling unit located in a permit parking district.

3. Absentee landlord shall mean an owner of residential property who does not live on the property. Such property shall be located in a permit parking district.

4. Guest shall mean a person who is visiting in a dwelling located in a permit parking district.

5. Permit parking district shall mean a residential area with streets and boundaries designated by a City Council resolution wherein vehicles displaying a valid permit shall be exempt from parking restrictions established pursuant to this section.

b) Designation of Permit Parking District: Permit parking districts may be designated or dissolved, by the City Engineer.

The City Engineer shall consider for designation as permit parking districts those areas satisfying the criteria established in this section for said districts.

If the City Engineer determines that the criteria, rules and procedures required in this section have been met, it may establish permit parking districts with appropriate boundaries and parking restrictions.

Motor vehicles displaying a valid parking permit may be parked exempt from the parking restrictions established pursuant to the authority of this section in the permit parking district for which the permit is issued.

c) Designation Process and Criteria: The City Engineer shall prepare Rules and Procedures for the designation of Permit Parking Districts setting forth the petition process (requiring approval by 75% of property owners), the hearing and notification processes, reporting requirements, criteria for designation of a permit parking district and for the implementation and administration of this section.

d) Issuance of Permits: Parking permits for Permit Parking Districts shall be issued by the City Engineer.

1. Each annual parking permit shall be designated to state or reflect thereon the particular Permit Parking District, the license number of the vehicle for which the permit is issued and the date on which the permit shall expire.

2. No more than two annual parking permits shall be issued to any one dwelling unit.

3. Parking permits may be issued only to residents of the permit parking district.

4. Year-long visitor permits shall be issued as provided in subsection (I).

5. Applicants for any parking permits are required to clear all unpaid parking citations prior to the issuance of new permits or renewals for annual or visitor permits.

e) Posting of Permit Parking Area: Upon designation of a Permit Parking District, the City Engineer shall cause appropriate signs to be erected in the district, indicating prominently thereon the parking limitation, period of the day for its application, and the fact that motor vehicles with valid permits shall be exempt therefrom. Parking restriction signs may be posted on school and church frontages located within the district.

f) Permit Parking Exemption:

1. A motor vehicle on which is displayed a valid Annual or Visitor parking permit, as provided for herein, shall be permitted to be parked on any block within the Permit Parking District for which it is issued without being limited by parking restrictions

established pursuant to this section. Except as provided below, all other motor vehicles parked within a Permit Parking District shall be subject to the parking restrictions adopted as provided in this section as well as the penalties provided for herein.

2. A parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated Permit Parking District.

3. The following vehicles shall be exempt from parking restrictions established pursuant to this section:

a. A motor vehicle, identified as owned by or operated under contract to a utility, whether privately, municipally or publicly owned and when used in the construction, operation, removal, or repair of utility property or facilities or engaged in authorized work in the designated Permit Parking District.

b. A motor vehicle when identified as owned by or operated under contract to a governmental agency, when used in the course of official government business.

c. Vehicles parked directly adjacent to a property which has a primarily commercial use.

g) Exemption of Commercial Vehicles: No person shall without a permit therefore park or leave standing any commercial vehicle or trailer in a Permit parking district in excess of the parking restrictions authorized pursuant to this section, except

a) While loading or unloading property; or

b) When such vehicle is parked in connection with, or in aid of, the performance of a service to or on a property in the block in which such vehicle is parked.

h) Application for and Duration of Permit: Except as otherwise provided, each parking permit shall be valid for a period not to exceed one year. Permits may be renewed annually upon reapplication in the manner required by the City Engineer. Each application for a parking permit shall contain information sufficient to identify the applicant, his residence address or address of real property owned or leased within a Permit Parking District, the license number(s) of the motor vehicle(s) for which application is made, and such other information as may be deemed relevant by the City Engineer. Permits may be issued only for vehicles registered in the City of Memphis.

i) Annual Permit Fees: The fee for an Annual parking permit shall be fifty dollars. The fee for an Annual Parking Permit shall be prorated by the month for the unexpired period of the district, but in no case less than fifteen dollars. Upon the permittee's change of place of residence, change of vehicle or damaged permit, the permittee shall surrender the permit to the City Engineer before a replacement permit can be issued. If the permit is lost or stolen, the City Engineer shall be notified immediately. The City Engineer shall collect a fee of fifteen dollars for replacement of lost, stolen or transferred permits and the replacement permit shall expire on the same day as the original permit. In the event a permittee moves from one of the permit parking districts to another permit parking district, the City Engineer shall collect a fee of fifteen dollars for the transfer of the permit. The permits so transferred shall expire on the same day as do all permits in the new district. No refund shall be made for any unused portion of the permit's duration.

j) Rules and Regulations: The City Engineer shall have authority to promulgate and administer rules to implement and enforce the program and to implement the issuance of Permit Parking Districts and the collection of fees for these permits.

k) Penalty Provisions:

1. Unless exempted pursuant to this section, no person shall stand or park a motor vehicle in violation of any parking restrictions established pursuant to this section.

2. No person shall falsely represent himself or herself as eligible for a parking permit or furnish false information in an application for a parking permit to the City Engineer.

3. No permit issued pursuant to this section shall thereafter be assigned, transferred or used for any consideration, monetary or otherwise.

4. No person shall copy, produce or create a facsimile or counterfeit parking permit; nor shall any person use or display a facsimile or counterfeit Permit Parking District Permit.

5. The permit or permits of any person who after a hearing has been found by the City Engineer to have violated any of the provisions of this ordinance shall be revoked by the City Engineer and no new permit shall be issued to that person or household for a period of one year. Such person upon written notification of such revocation, shall surrender the permit or permits to the Department within fifteen days. Use of a revoked parking permit shall be subject to the penalty provisions of Subsection k(l).

l) Visitor Permits: Any resident eligible for an Annual parking permit and whose residence has frontage or side frontage on a block posted within the Permit Parking District may apply to the City Engineer for an annual Visitor Parking Permit for the use of visitors to the person's residence. The owners of a residence under construction and absentee landlords may purchase a maximum of four Visitor Permits for their personal use or for the use of construction service personnel. The City Engineer shall collect a fee of twenty-five dollars for each Visitor permit issued. No more than four Visitor permits shall be issued for any one dwelling at any one time. These permits shall be valid only on the block or blocks for which they are issued and for a period not to exceed one year. Visitor permits can be replaced at a prorated cost when lost or stolen if the applicant submits written documentation of actual loss to the City Engineer.

m) Budget Neutral Program Provisions: Fees will be revisited each year by the City Engineer and a recommendation for fee adjustment brought before City Council that will allow for the Permit Parking Program to be self-supporting and continue to operate without a shortfall.

n) Restricted to Residential Districts with excessive parking demand. Section 11-40-29 shall only be in effect for neighborhoods that have a demonstrated need for permit parking according to the City Engineer. Additional neighborhoods may be added to this ordinance by city council resolution upon recommendation by the City Engineer. No eligible street shall be subject to permit parking until they have been designated as such

in accordance with subsection (B). Areas eligible to be designated as permit parking districts include:

1. The east side of N. Main Street. between Saffarans Avenue and Looney Avenue.

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

SECTION 3. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR:

JB Smiley, Jr.

CHAIRMAN

J. Ford Canale

SUPPLEMENTAL ADOPTING ORDINANCE
ORDINANCE NO. _____

***An Ordinance Supplementing and Amending the 2021 Memphis
Municipal Code of Ordinances of the City of Memphis,
Tennessee relative to Alcoholic Beverages; Providing for
the Repeal of Certain Ordinances Not Included herein; and
Providing when such Amendments to the Code and this
Ordinance Shall Become Effective***

WHEREAS, the Council of the City of Memphis, as the City's legislative body, has the full power and authority under the Charter of the City to codify, revise and collect in the form of a code of ordinances of a general nature, and in doing so has the full power, to amend, alter, repeal or modify any ordinance of a general nature other than contract ordinances to conform such ordinances to the legislative intent of the Council before inclusion in said code;

WHEREAS, on February 15, 2022 the Council adopted a new Code of Ordinances, consisting of Titles 1 through 15, each inclusive, and the errata thereto, as the "2021 Code of Ordinances, City of Memphis, Tennessee" (the "2021 Code").

WHEREAS, due to the volume of ordinances to be considered and codified and the need to provide clear guidance to the City and its citizens, the City Attorney and the Council's Attorney the City Attorney and the Council's Attorney have only presented for codification two (2) Titles, namely "Title 1-General Provisions" and "Title 4-Pension and Retirement System.

WHEREAS, the Council has delegated to the City Attorney and the Council's Attorney the responsibility of making a thorough review of new and amending ordinances adopted by the Council since September 1, 1985 for the

purpose of producing for adoption by the City Council a new Official Code of Ordinances that accurately reflects the state of law of the City as of the date(s) of adoption by the City Council.

WHEREAS, the City Attorney and the Council's Attorney have been authorized and directed to periodically provide for adoption by the Council of supplementary codification ordinances to supplement the codification approved in Ordinance No. 5669.

WHEREAS, the Council desires to supplement the 2021 Code by adopting and codifying Title 7—Alcoholic Beverages.

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

Section 1. A Supplement to the 2021 Code of Ordinances, consisting of Title 7, and the errata thereto, is hereby adopted and enacted. Title 7 as proposed for adoption are attached hereto and incorporated herein by reference.

Section 2. Upon adoption of this Supplemental Ordinance the titles and chapters of the 2021 Code so approved hereby shall supersede and replace all then existing general and permanent ordinances of the City to the extent included in such codified titles and chapters or to the extent such ordinances are inconsistent with the provisions of the titles and chapters so codified.

Section 3. All provisions of the Titles and Chapters of this Supplement to the 2021 Code adopted and codified

by this ordinance shall be in full force and effect from and after this ordinance becomes effective, and all conflicting codes, provisions, chapters, sections, paragraphs and sentences of ordinances of a general and permanent nature in existence or enacted on final passage on or before the effective date of this ordinance, and not included in the 2021 Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this Ordinance.

