

City of Memphis

TENNESSEE

A C WHARTON, JR.
MAYOR

January 31, 2011

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

Dear Chairman Collins:

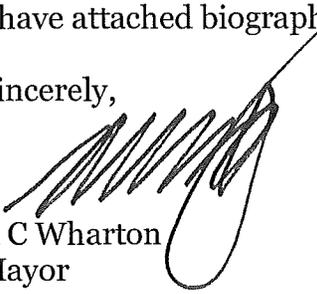
Subject to Council approval, it is my recommendation that:

Kevin Brewer

be appointed to the Minority Business Development and Oversight Commission with a term expiring July 1, 2013.

I have attached biographical information.

Sincerely,


A C Wharton
Mayor

ACW/lar

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

BOARD/COMMISSION

Name: Kevin Brewer

Date of Birth: May 2, 1968

Business Address: _265 S Front Street, Memphis, TN 38103 Phone: 901-766-1836

E-Mail Address: Kbrewer@destinationking.com

Profession/Employer: Chief Operating Officer / Destination King, Inc.

Education: Clemson University

Name of Spouse: Cindy Brewer

Number of Children: 2

Home Address: 1328 Carr Ave.

Phone: 901-726-0051

City: Memphis

State: TN

Zip: 38104

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding counties are not considered). Yes or No _____ If yes, how long? 10 Years

Professional Organization/Associations: Meeting Planners International, Association of Destination Management Exec., Memphis Convention Center Feasibility Committee, The Leadership Academy Fellow Advisory Board

Other Organizations/Association: MPACT Memphis, Memphis Zoo, Shelby Farms Conservancy, Children's Museum of Memphis

Other Interests: Promoting a Positive Memphis, Golf, running, and spending time with my wife and two children

Signature

Date 12-3-10

Kevin Franklin Brewer
4986 Normandy Lane
Memphis, TN 38117
901-726-0051 Home, 901-229-4289 Cell
Email address: kbrewer@destinationking.com

Objective:

Seeking an opportunity to contribute prior executive level experience, with a demonstrated expertise, and personal ability in sales, marketing, business development, branding and promotions to directly impact the success of a company that offers potential for growth and advancement.

Summary of Qualifications:

Over 20 years of diverse and progressive sales and marketing experience in the tourism, entertainment, and high profile service industries.

- Strategic planning, marketing assessments and sales analysis for primary and secondary market segments
- Brand positioning – created high visibility in all market segments via tradeshow participation, client events, sponsorships, advertising and promotional campaigns
- Established departmental philosophy based upon customers needs and win-win negotiations
- Coaching and mentorship – managed and motivated staff to achieve departmental and company goals.
- Product development - effective creator of new and progressive product to increase revenue and brand awareness

Professional Experience:

11/01-Present (Company in Existence)

11/04-Present (Full time)

Destination King, Memphis TN
Co-Founder, Chief Operating Officer

Destination King is a full service destination management company operating in the Memphis. We also operate a third part meeting planner division coordinating meetings both domestically and internationally for a number of corporate clients.

10/02-11/04 **Memphis Convention and Visitors Bureau, Memphis TN**
Vice President of Sales

- Develop and manage a sales and services team of eleven professionals hired to target various market segments including association, corporate, incentive, domestic and international travel industry
- Responsible for achieving 127,000 in total room nights booked by strategically planning the department's sales and marketing efforts
- Formulate and implement sales and marketing plan for \$1.7m budget
- Manage all organization Representative Firms in Chicago, the United Kingdom, and Germany as well the leads that are generated on a monthly basis
- Oversee all sales and services efforts of the organization including the negotiation between national meeting planners, the Memphis Cook Convention Center, and all applicable hotels

- Represent Memphis on national industry Boards and committees as well as on a local level to increase tourism industry awareness
- Secure, organize and execute sponsorships, and events to increase the exposure for Memphis and the CVB.
- Oversee the creation and implementation of sales collateral, direct mail campaigns and print advertisements

9/01 -10/02 **Dover Motorsports Inc., Memphis Motorsports Park, Memphis TN**
Director of Sales and Marketing

- Responsible for achieving 2.1 million in sales revenue for 2002
- Communicate and coordinate with Dover Motorsports executive office to insure overall company sales and marketing goals are achieved
- Develop and manage a sales and marketing team of six professionals hired to sale tickets, suites, hospitality, expo space and program ads for all major and weekly events
- Actively pursue new sponsorship possibilities while maintaining an excellent working relationship with current sponsors
- Increased 2002 sponsor commitments by 40% to over 1.2 million
- Develop and facilitate all promotions with current sponsors to insure maximum brand exposure for sponsors at all major and weekly events while increasing ticket sales for facility
- Formulate and implement sales and marketing plan and 1 million budget
- Oversee the creative and production for all MMP sales and marketing collateral and related printed materials
- Create, plan and manage sales teams efforts to reach regional and NASCAR related companies to participate in hospitality and group ticket purchases
- Evaluate sales and marketing and public relations' employees performance and growth on an annual basis as well as develop goals for incentives

3/01- 9/01 **Brewer and Associates, Orlando, FL**
Sales and Marketing Consultant

- National clients include Travel South USA, Pennsylvania Office of Economic Development, and Excellence in Hospitality
- Seminars and speaking engagements
- Event management for corporate and convention planners

11/96-3/01 **Hard Rock Cafe International, Orlando, FL**
Director of Worldwide Sales (5/98 – 3/01)
Director of Travel Industry Sales (11/96 – 5/98)

- Opened Hard Rock Cafe Worldwide Sales Office with a comprehensive and strategic plan to increase profitability on a global scale
- Developed and managed a sales team of ten professionals hired to target various market segments including domestic and international travel industry, convention and incentive
- Worked closely with General Managers at the Cafe level to ensure effective sales positioning for the 95 individual Cafe locations
- Exceeded 2000 \$25 million revenue goal by 18%
- Developed and implemented merchandise incentive program for clients in all market segments that resulted in a 13% increase in sales
- Formulated and implemented global sales and marketing plan and \$1.2m budget

