

# City of Memphis

TENNESSEE

A C WHARTON, JR.  
MAYOR

June 18, 2013

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

Dear Chairman Flinn:

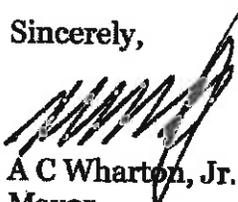
Subject to Council approval, it is my recommendation that:

**John Vergos**

be reappointed to the Memphis Area Transit Authority with a term expiring  
June 30, 2015.

I have attached biographical information.

Sincerely,



A C Wharton, Jr.  
Mayor

ACW/lar

c: Council Members

Fax to Lois 901-576-6018



# City of Memphis

## BIOGRAPHICAL INFORMATION APPOINTMENT TO BOARD/COMMISSION

Marta  
BOARD/COMMISSION

Name: John C. Vergos Race W M  F

E-Mail Address: jcvergos@yahoo.com 901-525-7688

Profession/Employer: The Rendezvous

Business Address: 52 S. Second St 38103 Phone: 901-523-2746

Education: BA - SME (1970) JD (Univ of Memphis School)

Name of Spouse: Ellen B. Vergos Number of Children: 3 Dec. 1973

Home Address: 671 West Dr. Phone: 901-323-9094

City: Mphis State: TN Zip: 38103 38112

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? 66 years

Professional Organization/Associations:  
Memphis & Shelby County Bar Assn.  
Memphis Restaurant Assn.

Other Organizations/Associations:  
Med Board

Other Interests:  
Public Transportation, Golf, Reading, Traveling

Signature John C. Vergos 6/5/13

**John Vergos**  
671 West Drive, Memphis, TN 38112

**EDUCATION:**

- Graduated from White Station High School - 1966
- BA degree from SMU - 1970
- JD degree from University of Memphis- 1973

**PUBLIC SERVICE:**

- Served 8 years on the Memphis City Council - 1996-2004
- Practice Law for 13 years. 1974-1987. Licensed to practice in all State and Federal Courts including The United States Supreme Court

**CIVIC HISTORY:**

- Original Chairman of the Penal Farm For Public Use Committee 1971-1974. This committee kept Shelby Farms from being sold for development.
- Original organizer and attorney for Timpani Condominiums, 1976. This was the first downtown condominium development in downtown Memphis. This won the AIA for renovation.
- First class of Leadership Memphis 1977.
- Plough Park Advisory Committee - Vice Chairman 1976- 1981

**POLITICAL HISTORY:**

- Campaign Chairman for Pam Gaia State Legislative Race 1976.
- Co-Campaign Chairman Otis Higgs for Mayor 1979.
- Shelby County Campaign Chairman - Bredesen for Governor 1992

**WORK EXPERIENCE:**

- Presently owner operator of The Rendezvous Restaurant and Vergos International Products, Inc. ( Rendezvous Shipping)

**WRITINGS :**

Numerous articles for the Memphis Flyer, Commercial appeal, and Downtowner magazine.

**MEMPHIS AREA TRANSIT AUTHORITY  
9 MEMBER BOARD  
Oath of Office Required  
3 YEAR TERM**

<b>MEMBERS</b>	<b>ADDRESS</b>	<b>TERM EXPIRES</b>
<b>Karl Birkholz</b> M/W	Home Address: 8560 Old Creek Road Memphis, TN 38125 Res: 901.755.3167 E-mail: <a href="mailto:kbirkhol@midsouth.rr.com">kbirkhol@midsouth.rr.com</a>	<b>JANUARY 31, 2011</b>
<b>Mattie Carter</b> F/B	Home Address: 176 Clower Road Memphis, TN 38109 Res: 901.789.2855	<b>JUNE 30, 2008</b>
<b>Andre Gibson</b> M/B	Home Address: 314 Clower Road Memphis, TN 38109 Res: 679-3837 Wk: 272-6542 <a href="mailto:andregibson@gmail.com">andregibson@gmail.com</a>	<b>FEBRUARY 7, 2015</b>
<b>Sean Healy</b> M/W	Home Address: 1850 Cowden Ave. Memphis, TN 38104 Res: 901.489.8573 Wk: 901.434.9135 <a href="mailto:shealy@fedex.com">shealy@fedex.com</a>	<b>SEPTEMBER 30, 2013</b>
<b>Dr. Fred Johnson</b> M/B (Resigned)	Home Address: 8890 Bridlewood Ln. Cordova, TN 38016 Res: 901.751.4005	<b>AUGUST 31, 2011</b>
<b>Marion 'Dale' McClendon</b> M/B	Home Address: 2429 Hawkhurst St. Memphis, TN 38119 Res: 901.652.2312	<b>JANUARY 22, 2011</b>
<b>Charles Pickard</b> M/W	Home Address: 1617 Faxon Ave. Memphis, TN 38112 491-3354 <a href="mailto:cpickard@mrdcinfo.org">cpickard@mrdcinfo.org</a>	<b>August 24, 2013</b>
<b>John Vergos</b> M/W (replaced Richard Walker)	Home Address: 671 West Drive Memphis, TN 38112 Res. 901.323.9094	<b>June 30, 2012</b>
<b>vacant</b>		<b>JANUARY 31, 2013</b>



