

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF MEMPHIS, SAME BEING CHAPTER 11 OF THE ACTS OF 1879, AS AMENDED, PURSUANT TO THE PROVISIONS OF ARTICLE 11, SECTION 9 OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO IMPROVE THE EFFECTIVENESS OF CIVIL SERVICE HEARINGS AND TO SUBMIT THE PROPOSED REFERENDUM ORDINANCE TO THE QUALIFIED VOTERS OF THE CITY OF MEMPHIS AT THE FIRST GENERAL STATE ELECTION TO BE HELD SEPTEMBER 30<sup>th</sup> , 2013

WHEREAS, Article 11, Section 9 of the Constitution of the State of Tennessee provides that it shall be the duty of the legislative body of such municipality to publish any proposal so made and to submit the same to its qualified voters at the first general state election which shall be held at least sixty (60) days after such publication and such proposal shall become effective sixty (60) days after approval by a majority of the qualified voters voting thereon.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the present Charter of said City consisting of the provisions of the Act of the State of Tennessee for the year 1879, Chapter 11, as amended, and pursuant to Article 11, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) the following proposal shall be published and submitted by the City of Memphis to its qualified voters at a special election by September 30, 2013, and which shall be held at least sixty (60) days after such publication:

Section 1.

Question:

Shall the Home Rule Charter of the City of Memphis, Tennessee be amended to update civil service commission rules as follows to: 1) Increase the number of civil service commission members 2) Make administrative updates to civil service hearing procedures and 3) Allow the Director of Personnel to consider performance as a measure for personnel evaluations?

**Sec. [243]. - Oath of Commissioners.**

The said Commissioners shall qualify and take an oath to uphold the Constitutions of the United States and of the State of Tennessee, and faithfully to discharge the duties of their respective offices neutrally and without bias, and, upon the organization thereof, shall undertake the duties of said office.

**Sec. [245]. - Powers and duties of Commissioners.**

The Civil Service Commission shall have the power and it shall be its duty to conduct hearings to review disciplinary actions, limited to suspensions, dismissals, or demotions of any employees not exempted from the provisions of this article. In the course of any hearing conducted under the provisions of this article, the Civil Service Commission shall have power to administer oaths, to subpoena and require the attendance of witnesses within the City and the production by them of books and papers pertinent to any matter of inquiry, and to examine such witnesses under oath in relation to any matter properly involved in such proceeding. For such purposes, the Commission may invoke the power of any

court of record in the City, or judge thereof, to compel the attendance and testimony of witnesses and the production of books and papers in compliance with such subpoena.

Any Commissioner who is a licensed attorney, a current or former member of the judiciary and/or has served as an administrative law judge for any other local, state or federal agency shall be entitled to act as a hearing officer. Each hearing officer shall have the same powers and duties of the Commission.

**Sec. [248]. - Hearings.**

Upon an employee's appeal from his termination, demotion, or suspension, a hearing shall be held before a hearing officer which shall be randomly selected from the qualified Commissioners, . within a reasonable time thereafter, not to exceed ninety (90) days from filing of the appeal. Any employee who has been indicted by a federal or state grand jury or against whom a presentment or information has been filed shall be granted, upon his request and at his election, a postponement of hearing before the Civil Service Commission until such indictment, presentment, or information has been finally disposed of by a court of competent jurisdiction. Any employee seeking to hold a matter in abeyance may be prohibited from seeking back wages for the period of time that the matter was held in abeyance.

The hearing shall be conducted by the selected hearing officer. The hearing officer may reverse or sustain the disciplinary action of the City. If the hearing officer reverse a termination of an employee, the hearing officer and remand the matter to the City for further discipline. The secretary of the Commission shall have the duty of convening said hearing. At such hearing both the appealing employee and the official whose actions are being reviewed shall have the right to be heard and to present evidence and to be represented by themselves, by legal counsel of their choosing or Union representative. The burden of proof required to sustain the action of the City shall be by a preponderance of the evidence. If, after a presentation of the proof, the hearing officer finds that there exists a reasonable basis for the disciplinary action taken, the action of the City shall be sustained. The decision of the hearing officer shall be stated in writing and shall include the hearing officer's findings of fact and conclusions therefrom within ninety (90) days of the conclusion of the hearing..

