

MEMPHIS CITY COUNCIL RESOLUTION

WHEREAS, Memphis is home to higher education institutions and industry engaged in high quality, collaborative research which fosters economic growth and job creation; and

WHEREAS, high quality, collaborative research is essential to the transfer of knowledge for the betterment of society and for the creation of new jobs and new industries for economic growth; and

WHEREAS, economic growth and job creation in all parts of the State of Tennessee, including Memphis, are critical to the perpetuation of a robust economy for the entire State; and

WHEREAS, the Memphis Research Consortium is a collaborative venture focusing on research, medicine and healthcare, computation and computer sciences, engineering and learning technologies to promote long-term economic development and job creation; and

WHEREAS, the founding members of the Memphis Research Consortium are the University of Memphis, St. Jude Children's Research Hospital, Memphis Bioworks Foundation, The University of Tennessee Health Sciences Center, FedEx Corporation, Methodist Le Bonheur Healthcare System, Baptist Memorial Health Care Corporation, Smith & Nephew, Wright Medical Technology, Inc., and Medtronic Sofamor Danek; and

WHEREAS, the University of Memphis, The University of Tennessee Health Science Center, and St. Jude Children's Research Hospital shall be the lead institutions and conveners of the Memphis Research Consortium and shall work together to advance research in their respective fields by collaborating on projects of mutual interest; and

NOW, THEREFORE, BE IT RESOLVED THAT THE MEMPHIS CITY COUNCIL requests the Shelby County Legislative Delegation to work with the governor to encourage legislation for the Memphis Research Consortium.

BE IT FURTHER RESOLVED that the Shelby County Legislative Delegation and members of the Tennessee General Assembly be made aware of this request by copy of this resolution.

Jim Strickland

Referendum Ordinance No. _____

A REFERENDUM ORDINANCE AMENDING ARTICLE 27, SECTION 190 OF THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, PURSUANT TO THE PROVISIONS OF ARTICLE 11 SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE HOME RULE AMENDMENT SO AS TO REQUIRE ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS TO LIVE WITHIN SHELBY COUNTY, TENNESSEE.

Whereas, Section 190 of the Memphis City Charter was amended by Home Rule Ordinance No. 5265 and a referendum ordinance of November 4, 2008, was approved by the voters requiring that all employees must live and maintain a residence within the boundaries of the City of Memphis.

Section 1. Proposed Amendment

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS and submitted by the City of Memphis to its qualified voters at the first general state election, which shall be held in the City of Memphis on November 2, 2010, and which shall be held at least sixty (60) days after such publication:

QUESTION:

Shall the Charter of the City of Memphis, Tennessee be amended to require all persons employed by the City of Memphis to live and reside within Shelby County, Tennessee?

Section 2. Publication of Home Rule Amendment

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause the Ordinance to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

Section 3. Delivery to Election Commission

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis shall certify adoption of this Ordinance to the Shelby County Election Commission in charge of holding the general State election on November 2, 2010, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

Section 4. Proposal and preference

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 2nd day of November 2010:

REFERENDUM ORDINANCE REQUIRING ALL PERSONS EMPLOYED BY THE CITY OF MEMPHIS TO RESIDE WITHIN SHELBY COUNTY, TENNESSEE.

Said ordinance of the City of Memphis was adopted on the _____ day of _____, 2010, to provide for referendum vote on a Home Rule amendment to the Charter of the City of Memphis, to read as follows:

Shall the Charter of the City of Memphis, Tennessee be amended to require persons employed with the City of Memphis to live and reside within Shelby County, Tennessee?

FOR (YES) _____
AGAINST (NO) _____

Section 5. Effective Date of Charter Amendment

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the 2nd day of November, 2010, the public welfare, requiring it.

Section 6. Certification of Results

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting – Conflicting Laws

BE IT FURTHER ORDAINED, That upon adoption of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis, not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 8. Severability

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not effect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 9. Publication

BE IT FURTHER ORDAINED, that this ordinance shall be published immediately after the adoption hereof.

Section 10. Enactment of City Ordinance

BE IT FURTHER ORDAINED, that this ordinance shall take effect from and after the date it shall have passed by the Council signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

HAROLD COLLINS
Chairman of Council

ORDINANCE NO. _____

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

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

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

NOW, THEREFORE,

SECTION 1, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 2, Section 2-291 (A) is hereby amended by inserting the word "lease" after the word "exchange."

SECTION 2, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Chapter 2, Section 2-291 (3) is hereby amended by inserting the word "lease" after the word "sale" which appears throughout this paragraph.

SECTION 3, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Chapter 2, Section 2-291 (5) is hereby amended by inserting the word "or lease" after the word "convey."

SECTION 4, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Chapter 2, Section 2-291 (5a) is hereby amended by inserting the words "or leased" after the words "conveyed."

SECTION 5, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Chapter 2, Section 2-291 (5c) is hereby amended by inserting the words "or lease" after the words "conveyance."

SECTION 6, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Chapter 2, Section 2-291 (6) is hereby amended to be renamed "Disposition and "lease" of property acquired for redevelopment purposes." This section is also hereby amended by inserting the word "or leased" after the words "conveyed" and adding the word "lease" after the word "sale,".

SECTION 7, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Chapter 2, Section 2-291 (6a) is hereby amended by inserting the word "lease" after the word "sale,".