## Memphis City Council Summary Sheet

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

A resolution for the City of Memphis to purchase and demolish the property located at 6511 Honeybrook, Memphis, Tn 38134 Parcel ID# 089049 00002 pursuant to the resolution adopted by City Council on October 16, 2012 for the FEMA/TEMA Mitigation Grant Program (HMGP). This resolution will also appropriate funding for the demolition of the property by Public Works, Heavy Equipment Services

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

Engineering – At the request of the Administration

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

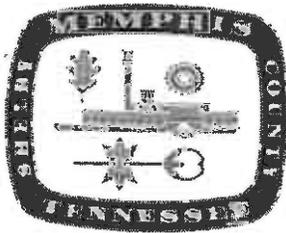
There will be no changes to existing ordinance.

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

N/A

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

The process will require an expenditure of funds in the amount of approximately \$108,100.00.



**A resolution for the City of Memphis to purchase and demolish the property located at 6511 Honeybrook, Memphis, Tn 38134 Parcel ID# 089049 00002 pursuant to the resolution adopted by City Council on October 16, 2012 for the FEMA/TEMA Mitigation Grant Program (HMGP).**

**WHEREAS**, a resolution was passed on Oct 16, 2012 authorizing the acceptance of FEMA/TEMA Hazard Mitigation Grant Program (HMGP) funds from the May 2010 Presidential Declared Disaster for the acquisition and demolition of a severely damaged residence and for the creation of a new project, FEMA Acquisition #1909 055, project number ST03157; and

**WHEREAS**, a grant was accepted in the amount of \$94,587.50 funded by the HMGP; and

**WHEREAS**, the Fiscal Year 2013 Capital Improvement Budget was amended by establishing an allocation amount from the HMGP of \$94,587.50 (Total Planning \$75,775.50 and Total Construction \$18,812.50) and the City's matching by G.O. Bonds –General (Storm water) of \$13,512.50 (Total Planning \$10,825.00 and Total Construction \$2,687.00) for a total of \$108,100.00 ; and

**WHEREAS**, a qualifying property has been identified located at 6511 Honeybrook, Parcel ID# 089049 00002 and qualifies for the FEMA Property Acquisition Program; and

**WHEREAS**, the property owner, Mrs. Deborah Keller, voluntarily agrees to the sell the property to the City of Memphis; and

**WHEREAS**, the City has agreed to certain conditions and restrictions which shall apply in perpetuity pursuant to the FEMA Property Acquisition Program; and

**WHEREAS**, it is necessary to appropriate grant funds in the amount of \$94,587.50 (Total Planning \$75,775.50 and Construction \$18,812.50) funded by Hazard Mitigation Grant Program and the City's match funded by G.O. Bonds–General (Storm water) in the amount of \$13,512.50 (Total Planning \$10,825.00 and Total Construction \$2,687.00) for a total of \$108,100.00 in FEMA Acquisition #1909 055, project number ST03157.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the purchase and demolition of the aforementioned property be hereby accepted for the purpose of the HMGP.

**BE IT FURTHER RESOLVED**, that the City of Memphis Real Estate Department shall prepare and the Mayor of the City of Memphis is hereby duly authorized to execute such documents as may be necessary to close this sale on behalf of the City.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$94,587.50 (Total Planning \$75,775.50 and Construction \$18,812.50) funded by Hazard Mitigation Grant Program and the City's match funded by G.O. Bonds –General (Storm water) in the amount of \$13,512.50 (Total Planning \$10,825.00 and Total Construction \$2,687.00) chargeable to the FY14 Capital improvement Budget as follows:

Project Title: FEMA Acquisition #1909 055  
Project Number: ST03157  
Amount: \$108,100.00



## Memphis City Council Summary Sheet

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

This resolution amends the Fiscal Year 2013 Capital Improvement Budget by transferring and appropriating funds for Traffic Signal Improvements to the intersection of Covington Pike and Pleasant View Rd.

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

This project is being initiated by the Division of Engineering.