If any party is dissatisfied with the ruling of the hearing officer the decision of the hearing officer may be appealed to the full Commission within fourteen (14) days of the issuance of the findings of fact and conclusions of law. Alternatively, the decision of the hearing officer and/or the Commission shall be appealable by either the City or the employee as provided by State law.

**Sec. [249]. - Director of personnel.**

There shall be a Director of Personnel, who shall be appointed by the Mayor with the approval of a majority of the Council. The Director of Personnel shall be subject to removal by the Mayor with the concurrence of a majority of the Council. His term of office shall be the same as that of the appointing Mayor, and he shall continue in office until his successor has been appointed and approved. The Director of Personnel shall be entitled to set forth criteria for advancement based on merit and with the application of sound business principles in the administration of persons, and shall prescribe methods whereby appropriate records of the work of employees may be kept. Said director shall likewise prescribe methods for grading the work of employees in the various departments affected herein, shall measure such work by performance, fidelity to duty, punctuality, proper exercise of judgment, cooperation with superiors and other employees of the City of Memphis, courtesy to the general public, and other pertinent factors, to the end the said departments and the personnel thereof may function for the advancement of efficiency of said departments, and the promotion of public safety and welfare. There shall be no discrimination in the City employment of personnel because of religion, race, sex, creed, political affiliation, or other nonmerit factors, nor shall there be any discrimination in the promotion or demotion of City employees because of religion, race, sex, creed, political affiliation, or other nonmerit factors.

**Section 2. Publication of Home Rule Amendment**

**BE IT FURTHER ORDAINED,** That the Comptroller is hereby directed to cause the

Ordinance to be published pursuant to provisions of Article 11, Section 9 of the Constitution of the State of Tennessee.

**Section 3. Delivery to Election Commission**

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis shall certify adoption of this Ordinance to the Shelby County Election Commission in charge of holding a special election on September 30, 2013, and request that this proposed amendment to the Home Rule Charter of the City of Memphis be placed on the ballot.

**Section 4. Proposal and preference**

BE IT FURTHER ORDAINED, That the Comptroller of the City of Memphis is hereby directed to deliver a copy of this Ordinance to the Shelby County Election Commission, together with a suggested proposal and the following form of preference to be placed on the ballot in an election to be held on the 30<sup>th</sup> day of September 2013:

Shall the Home Rule Charter of the City of Memphis, Tennessee be amended to update civil service commission rules as follows to: 1) Increase the number of civil service commission members 2) Make administrative updates to civil service hearing procedures and 3) Allow the Director of Personnel to consider performance as a measure for personnel evaluations?

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Any Commissioner who is a licensed attorney, a current or former member of the judiciary and/or has served as an administrative law judge for any other local, state or federal agency shall be entitled to act as a hearing officer. Each hearing officer shall have the same powers and duties of the Commission.

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If any party is dissatisfied with the ruling of the hearing officer the decision of the hearing officer may be appealed to the full Commission within fourteen (14) days of the issuance of the findings of fact and conclusions of law. Alternatively, the decision of the hearing officer and/or the Commission shall be appealable by either the City or the employee as provided by State law.

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***I, Brian Collins, Director of Finance for the City of Memphis do hereby certify that the net cost to the City if this Amendment is adopted is estimated to be \$ \_\_\_\_\_.***

FOR THE AMENDMENT (YES) \_\_\_\_\_  
AGAINST THE AMENDMENT (NO) \_\_\_\_\_

**Section 5. Effective Date of Charter Amendment**

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth herein sixty (60) days after approval by a majority of the qualified voters voting thereon in a special election to be held on the 30<sup>th</sup> day of September, 2013, the public welfare, requiring it.

**Section 6. Certification of Results**

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

**Section 7. Nonconflicting – Conflicting Laws**

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

**Section 8. Severability**

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

**Section 9. Publication**

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

**Section 10. Enactment of City Ordinance**

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

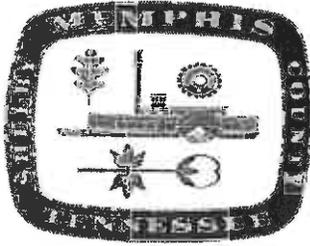
Sponsored by: Kemp Conrad

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Shea Flinn, Memphis City Council

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Edmund Ford Jr., Chairman, Memphis City Council



## Memphis City Council Summary Sheet

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

This is a request to appropriate funds for a contract between the City and MLGW for relocation of the existing overhead Electric Utilities in the North Segment of Elvis Presley Blvd. from Winchester Rd to Brooks Rd.