- Secured exposure for Hard Rock Cafe by organizing and executing sponsorships, events and press conferences worldwide
- Initiated and implemented national programs and strategic alliances with major corporations to increase revenue and brand awareness
- Solicited strategic partnerships with trade organizations
- Negotiated city specific contracts with corporations to maximize account spending
- Created and monitored the production of sales collateral, direct mail campaigns and print advertisements
- Developed the sales segment of Hard Rock Cafe web-site

**7/95-11/96 The Family Channel International, Calvin Gilmore Productions Division,
Myrtle Beach, SC
National Sales Manager**

- Created budget and marketing plan for all of company's products
- Effective development and management of strategic corporate alliances for new revenue stream and co-branding opportunities
- Supervised the Sales Department by managing individual sales goals and marketing plan implementation
- Developed marketing materials including point of sale, sales kits, videos, and direct mail campaigns
- Researched and developed new markets and programs

**4/92-7/95 The Inn at Myrtle Beach, Myrtle Beach, SC
Director of Sales and Marketing**

- Responsible for marketing, advertising, promotions, and sales in all markets
- Attended national and international trade shows creating new business for golf vacations and group travel
- Developed product for all market segments to increase occupancy during off peak periods by 65%
- Increased occupancy by 80% by developing and implementing a marketing plan for target specific markets
- Generated positive exposure of facility within community through effective public relations
- Expanded marketing scope to include international markets with a concentrated effort in United Kingdom and Canada

Education:

Clemson University, Clemson SC
B.S. – Parks, Recreation and Tourism Management

Community Activities, Volunteer Work and Honors:

- Association of Destination Management Executives Board of Directors(2006 – Present; President 2010)
- City of Memphis Convention Center Task Force (2009 – Present)
- Leadership Academy of Memphis Fellows Advisory Board (2007- Present)
- Memphis Tourism Foundation (2007 – Present)
- Meeting Planners International (1999- Present)
- University of Memphis Kemmons Wilson School of Hospitality Advisory Board (2006 - 08)
- MPACT Memphis Board of Directors (2003-2007; Chairman 2006)
- Voted one of Memphis' Top 40 under 40 by the Memphis Business Journal (2004)

- National Tourism Foundation Board of Trustees (1999-2004; Chairman 2003)
- Student and Youth Travel Association - Board of Directors (1996-99)
- Covey Leadership Graduate (1999)
- Travel Industry Association of America – Member Services (1997-1999)
- White House Conference on Travel and Tourism (1996)

MINORITY BUSINESS DEVELOPMENT AND OVERSIGHT COMMISSION

9 Member Board

2 Ex Officio Members

3 Year Term

Currie, Anthony	M/B	07/01/13	3yr. Term
Dobbins, Alandas	F/W	07/01/13	3yr. Term
Jones, Melvin	M/B	07/01/13	3yr. Term
Martin-Kelly, Anna	F/H	07/01/13	3yr. Term
Romo, Juan	M/H	07/01/13	3yr. Term
Spicer, Lori	F/B	07/01/13	3yr. Term
Whisenant, Sabrina	F/W	07/01/13	3yr. Term
Williams, Roby	M/B	07/01/13	3yr. Term

City of Memphis



TENNESSEE

A C WHARTON, JR.
MAYOR

February 17, 2011

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

Dear Chairman Collins:

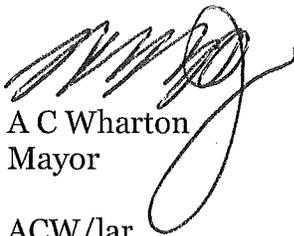
Subject to Council approval, it is my recommendation that:

Stuart C. McGehee

be reappointed to the Memphis and Shelby County Center City Commission with a term expiring December 31, 2013.

I have attached biographical information.

Sincerely,


A C Wharton
Mayor

ACW/lar

c: Council Members



City of Memphis

BIOGRAPHICAL INFORMATION
APPOINTMENT TO BOARD/COMMISSION

CENTER CITY COMMISSION

BOARD/COMMISSION

Name: STUART C. MCGEEHEE Race W M F

E-Mail Address: stuartmcgehee@yahoo.com Fax N/A

Profession/Employer: ABELL C

Business Address: 4228 GWYNNE RD zip 38117 Phone: 9016847291

Education: BACHELOR OF SCIENCE, UNIVERSITY OF VIRGINIA
MBA, VANDERBILT UNIVERSITY

Name of Spouse: DIONE MCGEEHEE Number of Children: 3

Home Address: 4228 GWYNNE RD, 38117 Phone: 901 292 6159

City: MEMPHIS State: TN Zip: 38117

I certify that I am a resident of the City of Memphis (Unincorporated areas and surrounding counties are not considered). Yes or No If yes, how long? 50 YEARS

Professional Organization/Associations:

Other Organizations/Association:

Other Interests: NBA FAN!

Signature Stuart C. McGehee Date 2/14/11

Stuart C. McGehee
4228 Gwynne Road
Memphis, TN 38117
stuartmcgehee@yahoo.com
901-684-7291 or 901-292-6159 (mobile)

EDUCATION

- o M.B.A. from Vanderbilt University
- o Undergraduate degree from the University of Virginia
- o Millbrook Preparatory School

EXPERIENCE

- o Founder, Affluent Boomer Enterprises, LLC – a Digital Media & Web Design Co.
- o Senior Vice President Countrywide Financial Corp., Capital Markets Division; Series 7, Series 24, and related securities licenses
- o Senior Vice President First Tennessee Bank Bond Division
- o Regional Sales Manager Data Communications Corporation (now part of SunGuard) responsible for the sale of mortgage loan servicing and origination software to banks, savings and loans, and mortgage companies
- o Investor analyst FedEx's Investor Relations Department

PERSONAL

- o Married with Three children, Corbin (20), Rebecca (20) & Megan (18)
- o Born in Memphis, TN 08/29/60
- o Hunting & outdoor enthusiast; NBA Memphis Grizzlies Fan!