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

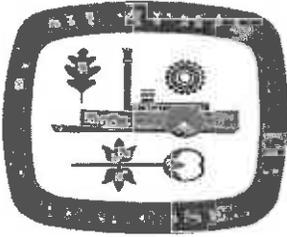
This project does not involve a change to an existing ordinance or resolution.

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

This traffic signal project will require a new contract.

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

A new contract and expenditure of funds are required.



*A Resolution appropriating Construction Funds for EN01042 – Traffic Signal improvements to the intersection of Pleasant View Rd. and Covington Pike.*

**WHEREAS**, the Council of the City of Memphis did include Traffic Signals, Project Number EN01004 as part of the Engineering Fiscal Year 2013 Capital Improvement Budget; and

**WHEREAS**, bids were taken on June 7, 2013 for Traffic Signal Improvements to the Intersection of Pleasant View Rd. and Covington Pike with the lowest complying bid being \$226,883.95 submitted by McCrory Electric Company; and

**WHEREAS**, it is necessary to transfer an allocation of \$250,000.00 funded by G.O. Bonds – from Traffic Signals, Project Number EN01004 to Traffic Signal Improvements to the intersection of Pleasant View Rd. and Covington Pike, Project Number EN01042; and

**WHEREAS**, it is necessary to appropriate \$250,000.00 funded by G.O. Bonds in Traffic Signal Improvements to the intersection of Pleasant View Rd. and Covington Pike, Project Number EN01042 as follows:

<b>Contract Amount</b>	<b>\$226,883.95</b>
<b>Project Contingencies</b>	<b><u>\$23,116.05</u></b>
<b>Total Amount</b>	<b>\$250,000.00</b>

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2013 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$250,000.00 funded by G.O. Bonds from Traffic Signals, Project Number EN01004 to Traffic Signal Improvements to the intersection of Pleasant View Rd. and Covington Pike, Project Number EN01042.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$250,000.00 funded by G.O. Bonds and chargeable to the Fiscal Year 2013 Capital Improvement Budget and credited as follows:

<b>Project Title</b>	<b>Traffic Signal improvements to the Intersection of Pleasant View Rd. and Covington Pike</b>
<b>Project Number</b>	<b>EN01042</b>
<b>Total Amount</b>	<b>\$250,000.00</b>



## Memphis City Council Summary Sheet

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

Appropriating and encumbering construction funds for the Central Avenue Pedestrian Enhancements (U of M Crosswalk project). Also, transferring and appropriating \$350,000 from the construction line item to the A/E line item to pay for Construction Engineering and Inspection (CEI) services. Funding for the project is being provided by Tennessee Department of Transportation (TDOT) grant money (\$1,083,365) and Tennessee board of Regents (TBR) funds (\$893,740). This does not require any new G.O. Bond money from the City of Memphis.

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

Engineering

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

none

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

This requires a new construction contract and A/E contract.

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

This does not require the expenditure of any additional City funds.

Resolution appropriating construction funds for the Central Avenue Pedestrian Enhancements (U of M Crosswalk project). Also, transferring and appropriating \$350,000 from the construction line item to the A/E line item to pay for Construction Engineering and Inspection (CEI) services. Funding for the project is being provided by Tennessee Department of Transportation (TDOT) grant money (\$1,083,365) and Tennessee board of Regents (TBR) funds (\$893,740). This does not require any new G.O. Bond money from the City of Memphis.

**WHEREAS**, the Council of the City of Memphis did include U of M Crosswalk, project number PW04029 as part of the Fiscal Year 2014 Capital Improvement Budget; and

**WHEREAS**, bids were taken on June 7, 2013 for Central Avenue pedestrian enhancements with the lowest complying bid of two bids being \$1,396,168.65 submitted by White Contractors; and

**WHEREAS**, it is necessary to appropriate \$1,627,105 funded by the State of Tennessee Department of Transportation (\$1,083,365) and the Tennessee Board of Regents (\$543,740) for U of M Crosswalk, project number PW04029 as follows:

<b>Contract Amount</b>	<b>\$1,396,169</b>
<b>Project Contingencies</b>	<b><u>230,936</u></b>
<b>Total Amount</b>	<b>\$1,627,105</b>

**WHEREAS**, it is necessary to amend the Fiscal Year 2014 Capital Improvement Budget by transferring an allocation of \$350,000.00 from Contract Construction to Architecture and Engineering, and appropriating in U of M Crosswalk, project number PW04029 for construction engineering and inspection (CEI) services.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2014 Capital Improvement Budget be amended by transferring an allocation of \$350,000.00 from Contract Construction to Architecture and Engineering in U of M Crosswalk, project number PW04029.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$1,627,105 funded by the State of Tennessee (\$1,083,365) and the Tennessee Board of Regents (893,740) chargeable to the Fiscal Year 2014 Capital Improvement Budget and credited as follows:

