

ARTICLE II. CENTER CITY COMMISSION

Sec. 7-11. Definitions.

As used in this article, the following terms shall have the following meanings:

Center City Area shall mean that area bounded generally by the Tennessee state line on the west to the Interstate 55 bridge on the south, thence east along the Interstate 55 bridge, thence south along the shore line of the Mississippi River to a line extended from the ICC Railroad tracks to the Mississippi River, thence following the railroad tracks to I-55, thence north along the center of I-55 to Crump Avenue, thence following Crump Avenue to Lamar Avenue, thence along Lamar Avenue to Cleveland Street, thence north along Cleveland Street to Eastmoreland Street, thence east along Eastmoreland Street to Watkins Street, thence north along Watkins Street to Chelsea Avenue, thence generally west along Chelsea Avenue to Interstate 40, thence north along Interstate 40 to the Wolf River, thence along the Wolf River to the point where it turns south, thence along the centerline of the Wolf River Riverfront Channel and following such line to the Tennessee state line.

Commission shall mean the center city commission as hereinafter established.

Council shall mean the City Council of the City of Memphis.

County Commission shall mean the Shelby County Board of Commissioners.

District No. I shall mean the central business improvement district created by Article III of this Chapter 7.

District No. II shall mean Central Business Improvement District No. II created by Article V of this Chapter 7.

Mall or common mall shall mean the Main Street Mall.

President shall mean the person acting from time to time as the President and Chief Executive Officer of the commission.

Sec. 7-12. Created; established.

There is hereby created and established a center city commission in and for the city to be known as the Memphis Center City Commission.

Sec. 7-13. Purpose.

The commission shall represent an official partnership between city and county government and the private business community. The commission shall manage and coordinate the comprehensive and coordinated redevelopment of the Center City Area as the economic, cultural and governmental heart of the city and county. In formulating and implementing plans the commission will consult with public agencies and private interests within the Center City Area, and will integrate the economic, physical and environmental needs of business and residential districts within the center city area. The commission shall act as the district management corporation for District No. II and as mall management agency for District No. I so long as such district shall exist. The commission shall act as a vacant property review commission for the Center City Area pursuant to Tennessee Code Annotated § 13-21-201 et seq. The Commission shall perform such other duties and functions as shall be delegated to it from time to time.

Sec. 7-14. Appointment of commission as mall management agency and district management corporation.

The Commission, as now created within this article, is hereby appointed as the regulatory body for District No. I for the purpose of regulating businesses, shops, food establishments, arts and crafts, vehicular traffic, and any and all other services as may be offered on the Main Street Mall for so long as such district shall exist. The Commission is hereby appointed as the district management corporation for District No. II pursuant to Tennessee Code Annotated § 7-84-519 as the same may be amended or any successor statute thereto.

Sec. 7-15. Membership; terms, compensation.

(a) The Center City Commission shall be composed of thirteen (13) voting members.

(b) Seven (7) members shall be appointed on recommendation of the mayor of the city and the mayor of the county, with approval by the Council and the County Commission, who shall hold office for a term of three (3) calendar years and thereafter until their successors are appointed and qualified. No members shall serve more than two (2) consecutive three (3) year terms. Such members shall serve without salary. In the event of a vacancy in such appointed members, whether by reason of resignation, death or other cause, the Commission shall recommend a successor who shall be appointed by the mayors of both the city and county, with approval of the Council and County Commission, to fill such unexpired term or terms.

(c) The mayor of the city or his designee, the mayor of the county or his designee, a member of the Council appointed by the chairman thereof and a member of the County Commission appointed by the chairman thereof, shall serve as ex-officio members of

the Commission with benefit of vote. The chairman of the Council and the chairman of the County Commission shall serve as ex-officio members of the Commission without vote.

(d) The speakers of the senate and the house of representatives of Tennessee shall each appoint one (1) member of the general assembly from their respective house in accordance with the provision of Tennessee Code Annotated § 7-84-519, as amended from time to time, to serve as ex-officio members of the Commission with the benefit of vote.

(e) All ex-officio members shall serve for the terms of their office.

(f) The members of the Commission shall be the board of directors of the Commission in its capacity as "district management corporation" within the meaning of and for purposes of Tennessee Code Annotated § 7-84-519, as same may be amended, or any successor statute thereto. The members of the Commission shall be the members of the vacant property review commission created by Section 7-19 of this Article II. The members of the general assembly appointed pursuant to subsection (d) above, shall serve on any executive committee or management committee of the Commission.