**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 contract between the City and MLGW.

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

The funding for this work was provided through the FY '14 CIP budget.

This is a resolution to appropriate funds for a contract between the City and Memphis, Light, Gas and Water.

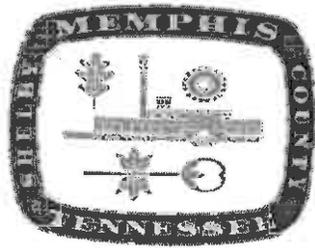
**WHEREAS**, the Council of the City of Memphis approved Elvis Presley/Shelby/Winchester, project number PW01064 as part of the Fiscal Year 2014 Capital Improvement Program; and

**WHEREAS**, the city will enter into a contract with Memphis, Light, Gas and Water in the amount of \$2,322,117.01 to relocate the existing overhead Electric Utilities in the North Segment of Elvis Presley Boulevard from Winchester Road to Brooks Road; and

**WHEREAS**, it is necessary to appropriate \$2,322,118.00 funded by G.O. Bonds-General in Elvis Presley/Shelby/Winchester, project number PW01064.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$2,322,118.00 in G O Bonds - General chargeable to the Fiscal Year 2014 Capital Improvement Budget and credited as follows:

<b>Project Title:</b>	<b>Elvis Presley/Shelby/Winchester</b>
<b>Project Number</b>	<b>PW01064</b>
<b>Amount:</b>	<b>\$2,322,118.00</b>



## Memphis City Council Summary Sheet

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

This is a request to appropriate the construction dollars needed for the Fairley Road project (from Summerwood Dr. to Shelby Dr.)

**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.

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

The funding for this work is in the City's CIP budget.

This is a resolution appropriate the construction dollars needed for the Fairley Road project.

**WHEREAS**, the Council of the City of Memphis approved Fairley, project number PW01195 as part of the Fiscal Year 2014 Capital Improvement Program; and

**WHEREAS**, bids were taken on January 18, 2013 for Fairley roadway improvements from Summer Wood Drive to Shelby Drive with the lowest complying bid of two bid being \$867,037.00 submitted by Ferrell Paving Inc.; and

**WHEREAS**, it is necessary to appropriate \$936,400.00 funded by G.O. Bonds-General in Fairley, project number PW01195 as follows:

Contract Amount	\$ 867,037.00
Project Contingencies	<u>69,363.00</u>
Total	\$ 936,400.00

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby appropriated the sum of \$936,400.00 in G O Bonds - General chargeable to the Fiscal Year 2014 Capital Improvement Budget and credited as follows:

<b>Project Title:</b>	<b>Fairley</b>
<b>Project Number</b>	<b>PW01195</b>
<b>Amount:</b>	<b>\$936,400.00</b>



## Memphis City Council Summary Sheet

Resolution by City of Memphis to accept the funds awarded by the Tennessee Department of Economic and Community Development (ECD) Fast Track Infrastructure Development Program (FIDP) grant contract for installation of a new electrical infrastructure for NIKE, Inc. and amends the Fiscal Year 2014 Capital Improvement Budget to accept and appropriate grant funds.

- Documents necessary to make application for the ECD Grant in an amount \$1,150,000 on behalf of NIKE Tennessee, Inc. The State has now awarded the grant.
- The City of Memphis Division of Engineering has drafted this resolution and is recommending City Council approval.
- MLGW has an agreement with the City of Memphis to purchase all necessary equipment and materials for the required electrical infrastructure improvements.
- MLGW will provide paid invoices to the CITY for materials and equipment acquisition for State reimbursement in accordance with the ECD contract.

This Resolution accepts grant funding for Nike Infrastructure Improvements, project number PW01243 for infrastructure improvements associated with the expansion of Nike's Distribution Center.