Section 5. The codification of any ordinances pursuant to the Adopting Ordinance and this Supplemental Adopting Ordinance are required by the City's Charter to be recorded in a well-bound book kept by the City Comptroller.

Section 6. Any such codified ordinances as maintained by the City Comptroller may be relied on by the City or any person and may be read in evidence in any court of this State, unless there is a bona fide dispute as to the meaning of any such ordinance being consistent with the Council's intent. In any such case, the City Attorney shall present such ordinance(s) to the Council for a determination of the consistency of the ordinance(s) with the Council's intent as appearing in the record of its proceedings and for any further action that the Council deems appropriate in accordance with its authority under City Charter § 361.

Section 7. Three (3) copies of the 2021 Code, as supplemented hereby, shall be kept on file in the

office of the comptroller preserved in loose-leaf form, or in such other form as the comptroller may consider most expedient. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the official publication of the 2021 Code and supplements as approved by the Council. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the unofficial republication of the 2021 Code and supplements as approved by the Council in electronic format.

Section 8. It shall be the express duty of the comptroller or someone authorized by him or her to insert in such copies and in their designated places all amendments or ordinances which the council has specifically codified and approved, from time to time, to be to made a part of the 2021 Code when the same have been printed or reprinted in page form, and to extract from such copies all provisions which may be from time to time repealed by the Council. Such copies shall be available for inspection in accordance with law by all persons desiring to examine the same.

Section 9. The provisions the 2021 Code as approved by the Council or any copy thereof which purports to be published and maintained, in written or electronic form, by authority of the City of Memphis shall be

conclusively held to be evidence of the law of the City of Memphis from and after the times of their passage, with respect to any subject or provisions contained therein, and no person shall be permitted to impeach any such code provision on the ground that it was not duly and regularly passed in accordance with the laws existing at the time of its passage. Any prior uncodified republications of ordinances of the City with respect to any subject or provisions contained in the 2021 Code shall not be read and accepted in evidence from and after the adoption of the Adopting Ordinance and any Supplemental Adopting Ordinances.

Section 10. The provisions the 2021 Code as approved by the Council, or any copy thereof which purports to be published by authority of the City of Memphis, may be read and accepted in evidence in any court in this State without further proof of its passage.

Section 11. Chapter 4 of the 1985 City Code is hereby expressly repealed and replaced. All other ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

Section 12. Severability. The provisions of this Ordinance are hereby declared to be severable. If any of the sections, amendments, provisions, sentences, clauses, phrases, or parts hereof are held

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

Section 13. Effective Date. The provisions of this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR:
Spinosa

J. FORD CANALE
CHAIRMAN

Title 7 ALCOHOLIC BEVERAGES¹

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CHAPTER 7-1. ALCOHOLIC BEVERAGES GENERALLY

Sec. 7-1-1. Alcoholic beverage and zoning districts defined.

"Alcoholic beverage" or "beverage," as used in this title, means and includes alcohol, spirits, liquor, wine and every liquid containing alcohol, spirits, wine and capable of being consumed by a human being, other than patent medicine, or beer where the latter contains an alcoholic content of five percent by weight or less.

All zoning districts referenced in this title shall include those zoning districts reflected on the City of Memphis and Shelby County Zoning District Map, as well as the areas in approved planned developments that are designated for those zoning districts or their preceding equivalent zoning districts according to the Memphis and Shelby County Unified Development Code.

(Code 1967, § 5-1; Code 1985, § 4-1; Ord. No. 3507, § 1, 11-5-1985; Ord. No. 5459, § 4, 7-17-2012)

Sec. 7-1-2. Manufacture and sale legalized—Compliance with state law and chapter.

It shall be lawful to engage in the business of manufacturing, selling, storing, transporting, and distributing alcoholic beverages within the corporate limits of the city. The manufacture, sale, receipt, possession, storage, transportation, distribution, or in any manner dealing in alcoholic beverages within the corporate limits of the city shall be regulated in accordance with the provisions of T.C.A. title 57, the rules and regulations adopted by the Commissioner of Revenue of the state, and in accordance with the provisions of this title.

(Code 1967, § 5-2; Code 1985, § 4-2)

Sec. 7-1-3. Certificate of good moral character required of applicants for state license.

- A. Each applicant for the certificate of good moral character required prior to the issuance or renewal of a state alcoholic beverage license shall make application to the alcohol commission created by section 2-82-1 on forms to be approved by the mayor. Such applications shall be transmitted by the alcohol commission to the mayor for his or her approval or disapproval.
- B. The mayor shall have authority to prepare, in accordance with state law, and have printed a form of certificate to be issued in certifying to the Commissioner of Revenue of the state the good moral character of applicants for such certificate.

C. No such certificate of good moral character will be issued in any case where the location of the proposed retail liquor store has been disapproved by the mayor.

(Code 1967, § 5-7; Code 1985, § 4-3; Ord. No. 117, § 1, 2-20-1968)

State law reference(s)—Certificates of moral character, T.C.A. §§ 57-3-208, 57-4-201.

Sec. 7-1-4. Area within which retail sale permitted.

It shall be lawful to sell at retail any alcoholic beverages within the corporate limits of the city, provided the retail liquor store is located in compliance with section 7-1-5.

(Code 1985, § 4-4; Ord. No. 188, §§ 1, 2, 6-11-1968; Ord. No. 286, § 1, 9-17-1968)

Sec. 7-1-5. Manufacture and sale near churches, schools or other public or private institutions or residential areas.

A. No alcoholic beverages shall be manufactured, distilled, rectified, sold or stored on any premises located within one thousand five hundred (1,500) feet (as measured along the center line of the street or streets as defined further herein and applying to retail liquor stores located on either side of such street or streets) from any church (defined as property owned and used by a church having regular attendance at its meetings and whose property is exempt from taxation by the property assessor); school (defined as duly accredited public, private, or parochial school for grades one through twelve (12), or any other division of such grades); park (defined as public park upon which children usually play); library (defined as tax supported public library) or any other retail liquor store, or within a five hundred (500) foot radius in any other direction from any such church, school, park, library, or any other retail liquor store or in any area in violation of the zoning ordinances.

B. The one thousand five hundred (1,500) feet limitation shall be measured from a point in the center line of the public or private street (private street being defined to be a private passageway for vehicles in a multi-establishment commercial area of at least two (2) acres in size) on which the liquor store fronts, such point being directly opposite the center of the threshold of the wall of the liquor store if the threshold faces the street and if not, then at the midpoint of the liquor store building; thence along the center line of the street and the center line of intersecting street or streets to a point in the center line of the street opposite the nearest point to the property line of such church, school, park, library, or other liquor store which faces the public or private street. Such five hundred (500) foot restriction shall be measured from the center of the threshold of the store to the nearest point in the property line of such church, school, park, library, or other liquor store, it being the intent that no part of the property of such church, school, park, library, or other liquor store shall be within a radius of five hundred (500) feet from the point in the

center of the threshold of the liquor store. The measurements set forth herein shall apply only to liquor store locations after September 17, 1986. For clarification as to location and continuous use for liquor stores receiving a permit before September 17, 1968, such business may continue as long as:

- (1) The store remains at the same location;
- (2) It is a continuing business without any intervening use; and
- (3) Any transfer of ownership to subsequent or succeeding owners occurs within a one-day period (twenty-four (24) hours) without the depletion of inventories.

C. At any time a license is surrendered, all prior existing rights are nullified. In addition to the above set forth restrictions on location due to measurement to such school, church, park or library, or any other liquor store, no liquor store may be located where any part of any residential property zoned R-15, R-10, R-8, R-6, RU-1, or RU-2 shall be within a radius of 200 feet from the point in the center of the threshold of the wall of the liquor store if the threshold faces the street and if not, then at the midpoint of the liquor store building. Liquor stores having received permits before September 17, 1968 shall be allowed to remain so long as they otherwise meet the ordinances. The subsequent location of a church, school, park or library nearer to the liquor store than the prescribed distance shall not of itself cause the removal of the liquor store so long as the liquor store remains at the same location. Likewise, should any real property be already zoned or which is rezoned R-15, R-10, R-8, R-6, RU-1, or RU-2 within the radius of such 200 feet above described, such zoning or rezoning shall not of itself cause the removal of the liquor store as long as the liquor store remains in the same location.

D. The foregoing provisions of this section shall not apply to the relocation of any retail dealer who is compelled to relocate as the direct result of the actions of a governmental body or agency thereof, and such dealer can relocate his or her business within a radius of 1,500 feet as measured from the center of the front door of his or her business, provided the new location is approved by the alcohol commission subject to appeal to the council.

E. Upon a clear showing by a liquor dealer, whose property has been taken through governmental action so that it is impossible to relocate the store within the 1,500 feet prescribed distance, such liquor dealer shall be allowed to relocate within the prohibited distance from parks, playgrounds, churches, schools or libraries if such location is approved by the city council after a hearing and recommendation by the alcohol commission.

F. The location restriction (as defined in subsection A of this section) shall not apply to a qualified "retail food store wine license" applicant, that as of December 31, 2015, holds any off-premises beer permit, or upon application

for a retail food store wine license, qualifies for any off-premises beer sales permit under chapter 7-8, article 2.

(Code 1967, § 5-9; Code 1985, § 4-5; Ord. No. 188, § 3, 6-11-1968; Res. of 8-6-1968; Ord. No. 286, § 1, 9-17-1968; Ord. No. 649, § 1, 2-3-1970; Ord. No. 694, § 1, 5-12-1970; Ord. No. 836, § 1, 12-22-1970; Ord. No. 1683, § 1, 4-10-1973; Ord. No. 3606, § 1, 9-23-1986; Ord. No. 5615, § 2, 5-3-2016; Ord. No. 5459, § 5, 7-17-2012)

State law reference(s)—Location restrictions authorized, T.C.A. § 57-3-208.

Sec. 7-1-6. Relocation of liquor stores.