(g) The chairman of the Commission shall be elected by the Commission from its own membership to serve for a term of one year with the right of succession at the option of the Commission. The Commission shall likewise appoint a secretary who shall be a member of the Commission. The Commission shall have the power to appoint such other officers as determined by the commission from time to time.

Sec. 7-16. Meetings; quorum; records.

(a) The Commission shall conduct regular meetings at such time and place as the Commission may fix by resolution. Such meetings will be open to the public with proper public notification.

(b) Special meetings may be called from time to time by the chairman. Five (5) of the voting members of the Commission, including the ex-officio members of the Commission with benefit of vote, shall constitute a quorum for the transaction of business. The Commission shall cause a proper record to be kept of the proceedings. Written notice of any meeting of the Commission shall be given to the members at least twenty-four (24) hours prior to the date set for the meeting.

Sec. 7-17. Powers and functions.

(a) *Powers.* The Commission shall have all powers necessary and requisite to effectuate the purposes of the Commission, including, but not limited to, the following:

- (1) To adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations, and policies in connection with the performance of its functions and duties.

- (2) To employ such persons as may be required and to fix and pay their compensation from funds available to the Commission.
- (3) To accept, administer and comply with the conditions and requirements respecting any appropriation of funds or any gift, grant, or donation of any property or money.
- (4) To make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the Commission, including contracts with any person, firm, corporation, governmental agency or other entity.
- (5) To administer and manage its own funds and accounts and to pay its own obligations.
- (6) To serve as district management corporation for any central business improvement district to the extent so appointed pursuant to Tennessee Code Annotated §§ 7-84-501 et. seq., as same may be amended, or any statute successor thereto or similar thereto, and to exercise any and all powers and authority delegated to the Commission in such capacity or otherwise inherent in such capacity.
- (7) To assist and act as the agent of the President in exercising the powers and functions delegated to the President pursuant to Tennessee Code Annotated § 13-2-107 and this Article II.
- (8) To serve as the vacant property review commission for the Center City Area pursuant to Tennessee Code Annotated § 13-21-201 et seq., as same may be amended, and to exercise any and all powers and authority delegated to the commission in such capacity or otherwise inherent in such capacity.
- (9) To review on behalf of the City of Memphis and the County of Shelby any net earnings of Memphis Center City Revenue Finance Corporation and to contribute such net earnings to Memphis Center City Development Corporation without any further authorization of or approval by the City of Memphis or County of Shelby or the Council or County Commission.
- (10) To exercise any other power delegated to the commission or to exercise any other powers necessary to carry out or incidental to the powers delegated to and the purposes of the commission specified above. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this article.

(b) *Functions.* The functions of the Commission will include advising the Council and the County Commission, together with the mayors of both the city and county

and all other interested public officials, as to all steps which are necessary and proper in the administration, promotion and redevelopment of the Center City Area, including District No. I and District No. II, and to see that all public activities in connection with the implementation of the plans for the creation of the districts are properly coordinated. In addition, the Commission shall:

- (1) Develop and present an annual operating budget for the consideration and approval of the city and county.
- (2) Employ a salaried staff, including without limitation a President and Chief Executive Officer.
- (3) Maintain a close liaison with all city and county divisions, including, but not limited to, public works, public service, general services, police services, fire services, budget, finance and administration, executive office, community development department, and the city and county office of planning and development.
- (4) Conduct the business necessary for the management and operation of the Main Street Mall, including, but not limited to, promotions, maintenance, security, transportation and parking coordination, special events, and any other functions in connection with the operation of the mall.
- (5) Coordinate planning studies in the Center City Area.
- (6) Determine priorities for improvement projects within the Center City Area.
- (7) Serve as district management corporation for District No. II, including full authority to:
 - a. Carry out the functions and activities delegated to the Commission pursuant to Article V of this Chapter 7; and
 - b. **Make recommendation for use of special assessment revenues, administer activities, make improvements, provide services and projects in and for the district and carry out all functions and activities to the fullest extent contemplated pursuant to Tennessee Code Annotated Sections 7-84-501 et. seq., as same may be amended.**
- (8) Develop implementation strategies for specific projects, such as, but not limited to:
 - a. Promenade Gateway;

