



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

A G E N D A

September 12, 2005

Commissioner Tom Moss, Chairman
Commissioner Joe Ford, Chairman Pro Tempore
Commissioner Marilyn Loeffel
Commissioner George Flinn
Commissioner John Willingham
Commissioner Walter Bailey, Jr.
Commissioner Julian T. Bolton

Commissioner Deidre Malone
Commissioner Michael A. Hooks
Commissioner Cleo C. Kirk
Commissioner Joe Ford
Commissioner Joyce Avery
Commissioner David Lillard
Commissioner Bruce Thompson

1:30 P.M.

COMMISSION CONVENES

CALL TO ORDER

Brian Kuhn, County Attorney

INVOCATION

Dr. Kenneth T. Whalum, Jr.
New Olivet Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions

(DEFERRED
TO 09/26/05)

August 8, 2005
August 22, 2005

R E G U L A R A G E N D A

Ordinances

FORD
ADOPTED

1. ORDINANCE – THIRD READING – An ordinance to approve and set the salary of the Chairman of the Shelby County Commission for the 2005-2006 term.

Elections, Appointments and Confirmations

**LOEFFEL
ADOPTED**

2. Resolution electing the Chairman of the Board of County Commissioners of Shelby County, Tennessee, pursuant to Shelby County Charter, Article II, Section 2.08.

**FLINN
ADOPTED**

3. Resolution electing the Chairman Pro Tempore of the Board of County Commissioners of Shelby County, Tennessee, pursuant to Shelby County Charter, Article II, Section 2.08.

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

**FLINN
ADOPTED**

4. Resolution acknowledging the month of September as "*Prostate Cancer Awareness Month*" in Shelby County.

**MALONE
ADOPTED**

5. Resolution of commendation and support for the Memphis and Shelby County Disproportionate Minority Contact Task Force (DMC).

Ordinances

**FORD
APPROVED**

6. **ORDINANCE – SECOND READING** – An ordinance granting contingent approval of the assignment and change of control of the Memphis CATV franchise to Cable Holdco II, Inc., and MOC Holdco II Inc., respectively.

Zoning and Subdivisions

**LILLARD
ADOPTED
(A-B)**

7. Resolution approving various subdivision contracts, plats, extensions, bond releases, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

- KIRK
ADOPTED**
8. Resolution rescinding the sale of five delinquent tax parcels from Tax Sale(s) 85.2, 89.5, 97.1, 97.3 and 99.5 pursuant to the provisions of the Tennessee Code Annotated 67-5-2507.
- KIRK
ADOPTED**
9. Resolution approving the sale of seventeen delinquent tax parcels from Tax Sale(s) 002, 004, 36, 50, 83.1, 89.4, 94.5, 95.2, 96.1 and 97.1 pursuant to the provisions of Tennessee Code Annotated 67-5-2507.
- KIRK
ADOPTED**
10. Resolution approving the sale of twenty-five delinquent tax parcels from Tax Sale(s) 0003, 54, 55, 85.1, 94.5, 95.1, 97.5, 98.2, 99.1 and 99.5 pursuant to the provisions of Tennessee Code Annotated 67-5-2507.
- KIRK
ADOPTED**
11. Resolution to encumber funds for hardware maintenance and licensing support for the Hewlett Packard (HP) Himalaya Non Stop Server, to Hewlett-Packard, Inc. in the amount of \$237,795.00 from FY 2005/2006 Operations and Maintenance Budget, Account Number 010-201804-6780.
- KIRK
ADOPTED**
12. Resolution to approve an amendment between Shelby County Government and International Business Machines (IBM), Inc., for maintenance of the Visualage Pacbase Support Software and to encumber funds in the amount of \$91,230.00 from FY 2005/2006, Operations and Maintenance Budget Account Number 010-201804-6780.
- KIRK
ADOPTED**
13. Resolution to authorize the purchase of property insurance from Pete Mitchell & Associates, Inc., using Factory Mutual Insurance Company, for a one year period beginning September 1, 2005, at an annual cost of \$366,016.
- LILLARD
(DEFERRED
TO 09/26/05)**
14. Resolution establishing a limited program to maintain county owned properties in the New Chicago neighborhood of Memphis and Shelby County.
- LILLARD**
15. Resolution to grant a permanent telecommunications

ADOPTED

easement across land owned by the County of Shelby for the use and benefit of the Shelby County Conservation Board, known as Gerland Creek P.D. Phase III, Greenbelt, located northeast of Hacks Cross Road and Shelby Drive, to Bellsouth Telecommunications, Inc., for the installation of a cabinet to house telecommunications equipment.