Owners of retail liquor licenses issued for a specific location shall not be allowed to relocate their liquor stores until at least 24 months have passed since the granting of the original license at that location, unless the location is lost through condemnation, loss of lease or unanticipated hardship.

(Code 1967, § 5-11; Code 1985, § 4-6)

Sec. 7-1-7. Limitation on number of retail outlets.

In no event shall the number of retail liquor stores, premises or outlets for the sale of alcoholic beverages exceed 177.

(Code 1967, § 5-10; Code 1985, § 4-6.1; Ord. No. 127, § 1, 5-8-1951; Ord. No. 96, § 1, 12-19-1980)

State law reference(s)—Numerical limitation on licenses authorized, T.C.A. § 57-3-208.

Sec. 7-1-8. Sale to certain persons prohibited—Drinking in or on premises of retail liquor stores prohibited—Penalty.

- A. No retailer shall sell any alcoholic beverages to any person who is drunk, nor shall any retailer selling alcoholic beverages sell to any person accompanied by a person who is drunk.
- B. No retailer shall sell any alcoholic beverages to a person known to be a minor and no person under the age of 21 years old is allowed in a retail liquor store unless accompanied by a parent, legal guardian or spouse.
- C. No retail liquor package store operator, licensee, or his or her employee shall consume any alcoholic beverage nor permit any alcoholic beverage to be consumed within the licensed premises at any time, nor shall any licensee, operator, or his or her employee engage in the sale of alcoholic beverages while under the influence of intoxicants or drugs.
- D. It is unlawful for any other person to consume alcoholic beverages while upon the premises of a retail liquor package store or any parking lot under control of

the store. Retail liquor package store operators or licensees shall post a sign on painted wood or metal or on the glass show window with black lettering on white background, two feet by three feet in size, lettering not less than three inches in height, containing the following language:

"The consumption of alcoholic beverages upon these premises is prohibited by law."

These signs shall be posted in a conspicuous and readily visible place, and not less than one sign shall be posted within the sales area, and not less than one sign shall be posted within the parking area, if any.

(Code 1967, § 5-12(a)—(c); Code 1985, § 4-7; Ord. No. 1509, § 1, 11-14-1972; Ord. No. 5413, § 1, 9-20-2011)

State law reference(s)—Alcohol and underage persons, T.C.A. §§ 57-3-406, 57-3-412.

Sec. 7-1-9. Hours of sale at retail.

No retail liquor store or retail food store shall sell, give away, or otherwise dispense alcoholic beverages except between the hours of 8:00 a.m. and 11:00 p.m. Monday through Saturday and between 10:00 a.m. and 11:00 p.m. on Sunday.

(Code 1967, § 5-13; Code 1985, § 4-8; Ord. No. 5720, § 1(A.), 1-22-2019)

State law reference(s)—Hours of sale, T.C.A. § 57-3-406.

Sec. 7-1-10. Inducement to purchase prohibited.

No licensee under state law shall give away, sell, or in any manner whatsoever deal in premiums, tokens, or other articles by means of which inducements are held out to persons to purchase any alcoholic beverages.

(Code 1967, § 5-14; Code 1985, § 4-9)

Sec. 7-1-11. Inspection of sales premises.

The duly authorized representatives of the city shall have the right to inspect the premises of any business licensed for the sale of alcoholic beverages during the hours when such establishment is open for the conduct of business.

(Code 1967, § 5-16; Code 1985, § 4-10)

Sec. 7-1-12. Possession or consumption in Liberty Bowl Memorial Stadium.

- A. The possession or consumption of alcoholic beverages in Liberty Bowl Memorial Stadium shall be prohibited.
- B. The officials in charge at any event held in the Liberty Bowl Memorial Stadium shall be authorized by this section to eject, without refunding the admission

price, if any, any person present who possesses or consumes any alcoholic beverage whatsoever.

- C. Appropriate signs shall be publicly and conspicuously posted in the Liberty Bowl Memorial stadium, notifying all patrons that "the possession or consumption of alcoholic beverages is prohibited by ordinance of the City of Memphis," citing this section of the code.
- D. Nothing in this section shall prevent the sale of beer and other light beverages with an alcoholic content of not more than five percent by weight as hereinafter regulated and set forth in section 7-84-20.

(Code 1967, § 5-17; Code 1985, § 4-11; Ord. No. 2071, § 1, 6-25-1974)

Sec. 7-1-13. Time of appeal from alcohol commission to the city council.

Notice of appeals from the action of the alcohol commission to the city council shall be filed in writing with the comptroller no later than ten days after the final decision of the alcohol commission. Otherwise, such decision shall be deemed and considered to be final.

(Code 1967, § 5-18; Code 1985, § 4-12; Ord. No. 279, § 1, 9-10-1968)

Sec. 7-1-14. Investigations by city for violations under state law regarding sexual and pornographic conduct.

All regularly employed, full-time employees of the police services division, when assigned by the director or his or her designee, shall have authority to conduct investigations into alleged violations of T.C.A. § 57-4-204, relating to prohibited sexual or pornographic conduct, and upon completion of their investigation shall report any such violation to the city alcohol commission for their appropriate action. The commission shall have the power to suspend or revoke such licenses, upon determining such violations exist, relating to establishments selling beer and malt beverages, and the commission shall recommend to the state alcoholic beverage commission its findings as they relate to establishments selling liquor by the drink for on-premises consumption.

(Code 1967, § 5-21; Code 1985, § 4-13; Ord. No. 3029, § 1, 7-8-1980)

Sec. 7-1-15. Open containers and consumption of alcoholic beverages prohibited in certain public places.

- A. It is unlawful for any person or persons, while in or on any streets, sidewalks, alleyways, parking areas, bus and trolley stops and shelters, or other open areas operated and controlled by the city within the central business improvement district, defined in sections 12-32-2 and 12-44-2, to consume any alcoholic beverage as defined in section 7-1-1, or to possess for the purpose of

consumption any such alcoholic beverage, unless such beverage remains commercially sealed.

- B. Possession of any alcoholic beverage in an open container not permitted in subsection A of this section shall be prima facie evidence of having the beverage for the purpose of consumption.
- C. This section shall not apply to the following:
 - 1. Patrons of premises licensed for on-premises consumption while the patrons are in or upon such premises;
 - 2. Patrons of premises licensed for on-premises consumption where attendance may be controlled by the owner or lessee;
 - 3. Patrons of premises that have been granted a special event permit as set forth in section 7-8-21 of this Code;
 - 4. The Beale Street Historic District as set forth in section 7-8-23, and other such districts within the Central Business Improvement District as may hereafter be designated by state or local authorities.
- D. Subsection C of this section may include outdoor areas.

(Code 1985, § 4-14; Ord. No. 4828, § 1, 11-21-2000)

State law reference(s)—Open containers of alcohol in motor vehicles, T.C.A. § 55-10-416.

CHAPTER 7-2. BEER AND LIGHT ALCOHOLIC BEVERAGES²

GENERAL PROVISIONS

Sec. 7-2-1. Application of chapter.

Except as otherwise specifically provided, the provisions of this chapter shall apply to beer with an alcoholic content of not more than five percent by weight and any other beverage of like alcoholic content.

(Code 1967, § 5-70; Code 1985, § 4-51)

Sec. 7-2-2. Transportation and sale legalized—Compliance required.

It is lawful to transport, store, sell, distribute, possess, receive or manufacture beverages mentioned in section 7-2-1 within the corporate limits of the city, subject to all of the regulations, limitations and restrictions provided by the laws of the state and this chapter, and subject to all of the laws of the state and this chapter,

²State law reference(s)—Beer and alcoholic beverages containing less than five percent alcohol, T.C.A. § 57-5-101 et seq.; local regulatory ordinances, T.C.A. § 57-5-101 et seq.

and subject to the rules and regulations enacted by authorized public officials or boards.

(Code 1967, § 5-71; Code 1985, § 4-52)

Sec. 7-2-3. Hours of sale.

No retail liquor store or retail food store governed by this article shall sell, give away, or otherwise dispense alcoholic beverages except between the hours of 7:00 a.m. to 3:00 a.m. Monday through Saturday and between 10:00 a.m. and 11:00 p.m. on Sunday.

(Code 1967, § 5-72; Code 1985, § 4-53; Ord. No. 636, § 1, 1-27-1970; Ord. No. 2411, § 1, 6-8-1976; Ord. No. 5720, § 1(B.), 1-22-2019)

Sec. 7-2-4. Purchase by minors.

- A. It is unlawful for any minor to purchase or attempt to purchase any beer or other beverage governed by this chapter and it is unlawful for any minor to possess any such beverage upon the premises of an on-premises licensee.
- B. It is unlawful for any minor to present or offer to any licensee, or his or her agent or employee, any written evidence of his or her age which is false, fraudulent or not actually his or her own, for the purpose of purchasing or attempting to purchase or otherwise procuring or attempting to procure any beverage governed by this chapter.
- C. Any minor who acts in violation of any one or more of the provisions of this section shall be guilty of a misdemeanor, and if 19 years of age, or more, shall upon conviction be subject to punishment as provided in section 1-24-1 of this Code; if 18 years of age, or less, he or she shall be taken before the juvenile court for appropriate disposition.

(Code 1967, § 5-73; Code 1985, § 4-54)

State law reference(s)—Alcohol and underage persons, T.C.A. §§ 57-3-406, 57-5-301.

Sec. 7-2-5. Wholesale beer tax.

Pursuant to the authority contained in T.C.A. § 57-6-103, there is imposed on the sale of beer at wholesale within the city a tax of 17 percent of the wholesale price.

(Code 1967, § 5-74; Code 1985, § 4-55)

LICENSES TO STORE, SELL, DISTRIBUTE OR MANUFACTURE

Sec. 7-2-6. Required.

No person shall engage in the storing, selling, distributing or manufacturing of beer or any other beverage referred to in section 7-2-1 within the corporate limits of the city until he or she receives approval from the alcohol commission and purchases a license from the city treasurer, or his or her designee.