**WHEREAS**, this resolution amends the Fiscal Year 2014 Capital Improvement Budget to include Nike Infrastructure Improvements, PW01243; and

**WHEREAS**, the Tennessee Department of Economic Development has awarded the City of Memphis \$1,150,000.00 for electrical infrastructure improvements to the Nike, Inc. North Memphis distribution center; and

**WHEREAS**, Memphis, Light, Gas and Water Division through an intergovernmental agreement with the City of Memphis will use the funds to purchase materials and equipment for the required electrical infrastructure improvements; and

**WHEREAS**, it is necessary to accept grant funds and establish an allocation in the amount of \$1,150,000.00 from the Tennessee Department of Economic Development for electrical infrastructure improvements to the Nike, Inc. North Memphis distribution center; and

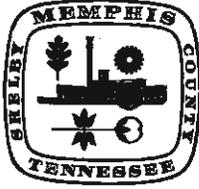
**WHEREAS**, it is necessary to appropriate \$1,150,000.00 funded by the Tennessee Department of Economic Development in Nike Infrastructure Improvements, project number PW01243.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2014 Capital Improvement Budget be amended by including Nike Infrastructure Improvements, project number PW01243 as part of the Capital Improvement Budget.

**BE IT FURTHER RESOLVED**, by the Council of the City of Memphis that the Fiscal Year 2014 Capital Improvement Budget be and is hereby amended by accepting these grants and establishing allocations in the amount of \$1,150,000.00 funded by the Tennessee Department of Economic Development for electrical infrastructure improvements to the Nike, Inc. North Memphis distribution center .

**BE IT FURTHER RESOLVED**, that there be and is hereby appropriated the sum of \$1,150,000.00 funded by the Tennessee Department of Economic Development chargeable to the Fiscal Year 2014 Capital Improvement Budget and credited as follows:

<b>Project Title:</b>	<b>Nike Infrastructure Improvements</b>
<b>Project Name:</b>	<b>PW01243</b>
<b>Amounts:</b>	<b>\$1,150,000.00</b>



## **Memphis City Council Summary Sheet**

**Resolution by City of Memphis to accept the State Industrial Access Road to be constructed by the Tennessee Department of Transportation (TDOT) for NIKE, Tennessee, Inc.**

- **TDOT has agreed to construct an Industrial Access Road for the NIKE Distribution in North Memphis.**
- **TDOT will incur all cost to install the road.**
- **Upon completion the road will be transferred to the City of Memphis as a public road**
- **This resolution accepts the road and authorizes the Mayor to sign all documents to accept the road.**

Resolution for the City Council to accept the Nike State Industrial Access Road improvements to be made by the Tennessee Department of Transportation

WHEREAS, NIKE Tennessee, Inc. is constructing an expansion to its North Memphis Distribution facility in Memphis, Tennessee at an expected cost in excess of approximately \$300,000,000, and

WHEREAS, the construction of an industrial access road to serve said proposed plant is necessary and vital to the successful completion of this project and the future economic well-being of this area,

WHEREAS, the City of Memphis submitted a grant application to the Tennessee Department of Transportation, State Industrial Aid (SIA) Program for the construction of an industrial access road to serve said proposed plant expansion, and

WHEREAS the Tennessee Department of Transportation has agreed to construct for the City of Memphis said industrial access road to serve the NIKE expansion, and

WHEREAS, the Tennessee Department of Transportation will fund all SIA improvements at no cost to the City of Memphis.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis to accept the Nike State Industrial Access Road improvements to be made by the Tennessee Department of Transportation.

**BE IT FURTHER RESOLVED**, that the Mayor of the City of Memphis is hereby authorized to execute any and all documents necessary to accept the Nike State Industrial Access Road improvements.



## Memphis City Council Summary Sheet

### Parking Meter Ordinance revision:

1. This revision to the parking meter ordinance will allow for the use of “kiosk” type multi-space parking meters.
2. This ordinance revision is initiated by the City Engineer.
3. This will be a revision to the existing parking meter ordinance.
4. There are no contracts or budget outlays required.

