

## CITY COUNCIL RESOLUTION

**WHEREAS**, tourism is one of the largest, most important, and growing sectors of our economy and the economic impact in Memphis and Shelby County is widely known; as of February 2013, Memphis boasts more than 10 million visitors a year, 25,000 jobs in tourism and hospitality with a \$590 million payroll, \$3.1 billion in visitor expenditures, and \$127.4 million in local and state taxes; over 4 million visitors go to Beale Street Historic District each year, making it the most visited attraction in Tennessee; and

**WHEREAS**, the Memphis Rock 'n' Soul Museum is the only museum which tells the complete story of Memphis music history, as researched by the Smithsonian Institution; A Memphis Must See, the museum tells of the musical pioneers and legends of all racial and socio-economic backgrounds who, for the love of music, overcame obstacles to create the musical sound that changed the world; Rock 'n' Soul teams up with several other Memphis tourist attractions to offer visitors a fun, educational and comprehensive Memphis music experience; and

**WHEREAS**, Beale Street must expand geographically to the east and west as well as become more vibrant and grow activity, particularly for families, during the daytime hours to drive lunch and retail traffic; Beale Street needs to further develop the museum system on the street to tell its story; 26 of the current 38 Memphis Music Hall of Fame inductees have direct ties to Beale Street; and

**WHEREAS**, the Memphis Rock and Soul Museum, administrators of the Memphis Music Hall of Fame established in 2012, are working to expand to include the Hall of Fame in their scope and will operate it, curate it, and build and an information center that will promote all the Beale Street merchants and provide a better access / starting point for all local tours; and the new museum will donate a minimum of 1,000 comp admissions to Memphis Title I School students each year; and

**WHEREAS**, the new Memphis Rock and Soul Museum / Memphis Music Hall of Fame will locate above the future Memphis Hard Rock Café location at 126 Beale Street (formerly Elvis Presley's Memphis); the museum administrators have raised over half the funds already and are seeking a match from the City of Memphis.

**NOW, THEREFORE BE IT RESOLVED**, by the Memphis City Council, that \$250,000 from the Midtown Corridor Study funds be allocated and appropriated to the Memphis Rock and Soul Museum for the purposes of expanding the museum, establishing a physical home for the Memphis Music Hall of Fame, and relocation to 126 Beale Street.

Myron Lowery  
Memphis City Council



## Memphis City Council Summary Sheet

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

A resolution amending the FY2014 Capital Improvements Budget by transferring an allocation to cover design expenses in the amount of \$100,000 and appropriating a total of \$1,000,000 funded by G O Bonds – General in CIP Project number GS01007, to fund the roof replacement at the Police-CSI building.

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

General Services

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

Does not change an existing ordinance or resolution

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

Requires a new contract

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

A budget amendment is needed due to appropriate and transfer of funds.

City Council Resolution – GS01007 Major Modification



**A Resolution to transfer and appropriate FY14 funds for roof replacement at the Police-CSI building.**

**WHEREAS**, the Council of the City of Memphis did include the Major Modification/Improvements to Property, Project number GS01007, as part of the FY 2014 Capital Improvement Program budget; and

**WHEREAS**, General Services – Property Maintenance periodically has to make repairs or improvements to various City facilities per the approved FY2014 Major Modification CIP; and

**WHEREAS**, the CSI unit processes and secures evidence at the scene of major crime is dire need of full roof replacement, and

**WHEREAS**, it is necessary to amend the FY2014 Capital Improvements Budget by transferring an allocation to cover design expenses in the amount of \$100,000 in Major Modification/Improvement to Property, CIP Project number GS01007, funded by G O Bonds General, from Contract Construction to Architecture and Engineering; and

**WHEREAS**, it is necessary to appropriate a sum of \$1,000,000 funded by G O Bonds – General in Major Modifications/Improvements to Property, CIP Project number GS01007, to fund the roof replacement at the Police-CSI building.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the FY 2014 Capital Improvement Program Budget be and is hereby amended by transferring an allocation of \$100,000 from Contract Construction to Architecture and Engineering funded by G O Bonds – General in Major Modifications/Improvements to Property, CIP Project Number GS01007; and

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$1,000,000 funded by G O Bonds – General in Major Modifications/Improvements to Property, CIP Project Number GS01007 and credited as follows:

<b>Project Title:</b>	Major Modifications/Improvements to Property
<b>Project Number:</b>	GS01007
<b>Amount:</b>	\$1,000,000

## City Council Resolution



### **A Resolution approving the sale of 0 Klinke Road**

**WHEREAS**, the City of Memphis is the owner of property acquired by Warranty Deed in Instrument Number V84410, in October 1984, from International Harvester. The Property is located at 0 Klinke Rd located in the County of Shelby further described as Parcel # 069074 00022. The City no longer has a need for the property and has declared it surplus property; and

**WHEREAS**, Fullen Dock & Warehouse, Inc. is desirous of purchasing 0 Klinke Road. The appraised value of the property was \$200,000.00. Fullen Dock & Warehouse, Inc, has submitted an offer of \$200,000.00 along with \$20,000.00 as earnest money; and