**MEMPHIS & SHELBY COUNTY
CENTER CITY COMMISSION**

20 Member Board

(5) Appointed by City Mayor

(5) Appointed by County Mayor

3 Year Term

Hendricks, Mark D. (City)	M/W	12-31-12	3yr. Term
McGehee, Stuart (City)	M/W	12-31-10	3yr. Term
George Shadroui (City)	M/W	12-31-13	3yr. Term
Isaac W. Northern, Jr. (City)	M/B	12-31-12	3yr. Term
Alpha L. Lyons (City)	M/W	12-31-12	3yr. Term
George Little (City CAO)			
Bill Boyd (City Council Liaison)			



Memphis City Council Summary Sheet

Resolution supporting the creation of a regular, part-time classification

- Supports the creation of a regular, part-time classification
- Change to existing resolution: N/A
- Expenditure of funds/requires a budget amendment: NA
- Sponsored by Councilwoman Fullilove

CITY COUNCIL RESOLUTION

WHEREAS, under the leadership of Councilwomen Janis Fullilove the proposal of creating a part-time classification was introduced to the Memphis City Council; and

WHEREAS, it is beneficial to City Government to create a regular, part-time classification to reduce the operating costs of City Government and to establish more efficient employment practices; and

WHEREAS, a decrease in turnover and an increase in productivity will result from the establishment of a regular, part-time classification; and

WHEREAS, benchmark surveys indicate the creation of a part-time classification will be consistent with peer cities and other local municipalities.

NOW, THEREFORE BE IT RESOLVED, that the Memphis City Council acknowledges and supports the creation of a regular, part-time classification recognizing the potential cost savings and the efficiencies in employment practices as an overall benefit to City of Memphis Government operations.

Janis Fullilove
Memphis City Council
March 1, 2011



Memphis City Council Summary Sheet

Resolution appropriating funds for PW01222 Raleigh Millington-New Allen.

- This item is a resolution to appropriate funds for safety improvements at the intersection of Raleigh Millington and New Allen to be administered by the Tennessee Department of Transportation (TDOT).
- The TDOT and the Engineering division have determined the need for safety improvements at this intersection.
- This does not reflect a change in an existing resolution.
- This project will require a contract with the TDOT.
- The project funds originate from the State's Highway Safety Improvement Program. The City of Memphis is funding approximately 8% of the project and State and Federal funds are funding the remaining 92% of the project.

RESOLUTION

WHEREAS, Raleigh Millington-New Allen, project number PW01222 is included in the Fiscal Year 2011 Capital Improvement Program; and

WHEREAS, this project is being administered by the State of Tennessee Department of Transportation and the estimated construction cost is \$124,000.00; and

WHEREAS, the State has requested the City's total required match of \$10,000.00 to be deposited in a Local Government Investment Pool (LGIP) account which will be established to fund the construction of this project; and

WHEREAS, interest will be earned on the City's Local Government Investment Pool (LGIP) deposit which will be retained by the State until completion of this project; and

WHEREAS, in accordance with the contract provisions, the State can use the interest earnings until completion of the project; and

WHEREAS, it is necessary to appropriate \$10,000.00 in G.O. Bonds-General for Raleigh Millington-New Allen, project number PW01222.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$10,000.00 in G.O. Bonds-General with the resulting appropriation being charged to the FY 2011 Capital Improvement Budget and credited as follows:

Project Title:	Raleigh Millington-New Allen
Project Number:	PW01222
Amount:	10,000.00

BE IT FURTHER RESOLVED by the Council of the City of Memphis that any future Local Government Investment Pool expenditures for the project be allocated and appropriated with the source of funds being Local Government Investment Pool earnings.

Update Report
To
Memphis City Council
Economic Development Committee



Re: Small Business Economic Development Funds

March 1, 2011

Council Summary

Administrative Request: Resolution Submitted

Administration requests to amend the 2011 operating budget by transferring current appropriation of 1,000,000 from capital Outlay to be used to establish two (2) loan fund programs for M/W/SBE. The administration also requests that the Capital Outlay appropriation, presently in the FY 2011 operating budget, be expended from the \$1.0 million appropriated for Economic Development in the 2011 CIP program.

Council Question:

Provide criteria for the two economic development funds

Administrative Response:

Criteria for Micro Loan Fund and Grow Memphis Fund enclosed

Administrative Response

Criteria

BACKGROUND

- On June 8, 2010 the Memphis City Council approved the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2011-2015.
- Included was a request from the Administration for \$5 million to be used for economic development in the City of Memphis.
 - Current Status of the \$5.0 Million Economic Development Fund

Pinnacle Public Parking Project	\$3.0 Million
Remaining Available as of 2/10/11 for:	
Large Businesses	\$1.0 Million
Requested for M/W/SBE	<u>\$1.0 Million</u>
Total	\$5.0 Million

- As per Section 9-21-105(21)(A)Tennessee Code Annotated and as noted by bond counsel, general obligation bond funds can only be used for “public works projects”.
- These public works projects (e.g., roads, water, and sewer lines) can be critical to retain and attract business investment.
- To address the needs of minority/women/small business enterprises (M/W/SBE) that often need capital for operations and fixed assets, but not public improvements, the Administration is looking to substitute \$1M of CIP funds for \$1M from the City’s General Fund (budgeted for public improvements) and fund a M/W/SBE program.

M/W/SBE Program Objectives:

- To provide eligible M/W/SBEs with access to capital beyond that available from conventional lending sources.
- To support the creation of jobs and the growth and expansion of eligible M/W/SBEs. These small businesses must be locally-owned and operated within the city limits.
- To leverage the City’s funding contribution to attract private investment.

Recommendation

- The \$1 million used to capitalize two (2) loan fund programs.