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

**AN ORDINANCE TO AMEND TITLE 11 – VEHICLES AND TRAFFIC, CHAPTER 11-44 “PARKING METERS”, OF THE CODE OF ORDINANCES, CITY OF MEMPHIS**

**WHEREAS**, the City of Memphis will be upgrading the parking meter systems in the downtown area and medical district to include multi-space kiosks and single-space meters that are capable of accepting multiple forms of payment; and

**WHEREAS**, the current code only makes reference to coin payment and only provides installation and marking guidance for traditional single-space and double-space meters; and

**WHEREAS**, the City of Memphis, Division of Engineering wishes to update the current code to reflect the change to more modern parking meter systems

**NOW, THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, That the current Title 11 – Vehicles and Traffic – Chapter 11-44 “Parking Meters”, of the Code of Ordinances, City of Memphis, is hereby amended to read as follows:

**Sec. 11-44-1 - Duties of the director of public works.**

The director of public works is directed to provide for installation, regulation, control, operation, and use of parking meters and multi-space kiosks at such points as shall be necessary, reasonable and proper, and shall make regulations covering the time which a vehicle may be parked and the compensation to be paid for the parking of such vehicle.

*(Code 1985 § 21-176; Code 1967 § 23-243)*

**Sec. 11-44-2 - Installation and operation generally.**

**A. Single-Space Parking Meters**

Single-space parking meters installed shall be placed behind and adjacent to the curb immediately adjacent to either in front of or behind the individual parking meter spaces. Each single-space parking meter shall be placed or set in such a manner as to show or display by a signal that the parking meter space adjacent to such meter is or is not legally in use. Each single-space parking meter shall be installed and set to display, upon the deposit of the appropriate form of payment, a signal indicating legal parking for that period of time, conforming to the limit of parking time which has been or may be established for the street upon which such single-space parking meter is installed, and shall continue to operate from the time of the deposit of such payment therein until the expiration of the time fixed as the

parking limit for the part of the street upon which such meter is placed. Each single-space meter shall also be arranged so that upon the expiration of the legal parking time, such meter will indicate by mechanical operation or signal that the lawful parking period has expired.

#### B. Multi-Space Kiosk

A "multi-space kiosk" refers to a parking meter for a parking zone in which there is space for more than one vehicle to park. Multi-space kiosks shall be placed behind and adjacent to the curb within the parking zone such multi-space kiosk shall control. Where a multi-space kiosk has been installed, every vehicle shall park adjacent to the curb, (head-in where pavement stall markings dictate angled parking) in the zone controlled by the multi-space kiosk and each vehicle operator shall deposit the appropriate form and the required amount of payment for the time the vehicle operator intends to park, up to the maximum time limit available. Each vehicle operator parking in a zone controlled by a multi-space kiosk must obtain and properly display a receipt, ticket, or display device issued by the multi-space kiosk which displays the date and period of time for which parking is legal, up to the maximum time limit available. Proper display of the receipt, ticket, or display device issued by a multi-space kiosk shall consist of displaying the receipt, ticket, or display device on the curbside of the vehicle dashboard in a publicly visible location or affixing the receipt, ticket, or display device to the front lamp of a motorcycle or a motor scooter. A receipt, ticket, or display device issued by a multi-space kiosk may be used to park the operator's vehicle in a parking zone controlled by a different multi-space kiosk prior to the expiration of time on the receipt, ticket, or display device if the parking zone has an equal or greater maximum allowable time limit and the same hourly rate as the parking zone controlled by the multi-space kiosk where the original payment was made.

*(Code 1985 § 21-177; Code 1967 § 23-244)*

### **Sec. 11-44-3 - Marking of and parking within metered spaces.**

#### A. Single-Space Parking Meters

Lines or markings shall be painted or placed upon the curb or upon the street adjacent to each single-space parking meter for the purpose of designating the parking meter space for which such meter is to be used, and each vehicle parked alongside or next to any single-space parking meter shall park within the lines or markings so established. It is unlawful to park any vehicle across any such line or marking, or to park any vehicle in such a position that the same shall not be wholly within the area so designated by such lines or markings.

## B. Multi-Space Kiosk

When parking stall markings designating parking spaces are present, the provisions for single space parking meters shall apply. If parking stall markings are not present, then official signs shall designate the limits of the parking zone for multi-space kiosks.