(Code 1967, § 5-80; Code 1985, § 4-66; Ord. No. 117, § 1, 2-20-1968; Ord. No. 4352, § 1, 8-15-1995)

Sec. 7-8-7. Application—Generally.

Each applicant for a license under this article shall file with the alcohol commission a sworn petition in writing, establishing the following facts, which are made conditions of any license issued thereunder, and the violation of any such statements of fact shall be sufficient cause for the revocation of such license:

- A. That the applicant will not engage in the sale of such beverages except at the place for which the alcohol commission has issued a license to such applicant;
- B. That no sale of such beverages will be made except in accordance with the license granted;
- C. That, if the license is to sell for consumption on the premises, the licensee will make no sale except where meals, consisting of no less than one meat and a vegetable, are prepared on premises with adequate kitchen facilities, as provided in chapter 9-52, and are regularly served at tables with a menu provided for selection by the customers;
- D. That, if the application is for a license to sell at hotels, sales for consumption on the premises will be made only where meals or lunches are served at tables to persons seated at tables, and to persons in guests' rooms;
- E. That, if the application is for a license for a club or lodge, such applicant is a regularly incorporated club or lodge operating under a charter and by-laws, in which the officers were elected by a regular membership which is composed of persons who must pay a substantial initiation fee, and whose purpose of organization and existence is other than the sale of beverages covered by this chapter;
- F. That, if the application is for a license to sell, not for consumption on the premises, that no sales will be made for consumption on the premises, no consumption will be allowed on the premises or on the sidewalks, streets or property within the immediate premises (building and parking lot) of any off-premises location selling beer, and that no such beverages will be kept for sale in such premises except in the original packages or containers;

except that an off-premise licensee may offer complimentary samples of the products it sells for tastings to be held on the premises of the off-premise licensee. Such tastings shall be for sales, education and promotional purposes;

- G. That no sale shall be made to minors; and that applicant will not permit minors or disorderly or disreputable persons heretofore connected with the violation of the liquor laws to loiter around or frequent his or her place of business; that applicant will not allow gambling or gambling devices on his or her premises; provided that, the provisions of this section relative to the frequenting of his or her place of business shall not apply to minors 18 years of age, who are under contract to provide entertainment in the field of music or vocal entertainment. This exception is in effect only during the actual hours of the minors' employment. Such minors must have the written consent of their parents or guardian, sworn to before a notary public. The owner or operator shall keep the written consent on file at all times during the employment of such minor, and same shall be available for inspection by officers of the city police department. A duplicate of such written consent shall be forwarded to the director of police of the city. The provisions herein shall not apply to disorderly or disreputable persons;
- H. That neither the applicant nor any persons employed or to be employed by him or her in such distribution or sale of such beverage has been convicted of any violation of the law against prohibition, sale, manufacture or transportation of intoxicating liquor, or of any crime involving moral turpitude, within the past ten years;
- I. That the applicant will conduct the business in person, for himself or herself, or, if he or she is acting as agent, the applicant shall state the person, firm, corporation, syndicate, association or joint stock company for whom, and only for whom, the applicant intends to act;
- J. That the applicant or licensee providing musical entertainment in his or her business establishment, including but not limited to jukeboxes, live bands, with or without vocalists, and utilizing amplifiers, loudspeakers or other equipment for the reproduction or amplification of sound, shall not permit the noise, sound or vibration created, emitted or transmitted by such jukeboxes, bands, vocalists or sound equipment to be audible to persons on any public street, highway or upon any adjoining residential or commercial premises, to the extent that it is detrimental to the life or health of any individual or disturbs the public peace and welfare.

(Code 1967, § 5-81; Code 1985, § 4-67; Ord. No. 2080, § 1, 7-18-1967; Ord. No. 117, § 1, 2-20-1968; Ord. No. 346, § 1, 12-26-1968; Ord. No. 1848, §§ 1—3, 10-2-1973; Ord. No. 2694, § 1, 2-13-1979; Ord. No. 3248, §§ 1, 2, 11-9-1982; Ord. No. 5472, § 1, 11-20-2012)

Sec. 7-2-8. Application—Citizens' certificate to accompany.

There shall be attached to each application for a license under this article a certificate signed by at least ten reputable citizens residing or doing business in the ward in which the petitioner seeks to do business, stating the residence or place of business of each person, and certifying the length of time that such persons have been acquainted with the petitioner, and if petitioner is a corporation or association, the length of time they have been acquainted with its officers or members, and that they have good reason to believe that all of the statements contained in the petition are true, and that they join in the prayer of the petitioner for the granting of the license prayed for.

(Code 1967, § 5-82; Code 1985, § 4-68)

Sec. 7-2-9. Prohibited sexual or pornographic conduct.

- A. In addition to the other duties imposed under this title, the city alcohol commission is authorized to enforce provisions of subsections B, C and D of this section, as same relates to selling beer and other beverages governed by this chapter; and upon violation of such subsections by any person, firm or corporation licensed under the provisions of this title, the commission shall revoke the privilege license of such violator.
- B. The following acts or conduct on licensed premises are deemed contrary to public policy, and therefore no license shall be held at any premises where such conduct or acts occur:
 - 1. To employ, use or allow any person in the sale or service of beer or other beverages governed by this chapter in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals;
 - 2. To employ, use or allow the services of any host, hostess or other person to mingle with the patrons while such host, hostess or other person is unclothed or in such attire, costume or clothing as described in subsection (B)(1) of this section;
 - 3. For any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person;
 - 4. For any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.
- C. Additional acts prohibited.

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1. Acts or conduct on licensed premises in violation of this subsection are deemed contrary to public policy, and therefore no license shall be held at any premises where such conduct or acts occur.
 2. Live entertainment is permitted on any licensed premises, except that:
 - a. No person shall perform acts of or acts which simulate:
 - i. Sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, flagellation or any sexual acts which are prohibited by law;
 - ii. The touching, caressing or fondling of the breast, buttocks, anus or genitals; or
 - iii. The displaying of the pubic hair, anus, vulva or genitals.
 - b. Subject to the provisions of subsection (C)(2)(a) of this section, any entertainer who is employed in whole or in part, whether directly or as independent contractor or agent, by the licensee to dance at such licensee's premises shall perform only upon a stage at least 18 inches above the immediate floor level and removed at least 12 inches from the nearest patron.
 3. No person shall use artificial devices or inanimate objects to depict any of the prohibited activities described above.
- D. The following acts or conduct on licensed premises are deemed contrary to public policy, and therefore no license shall be held at any premises where such conduct or acts occur:
1. Engaging in sexual activity or any sexual relations as a business or loitering at a licensed premises for the purpose of being hired to engage in sexual activity or any sexual relations;
 2. a. Soliciting or hiring another person with the intent that the other person engage in prostitution, defined as those activities described in subsection (D)(1) of this section, or
 - b. Soliciting a person to do those things described in subsection (C)(2)(a) of this section;
 3. Procuring a prostitute for a patron; or
 4. Soliciting, receiving, or agreeing to receive any benefit for engaging in any of the activities defined in subsections (D)(1) through (3) of this section.

(Code 1967, § 5-83; Code 1985, § 4-69; Ord. No. 3958, § 1(1), 5-8-1990)

Sec. 7-2-10. Issuance or refusal generally.

The alcohol commission shall consider all applications filed under this article and grant or refuse the license according to its best judgment under all of the facts

and circumstances, and the action of the commission in granting or refusing a license shall be final, except as same is subject to review at law.

(Code 1967, § 5-85; Code 1985, § 4-70; Ord. No. 117, § 1, 2-20-1968)

Sec. 7-2-11. General restrictions on issuance.

A. No license shall be issued to sell any beverage coming within the provisions of this chapter:

1. In violation of any provision of state law;
2. In violation of the Unified Development Code;
3. Where such sale will cause congestion of traffic or interference with schools, churches or other places of public gathering, or otherwise interfere with public health, safety and morals, and the judgment of the alcohol commission on such matters shall be final, except as same is subject to review at law;
4. Unless it is necessary for the accommodation of the public that such place should be licensed, and the judgment of the alcohol commission on such matters shall be final except as same is subject to review at law; provided, however, that nothing herein contained shall prevent the issuance of a license for the sale of beer upon private property next and adjacent to regularly licensed and operated sandwich shops, eating houses or restaurants, or to prevent the sale of beer for consumption in automobiles or other vehicles parked upon such premises; provided that, such beverages shall be consumed while such automobiles are parked upon such premises, but no beer or such beverages shall be served or consumed while such automobiles are parked upon a public street, alley or other public place.

B. Where the sale shall be for on-premise, and food sales shall consist of less than 40 percent of gross sales, the business establishment shall be located no less than 500 feet (as measured along the center line of the street or streets as defined further herein) or not less than within a 250-foot radius in any other direction from the property line of any single-family or duplex residential property zoned R-15, R-10, R-8, R-6, R-3, or RU-1, any church (defined as property owned and used by a church having regular attendance at its meetings and whose property is exempt from taxation by the property assessor) or school (defined as fully accredited public, private, or parochial school for grades one through 12 or any other division of such grades). The 500 feet shall be measured from a point in the center line of the public or private street adjacent to the threshold (private street being defined to be a private passageway for vehicles in a multi-establishment commercial area of at least two acres in size) on which the beer establishment fronts, such point being directly opposite the center of the threshold of the wall of the establishment if the threshold faces the street and if not, then at the midpoint of the establishment building; thence

along the intersecting street or streets to a point on the center line of the street opposite the nearest point to the property line of the residence, church or school. Such 250-foot restriction shall be measured from the center of the threshold of the store to the nearest point in the property line of such residence, church, or school, it being the intent of the restriction that no part of the property of such residence, church or school shall be within a radius of 250 feet from the point in the center of the threshold herein shall apply only to beer establishment locations after the effective date of this section. Further, T.C.A. § 57-5-103(5) states "a business can sell beer for both on-premises and off premises consumption at the same location pursuant to one (1) permit." Where the business establishment does not meet the distance requirements set above, percentage of food sales notwithstanding, sale of more than two 16-ounce sealed containers, for off-premise consumption, per customer is not permitted per this section. This section shall not prohibit the sale and transfer of the assets, goodwill, equipment and fixtures of any on-going business to a new owner to continue the operation of such business, however, such new owner must comply with all the provisions of this section.