1. **Grow Memphis Fund - \$400,000**

2. **Micro Loan Fund - \$600,000**

Funds Overview

Grow Memphis Fund

The City will provide \$400K in partnership with the National Development Council (NDC) to create this loan fund. NDC is the oldest national non-profit community and economic development organization in the U.S. Founded in 1969 this organization has loaned more than \$80 Million to small businesses.

NDC will leverage city funds to create a \$2.4 million total fund.

NDC will underwrite and administer loans to eligible businesses.

Loans from NDC, based on SBA criteria and standards, can be used for working capital as well as fixed assets.

Micro Loan Fund

The City will provide \$600K to capitalize a micro-loan fund administered by the City of Memphis Renaissance Business Center (RBC).

This loan program is designed to provide unconventional lending up to \$25,000 to eligible firms.

Eligible use of funds can be equipment financing, facility improvements, inventory, working capital, etc.

Interest rates will be low and fixed with shorter terms.

Technical assistance will be provided to all applicants by the RBC service providers. (Budgeting, management, one-one counseling, training workshops, networking, etc.).

Note: Quarterly reports on these programs will be provided to the City Council in combination with the regular reports given by the Memphis and Shelby County Office of Economic Development.

Memphis Economic Growth Initiative
Program Description: Grow Memphis Fund Program

The purpose of the Grow Memphis Fund Program is to provide eligible M/W/SBEs with access to capital beyond that available from conventional lending sources. This Program is designed to support job creation and the growth and expansion of eligible M/W/SBEs as a part of the administration's Memphis Economic Growth Initiative.

Fund Capitalization

The City will provide \$400K in partnership with the National Development Council (NDC) to create this Loan Fund. NDC will leverage the City's capital six (6) times to \$2.4 million through SBA Program. Financing is partially guaranteed by the SBA.

Underwriting of Application

NDC will administer the Grow Memphis Loan Fund and make decisions based on SBA criteria and standards. NDC staff will work with the RBC to take applications for financing. An NDC loan officer will be onsite on a regular basis to meet with businesses on financing. RBC will assist in outreach to eligible businesses and in taking loan applications. NDC has a current HCD service contract...No additional administrative cost will be charged by NDC.

Loan Amount

Loans up to \$2 million. Completed applications are reviewed and considered on a first-come, first-served basis with financing approval subject to the availability of funds.

Eligible Businesses

Minority, Women and Small – Owned Businesses with a need to finance working capital, fixed assets, inventory and real estate.

Term of Loan

The loan terms are based on SBA standards and are longer dependent on the type of loans (real estate, equipment, etc.). The terms of the loan will match the life of the assets.

Interest Rates

Fixed or Adjustable Interest rates range from Prime to Prime plus. (Prime as published in the Wall Street Journal).

Collateral

Appropriate collateral may include real estate, equipment, machinery, vehicles and personal assets of the company's owners and will include personal guarantees of the company's owners.

Fees

SBA fees range between 2% to 3% of the loan amount.

Technical Assistance

Technical assistance will be provided to applicants by National Development Corporation.

Service Area

Eligible minority, women and small businesses must be locally-owned and operated within the city limits.

Memphis Economic Growth Initiative
Program Description: Micro-Loan Fund Program

The purpose of the Micro Loan Fund Program is to enhance job growth and/or retention by providing access to alternative financing for minority, women and small businesses for operating capital, inventory, façade improvements, equipment, etc. as part of the administration's Memphis Economic Growth Initiative.

Fund Capitalization

The City will provide \$600K to capitalize a micro-loan fund administered by the City of Memphis Renaissance Business Center (RBC).

MLF will be leveraged through participation with other lenders.

Underwriting of Application

Application intake point is the City Renaissance Business Center. All decisions will be made by external RBC Loan Committee which consists of nine (9) members of the business and banking community. No additional administrative cost will be required.

Loan Amount

The maximum loan amount is up to \$25,000. The minimum loan size is \$2,500. Completed applications are reviewed and considered on a first-come, first-served basis with financing approval subject to the availability of funds.

Eligible Businesses

Minority, Women and Small Business Enterprises with a need to finance small purchase of fixed assets, which includes machinery, equipment and working capital. Entrepreneurs and small and emerging businesses are included.

Term of Loan

The term of the loan shall not exceed 5 years.

Interest Rates

Fixed Interest rates are based on prime rate plus 2%. (Prime as published in the Wall Street Journal)

Collateral

Appropriate collateral may include real estate, equipment, machinery, vehicles and personal assets of the company's owners and will include personal guarantees of the company's owners.

Fees

A \$25.00 non-refundable application fee must be submitted with the application.

Technical Assistance

Technical assistance will be provided to all applicants by the RBC service providers.

Service Area

Eligible minority, women and small businesses must be locally-owned and operated within the city limits.

Resolution

RESOLUTION

WHEREAS, On June 8, 2010 the Memphis City Council approved the Capital Improvement Program for Fiscal Year 2011; and

WHEREAS, included in the Capital Improvement Program for Fiscal Year 2011 was a request for \$5 million to be used for economic development in the City of Memphis; and

WHEREAS, the Mayor was asked to return to Council to explain how the \$5 million for economic development would be used, and to clarify why bond funds cannot be used; and

WHEREAS, a Memphis Economic Growth Initiative presentation was given by Mayor A C Wharton, Jr., on September 4, 2010, in the Council Executive Session, describing use of the \$5 million; and

WHEREAS, the Mayor's presentation identified that \$1 million of the \$5 million be made available for small business and specifically to address the needs of minority / women / small business enterprises (M/W/SBE) that often need capital for operations and fixed assets; and

WHEREAS, according to Section 9-21-105 (21) (A) Tennessee Code Annotated and as noted by bond council, general obligation bond funds can only be used for "public works projects."; and

WHEREAS, given the present economic environment it is also necessary to provide eligible M/W/SBEs with access to capital beyond that available from conventional lending sources; and

WHEREAS, the City's General Fund budget for Capital Outlay is \$1,000,000.00; and

WHEREAS, the City Council of Memphis wants to make General Funds available to fund an M/W/SBE loan program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Memphis that the Fiscal Year 2011 Operating Budget be and is hereby amended by transferring the currently available appropriations from Capital Outlay of \$1,000,000.00 in General Fund expenditures to be used to establish two (2) loan fund programs for existing and new M/W/SBEs.