*(Code 1985 § 21-178; Code 1967 § 23-245)*

### **Sec. 11-44-4 - Deposit of payment—Overtime parking.**

#### A.

When any vehicle is parked in any parking meter space next to which a single-space parking meter is located, or in a parking zone controlled by a multi-space kiosk, in accordance with the provisions of this chapter and Chapter 11-40, the operator of such vehicle shall, upon entering the parking meter space or parking zone, immediately deposit, or cause to be deposited, the payment indicated on such parking meter or kiosk, and the parking space may then be lawfully occupied by such vehicle during the period of parking time prescribed for the part of the street in which such parking space is located. If any vehicle shall remain parked in any such parking space beyond the parking time limit fixed for such parking space, the single-space parking meter shall display a sign or signal showing illegal parking. The receipt, ticket, or display device issued by a multi-space kiosk shall indicate that the time for legal parking has expired. In that event, such vehicle shall be considered as parked overtime and beyond the period of legal parking time in any such part of a street where any such meter or kiosk is located and shall be a violation of this title. Each period of overtime parking beyond the duration of time specified by the parking meter or kiosk shall be considered a separate offense.

#### B.

No person shall permit a vehicle to remain or to be placed in any parking space adjacent to any single-space parking meter or in a zone controlled by a multi-space kiosk while such meter or the receipt, ticket, or display device issued by a multi-space kiosk is indicating that the vehicle occupying such parking space has already been parked beyond the period of time prescribed for such parking space.

#### C.

The provisions of this section shall be enforced between the hours of eight a.m., and six p.m., on every day of the week except on Saturday, Sunday and the following holidays:

1. Christmas Day;
2. New Year's Day;
3. July Fourth;
4. Thanksgiving Day;

However, the above provisions shall not apply to those areas designated by the city engineer as areas of public necessity. In such areas so designated, parking meters or kiosks shall specify "twenty-four (24) hours per day each day of the week, holidays included."

D.

No person shall permit a vehicle to remain in any parking space adjacent to any single-space parking meter or parking zone controlled by a multi-space kiosk for a consecutive period of time longer than the maximum period of time provided by the meter or kiosk following a single occurrence of depositing payment. The intent of this provision is to make illegal the practice of purchasing additional time on the meter or kiosk for a single parked vehicle by successive occurrences of depositing payment. This practice is commonly described as "meter feeding."

*(Ord. 3586 § 24, 9-2-86; Code 1985 § 21-179, Ord. 3110 § 1, 5-12-81; Ord. 2250 § 1, 5-6-75; Code 1967 § 23-246)*

**Sec. 11-44-5 - Deposit of slugs prohibited.**

No person shall deposit or cause to be deposited in any parking meter or kiosk, any slug, device or metallic substitute for the coin or other accepted form of payment indicated on the parking meter or kiosk as being required.

*(Code 1985 § 21-180; Code 1967 § 23-247)*

**Sec. 11-44-6 - Injuring or tampering with meters.**

No person shall deface, injure, interfere with, open or willfully break, destroy or impair the usefulness of any parking meter or kiosk installed under the provision of this chapter.

*(Code 1985 § 21-181; Code 1967 § 23-248)*

**Sec. 11-44-7 - Daily deposit of route collections required.**

The daily route collections of the division of public works shall be deposited daily with the treasurer's office.

*(Code 1985 § 21-182)*

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

**SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that this ordinance shall take effect on the later of after it is 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.

**SHEA FLINN**  
Council Member

**EDMUND FORD JR.**  
Council Chairman

Attest:

Patrice Thomas, Comptroller

DRAFT



## Memphis City Council Summary Sheet

Resolution authorizing Lease / Purchase of new parking meter equipment:

1. This resolution authorizes the Mayor to consummate a lease / purchase agreement for new parking meter equipment.
2. This resolution is initiated by the City Engineer.
3. This action requires the execution of a lease / purchase agreement with a schedule of payments of five years (60 months).
4. The agreement will require payments estimated at \$27,800 per month for the term of the agreement. The funds to make payments will be generated from increased revenues from the new equipment resulting in no budget impact.