<b>Project Title</b>	<b>U of M Crosswalk</b>
<b>Project Number</b>	<b>PW04029</b>
<b>Total Amount</b>	<b>\$1,977,105.00 (A/E \$350,000 and Construction \$1,627,105)</b>



## Memphis City Council Summary Sheet Instructions

### Resolution for FY14 CIP Street Resurfacing recoveries for Public Works, Street Maintenance

- This resolution is for the fiscal year 2014 CIP and funds the paving operations performed by Public Works or directly by the Street Maintenance department.
- This is part on yearly CIP budget process whereby Public Works, Street Maintenance receives funding from CIP in order to pave City streets.
- This has no impact to any current ordinance or resolution.
- This resolution indirectly funds several contracts as the funds recovered by the CIP allow Street Maintenance to purchase the various materials used to produce asphalt for paving. These materials are generally bid and purchased under contracts.
- This resolution recovers \$6,500,000 from the FY14 CIP budget, providing funding for Street Maintenance personnel as well as materials and supplies.

This resolution is for the Fiscal Year 2014 CIP and funds the paving operations performed by Public Works or directly by the Street Maintenance department.

**WHEREAS**, the Council of the City of Memphis approved Asphalt Paving, project number PW01040 as part of the Fiscal Year 2014 Capital Improvement Budget; and

**WHEREAS**, \$6,500,000 is needed for the paving operations performed by Public Works or directly by the Street Maintenance department; and

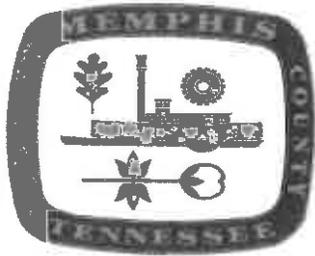
**WHEREAS**, it is necessary to transfer an allocation of \$6,500,000 funded by GO Bonds – General from Asphalt Paving PW01040 to FY14 Asphalt Paving, project number PW01248 needed for the paving operations performed by Public Works or directly by the Street Maintenance department; and

**WHEREAS**, it is necessary to appropriate \$6,500,000 funded by GO Bonds - General for FY14 Asphalt Paving, project number PW01248.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2014 Capital Improvement Budget be and is hereby amended by transferring an allocation of \$6,500,000 funded by G O Bonds - General from Asphalt Paving, project number PW01040 to FY14 Asphalt Paving, project number PW01248 needed for the paving operations performed by Public Works or directly by the Street Maintenance department.

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$6,500,000 in G O Bonds - General chargeable to the Fiscal Year 2014 Capital Improvement Budget and credited as follows:

<b>Project Title:</b>	<b>FY14 Asphalt Paving</b>
<b>Project Number:</b>	<b>PW01248</b>
<b>Amount:</b>	<b>\$6,500,000</b>



## Memphis City Council Summary Sheet

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

This item is a Resolution approving an amendment of a lease agreement with Mid-South Milling Company, Inc. to add eleven (11) successive five (5) year terms to renew on an automatic basis. The resolution was approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on May 15, 2013.

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

Memphis and Shelby County Port Commission

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

This is not a change to an existing ordinance or resolution.

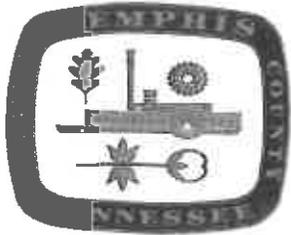
**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

This amends the lease agreement dated May 3, 1991. The amendment extends the lease agreement for eleven (11) successive five (5) years on an automatic basis. In the case of non-renewal Lessee must notify Lessor with a written notice.

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

This does not require expenditure of funds nor a budget amendment.

City Council Resolution Template – 8-28-12



**A Resolution to Approve Amendment to Lease Agreement  
with Mid-South Milling Company, Inc., as Approved by the Board of  
Commissioners of the Memphis and Shelby County Port Commission on May 15,  
2013.**

**WHEREAS**, Mid-South Milling Company, Inc. ("Lessee") leases from the Memphis and Shelby County Port Commission certain property located on Presidents Island, by virtue of a lease dated May 3, 1991; and

**WHEREAS**, such Lease has since been amended as set out in such instruments; and

**WHEREAS**, Lessee has requested the Lease be again amended so as to provide for eleven (11) successive five (5) year terms to renew on an automatic basis, absent written notice of non-renewal; and

**WHEREAS**, such proposed amendment is in the best interest of the Memphis and Shelby County Port Commission as well as the City of Memphis and County of Shelby as it promotes the continued leasing of such property by Lessee and the payment of rental therefor.