BE IT FURTHER RESOLVED, that the Capital Outlay Expenditures that are currently planned and approved per the Fiscal Year 2011 Operating Budget be expended from the \$1 million in G.O. Bonds appropriated in the Fiscal Year 2011 Capital Improvement Program Budget for the Economic Development CIP Project.



Memphis City Council Summary Sheet

Resolution for the Skate Park PK07098

- This Resolution seeks approval of the low bid of \$464,500 and contingency amount of \$92,500 for a total amount of \$557,000 for the Skate Park project. This Resolution also requests approval to transfer \$117,000 from PK01024 Recreation Facilities Improvements to PK07098, Skate Park.
- The initiating party is the Division of Park Services.
- This Resolution does not change any existing Ordinance nor Resolution.
- This Resolution does require a construction contract with Zellner Construction Services in the amount of \$557,000.
- This Resolution does authorize an expenditure of \$557,000 in G.O. Bonds for construction of the Skate Park.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Memphis Skate Park, CIP Project Number PK07098, as part of the Fiscal Year 2010 Capital Improvement Budget; and

WHEREAS, three (3) bids were received on February 4, 2011 for Memphis Skate Park, with the best complying bidder from Zellner Construction Services in the amount of \$464,500; and

WHEREAS, the best complying bid of \$464,500 exceeds the construction budget of \$440,000; and

WHEREAS, an additional \$24,500 is required for the complying bid funding plus an additional \$92,500 for contingency purposes; and

WHEREAS, it is necessary to amend the Fiscal Year 2011 Capital Improvement Budget by transferring an allocation of \$117,000, funded by G.O. Bonds from CIP Project Number PK01024, Recreation Facilities Improvements, to CIP Project PK07098, Skate Park, Contract Construction; and

WHEREAS, it is necessary to appropriate \$117,000 in construction, funded by G.O. Bonds General for the following:

Bid Amount:	\$464,500.00
Contingency:	<u>\$92,500.00</u>
Total:	\$557,000

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2011 Capital Improvement Budget is hereby amended by transferring an allocation of \$117,000 from CIP Project Number PK01024, Recreation Facilities Improvements, to CIP Project PK07098, Skate Park, Contract Construction funded by G.O. Bonds General.

BE IT FURTHER RESOLVED that there be and is hereby appropriated \$117,000 funded by G.O. Bonds, chargeable to the Fiscal Year 2011 Capital Improvement Budget, with said appropriation being credited as follows:

Project Title:	Memphis Skate Park
CIP Number:	PK07098
Total Construction Cost:	\$557,000.00



Memphis City Council Summary Sheet

Resolution for the Charjean Park PK07089

- This item is a Resolution seeking approval for schematic design and continuation of design work for improvements at Charjean Park, from the Parks 2010 CIP Budget.
- The initiating party is the Division of Park Services.
- This Resolution does not change any existing Ordinance nor Resolution.
- This Resolution does not require a new contract nor does it amend an existing contract.
- This Resolution does not require an expenditure of funds.

RESOLUTION

WHEREAS, the Council of the City of Memphis did include Charjean Park Improvements, CIP Project Number PK07089, as part of the Fiscal Year 2011 Capital Budget; and

WHEREAS, the Administration proposes to renovate Charjean Park, located at Ketchum & Crosby Roads, with an estimated construction cost of \$750,000; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, that Charjean Park Improvements, CIP Project Number PK07089, is hereby approved for completion of plans and specifications and taking of bids at an estimated construction cost of \$750,000.

Project Title:	Charjean Park Improvements
CIP Project Number:	PK07089

Memphis City Council

Summary Sheet Instructions

- Resolution allowing the acceptance of donations for the Office of Youth Services and Community Affairs Southern Heritage Classic College Fair and the annual Christmas Basket Giveaway in the total of \$14,500.
- The Office of Youth Services and Community Affairs is requesting this action to amend the Fiscal Year 2011 Operating Budget to accept these grant funds;
- There is no change to an existing ordinance or resolution.

RESOLUTION

WHEREAS, the Office of Youth Services and Community Affairs continues in its efforts to increase community outreach and advance our capacity to serve disadvantaged citizens and the youth of Memphis through corporate sponsorships, monetary donations and in-kind gifts; and

WHEREAS, the City of Memphis via the Office of Youth Services and Community Affairs has received proceeds in the amount of Fourteen Thousand Five Hundred Dollars (\$14,500) from several corporate sponsors and organizations; and

WHEREAS, the Office of Youth Services and Community Affairs would like to apply these funds towards the Annual Christmas Basket Giveaway and the Southern Heritage Classic College Fair; and

WHEREAS, it is necessary to amend the Fiscal Year 2011 Operating Budget to accept these grant funds;

WHEREAS, the Office of Youth Services and Community Affairs received proceeds in the amount of One Thousand Dollars and Zero Cents (\$1,000.00) from Zycron, Inc. and Five Hundred Dollars and Zero Cents (\$500.00) from the Law Offices of Ricky Wilkins in support of the First Annual Southern Heritage Classic College Fair held on September 11, 2010 in the Pipkin Building; and

WHEREAS, the Office of Youth Services and Community Affairs received proceeds in the amount of Two Thousand Dollars and Zero Cents (\$2,000) from Methodist Healthcare, One Thousand Five Hundred Dollars and Zero Cents (1,500) from FedEx, One Thousand Dollars and Zero Cents (\$1,000) from Bud Davis Cadillac, One Thousand Dollars and Zero Cents (\$1,000) from Ms. Gale Rose, Three Thousand Dollars and Zero Cents (\$3,000) from American Snuff Company, One Thousand Dollars and Zero Cents (\$1,000) from Tri-State Bank, One Thousand Dollars and Zero Cents (\$1,000) from First Tennessee Bank, Five Hundred Dollars and Zero Cents from the Electrical Workers Local Union 474, and Two Thousand Dollars and Zero Cents (\$2,000) from the Memphis Baptist Ministerial Alliance in support of the Annual Christmas Basket Giveaway held on December 10, 2010; and

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Memphis that these proceeds in the amount of Fourteen Thousand Five Hundred Dollars and Zero Cents (\$14,500) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2011 Operating Budget be and is hereby amended by appropriating the Revenues and the Expenditures for the Office of Youth Services and Community Affairs in the amount of \$14,500 Dollars and Zero Cents (\$14,500) and that these donations will be used to further our mission to enhance and develop our youth, communities, and neighborhoods.