- b. New public/private transportation modes for the Center City Area;
 - c. New housing districts, services and amenities for the Center City Area;
 - d. New hotel/motel facilities, parking facilities and office buildings in the Center City Area;
 - e. New pedestrian systems in the Center City Area.
- (9) Prepare the feasibility and marketing data necessary for development of first-priority projects.
 - (10) Study and recommend, in concert with the financial agencies of the city and county administration, innovations in public/private financing for center city renewal and secure appropriate financial commitments from public/private sectors to implement first-priority projects.
 - (11) Study and recommend necessary legislative authority to implement first-priority projects, such as, but not limited to:
 - a. Tax incentives; and
 - b. Revision of building and zoning codes.
 - (12) Develop an implementation tracking system for improvements monitoring.
 - (13) Determine the specific development plan's critical path system for first-priority projects.
 - (14) Coordinate with private developers to expedite first-priority projects.
 - (15) Develop an evaluation system to measure economic, social and environmental impacts and the effectiveness of completed projects.
 - (16) Provide for an audit and annual report to the official agencies and private interests contributing to the Commission.

Sec. 7-18. Slum Clearance and Redevelopment.

1. It is hereby found that there exists within the Center City Area structures which are unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accidents or calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or unsanitary, are dangerous or

detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the Center City Area.

2. The President is hereby designated and appointed to exercise the powers prescribed by the provisions of this Section 7-18 pursuant to Tennessee Code Annotated § 13-21-101 et seq.

3. Whenever a petition is filed with the President by a public authority or by at least five residents of the City of Memphis charging that any structure within the Center City Area is unfit for human occupation or use, or whenever it appears to the President (on the President's own motion) that any structure within the Center City Area is unfit for occupation or use, the President shall, if the President's preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner and any parties in interest of such structure a complaint stating the charges in that respect and containing a notice that a hearing will be held before the President (or the President's designated agent) at a place therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of the complaint, that:

- (A) The owner and parties in interest shall be given the right to file an answer to the complaint and appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and
- (B) The rules of evidence prevailing in courts of law or equity shall not be controlling in the hearings before the President (or his designee).

4. If, after such notice and hearing, the President determines that the structure under consideration is unfit for human occupation or use, the President shall state in writing the President's findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order:

- (A) If the repair, alteration or improvement of the structures can be made at reasonable cost in relation to the value of the structure (50% of the value of such structure being found reasonable for such purpose; provided, however, if such structure is located within a local historic district designated pursuant to § 26-66 et seq. of the Code of Ordinances of the City of Memphis, 100% of the value of such structure being found reasonable for such purpose), requiring the owner, within the time specified in the order, to repair, alter or improve such structure to render it fit for human occupation or use or to vacate and close the structure as a place of human occupation or use; or
- (B) If the repair, alteration or improvement of the structure cannot be made at a reasonable cost in relation to the value of the structure (50% of the

value of the structure being considered reasonable for such purposes; provided, however, if such structure is located within a local historic district designated pursuant to § 26-66 et seq. of the Code of Ordinances of the City of Memphis, 100% of the value of such structure being found reasonable for such purpose), requiring the owner, within the time specified in the order, to remove or demolish such structure.

5. If the owner fails to comply with an order to repair, alter or improve or to vacate and close the structure, the President may cause such structure to be repaired, altered or improved, or to be vacated and closed; the President may cause to be posted on the main entrance of any structure so closed, a placard with the following words: "This building is unfit for human occupation or use. The use or occupation for human occupation or use is prohibited and unlawful."

6. If the owner fails to comply with an order to remove or demolish the structure, the President may cause such structure to be removed or demolished.

7. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the President shall be assessed against the owner of the property, and shall, upon the filing of the notice with the office of the register of deeds of Shelby County, be a lien on the property in favor of the City of Memphis and the commission, as agent thereof, second only to liens of the State, Shelby County and City of Memphis for taxes, any lien of the City of Memphis for special assessments, and any valid lien, right or interest in such property duly recorded or duly perfected by filing, prior to the filing of such notice. These costs shall be collected by the tax collector of the City of Memphis at the same time and in the same manner as property taxes are collected. If the owner shall fail to pay the costs, such costs may be collected at the same time and in the same manner as delinquent property taxes are collected and shall be subject to the same penalty and interest as delinquent property taxes. In addition, the City of Memphis or the Commission on its behalf may collect the cost assessed against the owner through an action for debt filed in any court of competent jurisdiction. The City of Memphis or the Commission on its behalf may bring one action for debt against more than one or all of the owners of property against whom said costs have been assessed, and the fact that multiple owners have been joined in one action shall not be considered by the court as a misjoinder parties. If the structure is removed or demolished by the President, the President shall sell the materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the Chancery Court by the President, shall be secured in such manner as may be directed by such court, and shall be distributed by such court to the persons found to be entitled thereto by a final order or decree of such court. Nothing in this section shall be construed to impair or limit in any way the power of the City of Memphis or the Commission, define and declare nuisances and to cause the removal or abatement by summary proceedings or otherwise.