- C. Where the sale shall be for off-premises consumption, the business establishment shall be located no less than 500 feet (as measured along the center line of the street or streets and such measurement is defined further herein by reference to subsection B above) or not less than within a 250-foot radius in any other direction from the property line of any residential property zoned R-E, R-15, R-10, R-8, R-6, R-3 or RU-1, any church (as defined in subsection B above) or school (as defined in subsection B above) except establishments located along interstate, U.S. and state highways. Said 500 feet and 250-foot radius restrictions shall be measured in the same manner as that set out in subsection B above with regard to on-premise sales. This location restriction is intended to and shall apply only to new beer establishment locations that make application for off-premises sales after the effective date of this subsection. This location restriction shall apply to any existing beer establishment location licensed for off-premises sales that ceases to sell, distribute or manufacture beer at that location during any continuous six-month period after the effective date of this subsection. The distance requirements of this paragraph do not apply to an establishment where less than ten percent of its gross sales consists of alcohol sales.
- D. The location restriction (as defined in subsection C of this section) shall not apply to a qualified "retail food store wine license" applicant, that as of December 31, 2015, holds any off-premises beer permit, or upon application for a retail food store wine license, qualifies for any off-premises beer sales permit under chapter 7-2, [article 2](#).

(Code 1967, § 5-86; Code 1985, § 4-71; Ord. No. 117, § 1, 2-20-1968; Ord. No. 3246, § 1, 11-9-1982; Ord. No. 5000, 5-20-2003; Ord. No. 5134, § 1, 2005; Ord. No. 5223, § 1,

2007; Ord. No. 5343, 1-26-2010; Ord. No. 5615, § 3, 5-3-2016; Ord. No. 5459, §§ 6, 7, 7-17-2012).

Sec. 7-2-12. Issuance to specialty or convenience stores, service or filling stations.

A beer permit for off-premises consumption may be issued to any convenience store, grocery store, sundry store, service or filling station having a minimum inventory of \$2,000.00 in stock, not including equipment, fixtures or petroleum products, subject to the location restriction set out in section 7-2-11(C).

(Code 1967, § 5-87; Code 1985, § 4-72; Ord. No. 2410, § 1, 6-8-1976; Ord. No. 2507, § 1, 10-5-1976; Ord. No. 2694, § 2, 2-13-1979; Ord. No. 5000, 5-20-2003)

Sec. 7-2-13. Issuance to hotels and clubs.

It is lawful for the alcohol commission to issue licenses for the sale of any beverage coming within the provisions of this chapter in hotels, clubs or lodges, subject to all of the limitations and restrictions contained in the state law and the rules and regulations promulgated thereunder, and subject to all of the limitations and restrictions contained in the license and in this chapter.

(Code 1967, § 5-88; Code 1985, § 4-73; Ord. No. 117, § 1, 2-20-1968)

Sec. 7-2-14. Display.

The license required by this article shall be framed under glass and placed so that it is conspicuous and may be easily read at all times.

(Code 1985, § 4-74; Code 1967, § 5-89)

Sec. 7-2-15. Licensee's employees.

Before a person is employed to dispense beer, said person shall provide proof acceptable by the permits office of the City of Memphis that such person is not in violation of T.C.A. § 57-5-301.

(Code 1967, § 5-90; Code 1985, § 4-75; Ord. No. 3958, § 1(2), 5-8-1990; Ord. No. 4112, § 1, 6-16-1992; Ord. No. 5459, § 8, 7-17-2012)

Sec. 7-2-16. Revocation.

A. All licenses issued under this article shall be revocable in the discretion of the alcohol commission, and whenever it shall be brought to the attention of the alcohol commission that any declaration of fact contained in the application is false, or that there has been any violation thereof, or that the limitations and conditions of the license have been violated, or that the licensee permits minors to frequent or loiter around his or her place of business or permits gambling or

gambling devices thereon, or permits drunken, disreputable or disorderly persons, or persons heretofore connected with the violation of liquor laws to make it a customary place of visitation or resort, or otherwise violates any of the provisions or restrictions of the state law or of this chapter, the alcohol commission shall revoke such license. Such revocation shall become final after five days, unless the licensee, within five days, demands a hearing before the alcohol commission, at which hearing the burden shall be upon the licensee to show that he or she has not violated the declaration of fact or statements contained in his or her application, or the limitations or restrictions upon his or her license, and that he or she has not violated the state law or the provisions of this chapter. The action of the alcohol commission at such hearing in arming or setting aside the revocation of such license shall be final, except as same is subject to review at law.

- B. Three violations of the provisions or restrictions of state law or city ordinances during a two-year period by any licensee shall result in the automatic revocation of the licensee's license in accordance with the rules and procedures otherwise established by this ordinance and state law.
- C. Any licensee whose license is revoked shall not be eligible to receive a license for three years from the date of revocation.
- D. No permit for off-premises consumption will be issued for any subsequent applicant for a location where a license has been revoked under this chapter for three years from the date of revocation.

(Code 1967, §5-92; Code 1985, § 4-76; Ord. No. 117, § 1, 2-20-1968; Ord. No. 2694, § 3,2-13-1979; Ord. No. 5223, § 2, 2007)

Sec. 7-2-17. Records to be kept—List of licenses to be filed with collector of licenses and privileges and director of police.

The secretary of the alcohol commission shall preserve a complete record of applications received and licenses granted and refused under this article and all protests and hearings held by the commission. Such secretary shall file with the collector of licenses and privileges and with the director of police a complete list of licenses issued by the commission, giving the name, place and nature of the license.

(Code 1967, § 5-93; Code 1985, § 4-77; Ord. No. 117, § 1, 2-20-1968)

Sec. 7-2-18. Beer or alcoholic beverage sales in McCarver Stadium—Park commission's authority to permit.

Notwithstanding any other provisions of this chapter to the contrary, the city park commission is authorized and empowered in its discretion to permit the sale of beer and alcoholic beverages for consumption on the premises in McCarver Stadium

at such times and events and under such terms, conditions, rules and regulations as such commission may establish for that facility.

(Code 1967, § 5-94; Code 1985, § 4-78; Ord. No. 322, § 1, 11-12-1968; Ord. No. 3066, § 1, 10-14-1980)

Sec. 7-2-19. Beer or alcoholic beverage sales in Coliseum—Board's authority to permit.

Notwithstanding any other provisions of this chapter to the contrary, the Coliseum board is authorized and empowered in its discretion to permit the sale of beer and alcoholic beverages for consumption on the premises in the Coliseum at such times and events and under such terms, conditions, rules and regulations as such board may establish for that facility.

(Code 1967, § 5-95; Code 1985, § 4-79; Ord. No. 323, § 1, 11-19-1968; Ord. No. 3066, § 1(2), 10-14-1980)

Sec. 7-2-20. Beer or alcoholic beverage sales in Liberty Bowl Memorial Stadium—Park commission's authority to permit.

Notwithstanding any other provisions of this chapter to the contrary, the city park commission is authorized and empowered in its discretion to permit the sale of beer and alcoholic beverages for consumption on the premises in Liberty Bowl Memorial Stadium at such times and events and under such terms, conditions, rules and regulations as such commission may establish for that facility.

(Code 1967, § 5-97; Code 1985, § 4-80; Ord. No. 2071, § 1, 6-25-1974; Ord. No. 3066, § 1(3), 10-14-1980)

Sec. 7-2-21. Permit for special event.

A beer permit for a special event may be issued for a specific location for a period not to exceed 30 days, upon the following conditions:

- A. Application is made stating the dates and time permit will be used during the 30-day period;
- B. Application is made setting out the purpose upon forms supplied by the secretary of the alcohol commission, the application to be approved at any regular or special meeting of the alcohol commission;
- C. Approval is received from the city and county health department, the city building department, the city fire department, the police services division, the board of supervisors of public solicitation of funds, and/or any other affected governmental agencies;

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- D. Exemption has been granted by the city council of the conditions as set forth in section 12-84-20 of this Code;
 - E. The required business or other necessary licenses and permits have been issued for the event.

(Code 1967, § 5-98; Code 1985, § 4-81; Ord. No. 2694, § 4, 2-13-1979; Ord. No. 3067, § 1, 10-21-1980)

Sec. 7-2-22. Prohibited sexual or pornographic conduct—Penal provisions.

In any location holding a valid license to store, sell, distribute or manufacture beer or any beverage with an alcoholic content of not more than five percent by weight and any other beverage of like alcoholic content, the following acts or conduct on licensed premises are deemed contrary to public policy and shall be subject to all penal provisions provided by law:

- A. Live entertainment is permitted on any licensed premises, except that:
 - 1. No person shall perform acts of or acts which simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, flagellation or any sexual acts which are prohibited by law;
 - b. The touching, caressing or fondling of the breasts, buttocks, anus or genitals; or
 - c. The displaying of the pubic hair, anus, vulva or genitals.
 - 2. Subject to the provisions of subsection A of this section, any entertainer who is employed in whole or in part, whether directly or as independent contractor or agent, by the licensee to dance at such licensee's premises shall perform only upon a stage at least 18 inches above the immediate floor level and the edge of the stage must be at least 12 inches from the nearest patron.
- B. No person shall use artificial devices or inanimate objects to depict any of the prohibited activities described in subsection A of this section.

(Code 1985, § 4-82; Ord. No. 4049, § 1, 7-2-1991)

Sec. 7-2-23. Sales in the Beale Street Historic District.

- A. Notwithstanding any other provisions of this chapter to the contrary, the alcohol commission is authorized and empowered in its discretion to permit the sale of beer and alcoholic beverages for consumption outside the clubs, but within the Beale Street Historic District at such times and events and under such terms, conditions, rules and regulations as such commission may establish for the district.