**NOW, THEREFORE, BE IT RESOLVED** by the Memphis and Shelby County Port Commission that the proposed Third Amendment with Mid-South Milling Company, Inc. be approved.

**BE IT FURTHER RESOLVED**, By the Council of the City of Memphis that the appropriate officials of the City of Memphis be hereby authorized to execute same.

**BE IT FURTHER RESOLVED**, That this action is subject to concurrence by Shelby County.

## PORT COMMISSION RESOLUTION

WHEREAS, Mid-South Milling Company, Inc. ("Lessee") leases from the Memphis and Shelby County Port Commission certain property located on Presidents Island, by virtue of a lease dated May 3, 1991; and

WHEREAS, such Lease has since been amended as set out in such instruments; and

WHEREAS, Lessee has requested the Lease be again amended so as to provide for eleven (11) successive five (5) year terms to renew on an automatic basis, absent written notice of non-renewal; and

WHEREAS, such proposed amendment is in the best interest of the Memphis and Shelby County Port Commission as well as the City of Memphis and County of Shelby as it promotes the continued leasing of such property by Lessee and the payment of rental therefor.

NOW, THEREFORE, BE IT RESOLVED by the Memphis and Shelby County Port Commission that the proposed Third Amendment with Mid-South Milling Company, Inc. be approved. The appropriate officials are authorized to execute same.

BE IT FURTHER RESOLVED that the City of Memphis and County of Shelby are respectfully requested to approve said Contract.

I hereby certify that the foregoing is a true copy and said document was adopted/granted by the Memphis and Shelby County Port Commission on the 15<sup>th</sup> day of May, 2013.

  
Secretary/Treasurer



## Memphis City Council Summary Sheet

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

This item is a Resolution approving an amendment of a lease agreement with Petty Real Estate, Inc. to add eleven (11) additional five (5) year terms to renew on an automatic basis. The resolution was approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on May 15, 2013.

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

Memphis and Shelby County Port Commission

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

This is not a change to an existing ordinance or resolution.

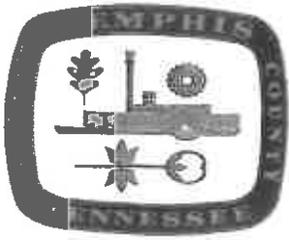
**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

This amends the lease agreement dated May 19, 1991. The amendment extends the lease agreement for eleven (11) additional five (5) years on an automatic basis. In the case of non-renewal Lessee must notify Lessor with a written notice.

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

This does not require expenditure of funds nor a budget amendment.

City Council Resolution Template – 8-28-12



**A Resolution to Approve Amendment to Lease Agreement with Petty Real Estate, Inc., as Approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on May 15, 2013.**

**WHEREAS**, Petty Real Estate, Inc. ("Lessee") leases from the Memphis and Shelby County Port Commission certain property located on Presidents Island, by virtue of a lease dated May 19, 1992. Such Lease was amended on March 11, 1996, and again on April 20, 2009; and

**WHEREAS**, Lessee has requested the Lease be again amended so as to provide for eleven (11) successive five (5) year terms to renew on an automatic basis, absent written notice of non-renewal; and

**WHEREAS**, such proposed amendment is in the best interest of the Memphis and Shelby County Port Commission as well as the City of Memphis and County of Shelby as it promotes the continued leasing of such property by Lessee and the payment of rental therefor.

**NOW, THEREFORE, BE IT RESOLVED** by the Memphis and Shelby County Port Commission that the proposed Amendment to Lease Agreement with Petty Real Estate, Inc. be approved.

**BE IT FURTHER RESOLVED**, By the Council of the City of Memphis that the appropriate officials of the City of Memphis be hereby authorized to execute same.

**BE IT FURTHER RESOLVED**, That this action is subject to concurrence by Shelby County.

## PORT COMMISSION RESOLUTION

WHEREAS, Petty Real Estate, Inc. ("Lessee") leases from the Memphis and Shelby County Port Commission certain property located on Presidents Island, by virtue of a lease dated May 19, 1992. Such Lease was amended on March 11, 1996, and again on April 20, 2009.

WHEREAS, the Lessee has requested that the Lease be again amended so as to provide for eleven (11) additional five (5) year terms to renew on an automatic basis, absent written notice of non-renewal; and

WHEREAS, such proposed amendment is in the best interest of the Memphis and Shelby County Port Commission as well as the City of Memphis and County of Shelby as it promotes the continued leasing of such property by Lessee and the payment of rental therefor.