**LILLARD
ADOPTED**

16. Resolution authorizing the Mayor to execute a License Agreement granting air rights above Millington-Arlington Road to Memphis Stone & Gravel, Inc., for a term of nine years.

**LILLARD
ADOPTED**

17. Resolution to convey 280,439 square feet (6.438 acres with 3.429 acres on the right and 3.009 acres on the left) of Shelby County owned land across county owned real property located 580 feet east of the intersection of Walnut Grove Road and Humphreys Boulevard to the City of Memphis, without monetary consideration for the proposed widening and improvement of Walnut Grove Road.

**LILLARD
ADOPTED**

18. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$53,340.00 to Homer Skelton Ford for the purchase of one 4x4 crew cab truck for the Collierville Fire Department.

**LILLARD
ADOPTED**

19. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$58,461.60 to Homer Skelton Ford for the purchase of two Ford Expeditions for the Department of Homeland Security.

**LILLARD
ADOPTED**

20. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$150,122.25 to Homer Skelton Ford for the purchase of three specialty equipped F550 trucks with attached fire pumps for the Memphis Fire Department.

**LILLARD
ADOPTED**

21. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$228,000.00 to

Motorola for the purchase of radios with accessories for the District 11 Department of Homeland Security.

**LILLARD
ADOPTED**

- 22. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$321,248.00 to Homer Skelton Ford for the purchase of ten personnel transporters for the Shelby County Sheriff's Department.**

**LILLARD
ADOPTED**

- 23. Resolution amending the FY 2005/2006 Operating Budget for the Division of Public Works, Department of Homeland Security, for the office of Domestic Preparedness 2005 State Homeland Security Grant in the amount of \$1,961,609.85.**

**LILLARD
ADOPTED**

- 24. Resolution to amend the FY 2005/2006 Department of Homeland Security Budget to allow full expenditure of funds from the Office of Domestic Preparedness 2004 Urban Area Security Initiative Grant Program.**

**LILLARD
ADOPTED**

- 25. Resolution approving and authorizing the Shelby County Mayor to execute a Memorandum of Understanding between Shelby County Government, Shelby County Assessor of Property and the University of Memphis for the establishment of a Regional Geographic Information System.**

**AVERY
ADOPTED**

- 26. Resolution to approve an Operating Budget amendment to the WIC Program grant for the period July 1, 2005 – September 30, 2005, in the amount of \$20,100.00 and a Position Control Budget amendment to the WIC Program grant for the period July 1, 2005 – September 30, 2005.**

**AVERY
ADOPTED**

- 27. Resolution to amend the Memphis and Shelby County Health Department FY 2005-2006 Operating Budget to add one (1) new budget, the Mosquito and Rodent Control Program Budget No. 082-400406 for the period of October 1, 2005 -- June 30, 2006, in the amount of \$2,344,424.00 and to amend the Memphis and Shelby County Health Department FY 2005-2006 Position Control Budget to add Position Control Budget No. 082-400406 and to add twenty (20) new positions.**

**FORD
(REMOVED TO
THE REGULAR
AGENDA)
ADOPTED**

- 28. Resolution approving acceptance of funds from the U.S. Department of Homeland Security through the Office for Domestic Preparedness in the amount of \$404,194.00 and amending the FY 2005/2006 Operating Budget for the Division of Public Works, Fire Department, in the amount of \$173,226.00 for matching grant funds, for a total grant budget of \$577,420.00.**

- THOMPSON
ADOPTED** 29. **Resolution amending the FY 2005/2006 Operating Budget of the Division of Corrections in the amount of \$79,518.00 in order to carry forward unexpended grant funds.**
- THOMPSON
ADOPTED** 30. **Resolution approving award of Sealed Bid #1001016 to Dick Diggons Body Works, Inc., and appropriating funds in the amount of \$90,000.00 for vehicle body repairs.**
- LILLARD
ADOPTED** 31. **Resolution approving expenditure of funds by the Department of Construction Code Enforcement out of the FY 2006 Operating Budget in the amount of \$250,757.25 for the purchase of fifteen utility vehicles.**
- MALONE
ADOPTED** 32. **Resolution approving renewal of contract between Shelby County Government and Memphis City Schools Division of Nutrition for food services under the Child and Adult Food Care Program (“CACFP”) Head Start Enrollees Program and appropriating funds in the amount of \$257,107.50.**
- MALONE
ADOPTED** 33. **Resolution approving renewal of contract and expenditure of funds by Shelby County Government to Piccadilly Cafeteria for the purchase of food services and meals in the amount of \$157,320.00.**
- MALONE
ADOPTED** 34. **Resolution to authorize the Shelby County Community Services Agency to accept and expend \$15,000.00 in direct appropriation funds from the State of Tennessee, Department of Human Services, and to amend the Shelby County Operating Budget for FY 2006.**
- MALONE
ADOPTED** 35. **Resolution to approve Lease Agreement Addendum with 100 North Main Building for office space known as Suite 1301 for the Community Services Agency and appropriating funds in the amount of \$17,838.00.**
- MALONE
ADOPTED** 36. **Resolution to approve Lease Agreement Addendum with 100 North Main Building for office space known as Suites 1300, 1326 and 1327 for the Community Services Agency and appropriating funds in the amount of \$57,390.00.**