**WHEREAS**, the sale of 0 Klinke will increase the City's General Fund, generate tax revenue, and eliminate blight and maintenance cost for the City of Memphis; and

**WHEREAS**, it is deemed to be in the best interest of the Citizens of the City of Memphis and County of Shelby that said sale be accepted subject to City Ordinance 2-291 as well as the terms and conditions in the Offer to Purchase.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the offer made by Fullen Dock & Warehouse, Inc. in the above described property be hereby accepted subject to the City Ordinance 2-291 which states in part, "the City Real Estate Manager shall be authorized to convey property to a selected adjacent property owner, without necessity of competitive bidding, for approval by the City Council with one reading under the following circumstances: ... the selected adjacent property owner is willing and capable or paying the value of the adjacent property to be acquired based on valuation determined by the City Real Estate Department."

**BE IT FURTHER RESOLVED**, that subject to the Ordinance, the City of Memphis Real Estate Department shall prepare and arrange for the execution of the quit claim deed, and any other documents incidental to the completion of the transfer, and the Mayor of the City of Memphis is hereby authorized to execute said deeds or any other documents necessary to complete the sale and conveyance.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ESTABLISHING A SCHEDULE OF CHARGES FOR COPIES  
AND DUPLICATION OF PUBLIC RECORDS PURSUANT TO  
THE TENNESSEE PUBLIC RECORDS ACT**

**WHEREAS**, the Tennessee Public Records Act ("TPRA") grants Tennessee citizens the right to request a copy of a public record to which access is granted under state law; and

**WHEREAS**, Section 10-7-503(a)(7)(A) of the TPRA, expressly prohibits a records custodian from charging a fee for inspection under the TPRA unless otherwise required by law; and

**WHEREAS**, Section 10-7-506 of the TPRA authorizes records custodians to charge for copies or duplication pursuant to properly adopted reasonable rules as authorized by the governmental entity's governing authority; and

**WHEREAS**, the City of Memphis feels that the costs of retrieving, reviewing, producing, redacting and removing confidential or exempt information as allowed by law and copying same should not be borne by the taxpayers, but should be paid by the requesting party; and

**WHEREAS**, under the City's Charter, the City Council, as the City's legislative body, is required to adopt all policies governing the receipt and disbursement of funds by the City; and

**WHEREAS**, in accordance with the TPRA, the Memphis City Council has determined the need to establish a schedule of reasonable charges for copies and duplication of public records.

**SECTION 1. NOW THEREFORE, BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL**, that there is hereby established a Schedule of Charges for Copies and Duplicates of Public Records which shall provide as follows:

**A. Purpose.** The City of Memphis and its employees shall:

1. Comply with the Tennessee Public Records Act (T.C.A. § 10-7-503 *et seq.*) by permitting the inspection and copying of the public records of the City Government.
2. Provide any citizen of Tennessee the opportunity to inspect all records of the City Government that are not confidential, exceptions to the Tennessee Public Records Act, or otherwise protected from disclosure by law.
3. Provide citizens of Tennessee the opportunity to copy or have provided to them a copy of records of the City Government that are not confidential, exceptions to the Tennessee Public Records Act, or otherwise protected from disclosure by law for a fee in compliance with state law that recovers for the City Government the actual cost of producing and delivering the copies.

**B. Definitions.** For purposes of this section:

1. "Confidential record" means any record, or part of a record, which is defined by the Tennessee Public Records Act, or other state or federal law, as being exempt from public inspection, including, but not limited to, those records listed in T.C.A., § 10-7-504.
2. "Labor" means the time reasonably necessary to produce the requested records and includes the time spent locating, retrieving, reviewing, redacting and reproducing records.
3. "Public record or records" means all written or electronically created or stored documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the City of Memphis Government or as may further be defined in T.C.A. § 10-7-301(6).
4. "Open Records Coordinator" means the individual designated by the administration to process all requests related to public records and information and shall also include the Open Records Coordinator's designee(s).

### **C. Schedule of Charges.**

1. **Inspection.** There is generally no charge assessed to a requester for inspecting a public record. However, when a public record must be redacted prior to such inspection for purposes of excluding confidential information or information otherwise protected from disclosure by law, the requestor may be charged the copying and labor costs associated with such redaction. In the event the document was retrieved from archives or any other entity having possession of the record for purposes of making the record available for inspection, the requestor may also be charged the actual cost incurred by the City to make the record available.
  