NOW, THEREFORE, BE IT RESOLVED by the Memphis and Shelby County Port Commission that the proposed Amendment to Lease Agreement with Petty Real estate, Inc. be approved. The appropriate officials are authorized to execute same.

BE IT FURTHER RESOLVED that the City of Memphis and County of Shelby are respectfully requested to approve said Contract.

I hereby certify that the foregoing is a true copy and said document was adopted/granted by the Memphis and Shelby County Port Commission on the 15<sup>th</sup> day of May, 2013.

  
Secretary/Treasurer



**Memphis City Council  
Summary Sheet  
Ordinance to Amend the Stormwater Ordinance**

1. City of Memphis is authorized to regulate storm water discharges in accordance with applicable state law in order to protect the public health as well as to impose a civil penalty and assess damages against any person who violates the provisions of the City's storm water ordinance. This is an ordinance to amend the Stormwater Ordinance to clarify Enforcement Authority for the Stormwater Program.
2. This item is being submitted by Public Works Stormwater Program
3. This ordinance will amend Chapter 33 Article IV.
4. This item does not require a contract nor does it amend an existing one.
5. This item does not require an expenditure of funds.

**AN ORDINANCE TO AMEND CHAPTER 33, ARTICLE IV, OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO CLARIFY ENFORCEMENT AUTHORITY**

**WHEREAS**, the City of Memphis is authorized to regulate storm water discharges in accordance with applicable state law in order to protect the public health; and

**WHEREAS**, the City of Memphis is further authorized to impose a civil penalty and assess damages against any person who violates the provisions of the City's storm water ordinance; and

**WHEREAS**, applicable law identifies various factors that may be considered by the City in imposing a civil penalty;

**WHEREAS**, the harm done to the public or the environment is merely one of the factors that may be considered in the assessment of a civil penalty or in any other decision to enforce; and

**WHEREAS**, the Administration seeks to further clarify the civil penalty that can be imposed for existing and future violations.

**SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Chapter 33, Article IV, Section 33-207 is hereby amended as follows:

**(1) By deleting the following language from Section 33-207(A):**

It is not the City's intent to propose penalties for de minimis discharges that have no significant adverse impact on safety, health, the welfare of the environment, or the functionality of the City's storm water collection system.

**SECTION 2. BE IT FURTHER ORDAINED THAT** Chapter 33, Article IV, Section 33-231 is hereby amended to state as follows:

Section 33-231 ENFORCEMENT OPTIONS.

Maintenance criteria not performed as listed in Sec. 33-230, or other violations of this Article, may be subject to the provisions of Sections 33-247 through 33-251 as set forth herein.

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 4. 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.**

---

Chairman Edmund Ford, Jr.



## Memphis City Council Summary Sheet

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

This item is a resolution to accept grant funds from the State of Tennessee Department of Labor and Workforce Development in the amount of \$2,586,254.00. These funds will be used for the WIA Title One Youth Program.

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

The State of Tennessee Department of Labor and Workforce Development which acts as a pass-through for the U.S. Department of Labor, allocated these grant funds to the Workforce Investment Network.

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

This is a new grant award, pending council acceptance.

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

Acceptance of these funds will require a new contract between the State of Tennessee and the City of Memphis, which acts as the administrative entity for the Workforce Investment Network.

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

Acceptance of these will require an amendment to the FY2013 operating budget to appropriate the funds.



**A Resolution** to accept WIA Title One Youth Program funds for the State of Tennessee Department of Labor and Workforce Development.

**WHEREAS**, the City of Memphis Workforce Investment Network has received grant funds in the amount of Two Million, Five Hundred Eighty Six Thousand, Two Hundred Fifty Four Dollars, (\$2,586,254.00) from the State of Tennessee Department of Labor and Workforce Development; and

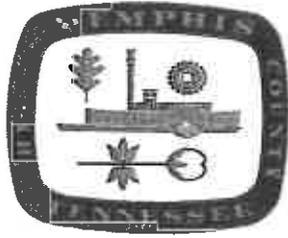
**WHEREAS**, these funds will be used to provide a contingency fund for WIA Title One Youth Program; and

**WHEREAS**, it is necessary to accept the grant funding and amend the Fiscal Year 2013 Operating Budget to establish funds for the WIA Title One Youth Program; and

**WHEREAS**, it is necessary to appropriate the grant funds in the amount of Two Million, Five Hundred Eighty Six Thousand, Two Hundred Fifty Four Dollars, (\$2,586,254.00) for WIA Title One Youth Program;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the WIA Title One Youth Program in the amount of Two Million, Five Hundred Eighty Six Thousand, Two Hundred Fifty Four Dollars, (\$2,586,254.00) be accepted by the City of Memphis

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2013 Operating Budget be and is hereby amended by appropriation the Expenditures and Revenues for the WIA Title One Youth Program in the amount of Two Million, Five Hundred Eighty Six Thousand, Two Hundred Fifty Four Dollars, (\$2,586,254.00).