## **Resolution to enter into a Lease/Purchase Agreement and upgrade the parking meter system in the downtown areas and medical district**

**WHEREAS**, the City of Memphis wishes to upgrade the parking meter system in the downtown area and medical district to include multi-space meters (kiosks) and single-space meters that are capable of accepting multiple forms of payment;

**WHEREAS**, the existing parking meter infrastructure is outdated and deteriorating rapidly;

**WHEREAS**, the proposed upgraded parking system will allow for the acceptance of both credit cards and coins as payment;

**WHEREAS**, the proposed upgraded parking system will allow for increases in compliance rates, reliability, and operational efficiency, resulting in increased net revenues;

**WHEREAS**, the proposed upgraded parking system will allow for more pleasing aesthetics by removing many of the existing parking meter poles and meter heads;

**WHEREAS**, the proposed upgraded parking system will be paid for under a 5 year lease/purchase agreement using parking meter revenues;

**WHEREAS**, the monthly lease payments are estimated to be \$27,800 per month for a period of 5 years;

**WHEREAS**, at the end of the 5 year lease period all equipment becomes the property of the City of Memphis;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City Memphis that the Mayor is hereby duly authorized to enter into a lease/purchase agreement to effectuate the lease/purchase of the aforementioned equipment for the upgrade of the existing parking meter system;

**BE IT FURTHER RESOLVED** that the Mayor is hereby duly authorized to execute such additional documents as may be necessary to consummate this lease/purchase transaction on behalf of the City.

**AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE VI,  
DIVISION 2 and 3 OF THE CODE OF ORDINANCES SO AS TO AMEND FEES  
AND FALSE ALARMS ALLOWABLE**

**WHEREAS**, the Memphis City Council recognizes the amount of man hours dedicated by the Memphis Police Department for investigating crimes is significantly impacted by the number of false alarms received daily; and

**WHEREAS**, the Memphis City Council deems it appropriate to amend this ordinance to ensure the health, safety and welfare of the citizens of Memphis are protected by the Memphis Police Department.

**SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that Chapter 28, Article VI, Division 2, Section 28-128, 3 (a) is hereby amended to delete the current language and insert the following

**Sec.28 -128. Alarm user permits; responsibilities.**

(3) *Fees.*

(a) All fees owed by an applicant must be paid before a permit may be issued or renewed. The permit fee shall be issued by the alarm administrator, or his designee, upon the following conditions:

1. There shall be a thirty dollar (\$30) permit fee for the first year for residential customers. There shall be a fifty dollar (\$50) permit fee for the first year for commercial customers.
2. There shall be an annual renewal fee of fifteen dollars (\$15) for residential customers and twenty-five dollars (\$25) for commercial customers.
3. Permits shall not be renewed if outstanding fines or penalties which have been incurred as a result of the use of the system have not been paid. If the fines or penalties are being processed through administrative channels or a court system, then a permit may be issued or renewed.

**SECTION 2. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that Chapter 28, Article VI, Division 3, Section 28-130, 1 (b) is hereby amended to delete the current language and insert the following

(b) An alarm user shall be subject to fines, warnings, and suspensions or revocation of permit after the third false alarm dispatch within the twelve-month period based upon the following schedules:

Number of False Alarm Dispatches	Action Taken	Fines
1	On-site written notice and warning letter #1.	No Fine
2	On-site written notice and warning letter #2.	No Fine
3	On-site written notice, warning letter #3 and mandatory alarm users class.	No Fine
4	On-site written notice, letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine.	\$25.00
5	On-site written notice, letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine.	\$25.00
6	On-site written notice, letter to user requiring alarm inspection from metro alarm review board, certified inspection letter from alarm company to board and mandatory fine and service fee.	\$25.00
7	On-site written notice, letter to user requiring alarm inspection, mandatory fine and service fee.	\$25.00
8 or more	On-site written notice, mandatory fine, service fee and revocation of permit	\$25.00

1. Failure to comply with the above conditions will result in alarm operator being summoned into city court, or a court of competent jurisdiction, by issuance of a mandatory court summons issued by authorized officers. In accordance with City Code section 1-8, Fine and Penalties, violators are subject to a fine of up to fifty dollars (\$50.00), for each separate violation, with each day constituting a separate offense.

2. Any owner, user or operator of any alarm system, as defined in § 28-126 found to have violated this section six times or more in any twelve-month period shall also be liable for

a service fee to the city for the actual cost of any response by law enforcement or emergency personnel, and for the actual cost to the city for any interruption of public services or closure of public facilities reasonably necessitated by response to such false alarm, in an amount up to the maximum allowed by state law.