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- B. Outside bars cannot be more than ten feet from the business establishments which use these bars for beverage sales.
 - C. No beverages, alcoholic or nonalcoholic, will be permitted in glass or metal containers outside of the business establishments within the Beale Street Historic District.

(Code 1985, § 4-83; Ord. No. 4187, § 1, 6-22-1993)

Sec. 7-2-24. Sales for off-premises consumption by beer manufacturers operating as restaurants.

Notwithstanding any other provisions of this chapter, or any rule or regulation of the City of Memphis Alcohol Commission to the contrary, any manufacturer of beer operating as a restaurant and licensed to sell beer for consumption therein shall have the right to sell beer to go, provided that such beer is manufactured within the premises of the restaurant and is sold unopened and in the original container.

(Ord. No. 5276, § 1, 10-21-2008)

Sec. 7-2-25. Caterer's permit.

Notwithstanding any other provisions of this chapter, or any rule or regulation of the City of Memphis Alcohol Commission to the contrary, any brewery meeting the exemption requirements set forth in T.C.A. § 57-5-101(c)(1)(A) that does not also operate as a restaurant as defined in section 9-52-1 of this Code ("brewery"), shall be subject to the following provisions and restrictions:

- A. *Legislative intent.* The intent of this section is to recognize the distinction between breweries with tasting rooms and other establishments that sell alcoholic beverages, specifically that a brewery tasting room is an adjunct to the primary business of manufacture and sale to wholesale or retail establishments. It being the intent of this section to encourage the growth of local business and tourism while protecting the public welfare and morals.
- B. *Permit required.* Each brewery with a tasting room in which beer is to be manufactured and sold must apply for a beer permit through the City of Memphis Alcohol Commission in conformity with section 7-2-7 above. Such permit application shall make reference to the fact that the application is for a brewery with a tasting room. The permit application shall conform to all on-premises permit requirements if the brewery intends to allow the consumption of beer in its tasting room, but so long as the application is accompanied by a sworn petition indicating that the restrictions of subsection D of this section are met, then there shall be no requirement for a brewery with a tasting room to maintain kitchen facilities or serve food.

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- C. *On and off premises consumption allowed.* So long as the tasting room of the brewery conforms with the requirements of subsection D below, breweries with tasting rooms shall be authorized to sell beer manufactured on premises for on-premises consumption or off-premises consumption (off-premises consumption shall include beer sold to licensed wholesalers or retail establishments) so long as all beer sold for off-premises consumption is in the original, sealed container.
- D. *No food requirement—Restrictions.* No brewery with a tasting room shall be required to serve food, maintain kitchen facilities or conform to any requirement relating to the percentage of sales attributable to food so long as it:
1. Does not engage in the sale of any alcoholic beverage other than beer manufactured on premises;
 2. Does not derive more than 25 percent of its gross annual income from the sale of beer for consumption on premises;
 3. Does not open to the public for any period between the hours of 12:00 a.m. and 12:00 p.m.;
 4. Does offer water or other non-alcoholic beverages at no cost to its patrons;
 5. If located within a 500-foot radius or 250-foot radius of a church, *a school or certain enumerated residential zoning districts* as set forth in section 7-2-11(B) above, shall *not open to the public on Sundays before 12:00 p.m.* and shall close to the public each *Sunday* through Thursday no later than 10:00 p.m., this section being intended to prevent traffic congestion, to reduce noise and to protect the public welfare and morals of the community.

(Ord. No. 5490, § 1, 1-22-2013; Ord. No. 5459, § 9, 7-17-2012; Ord. No. 5823, § 3, 7-17-2012).

CHAPTER 7-3. TAX ON RETAIL SALES OF ALCOHOL FOR ON-PREMISES CONSUMPTION

Sec. 7-3-1. Definitions.

As used in this chapter:

Club means a nonprofit corporation organized and existing under the laws of the State of Tennessee, which has been in existence at least two years prior to the application for a license hereunder having at least 100 members regularly paying dues, organized and operated exclusively for pleasure, recreation and other nonprofit purposes, no part of the net earning of which inures to the benefit of any shareholder or member and owning, hiring or leasing a building or space therein for the reasonable use of its members with suitable kitchen and dining room space and equipment and maintaining and using a sufficient number of employees for cooking, preparing and serving meals for its members and guests; provided that no member

or officer, agent or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation, any profits from the sale of spirituous liquors, wines, champagnes or malt beverages beyond the amount of such salary as may be fixed by its members at an annual meeting or by its governing body of the general revenue of the club. For the purpose of this section, tips which are added to the bills under club regulations shall not be considered as profits hereunder. The alcohol commission shall have specific authority through rules and regulations to define with specificity the terms used herein and to impose additional requirements upon applicants seeking a club license not inconsistent with this definition.

Common carrier includes any mode of transportation, by train, plane, ship, boat, or other vehicle operating under certificates of public convenience and necessity issued by the appropriate federal or state agency, with adequate facilities and equipment for serving passengers, on regular schedules, or charter trips, while moving through any county of the state, but not while any such common carrier is stopped in a county or municipality that has not legalized such sales.

Hotel (motel) means every building or other structure kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which 50 or more rooms are used for the sleeping accommodations of such guests and having one or more public dining rooms, with adequate and sanitary kitchen and a seating capacity of at least 75 at tables, where meals are regularly served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or in separate buildings or structures used in connection therewith that are on the same premises and are a part of the hotel operation. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a restaurant on their premises and the holder of such franchise shall be included in the definition of hotel hereunder, and property contiguous to a hotel.

Restaurant means any public place kept, used, maintained, advertised and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such place being provided with adequate and sanitary kitchen and dining room equipment and seating capacity of at least 75 people at tables, having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests. At least one meal per day shall be served at least five days a week, with the exception of holidays, vacations and periods of redecorating, and the serving of such meals shall be the principal business conducted.

(Code 1967, § 5-111; Code 1985, § 4-116; Ord. No. 604, § 1, 12-16-1969)

Sec. 7-3-2. Tax imposed—Amount—Term.

A. There is levied and imposed a privilege tax to be paid to the collector of licenses and privileges of the city in the amounts and in accordance with the terms and conditions herein stated upon each person, firm, corporation, partnership or association who may be authorized to engage in the business of selling at retail alcoholic beverages for consumption on the premises within the city. The amount of privilege tax levied and imposed shall be as follows:

1. Private club \$300.00
2. Hotel and motel \$1,000.00
3. Restaurant, according to seating capacity, on licensed premises:

75—125 seats \$600.00

126—175 seats \$750.00

176—225 seats \$800.00

226—275 seats \$900.00

276 seats and over \$1,000.00

B. The amount of privilege tax aforesaid shall be for the period of one year commencing January 1 of each year and expiring on December 31 of each year, and shall be paid upon receipt of a license from the state authorizing the business of selling at retail alcoholic beverages for consumption on the premises. The original payment of the privilege tax shall be prorated for the remaining quarters or portions thereof, of that calendar year. This tax shall be effective from and after January 1, 1970.

(Code 1967, § 5-110; Code 1985, § 4-117; Ord. No. 604, § 2, 12-16-1969)

CHAPTER 7-4. INSPECTION FEES³

Sec. 7-4-1. Definitions.

For the purposes of this chapter the following definitions shall apply:

Alcoholic beverages shall have the same meaning as ascribed by section 7-1-1.

Retailer means a person who sells alcoholic beverages for consumption and not for resale.

Wholesaler means a person who sells alcoholic beverages to retailers, and shall include distributors, distillers, or any person making sales to retailers.

(Code 1985, § 4-131; Ord. No. 3508, § 2, 11-5-1985)

³State law reference(s)—Municipal inspection fees, T.C.A. § 57-3-501 et seq.

Sec. 7-4-2. Fee levied on retailers—Computation.

- A. For the purpose of providing a means of regulating the liquor business in the city and pursuant to the authority granted the city by Chapter 87 of the Public Acts of the General Assembly of Tennessee for 1969, there is levied and imposed against retailers an inspection fee at the rate of five percent on all purchases of alcoholic beverages made by such retailers from wholesalers. The fee shall be measured by the wholesale price of the alcoholic beverage sold by the wholesaler and paid by the retailer to the wholesaler, and shall be five percent of such wholesale price.
- B. The fee levied by this chapter shall be added by the wholesaler to each invoice for alcoholic beverages sold to each retailer within the city and shall be collected by the wholesaler at the time of the sale or at the time the retailer makes payment for the delivery of the alcoholic beverages.

(Code 1985, § 4-132; Ord. No. 3508, § 1, 11-5-1985)

Sec. 7-4-3. Wholesalers.

- A. *Monthly reports; collection and remittance of fee.* Each wholesaler making sales to retailers within the city, shall furnish to the city treasurer a report monthly which report shall contain a list of alcoholic beverages sold to each retailer within the city, the wholesale price of the alcoholic beverages sold to each retailer, the amount of tax due, and such other information as shall be required by the city treasurer. The monthly report shall be furnished to the city treasurer not later than the 20th day of the month following which the sales were made, and the inspection fees collected by the wholesaler from the retailer shall be paid to the city treasurer at the time the monthly report is made.
- B. *Reimbursement.* Wholesalers collecting and remitting the above inspection fee to the city shall be entitled to reimbursement for this collection service, a sum equal to five percent of the total amount of inspection fees collected and remitted, such reimbursement to be deducted and shown on the monthly report to the city treasurer.
- C. *Penalties.* Failure to collect or timely report and/or pay the inspection fee collected shall result in a penalty of ten percent of the fee due the city which shall be paid to the city treasurer.
- D. *Access to wholesalers' records.* The city treasurer and his or her authorized representative shall have access to the pertinent records and books of all wholesalers at reasonable times for the purpose of ascertaining and verifying the taxes due under the provisions of this chapter.

(Code 1985, § 4-133; Ord. No. 3508, § 3, 11-5-1985)

Sec. 7-4-4. Enforcement.

The city treasurer is authorized and empowered to take any and all steps necessary to enforce the payment of any inspection fees due under the provision of this chapter.