SECTION 8, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Chapter 2, Section 2-291 (6b) is hereby amended by inserting the word “ or lease” after the words “sale”.

SECTION 9, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Chapter 2, Section 2-291 (7a) is hereby amended by inserting the word “lease” after the word “convey,”.

SECTION 10, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Chapter 2, Section 2-291 (7b) is hereby amended to be renamed “Conveyance and lease of property to the above described entities shall be subject to the following conditions:”

SECTION 11, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Chapter 2, Section 2-291 (7b, 4) is hereby amended by inserting the word “or lease” after the words “conveyance”.

SECTION 12, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, Chapter 2, Section 2-291 is hereby amended to add a new subsection (10) to read as follows:

When used in Section 2-291, “lease” includes the transfer or allowance of the use of property for a period of 30 days or less.

SECTION 13, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrased, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 14, BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

Jim Strickland

Harold Collins, Chairman

RESOLUTION

WHEREAS, the Council of the City of Memphis requested the Administration to revise the Speed Hump policies to allow the provision for private funding of speed humps on streets that have met all the various installation criteria and has petition approval of the impacted residents; and

WHEREAS, the Administration amended the policies to reflect the private funding provision,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis concurs with the amendment for private funding to the criteria for the installation of Speed Humps.

BE IT FURTHER RESOLVED that the private funding provision will go into effect beginning January 26, 2010.

RESOLUTION

WHEREAS, the Federal Communications Commissions (“FCC”) issued a Report and Order that modified its rules governing the 800 MHz band, ordering a reconfiguration of said band to minimize harmful interference to public safety radio communications systems, and

WHEREAS, the City of Memphis Radio Maintenance radios are licensed on frequency allocations subject to said reconfiguration; and

WHEREAS, the City of Memphis has received proceeds in the amount of Four Hundred Fifty-three Thousand, One Hundred Ninety-Seven Dollars and Sixty-eight cents (\$453,197.68) from the Sprint Nextel’s Radio Rebanding Program to effect a reconfiguration of the affected frequency allocations; and

WHEREAS, proceeds will be placed in a Deferred Revenue Account by the City of Memphis, and transferred according to expenditures related to the Radio Rebanding Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Radio Maintenance Service Center proceeds in the amount of Four Hundred Fifty-three Thousand, One Hundred Ninety-Seven Dollars and Sixty-eight cents (\$453,197.68) be hereby accepted by the City of Memphis.

Deferred Revenue

Sprint Nextel	\$453,197.68
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Expense

Radio Maintenance Service Center	
Radio Rebanding Project	\$453,197.68

RESOLUTION

WHEREAS, the Information Services Division of the City of Memphis (hereinafter referred to as "CITY") entered into an Intergovernmental agreement with the Memphis Housing Authority (hereinafter referred to as "MHA") on July 20, 2009 stating that CITY will provide technology based services to MHA; and

WHEREAS, CITY will receive payment in the amount of Six Thousand Nine Hundred Thirty Three Dollars (\$6,933.00) per month or Eighty-three Thousand, One Hundred Ninety-six dollars (\$83,196.00) in annual fees from MHA for cost of technology services provided; and

WHEREAS, CITY will make payments of up to One Million, Two Hundred Thousand Dollars on behalf of MHA for the purchase, installation and support of hardware and software; hardware and software maintenance agreements; and local, long distance and cellular phone services.

WHEREAS, CITY will receive reimbursement in the amount of up to One Million, Two Hundred Thousand Dollars from MHA for hardware/software purchases/installation/support/maintenance agreements and local/long distance/cellular phone expenses; and

WHEREAS, it is necessary to amend the Fiscal Year 2010 Operating Budget to accept the services proceeds and reimbursement payments.

NOW, THEREFORE, BE IT RESOLVED, that the Fiscal Year 2010 Operating Budget be and is hereby amended by appropriating Revenue for the Information Services Division in the amount of up to One Million, Two Hundred Eighty-three Thousand, One Hundred Ninety-six dollars (\$1,283,196.00).

BE IT FURTHER RESOLVED by the Council of the City of Memphis that the Information Services proceeds and reimbursements in the amount of up to One Million, Two Hundred Eighty-three Thousand, One Hundred Ninety-six dollars (\$1,283,196.00) be hereby accepted by the City of Memphis.

Revenue

Monthly Technical Services Support	\$ 83,196.00
Reimbursement of Support Expenditures	\$1,200,000.00

Expense

Miscellaneous Professional Services	\$ 83,196.00
Information Services Support Expenditures	\$1,200,000.00



MEMPHIS CITY COUNCIL

Ordinance Summary Sheet

PSN Committee - Tuesday, January 12, 2010

Sponsor: Councilman Flinn

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

Content: § 1 - Definition of “Pit Bull” and determination of breed

§ 2 – Exception to mandatory spaying / neutering of Pit Bulls

§ 3 - Penalties for Failure to Spay or Neuter Pit Bull

ORDINANCE NO. _____

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

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

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

NOW, THEREFORE,

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

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

Sec. 8-17-1 Definition of Pit Bull

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

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

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

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

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

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

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

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

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

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

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

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

SHEA FLINN
Council Member

HAROLD COLLINS
Council Chairman

Attest:
Patrice Thomas, Comptroller