3. Except for fire or mechanically-activated water flow alarm devices and alarm systems owned and operated by any governmental entity or subdivision, upon a finding that an owner, user or operator has violated this section eight times in any twelve-month period, said owner, user or operator shall further be prohibited from operating the alarm system at issue in such a manner as to be the sole basis for a request for response by law enforcement personnel for a period of one (1) year from the date of the finding.

4. In the event an alarm user is experiencing maintenance issues with his alarm, the alarm company may contact the Alarm Administrator and inform him that the company is currently working to correct system problems. The Alarm Administrator with notice to the Metro Alarm Review Board and Memphis Police Department shall note on the alarm users file that the system is currently under maintenance and any false alarms incurred during a thirty (30) day period after notification from the alarm company shall not be counted against the alarm user. The alarm company shall have the responsibility of notifying the Alarm Administrator in writing that the problem has been resolved. Should the alarm problem persist for a period longer than thirty (30) days then the Alarm Administrator with approval from the Metro Alarm Review Board shall have the option to remove the exception or extend the maintenance period for an additional period of time.

**SECTION 3. BE IT FURTHER ORDAINED** that Chapter 28, Article VI, Division 3, Section 28-130 (c) is hereby amended to delete the current language and insert the following

(c) Any person operating a non-permitted alarm system (whether revoked or suspended) will be subject to a citation and a false alarm penalty (as defined in section 28-137) in addition to any other fines. Persons operating an alarm system that was never permitted shall receive a citation and will have ten (10) business days after such violation to apply for a permit. The Metro Alarm Office shall send a certified letter to users that have not applied within the ten (10) days notifying alarm user that a false alarm fine and service fees will be levied if application is not complete a total of thirty (30) days after the original violation. In addition, alarm user will further be prohibited from operating the alarm system at issue in such a manner as to be the sole basis for a request by law enforcement personnel until application has been submitted and all fees and fines have been paid.

**SECTION 4. BE IT FURTHER ORDAINED** that Chapter 28, Article VI, Division 3, Section 28-130 (d) is hereby amended to read as follows:

An alarm user with three (3) false alarm dispatches shall be required to attend the false alarm user class. Failure to attend the class shall result in a one hundred fifty dollars (\$150.00) penalty.

**SECTION 5. BE IT FURTHER ORDAINED** that Chapter 28, Article VI, Division 3, Section 28-130 is hereby amended to add section g:

(g) The Memphis Police Director shall submit to the Memphis City Council an amount commensurate to the cost of officers answering false alarms for approval by resolution on or before the second Council meeting in May of each year.

**SECTION 5. BE IT FURTHER ORDAINED**, that the increase in permit and renewal fees shall take effect January 1, 2014.

**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 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.

Myron Lowery  
Council Member

Emund Ford, Jr., Ed.D.  
Council Chairman

Attest:  
Patrice Thomas, Comptroller

## CITY COUNCIL RESOLUTION

WHEREAS, on June 21, 2005, the Memphis City Council approved a traffic control photographic system to provide for the health, safety and welfare of the citizens of this city; and

WHEREAS, with the inception of this program the city has seen a significant decrease in accidents at intersections where the cameras are located; and

WHEREAS, the Memphis City Council would like to expand the program to include more intersections and introduce speed cameras near school zones; and

WHEREAS, the Council would like add thirty red light cameras with locations being determined with the assistance of the Police Director and his staff; and

WHEREAS, the Council believes the initial speed camera program should not exceed 150 cameras with locations being determined with assistance of the Police Director and City Engineer to ensure the schools with the worst offenders receive cameras first; and

WHEREAS, the Memphis City Council deem it necessary to implement this expanded program as soon as possible.

NOW, THEREFORE, BE IT RESOLVED That the Memphis City Council requests the Administration to submit a request for proposal to expand the traffic control photographic system to include an additional 30 red light cameras and an amount not to exceed 150 speed cameras.

BE IT FURTHER RESOLVED That the Memphis City Council requests an update on the process within thirty days of the passing of this resolution.

Myron Lowery