(Code 1985, § 4-134; Ord. No. 3508, § 4, 11-5-1985)

Resolution imposing a moratorium on the issuance of licenses or permits for the manufacture and sale of alcohol near churches, schools or other public or private institutions or residential areas within the City pursuant to Municode Section 7-4-5, subparagraph A for 180 days

WHEREAS, Municode Section 7-7-5, subparagraph A was amended by Ordinance 5459, §5 on August 12, 2012;

WHEREAS, Municode is a republication of the 1985 Memphis Code of Ordinances and amendatory legislation through November 1, 2011 (the "Republication"). The Municipal Code Corporation has updated the Republication since November 1, 2011 in paper and electronic formats;

WHEREAS, the Municode Republication and updates have not been formally adopted as the official code of ordinances pursuant to the requirements of the City's Charter; as such the Municode Republication and updates are not the Official Code of Ordinances of the City;

WHEREAS, the amendments to Municode Section 7-7-5, subparagraph A were not intended to be substantive but only intended to conform residential zoning designations contained in Municode Section 7-7-5, subparagraph A to be consistent with changes in those alphabetical references in the Unified Development Code, but inadvertently deleted the previously existing preceding paragraph of Municode Section 7-7-5, subparagraph A relating to distance restrictions contemplated by the title of the ordinance;

WHEREAS, Ordinance 5459, §5 explicitly amended Municode Section 7-7-5, subparagraph A but did not also amend Section 4-5 of the Official 1985 City Code;

WHEREAS, due this scriviner's error Section 4-5 of the Official 1985 City Code remains unaffected by the amendment;

WHEREAS, Council is in the process of adopting a new official code of ordinances in which the foregoing inconsistency between the Republication and the 1985 Code will be corrected; and

WHEREAS, the Council desires to establish a moratorium on the issuance of licenses or permits for the manufacture and sale of alcohol near churches, schools or other public or private institutions or residential areas within the City pursuant to Municode Section 7-4-5, subparagraph A for 180 days so that the public will be on notice that it will not be allowed to rely on any perceived "loop-hole" in Municode Section 7-4-5, subparagraph A due to the

scrivener's error in Ordinance 5459, §5 during the moratorium or until the Council takes further action.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMPHIS CITY COUNCIL does hereby impose a moratorium on the issuance of licenses or permits for the manufacture and sale of alcohol near churches, schools or other public or private institutions or residential areas within the City pursuant to Municode Section 7-4-5, subparagraph A for 180 days.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Memphis City Council does hereby declare that Section 4-5 of the Official 1985 City Code remain in full force and effect notwithstanding Ordinance 5459, §5 to the contrary until the City Council amends or repeals Section 4-5 of the Official 1985 City Code.

SPONSOR:
Ford Canale

FRANK COLVETT, JR.
CHAIRMAN

I hereby certify that the foregoing is a true copy
and document was adopted, approved by the
Council of the City of Memphis in regular
session on

Date JUN 01 2021

Valerie C. Sipes
Deputy Comptroller-Council Records

Resolution to amend the FY25 Council Community Grant allocations

WHEREAS, the FY25 Operating Budget included \$2,600,000 in funding for the Council's Community Grant Program with an equal apportionment to the 13 members in the amount of \$200,000; and

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

WHEREAS, circumstances can sometimes arise that make it necessary for funds to be reallocated.

NOW, THEREFORE, BE IT RESOLVED that the request for disbursement(s) of the following funds be reallocated and approved as follows:

From:

ORGANIZATION NAME	AMOUNT TO BE REALLOCATED
SisterReach	\$3,000

To:

ORGANIZATION NAME	AMOUNT TO BE REALLOCATED
SchoolSeed Foundation	\$3,000

Sponsor:
Pearl Walker

Chairman:
J. Ford Canale

**RESOLUTION TO ESTABLISH RULES OF PROCEDURE FOR MEMPHIS CITY
COUNCIL FISCAL YEAR 2026 BUDGET HEARINGS**

WHEREAS, the Memphis City Council recognizes the importance of maintaining order, efficiency, and transparency during the Budget Hearing process; and

WHEREAS, the Memphis City Council aims to streamline the budget process to improve the overall effectiveness of decision-making, reduce unnecessary delays, and ensure that public funds are allocated in a manner that best serves the citizens of Memphis; and

WHEREAS, the establishment of clear rules of procedure for Budget Hearings will enhance communication, foster mutual respect among all individuals, and create a more organized and productive environment for deliberations; and

WHEREAS, the Memphis City Council is committed to creating an orderly process for the review, discussion, and adoption of the City of Memphis' fiscal year budget.

NOW, THEREFORE BE IT RESOLVED, that the Memphis City Council does hereby adopt the Rules of Procedure for Budget Hearings which is attached hereto as Attachment A; the template for the Resolution to amend the Fiscal Year 2026 Operating/Capital Improvement Program Budget to reallocate to the General Fund unassigned balance is attached hereto as Attachment B; the template for the Resolution to amend the Fiscal Year 2026 Operating/Capital Improvement Program Budget is attached hereto as Attachment C.

BE IT FURTHER RESOLVED, that these rules and procedures will be effective immediately upon adoption and will be communicated to all participants in the Budget Hearing process prior to the commencement of hearings.

Sponsor:

Chase Carlisle

Chairman:

J. Ford Canale

ATTACHMENT A

MEMPHIS CITY COUNCIL

RULES OF PROCEDURE FOR FISCAL YEAR 2026 BUDGET HEARINGS

CITY OF MEMPHIS, TENNESSEE

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RULES OF PROCEDURE FOR MEMPHIS CITY COUNCIL BUDGET HEARING

A. ORDER OF BUSINESS (1-6)

1. Budget Hearings shall be called to order at 10 a.m.
2. Roll Call.
3. Members shall have _____ minutes to bring any old or new business in the form of a written resolution before the Council. No motions or votes will be taken during this time.
 - a. Resolutions introduced reflecting additions to the budget shall indicate a cut of equal or greater value.
4. Each Chief and Deputy Chief, or Director and Deputy Director shall present their budget before the Council during their designated hearing time.
5. Following the end of each hearing, Council Members shall have the opportunity to ask any question relevant to the presentation.
6. Adjournment.
7. After the conclusion of the final Budget Hearing scheduled for the end of May, all resolutions that have been presented will be subject to a vote by Councilmembers according to the order in which they were received. All resolutions will be numbered according to the date and timestamp on which it was received.

B. BUDGET HEARING PRESENTATIONS (7-9)

8. The FY26 Budget Hearing schedule shall be released on _____
9. Each division shall submit their presentation in both digital and physical form one week prior to their scheduled hearing time.
 - a. Should a division not meet this deadline, the Presiding Officer/Budget Chairperson shall reserve the right to hold the division's hearing to a later date.
10. Each Chief and Deputy Chief, or Director and Deputy Director shall be requested to meet with Council Members the Thursday and Friday prior to the week their budget hearing is scheduled.
 - a. If they are not available to meet with Council Members they may send a representative from their division in their place.
 - b. During this period, divisions will engage in discussions, answer any questions, and provide necessary information to Council Members ahead of the budget

hearings. This time is dedicated to ensuring Council Members are thoroughly prepared, with a clear understanding of the budget details, key priorities, and any supporting data.

C. DECORUM IN BUDGET HEARINGS (10-11)

11. Budget Hearings shall be conducted in an orderly manner to ensure the deliberative process of the Council is retained at all times. The Presiding Officer/Budget Chairperson shall be responsible for maintaining decorum throughout the meeting. If a Councilmember feels that the Presiding Officer/Budget Chairperson has failed to address a breach of decorum, the Councilmember may, by motion, appeal to the Presiding Officer/Budget Chairperson to preserve decorum. [NOTE: This section is adapted from Memphis City Council Rules of Procedure]
 - a. Councilmembers. The members of the City Council shall preserve order and decorum, and a member shall not by conversation or other means delay or interrupt the budget hearings or disturb any other member while speaking and obey the orders of the Presiding Officer/Budget Chairperson. Councilmembers addressing Administrative Staff, Council Staff, or other Councilmembers shall do so in an orderly manner and shall not make personal, impertinent, slanderous, or profane remarks to any member of the Council, staff, or general public. Any Councilmember who makes such remarks, or who utters loud, threatening, personal or abusive language, or engages in any other disorderly conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of any hearing shall, at the discretion of the presiding officer, be asked to refrain from such behavior. If the behavior persists, the Presiding Officer/Budget Chairperson, with the approval or majority vote of the body, shall determine how to proceed with the meeting.
 - b. Employees. Employees of the City shall observe the same rules of order and decorum as those which apply to the members of the Council.
12. No member shall speak more than twice on the same subject, without permission from the Presiding Officer/Budget Chairperson; and Council Members who have spoken shall not speak again unless recognized by the Presiding Officer/Chairperson be entitled to the floor (except for the purpose of explanation), to the exclusion of another who has not spoken; and no member shall speak longer than ____ minutes in the first speech and ____ in the second speech on any question, without permission of the Presiding Officer/Budget Chairperson. Statements made may, at the discretion of the Presiding Officer/Budget Chairperson, be limited to ____ minutes duration. Such statements may be upon any subject of concern to the speaking Member but must

be offered under the last budget hearing. [NOTE: Adapted from Rules of Order of the Senate for the One Hundred Twelfth General Assembly State of Tennessee]

ATTACHMENT B

RESOLUTION TO AMEND THE FISCAL YEAR 2026 OPERATING/CAPITAL IMPROVEMENT PROGRAM BUDGET TO REALLOCATE TO THE GENERAL FUND UNASSIGNED BALANCE

WHEREAS, the Mayor submitted to the Council of the City of Memphis on April __, 2025, a proposed Operating Budget and Capital Improvement Program Budget for the Fiscal Year ending June 30, 2026; and

WHEREAS, the Budget Committee of the Council has held meetings and thoroughly reviewed the recommended Operating and Capital Improvement Program Budgets and will make approved revisions thereto; and

WHEREAS, the Council has identified a need for funds to be allocated to other projects/programs/initiatives that serve the City of Memphis and significantly contribute to its growth and development and ensuring the City of Memphis is financially sound; and

WHEREAS, it is the intent of the Council that any and all funds allocated to _____ (name of project or program) _____ (service center/line item) be reallocated to the General Fund Unassigned Balance.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby amends the (Capital Improvement Program) _____ (Operating Budget) for Fiscal Year 2025 by reallocating and appropriating _____ (name of project or program) _____ (service center/line item) to the General Fund Unassigned Balance effective upon approval of this resolution and to be incorporated into the Fiscal Year 2026 Budget Ordinance.