8. (A) Terms used in this Section 7-18 which are defined in Tennessee Code Annotated § 13-21-101 are intended to have the meanings set forth in said § 13-21-101, as same may be amended.
- (B) Complaints and orders may be served in the manner set forth in Tennessee Code Annotated § 13-21-104, as same may be amended.
- (C) In addition to other powers set forth in this Section 7-18, the President is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Section 7-18, including without limitation those powers set forth in Tennessee Code Annotated § 13-21-107, as same may be amended.

Sec. 7-19. Acquisition of vacant properties within Center City Area.

1. It is hereby found that there exists within the Center City Area blighted or deteriorated properties, and that there is need within the Center City Area for the exercise of powers, functions and duties conferred by Tennessee Code Annotated § 13-21-201 et seq.

2. The Commission is hereby appointed as vacant property review commission with respect to the property within the Center City Area, which shall certify blighted properties as blighted or deteriorated to the Council or the County Commission, acting singularly or jointly.

3. The Commission is hereby established and appointed as the vacant property review commission for the Center City Area pursuant to Tennessee Code Annotated §13-21-201 et seq., as the same may be amended, and the Commission shall have powers provided thereunder to make written determination of blighting and deterioration within the Center City Area, to certify such property to the Council or the County Commission, acting singularly or jointly, as blighted or deteriorated, and to exercise any and all powers and authorities delegating a vacant property review commission pursuant to Tennessee Code Annotated § 13-21-201 et seq.

Sec. 7-20. Expenses; annual budget.

(a) As the regulating body for District No. I, the Commission shall receive any annual service fee which may be assessed against the property owners within such district to pay administrative, operating, upkeep, and maintenance expenses of the district. As district management corporation for District No. II, the Commission shall receive all funds from assessments for such district. Contributions from the general operating funds of the city and county and from other governmental and private sources shall be added to the general operating budget of the Commission to maintain additional planning and administrative activities of the entire Center City Area.

(b) The Commission shall furnish to the city and county an annual operating budget, showing in detail the manner in which all of the funds received or to be received are to be expended during the ensuing year, within the time and manner as now provided by law; such budget shall contain a listing of all proposed expenditures. Funding shall be accomplished by contributions from the private business community and appropriations from both the city and county governments, as may hereinafter be mutually agreed to by the respective entities.

Sec. 7-21. Annual reports.

The Commission shall make to the city and county, during the month of January of each year or at such time as may be set by the Commission, an annual report giving a resume of its work and duties during the preceding year; and in such report it shall make such recommendations as to future projects to be undertaking for public improvement, with reference to overall area improvements which, in its judgment, should be undertaken for the betterment of the city relating thereto.

Sec. 7-22. Assistance, cooperation from city and county departments, commissions or authorities.

It shall be the duty of all city and county departments, commission and authorities to render assistance to the Commission in the way of information, advice and cooperation and to otherwise cooperate with the Commission so that the Commission may in the performance of its duties and functions.

Sec. 7-23. Enforcement; Injunction or Other Relief.

Enforcement of any power or authority granted the Commission under this Article II or as mall management agency of District I or district management corporation of District II or any rules or regulations issued by the Commission pursuant to such authority shall be delegated by the Commission to any employee of the Commission staff, who may obtain a summons through the city municipal court, and also to any city police officer, who may issue a summons or misdemeanor citation or effect a physical arrest for violations. In addition to the remedies provided herein, the Commission may issue an order requiring any violator to cease or suspend the facility causing such violation and/or initiate court proceedings to enjoin such violation.

Sec. 7-24. Transition Provisions.

After the establishment of District No. II, no assessment shall be made as to District No. I except assessments to pay for improvements as provided in Section 7-40 of Article III. Upon the adoption by the commission of rules and regulations pursuant to Section 7-92(5) of Article V, Sections 7-51 through 7-60 of Article III are hereby repealed. Upon the adoption by the commission of rules and regulations pursuant to Section 7-92(7) of Article V, Sections

7-76 through Section 7-85 of Article IV are hereby repealed. The references to central business improvement district in Sections 7-62 through 7-67 of Article III shall refer to District No. I.