

CITY COUNCIL RESOLUTION

WHEREAS, Downtown Memphis residents, business owners and government officials have recognized that chronic inebriates and public drunkenness have created a threat to the quality of life in downtown Memphis; The Center City Commission (“CCC”) has diligently researched and discussed methods to resolve this issue; and

WHEREAS, the Memphis City Council has held committee meetings and met with the CCC, beer wholesalers, and third parties (collectively “Interested Parties”) to work toward solutions and understand the resources that currently exist to develop address the problem; significant state and local laws, ordinances and regulations already in place regulate the sale and consumption of beer in the City of Memphis; Interested Parties have recognized that it is prudent to fully utilize existing laws and regulations before additional regulation is considered, including the CCC’s proposed ban on single serve beer in an alcohol impact area (“AIA Ordinance”); and

WHEREAS, the solution to the alcohol related behavior problems in Downtown Memphis will require a coordinated effort by city officials, including, the Memphis City Administration, City Council, Alcohol Commission and Memphis City Police, neighborhood groups and business owners, beer and liquor retailers and distributors and the CCC.

NOW, THEREFORE BE IT RESOLVED by the Memphis City Council that a representative group is established to address the problems caused by chronic inebriates and public drunkenness; the general operating guidelines of this group are as follows:

1. The Interested Parties will work to increase enforcement of existing laws, rules and regulations and to educate the retail clerks and store owners selling beer and customers within the area regarding the existing laws, rules and regulations with the goal of improving enforcement and education measures in the downtown district.
2. The representative group for this task force will be:
 - Memphis Administration representative
 - Memphis City Council representative
 - Center City Commission representative
 - Residents/business owners’ representative
 - Alcohol Commission representative
 - Memphis City Police Department (colonel or higher) representative
 - Beer distributors’ representative
 - Beer retailers’ representative
3. A plan shall be created within 30 days from the organization of the group. Initial bi-weekly meetings will be scheduled to formulate and implement the enforcement and education process; once the group establishes the plan, the

meeting schedule will be adjusted accordingly to allow for periodic monitoring of the situation; the plan will be implemented and reviewed for twelve months after the plan is implemented to determine the success of the initiatives set out in the plan.

4. The plan would include, but not be limited to,
 - a. Increased Policing – the Memphis City Council, City Administration and Police shall find the resources to increase policing in the Downtown district. Increased police activity may include the use of Blue Crush, the use of officers assigned to City Hall, the use of reserve officers or a rotation of officers from other areas. The number of officers would increase during the festival season (March-September).
 - b. Enforcement of State Laws. Due to the limited effectiveness of Memphis City Ordinances (\$50 fine limit, lack of jail and limited incarceration authority), enforcement activities will focus on the enforcement of state statutes followed by the enforcement of permit requirements.
 - c. Prosecutorial Efforts. The District Attorney’s Office has agreed to work with the Courts and community activist groups to create a scoring system to make sure that individuals who have been repeatedly charged or who have a history of severe criminal issues will be grouped and prosecuted in one court by a single prosecutor.
 - d. Merchants. Merchants shall coordinate efforts with MPD and will cooperate as witnesses in prosecution efforts. Merchants selling beer and alcohol are encouraged to participate in the Tennessee Alcoholic Beverage Commission’s Responsible Vendor Program.
 - e. Regulatory Efforts. The Alcohol Commission will institute its Preferred Vendor Program to educate permit holders and their employees. The Alcohol Commission will also work to leverage the MPD enforcement actions so that pressure will be brought on stores that are not complying with their permit obligations. Specifically, the Alcohol Commission will focus on the sale of beer to individuals that are “known to habitually drink alcoholic beverages to excess” pursuant to TCA 57-4-203(c)(1).
 - f. Distributors. Distributors will continue their education efforts by requesting approved signage in each store and by working to educate the retailers in the area.

BE IT FURTHER RESOLVED that the task force establish criteria to objectively judge the results of the initiative after 12 months from the date the plan is implemented and report to the Public Safety Committee on the effectiveness of the plan.

KEMP CONRAD
MEMPHIS CITY COUNCIL