REVENUE

Organization	Amount
Zycron, Inc.	\$1,000
Law Offices of Ricky Wilkins	\$500
Methodist Healthcare	\$2,000
FedEx	\$1,500
Bud Davis Cadillac	\$1,000
Gale Rose	\$1,000
American Snuff Company	\$3,000
Tri-State Bank	\$1,000
First Tennessee Bank	\$1,000
Electrical Workers Local Union 474	\$500
Memphis Baptist Ministerial Association	\$2,000
Total	\$14,500

EXPENSES

Services outside	\$14,500
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**ORDINANCE TO AMEND CHAPTER 16, ARTICLE V, OF THE CITY OF
MEMPHIS, CODE OF ORDINANCES, SO AS TO ALLOW SELF-CONTAINED
MOBILE FOOD PREPARATION VEHICLES TO OPERATE IN THE CITY OF
MEMPHIS**

WHEREAS, cities across the country have enjoyed the popularity of street food and that popularity has increased over the past few years; and

WHEREAS, citizens in this community have expressed an interest in the opportunity to establish a mobile food operation venture while others have expressed the desire to have these additional food and location choices; and

WHEREAS, the Council deems it in the best interest of the citizens of Memphis that such mobile food operations be locally regulated as a matter of health and public safety, and for the general welfare of the people.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that **Section 16-176. Definitions**, is hereby amended to include the following terms and definitions:

Commissary - means any State of Tennessee licensed stationary food establishment that serves mobile food dispensers, mobile food facilities, vending machines or other food dispensing operations where (i) food, containers or supplies are stored; (ii) food is prepared or prepackaged for sale or service at other locations; (iii) utensils are cleaned; or (iv) liquid and solid wastes are disposed of or potable water is obtained.

Mobile food preparation vehicle – A mobile food preparation vehicle is any motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed or stored and used to sell and dispense food to the ultimate consumer. Mobile units must be mobile at all times during operation. The unit must be on wheels (excluding boats) at all times. Any mobile food unit that removes such wheels or becomes stationary must meet Tennessee Department of Health Regulations 1200-23-1 *et. seq.* in their entirety. This definition does not include pushcarts as regulated by city codes and prohibited from selling potentially hazardous foods by the Tennessee Department of Health, nor vehicles from which only ice cream and other frozen non-hazardous food products are sold, nor vehicles operating under a special event permit.

Menu change - means a modification of a food establishment's menu that requires a change in the food establishment's food preparation equipment, storage equipment or storage capacity previously approved by the Health Department. The term "menu change" shall include, but is not limited to, the addition of potentially hazardous food to a

menu, installation of new food preparation or storage equipment, or increasing storage capacity.

Servicing Area – A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area, there shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Section 16-184 is hereby amended to add “16-261” at the end of the section.

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 16 Section 16-178 is hereby amended to add Mobile Food Preparation Vehicles to the list of Food Establishments with an annual permit fee of \$150.00 per mobile food unit vehicle.

SECTION 4. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 16 Section 16-257 (a) is hereby amended and replaced to read as follows:

“This section shall not apply wherever huckstering or mobile food preparation vehicles are otherwise regulated in specific chapters or sections of this Code.”

SECTION 5. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 16 is hereby amended to add Section 16-261 which shall read as follows:

Section 16-261. Mobile Food Preparation Vehicles.

Mobile food preparation vehicles shall meet all applicable requirements of this article in addition to the requirements outlined as follows:

- (1) No person shall engage in the business of a mobile food preparation vehicle without first having obtained a permit required by section 16-178 of the City Code of Ordinances.
- (2) A mobile food preparation vehicle license will not be issued to a person unless the following conditions are met:
 - (a) The vehicle must be specially designed as defined as a mobile food preparation vehicle and be approved by the health authority in addition to meeting the standards as set forth in section 16-208 of the City Code of Ordinances

- (b) No person shall engage in the business of a mobile food preparation vehicle without first having obtained a commissary license or having a written commissary agreement, if required by the health authority.
 - (c) An itinerary must be provided for each vehicle prior to the first business day of each month. The Health Department must be advised of any changes immediately. Schedules/Stops must give an approximate time of arrival and departure and be accurate to within 30 minutes.
 - (d) Each mobile food preparation vehicle must display its permit number in a prominent and visible location on the vehicle.
 - (e) The driver of the truck must have a current Tennessee Driver's License, current auto insurance (including liability insurance) and current vehicle registration as required by Tennessee law and enforced by law enforcement authorities.
 - (f) The vehicle can only operate in locations where the operation of motorized vehicles is permitted under this Code.
- (3) The health officer shall adopt written rules and regulations for mobile food preparation vehicles for the purpose of interpretations of this article.

SECTION 6. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 16 is hereby amended to add Section 16 -262 which shall read as follows:

Section 16-262. Operational requirements.