2. **Copy Charges.** Charges for physical copies of records may be imposed by the City as follows:
  - a. Standard 8 ½ x 11 or 8 ½ x 14 black and white copy: \$.15 per page for each produced.
  - b. Standard 8 ½ x 11 or 8 ½ x 14 color copy: \$.50 per page for each produced, if color copy is requested after being advised of the increased charge.
  - c. Accident reports: \$.15 per page for each standard 8 ½ x 11 or 8 ½ x 14 black and white copy produced.
  - d. Maps, plats, electronic data, audio discs, video discs, and all other materials not otherwise specified shall be charged the actual cost to the City to duplicate.
  - e. The estimated cost of providing copies requested shall be calculated by the Open Records Coordinator and explained to the requestor. Should a requestor cancel the public records request, to the extent costs have been incurred by the City, the requestor shall be responsible for paying the costs incurred. The requestor shall have agreed in writing to make the payment as set out in this section and as explained to the requestor before the copies are made.
  
3. **Labor Charges.** The Open Records Coordinator may charge the requestor for employee labor that is reasonably necessary to produce the requested records. However, no charge shall accrue for the first one (1) hour incurred by personnel in producing the

requested material. Requests for copies of records may not be separated into multiple requests for the same information in order to qualify for the first fee hour. Costs are charged based on the hourly wage of the employee(s) (not including benefits). For salaried employees, the hourly wage is determined by dividing the employee's annual salary by the required hours to be worked per year (salary/ [52 weeks per year x hours worked per week]). The Open Records Coordinator shall determine the number of hours each employee spent producing a request and then subtract one (1) hour from the highest paid employee. The Open Records Coordinator will then multiply each employee's hourly wage by the total number of labor hours worked by that employee. Finally, the total labor hours for all employees will be added together to determine the total labor amount to charge.

4. Delivery Charges. Requestors will retrieve requested records by hand delivery when they return to the custodian's office. If the requestor requests delivery by means of the United States Postal Service, or through any other delivery means agreed to by the Open Records Coordinator, costs incurred in delivering the copies will be assessed in addition to other permitted charges. The requestor shall pay the costs before the copies are provided to the requestor.
5. Reduction or Waiver of Costs. The Open Records Coordinator has discretion to reduce or waive payment of costs if the requesting party is indigent or if the administrative cost of collecting the payment is greater than the cost of providing the copies. A decision to reduce or waive costs shall be made in such manner so as to be in the best interests of the City, shall be in compliance with all federal, state, and local laws, shall be made with complete impartiality and shall not be made in a way to give the appearance of preferential treatment. However, the Open Records Coordinator may waive any or all payment by Public Officials where the waiver is in the best interest of the City.
6. Commercial Reproduction of Copies.
  - (a) Where it is not practical or possible for the City's copying equipment to prepare the copies of the records requested, the Open Records Coordinator shall immediately notify the requestor. The requestor may then request the Open Records Coordinator to determine and advise the requestor of the estimated cost to

commercially reproduce a copy of the records. After the requestor pays the estimated commercial reproduction costs, the Open Records Coordinator shall arrange the commercial reproduction of the documents for the requestor. The requestor shall pay any costs exceeding the estimated cost before the copies are provided to the requestor.

(b) Where it is not reasonably possible for the Open Records Coordinator to prepare the copies within the time frame the requestor needs, the Open Records Coordinator shall immediately notify the requestor. The requestor may then request the Open Records Coordinator to determine and advise the requestor of the estimated cost to commercially reproduce a copy of the records. After the requestor pays the estimated commercial reproduction costs, the Open Records Coordinator shall arrange the commercial reproduction of the documents for the requestor. The requestor shall pay any costs exceeding the estimated cost before the copies are provided to the requestor.

7. Archived Records. Where the Open Records Coordinator will be assessed a charge to retrieve requested records from archives, or any other entity having possession of the requested records, the Open Records Coordinator shall immediately notify the requestor. After the requestor pays the estimated retrieval costs, the Open Records Coordinator shall arrange for the retrieval and reproduction of the documents for the requestor. The requestor shall pay any costs exceeding the estimated cost before the copies are provided to the requestor.
8. Special Formatting. The Open Records Coordinator shall give the requestor the option of receiving information in any format in which it is maintained by the City, including electronic format consistent with Tennessee Code Title 10, Chapter 7, Part 1. In the event a requestor makes a request for a record or information in a specific format in which such information is not currently maintained by the City, a charge equivalent to the actual costs incurred by the City for such special formatting shall be borne by the requestor.
9. Large-Volume Requests. When large-volume requests are involved, the Open Records Coordinator shall provide the information in the most efficient and cost effective manner,

including but not limited to permitting the requestor to provide copying equipment or an electronic scanner when reasonable.

**D. *Annual Review of Costs.*** The schedule of charges provided herein shall be reviewed at least annually by the Council for proposed modifications or as otherwise determined as needed upon request of the administration.

**E. *Payment of Charges.*** All payments to be made hereunder by the requestor shall be tendered as directed by the Open Records Coordinator.

**SECTION 2. BE IT FURTHER ORDAINED,** That this Council hereby ratifies all charges for copies and duplication of public records authorized by state law or regulation and imposed by the City prior to the adoption of this Ordinance.

**SECTION 3. BE IT FURTHER ORDAINED,** That the various sections of this Ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

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

JIM STRICKLAND  
Chairman of the Council

Attest:  
Comptroller