**FORD
ADOPTED**

37. This Resolution approves an amendment renewing the Contract CA033441 with Mercer Human Resource Consultants for actuarial and benefits consulting services. The renewal period is one year July 1, 2005 through June 30, 2006 and services will not exceed \$195,000.00 in cost. Professional services enable the county to more effectively evaluate and re-design employee health care benefits.

**FORD
ADOPTED**

38. Resolution approving on-the-job injury benefits for Michael A. Walden.

**FORD
ADOPTED**

39. Resolution supporting and affirming Executive Order of the Mayor setting forth the policy of Shelby County Government with respect to county employees called to active military duty in support of operations related to natural disasters affecting our fellow citizens.

**FORD
ADOPTED**

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

**LOEFFEL
(REFERRED
TO COMMITTEE)**

- 39A. **CASE NO. S.U.P. 05-205 CC**
APPLICANT: Edward T. Grinder
LOCATION: West side of Houston Levee Road; +/-
998 feet south of Macon Road
REQUEST: Drive-In Restaurant

**Memphis and Shelby County Office of Planning and
Development recommendation:
APPROVAL WITH CONDITIONS, CONTINGENT
UPON THE PREPARATION OF AN ACCEPTABLE
GENERAL PLAN**

**Memphis and Shelby County Land Use Control Board
recommendation:**

APPROVAL

(No notice of public hearing or notice letters to interested property owners required since there was no opposition at the Land Use Control Board.)

FORD
ADOPTED

40. Resolution approving the County Mayor's nomination of Richard C. Cushing for appointment to the Memphis and Shelby County Music Commission to fill the unexpired term of Herman Gilliam, Jr.

FORD
ADOPTED

41. Resolution electing Thomas Hart to the Shelby County Board of Equalization for a term expiring April 2006.
Ordinances

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

WILLINGHAM
ADOPTED

42. Resolution approving settlement agreement in case of Clark Construction Group, Inc., Plaintiff vs. City of Memphis and the Memphis Cook Convention Center, Defendants Civil Action No. 01-2780 U.S. District Court.

FORD
ADOPTED

43. Resolution to grant one-time cost of living bonuses in November 2005 to certain Plan B retirees.

FORD
ADOPTED

44. This Resolution changes Shelby County Government's employee term life insurance plan with Cigna, with its self insured features, to a fully insured Term Life Plan effective September 1, 2005. The proposed plan is renewable annually on its anniversary date by mutual agreement.

Announcements/Statements

Adjournment

FORD
ADOPTED

45. Resolution of Adjournment to September 26, 2005, at 1:30 p.m.

AGENDA # 7
DATE: September 12, 2005

7A

**SUBDIVISION: LEE LINE FARMS P.D. PHASE 5, PART OF AREAS A AND B
(P.D. 96-352 CC)**

DEVELOPER: STARWOOD PROPERTIES

**ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE
IMPROVEMENTS TO LEE LINE FARMS P.D. PHASE 5, PART
OF AREAS A AND B (P.D. 96-352 CC)**

**LOCATION: WEST SIDE OF HOUSTON LEVEE ROAD, 3,897.18 FEET ±
NORTH OF MACON ROAD**

7B

SUBDIVISION: SPRINGTON SUBDIVISION (S 98-034 CO)

DEVELOPER: TAPP ENTERPRISES

**ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE
THE IMPROVEMENTS TO SPRINGTON SUBDIVISION (S 98-034
CO) AND AUTHORIZE RECORDING OF THE PLAT**

**LOCATION: WESTERN TERMINUS OF SPRINGTON AVENUE ±/-250 FEET
WEST OF WILLOWBROOK STREET**

[For questions regarding the Agenda,
please call Steve Summerall at 545-4301.]