- 1) Mobile food preparation vehicles shall park on private property with permission of the property owner, or on city streets, alleys and other public thoroughfares within an allowed district no less than 30 minutes and shall not exceed a total of two hours, with a minimum break of one hour, in any one block three times per day.
- (2) No sales from such vehicle shall be made between the hours of 10:00 p.m. and 6 a.m.
- (3) No mobile food preparation vehicle shall be equipped with any external electronic sound-amplifying device.
- (4) No operator of such vehicle shall park or stand such vehicle within 300 feet of a school or school playground in a residential district while school is in session, unless an agreement is established with such school.
- (5) No operator of such vehicle shall park or stand such vehicle within 300 feet of any principal customer entrance to a restaurant outside of the Central Business Improvement District (CBID). For any restaurant within the CBID, this distance

shall be 50 feet. Restaurant, for purposes of this section, means any public place at a fixed location kept, used, maintained, advertised and held out to the public as a place where food and drink is prepared and served to the public for consumption on or off the premises pursuant to the required licenses. Such establishments include, but are not limited to, restaurants, bars, lounges, coffee shops, cafeterias, dining rooms, eating houses, short order cafes, luncheonettes, grills, tearooms and sandwich shops. All measured distances and distance requirements addressed in this regulation shall be distances measured in a straight line from the nearest edge of the mobile vehicle or trailer to the nearest edge of the object from which the mobile vehicle or trailer is to be distant.

(6) No sale shall be made from such vehicle except from the curb side thereof when parked on the public street, and then only when such vehicle is legally parked.

(7) Cooking must not be conducted while the vehicle is in motion.

(8) Mobile food preparation vehicle shall be parked only at its commissary or any other location approved by the Health Department that does not violate an applicable city ordinance.

(9) No detached signs are permitted. All signs used must be permanently affixed to, or painted on, the mobile food preparation vehicle and shall extend no more than six inches from the vehicle. No sign shall flash, cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; emit visible smoke, vapor, particles, or odor; be animated or produce any rotation, motion or movement. A sign on which the message is changed electronically not more than one time per eight seconds shall not be considered to be an animated sign or a sign with movement, but is classified as a changeable copy sign. Changeable copy signs shall be permitted, but the total area of such signs on the vehicle, when parked and the vehicle is set up to operate, must not exceed 30 square feet. Any message on a changeable copy sign shall have an instantaneous change of message with no fading, fly-in, dissolve or other feature used. The change of message rate on digital signs shall be limited to no more than once every 8 seconds. No sign shall utilize any exposed incandescent lamp with a wattage of more than forty (40) watts, any revolving beacon light; or a luminance in excess of three hundred fifty (350) foot lamberts measured at the sign face.

SECTION 7. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 16 is hereby amended to add section 16-263 to read as follows:

Section 16-263

Food Requirements

- (1) All food shall be protected from contamination and the elements while being stored, prepared, displayed or sold at a mobile food preparation vehicle and during transportation to or between such establishments or vending machine locations, and so shall all food equipment, containers, utensils, food-contact surfaces and devices and vehicles, in accordance with the provisions of this chapter and the rules and regulations of the Health Department.
- (2) All foods to be used, prepared, cooked, displayed, sold, served, offered for sale or stored in a food establishment, or during transportation to or between locations shall be from sources approved by the health authorities of the point of origin and must be clean, wholesome, free from spoilage, adulteration, contamination or misbranding and safe for human consumption. The standards for judging wholesomeness for human food shall be those promulgated and amended from time to time by the United States Food and Drug Administration, United States Department of Agriculture, the Tennessee Department of Health and the Tennessee Department of Agriculture and published in the United States Code of Federal Regulations and the Tennessee Code Annotated or the Tennessee Rules and Regulations. Such laws will be adopted by reference when approved and deemed effective as of the date designated by the above government agencies or the appropriate legislative body approving such changes.
- (3) The only milk or milk products which may be used as food ingredients shall be Grade A milk or milk products from sources approved by the Health Department. All milk and fluid milk products shall be sold in the individual original containers in which they were received from the distributor and shall be stored at a temperature of 41 degrees Fahrenheit or less until sold.
- (4) Raw shellfish, including oysters, clams and mussels, with the exception of properly prepared fish for sushi, shall not be sold or distributed, unless such item has received specific authorization from the Tennessee Department of Agriculture.
- (5) All meats, meat food products, poultry and poultry products used in cooking, offered for sale, sold or prepared shall be from sources inspected and approved by the United States Department of Agriculture, the State of Tennessee Department of Agriculture or the state or local department of health and shall be plainly marked, tagged or stamped to indicate the source, and the inspection and approval.
- (6) All hermetically sealed foods shall have been processed in approved food-processing establishments. The use, preparation, display, sale or storage of home-canned foods is prohibited and no other foods which have been processed in a private home or other than in an approved food-processing

establishment shall be stored, used, kept for sale or served in a food establishment or automatic food-vending machine.

(7) The use of newspaper or any unclean paper for the purpose of wrapping food is forbidden.

(8) The Health Officer may augment such requirements when needed to assure the service of safe food and may prohibit the sale of certain potentially hazardous food.

SECTION 8. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 16 is hereby amended to add section 16-264 to read as follows:

Section 16-264 Food handler requirements

All food handlers shall meet the standards as set forth in T.C.A. § 53-8-108, Tennessee Department of Health Rules and Regulations, and City Code of Ordinance Chapter 16, Article 1, Division II, section 16-201 through section 16-203.

SECTION 9. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 16 is hereby amended to add section 16-265 to read as follows:

Section 16-265 Equipment standards.

All Mobile food preparation vehicles shall meet the standards as set forth in City Code of Ordinance Chapter 16, Article 1, Division II, section 16-213, 16-214, 16-215 and 16-216.

SECTION 10. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 16 is hereby amended to add section 16-266 to read as follows:

Section 16-266 Maintenance of premises.

All Mobile food preparation vehicles shall meet the standards as set forth in T.C.A. § 53-8-102, T.C.A. § 53-8-103, Tennessee Department of Health Rules and Regulations, and City of Memphis Code of Ordinance, Article 1, Division II, section 16-205, 16-206, 16-207, 16-209, 16-210, 16-211 and 16-212.