Sponsor:

ATTACHMENT C

**RESOLUTION TO AMEND THE FISCAL YEAR 2026 OPERATING/CAPITAL
IMPROVEMENT PROGRAM BUDGET**

WHEREAS, the Mayor submitted to the Council of the City of Memphis on April __, 2025, a proposed Operating Budget and Capital Improvement Program Budget for the Fiscal Year ending June 30, 2026; and

WHEREAS, the Budget Committee of the Council has held meetings and thoroughly reviewed the recommended Operating and Capital Improvement Program Budgets and will make approved revisions thereto; and

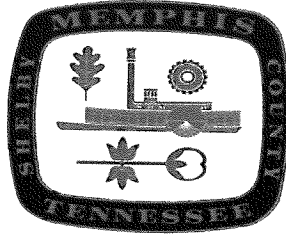
WHEREAS, the Council has identified a need for funds to be allocated to **projects/programs/initiatives** that serve the City of Memphis and significantly contribute to its growth and development; and

WHEREAS, the Memphis City Council hereby amends the **(Capital Improvement Program/ Operating Budget)** for Fiscal Year 2026 by making a reduction of \$_____ from the _____ **(name of project or program)** _____ **(service center/line item)** and increasing the _____ **(name of project or program)** _____ **(service center/line item)** by \$_____.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby amends the **(Capital Improvement Program/Operating Budget)** for Fiscal Year 2025 by reducing \$_____ from the _____ **(name of project or program)** _____ **(service center/line item)** and increasing the _____ **(name of project or program)** _____ **(service center/line item)** by \$_____ effective upon approval of this resolution and to be incorporated into the Fiscal Year 2026 Budget Ordinance.

Sponsor:

Resolution-Division of Housing and Community Development



Memphis City Council Summary Sheet

1. **Description of the Item (Resolution, Ordinance, etc)**
Resolution to amend the Division of Housing and Community Development's federal budget by accepting the appropriation and allocation of over collected Home Program Income in the City of Memphis Oracle Financial System Grants Module for the fiscal year 2025 based on the actual collected, receipted, and reconciled funding per the U.S. Department of Housing and Urban Development (HUD) IDIS Financial System.
2. **Initiating Party (e.g. Public Works at request of City Council, etc)**
The Division of Housing and Community Development.
3. **State whether this is a change to an existing ordinance or resolution, if applicable.**
This is an amendment to Resolution approving the proposed consolidated plan PY24/FY25 Annual Action Plan and appropriating federal entitlement funds to the PY24/FY25 Housing and Community Development budget approved on June 25, 2024.
4. **State whether this will impact specific council districts or super districts.**
City-wide
5. **State Whether this requires a new contract, or amends an existing contract, if applicable.**
New contracts and contract amendments will be required.
6. **State whether this requires an expenditure of funds/requires a budget amendment.**
Expenditure of funds will be required.
7. **If applicable, please list the MWBE goal and any additional information needed.**
Not applicable to MWBE.



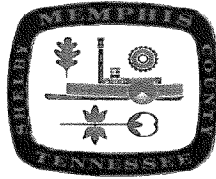
Resolution to amend the Division of Housing and Community Development's federal budget by accepting the appropriation and allocation of over collected HOME Program Income in the City of Memphis Oracle Financial System Grants Module for the fiscal year 2025 based on the actual collected, received, and reconciled funding per the U.S. Department of Housing and Urban Development (HUD) IDIS Financial System.

WHEREAS, the Division of Housing and Community Development received allocations of federal funding from the U.S. Department of Housing and Urban Development (HUD) for the fiscal year 2025; and

WHEREAS, the Division of Housing and Community Development provided a projection of HOME Program Income to collect for fiscal year 2025, however the actual amounts collected and received were in excess of the amount approved by the City of Memphis Council by \$98,623.56 for award 13346; and

WHEREAS, it is necessary for Housing and Community Development to increase the budget by \$98,623.56 to reflect the actual collected amount of \$262,196.56 for HOME program income related to fiscal year 2025; and

NOW, THEREFORE, BE IT RESOLVED that the Council and the City of Memphis hereby approve to amend the Division of Housing and Community Development's fiscal year 2025 federal budget by accepting the appropriation and allocation of over collected HOME Program Income based on the actual amount collected, received, and reconciled per the U.S. Department of Housing and Urban Development (HUD) IDIS Financial system in the amount of \$98,623.56. This will bring the total HOME program income budget for fiscal year 2025 to \$262,196.56.



Memphis City Council Summary Sheet

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

Resolution to Appropriate the sum of \$1,000,000 funded by G.O. Bonds chargeable to the FY2025 Capital Improvement Program (CIP) Budget for the Raleigh Springs Development, CD01105.

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

Division of Housing & Community Development

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

N/A

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

District 1
Super District 9

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

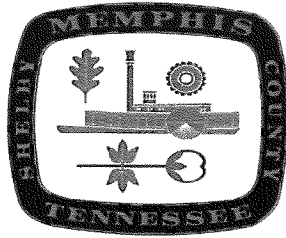
N/A

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

This will require an expenditure of funds.

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

P093



Resolution to Appropriate the sum of \$1,000,000 funded by G.O. Bonds chargeable to the FY2025 Capital Improvement Program (CIP) Budget for the Raleigh Springs Development, CD01105.

WHEREAS, the Memphis City Council included an allocation of ONE MILLION DOLLARS (\$1,000,000) for the Raleigh Springs Development, project number CD01105, as approved in the FY2025 Capital Improvement Program Budget; and

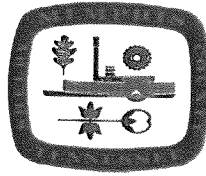
WHEREAS, the project aims to stimulate economic growth, promote sustainable living, and enhance the quality of life in Raleigh by supporting local businesses through vibrant, modern commercial spaces, offering affordable rental and homeownership opportunities, and providing ample recreational areas for community engagement and outdoor activities, along with vehicular access points and related site development; and

WHEREAS, the City of Memphis, through its Division of Housing and Community Development (HCD), and in partnership with public and private entities, is working to further revitalize the area by promoting new housing opportunities, including townhomes, single and multi-family housing, dog park, and mixed-use developments that contribute to the long-term sustainability and economic growth of the community; and

WHEREAS, the funding will be used for the design, surveying, civil engineering services, and any other necessary services to complete the Raleigh Springs Development, supporting community gatherings and local business.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the sum of ONE MILLION DOLLARS (\$1,000,000) funded by G.O. Bonds and chargeable to the FY2025 Capital Improvement Program (CIP) Budget is hereby appropriated as follows:

Project Title:	Raleigh Springs Development
Project Number:	CD01105
Award Number:	11425
Architecture & Engineering:	\$800,000
Other Cost:	\$200,000



Memphis City Council Summary Sheet

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

A Resolution to transfer and appropriate construction funds in the amount of \$550,000 to Storm Water CIPP 2025, project # ST03239 to repair and rehab existing damaged storm drainpipes using CIPP process at various locations.

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

Public Works

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

This resolution will not change any existing ordinance or resolution.

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

This project and will impact all Council and Super Districts.

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

This resolution will require a new construction contract.

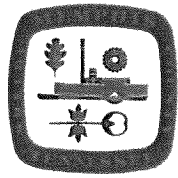
6. State whether this requires an expenditure of funds/requires a budget amendment

This resolution will require an expenditure of funds.

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

The MWBE goal is 0%, zero availability.

P085



RESOLUTION

This is a resolution to transfer and appropriate construction funds in the amount of \$550,000.00 to Storm Water CIPP 2025, project number ST03239 to repair and rehab existing damaged storm drainpipes using CIPP process at various locations. This project will impact all Council and Super Districts.

WHEREAS, the Council of the City of Memphis approved Drainage – ST Coverline, project number ST03205, as part of the Public Works Fiscal Year 2025 Capital Improvement Budget; and

WHEREAS, bids were received January 15, 2025, to repair and rehab existing damaged storm drainpipes using Cured-in-Place Pipe (CIPP) process at various locations with the lowest complying bid submitted by Moore Construction Co. Inc.; and

WHEREAS, it is necessary to transfer a construction allocation of \$550,000.00 funded by Storm Water Revenue Bonds from Drainage – ST Coverline, project number ST03205, to Storm Water CIPP 2025, project number ST03239, to repair and rehab existing damaged storm drainpipes using CIPP process at various locations; and

WHEREAS, it is necessary to appropriate \$550,000.00 funded by Storm Water Revenue Bonds in Storm Water CIPP 2025, project number ST03239 as follows:

Contract Amount	\$ 500,000.00
Project Contingencies	\$ <u>50,000.00</u>
Total Amount	\$ 550,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Fiscal Year 2025 Capital Improvement Budget be and is hereby amended by transferring a construction allocation of \$550,000.00 funded by Storm Water Revenue Bonds from Drainage – ST Coverline, project number ST03205 to Storm Water CIPP 2025, project number ST03239 to repair and rehab existing damaged storm drainpipes using CIPP process at various locations.

BE IT FURTHER RESOLVED that there be and is hereby appropriated the sum of \$550,000.00 funded by Storm Water Revenue Bonds chargeable to the FY2025 Capital Improvement Budget and credited as follows:

Project Title	Storm Water CIPP 2025
Project Number	ST03239
Total Amount	\$550,000.00