## Memphis City Council Summary Sheet

1. Item is an amendment to the resolution to appropriate entitlement funds from the U.S. Department of Housing and Urban Development.
2. The initiating party is the Division of Housing and Community Development.
3. Resolution is a change to an existing resolution.
4. An amendment to an existing contract is not applicable.
5. A budget amendment will be required.



**RESOLUTION TO AMEND THE PROPOSED CONSOLIDATED PLAN  
FY 2014 ANNUAL ACTION PLAN  
AND APPROPRIATION OF FEDERAL ENTITLEMENT FUNDS TO THE FY 2014  
HOUSING AND COMMUNITY DEVELOPMENT BUDGET**

**WHEREAS**, On May 7, 2013, that the Council and the City of Memphis adopted and approved the proposed Consolidated Plan/FY 2014 Annual Action Plan; and

**WHEREAS**, action was taken to appropriate the sum of \$14,236,192.78 funded by federal resources for FY 2014, including Community Development Block Grant (CDBG) funds, Projected Program Income from CDBG and HOME, HOME Program funds, Emergency Solutions Grant (ESG) funds, and Housing Opportunities for Person With AIDS (HOPWA) chargeable to the FY 2014 Operating Budget; and

**WHEREAS**, the amount of actual federal resources to be received from the U.S Department of Housing and Urban Development (HUD) was determined subsequent to the May 7, 2013 Council actions as shown in the following tables:

**FY 2014 Funds to be received from HUD**

<b>Program Name</b>	<b>Estimated Funds</b>	<b>Percent of Total</b>
CDBG Program	\$6,749,099.00	43.6%
Projected CDBG Program Income	\$3,075,839.00	19.8%
HOME Program	\$2,610,494.00	16.8%
Projected HOME Program Income	\$17,100.00	.1%
ESG Program	\$480,724.00	3%
HOPWA Program	\$2,610,494.00	16.8%
<b>TOTAL</b>	<b>\$15,463,942.00</b>	<b>100%</b>

; and

**WHEREAS**, it is desirous that the appropriation of federal entitlement funds and the FY 2014 Housing and Community Development Budget be amended as follows.

**NOW THEREFORE BE IT RESOLVED** that there be and is hereby appropriated the amended sum of **\$15,463,942.00** funded by federal resources for FY 2014, including Community Development Block Grant (CDBG) funds, Projected Program Income from CDBG and HOME, HOME Program funds, Emergency Solutions Grant (ESG) funds, and Housing Opportunities for Person With AIDS (HOPWA) chargeable to the FY 2014 Operating Budget and credited as follows:

<b>Program Name</b>	<b>Estimated Funds</b>
CDBG Program	\$6,749,099.00
Projected CDBG Program Income	\$3,075,839.00
HOME Program	\$2,610,494.00
Projected HOME Program Income	\$17,100.00
ESG Program	\$480,724.00
HOPWA Program	\$2,610,494.00
<b>TOTAL</b>	<b>\$15,463,942.00</b>

**BE IT FURTHER RESOLVED** that the Mayor and the Director of HCD are authorized to prepare and execute the necessary documents in connection with the proposed FY 2014 Consolidated Plan Annual Action Plan to apply for and accept funding which the City is entitled to receive from HUD.



## **Memphis City Council Summary Sheet**

Resolution seeking acceptance of grant funds in the amount of \$197,000.00 from the State of Tennessee Office of Criminal Justice Programs for the continuation of the City of Memphis Police Department's Internet Crimes Against Children program.

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

The City of Memphis Police Department at the request of the Tennessee Office of Criminal Justice Programs

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

This is not a change to an existing ordinance or Resolution.

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

This resolution requires a new contract between the State of Tennessee Office of Criminal Justice Programs and the City of Memphis.

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

This Resolution requires an expenditure of funds and it also requires a budget amendment.