SECTION 11. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 16 is hereby amended to add section 16-267 to read as follows:

Section 16-267 Vehicle sanitation requirements.

- (1) Each vehicle shall be constructed so that the portions of the vehicle containing food shall be covered so that no dust or dirt will settle on the food; and such portions of the vehicles which are designed to contain food shall be at least 18 inches above the surface of the public way while the vehicle is being used for the conveyance of food
- (2) The food storage areas of each vehicle shall be kept free from rats, mice, flies and other insects and vermin. No domesticated animal birds or fowl shall be permitted in any area where food is stored; and
- (3) Hazardous non-food items such as detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food area of the vehicle.
- (4) The vehicle shall be enclosed with tops and sides.
- (5) The vehicle shall not be used for any purpose other than for the purpose described in this chapter

SECTION 12. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that Chapter 16 is hereby amended to add section 16-268 to read as follows:

Section 16-268 Zoning Districts

- (1) Mobile food preparation vehicles are allowed to operate on sites and city streets, alleys and other public thoroughfares within the Office General (OG); Commercial Mixed Use 1, 2 and 3 (CMU-1, CMU-2 and CMU-3); Central Business (CBD); Campus Master Plan – 1 and -2 (CMP-1 and CMP-2); Employment (EMP); Warehouse and Distribution (WD) and Heavy Industrial (IH) zoning districts; the South Central Business Improvement Special Purpose District (SCBID) and the Mixed Use (MU), Neighborhood Center Overlay (NC), Uptown Hospital (UH) and Uptown Light Industrial (ULI) districts of the Uptown Special Purpose District. In addition, mobile food preparation vehicles are allowed to operate on public and private school sites within residential zoning districts with written authorization from the school.
- (2) Mobile food preparation vehicles must operate at least 1,000 feet from permitted special events locations and the mobile food preparation vehicle shall not operate within 2 hours before or after a scheduled, permitted event, unless the vendor has received specific authority to operate from the event officials.
- (3) Approval to operate a mobile food preparation vehicle within all residential and residential work districts, or parks, except as provided below, shall require approval of a special use permit from the Land Use Control Board and the legislative body, subject to the provisions of Chapter 9.6 of the Memphis and Shelby County Unified Development Code.

- a. Mobile Food Vendors shall be authorized to operate in any park under a management agreement with the City or County Government under terms and conditions established by those entities authorized by the City or County for such park management activities as to times and locations within the park for such vendors.
- b. Written authorization for activities within such parks by the management group shall be provided by the food vendor when it submits the itinerary required to be submitted to the Health Department in Section 16-261(2)(c) at the beginning of each month.

SECTION 6. 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 7. BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

Myron Lowery
Chairman of the Council

Jim Strickland

Attest
Comptroller

RESOLUTION AMENDING THE PERMANENT RULES OF PROCEDURE OF THE
MEMPHIS CITY COUNCIL BY PROVIDING FOR GUIDELINES FOR SPEAKER
DECORUM WHEN ADDRESSING THE MEMPHIS CITY COUNCIL

WHEREAS, the Memphis City Council appreciates input from citizens and recognize that they were elected to serve the residents of our great city; and

WHEREAS, the rules of procedure currently allow citizens to address the Council on items listed on the agenda or to bring up additional topics at the end of each meeting; and

WHEREAS, some citizens can become quite impassioned when addressing the Council; and

WHEREAS, the current Rules of Procedure do not outline unacceptable behavior or language for individuals addressing the Council; and

WHEREAS, from time to time it becomes necessary to amend said rules in the interest of time and efficiency and it is proper that such amendments be officially approved by the legislative body.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Council Rules of Procedure, as presently adopted, be and the same are hereby amended to add the following:

28. Speakers will conduct themselves in an orderly manner. Personal references, derogatory statements of a personal nature, obscenities, profanity, and name-calling are not permissible. The Chairman will have the authority to terminate the remarks of any individual who does not adhere to the above rules or chooses to be abusive to an individual Council member or of the Council as a whole.

BE IT FURTHER RESOLVED that the Rules of Procedure are amended to add the following:

33. Speakers will conduct themselves in an orderly manner. Personal references, derogatory statements of a personal nature, obscenities, profanity, and name-calling are not permissible. The Chairman will have the authority to terminate the remarks of any individual who does not adhere to the above rules or chooses to be abusive to an individual Council member or of the Council as a whole.

BE IT FURTHER RESOLVED that the Rules of Procedure, as amended above, be and the same are hereby approved and adopted by the council.

WANDA HALBERT
Council Member

CITY COUNCIL RESOLUTION

WHEREAS, the Memphis City Council is empowered to make its own Rules of Procedure to ensure orderly and consistent functioning of the Council and fair treatment of all items and individuals that come before the body; and

WHEREAS, from time to time it is in the best interest of the City of Memphis for the Council to take immediate action on an agenda item and finalize the act by approving the minutes of agenda item the same evening, however the Council must safeguard against routinely using this method and reserve it for times when an emergency may arise or there exists a quantifiable benefit to the City of Memphis or another party that will be lost as a result of the delay of action by the Council.

NOW, THEREFORE BE IT RESOLVED, by the Memphis City Council that meeting minutes for an item may be approved at the same the meeting the Council votes on the item upon agreement of two-thirds (2/3) of those Councilmembers present in Executive Session on that day.

BE IT FURTHER RESOLVED, that the Rules of Procedure of the Memphis City Council be amended as follows:

36. b. On occasion should an emergency arise or a quantifiable benefit to the City of Memphis or another party will be lost as a result of the delay of action by the Memphis City Council, meeting minutes for an agenda item may be approved at the same meeting. In order to approve an agenda item and minutes for that item the same evening, a Councilmember shall request in Executive Session by motion and approval of two-thirds (2/3) of Councilmembers present and voting in Executive Session on that day that those minutes be approved the same evening.

KEMP CONRAD
Memphis City Council