**A Resolution to accept grant funds in the amount of One Hundred and Ninety Seven Thousand Dollars (\$197,000.00) from the State of Tennessee Office of Criminal Justice Programs**

**WHEREAS**, the City of Memphis Division of Police Services has been awarded grant funds in the amount of One Hundred and Ninety Seven Thousand Dollars (\$197,000.00) from the State of Tennessee Office of Criminal Justice Programs for the FY 13 Internet Crimes Against Children; and

**WHEREAS**, these funds will be used to by the Memphis Police Departments to increase its investigative capabilities in the detection, investigation, apprehension, and the prosecution of offenders committing internet crimes against children ; and

**WHEREAS**, it is necessary to accept the grant funding and amend FY 13 Operating Budget to establish funds for the FY 13 Internet Crimes Against Children Program; and

**WHEREAS**, it is necessary to appropriate the FY 13 grant funds in the amount of One Hundred and Ninety Seven Thousand Dollars (\$197,000.00) for the FY 13 Internet Crimes Against Children Program.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the FY 13 Internet Crimes Against Children Program in the amount of One Hundred and Ninety Seven Thousand Dollars (\$197,000.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2013 Operating Budget be and is hereby amended by appropriating the Expenditures and Revenues for the Internet Crimes Against Children Program in the amount of One Hundred and Ninety Seven Thousand (\$197,000.00) as follows:

**REVENUES**

<b>State of Tennessee office of Criminal Justice</b>	<b>\$197,000.00</b>
<b>Total</b>	<b><u>\$197,000.00</u></b>

**EXPENDITURES**

<b>Personnel Costs</b>	<b>\$ 72,018.00</b>
<b>Equipment</b>	<b>53,500.00</b>
<b>Miscellaneous Professional Services</b>	<b>4,500.00</b>
<b>Supplies</b>	<b>49,001.00</b>
<b>Travel</b>	<b>17,981.00</b>
<b>Total</b>	<b><u>\$197,000.00</u></b>

## EXECUTIVE SUMMARY

### AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI, DIVISION 3 OF THE CODE OF ORDINANCES SO AS TO REDUCE THE NUMBER OF ALLOWABLE FALSE ALARMS, INCLUDE CIVIL DAMAGES AND ADD NOTIFICATION PROCESS OF ALARM USERS OPERATING WITHOUT A PERMIT

**Purpose:** The original ordinance was passed in 1999 to address the 100,000+ false alarms that occurred annually and detracted from MPD's ability to handle real alarms, respond to emergency calls or proactively suppress crime. Since the implementation of the Metro Alarm Office, false alarms have decreased significantly; however, the number is still much higher than it should be. For example, in 2002 there were 115,450 false alarms while in 2008 that number dropped to 52,257.

**Challenge:** In 2008, the Memphis Police Department received 96,949 total alarm calls. Of that number, **899 were good calls reflecting .009% of all calls received!**

Please see the detail below.

Citation issued (false alarm)	14,499 (total included in False alarm category)
Cancelled by alarm company	13,092
False alarm	52,257
Good alarms	899
Erroneous disposition code	16,110

At least two officers are put on a call for at least 20 minutes a piece, which results in 48,400 man hours for false alarms last year. At a cost of \$90 per man hour (Per MPD) false alarms caused nearly \$3,000,000 in wasted resources when officers could have been responding to an actual emergency or crime suppression.

After gathering data from the Metro Alarm Office, it became evident that several alarm users are abusing the system. For example in this year alone, an alarm at a business on Getwell had false alarms 26 times in January, 22 times in February, 14 times in March, and 13 times in April. In addition for the month of January, 67 locations had six or more false alarms for a total of 561 for the month.

#### Proposed Changes:

1. The city's current ordinance does not call for a fine, suspension, or removal of the alarm until after the sixth (6<sup>th</sup>) false alarm in a twelve month period. The proposed amendment reduces the number of allowable false alarms from six (6) to five (5) in a twelve month period. After the fifth false alarm, the user will have to pay a fine and upon the 7<sup>th</sup> false alarm civil damages will be added. This change will

bring Memphis in line with comparable cities. Attached is a document outlining what these other cities allow.

2. The current ordinance does not allow the city to recoup costs from answering these false alarms. The proposed amendment requires payment of civil damages for actual costs of answering the false alarm call. MPD has calculated that amount to be \$90 per hour.
3. The current ordinance requires users found to be operating an alarm without a permit to be fined and given a citation that can be waived by the Metro Alarm Board. The proposed amendment gives the user 30 days to come into compliance and not receive a fine. If permit is not obtained, then the user will be placed on a "Do Not Respond" list with MPD until obtainment and will be subject to fine and civil damages.
4. The current ordinance does not provide for a "Do Not Respond" list for MPD. The proposed amendment imposes users being placed on the list after the seventh false alarm in a twelve month period for a year.

**Fiscal Note:**

There may be a need to expand the staffing of the Metro Alarm Office by one to handle the expected increase of fines assessed due to the change in the number of allowable false alarms.

In addition, Information Services will be asked to implement software that will enable the Metro Alarm system, MPD dispatch and Sheriff's Deputy dispatch to talk to one another.