



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## A G E N D A

July 10, 2006

*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 Hooks  
Commissioner Cleo Kirk  
Commissioner Joyce Avery  
Commissioner David Lillard  
Commissioner Bruce Thompson*

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**1:30 P.M. COMMISSION CONVENES**

**CALL TO ORDER Deputy Sheriff Darren Williams**

**INVOCATION Dr. Jimmy Latimer, Pastor  
Redeemer Evangelical Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

### Approval of Minutes of Previous Sessions

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

#### Resolutions of Memorial, Sympathy and Commendation

#### Ordinances

#### Zoning and Subdivisions

**LOEFFEL ADOPTED (A-B)**      1.      **Resolution approving various subdivision contracts, plats, extensions, etc. as recommended by the County Engineer.**

#### Reports and/or Resolutions of Standing Committees

**KIRK ADOPTED**      2.      **Resolution approving expenditure of funds in the amount of \$88,465.59 to purchase bags, liners, and disposables for various departments of Shelby County Government.**

- KIRK  
ADOPTED**
3. Resolution approving the sale of six Delinquent Tax Parcels from Tax Sale(s) 52, 53, 82.2, 92.2 A, and 96.1 pursuant to provisions of the Tennessee Code Annotated Section 67-5-2507.
- KIRK  
ADOPTED**
4. Resolution to abandon 3,678 square feet (0.084 Acres) of excess prescriptive roadway right-of-way formerly used for Raleigh Lagrange Road and authorize the Mayor to execute a Quit Claim Deed releasing said prescriptive roadway right-of-way to Cornelius T. Canale and Dominic Justin Canale, the adjoining landowners.
- KIRK  
ADOPTED**
5. Resolution approving expenditures of funds with Corporate Care for carpet maintenance services at the Shelby County Criminal Justice Center, 201 Poplar, appropriating said funds from the FY 2006/2007, O&M Budget in the amount not to exceed \$57,084.00.
- LILLARD  
ADOPTED**
6. Resolution authorizing the execution of a lease agreement with WestPac Pipelines – Memphis, LLC, for certain lands on Presidents Island, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on January 19, 2006.
- LILLARD  
ADOPTED**
7. Resolution appropriating funds in the amount of \$450,000.00 from the FY 2006/2007 Budget for CIP Project No. 100150, North Parkway Realignment, for the County's share of the estimated right-of-way cost for the realignment of North Parkway (SR-1) and Jackson Avenue (SR-14) at Danny Thomas Boulevard (SR-3), Memphis, Shelby County.
- LILLARD  
ADOPTED**
8. Resolution amending Resolution #6 adopted on May 22, 2006, appropriating \$400,000.00 for CIP Project No. 100129, Houston Levee Road, to amend the Capital Improvement Budget for Fiscal Year 2006 to account for the reimbursement from the City of Lakeland for the project.
- LILLARD  
ADOPTED**
9. Resolution approving expenditure of funds by Shelby County Government to Mid-America International Trucks for the purchase of one (1) single axle dump truck with dump bed in the amount of \$58,834.00 and to Nortrax Equipment Company for the purchase of one (1) Tack Truck Distributor in the amount of \$107,850.00 for a total of \$166,684.00.
- AVERY  
ADOPTED**
10. Resolution awarding a contract to Standard Construction Company for the FY 2005/2006 Asphalt Concrete Surfacing Program, Phase 1 Area 2, in the amount of \$854,802.39.

- THOMPSON ADOPTED**      11.    Resolution approving amendment to reciprocal agreement for Fire, Rescue and EMS Services between Shelby County Government and the City of Memphis authorizing the County Mayor to execute same.
- THOMPSON ADOPTED**      12.    Resolution approving expenditure of funds in the amount of \$162,198.00 to Shapiro Uniforms for soft body armor for the Shelby County Sheriff's Office Training Academy.
- THOMPSON ADOPTED**      13.    Resolution amending the Fiscal Year 2006/2007 Operating Budget for the Division of Public Works, Fire Department, for full expenditure of the Assistance to Firefighters Grant in the Amount of \$396,676.00 and for matching grant funds in the amount of \$170,004.00, for a total expenditure of \$566,680.00.
- THOMPSON ADOPTED**      14.    Resolution approving expenditure of funds by Shelby County Fire Department FY 2006/2007 Operating Budget in the amount of \$576,000.00 to Motorola, Inc., for a computer aided Dispatch System for the Shelby County Fire Department using funds from Assistance to Firefighters Grant under the U.S. Department of Homeland Security and Fire Department funds.
- THOMPSON ADOPTED**      15.    Resolution to amend the Contract with DWA, Inc., Security Services to add additional posts at county buildings and appropriating additional funds in the amount of \$40,100.00 to increase the total cost of the contract for this renewal period to \$1,096,552.00.
- LOEFFEL ADOPTED**      16.    Resolution extending a moratorium on the acceptance of applications and the issuance of permits for adult businesses in unincorporated Shelby County for a period of five months.
- FORD ADOPTED**      17.    Resolution approving consultant to perform financial and operational audit of Employee Medical Benefit Plans.

**MALONE ADOPTED**

**CONSENT AGENDA**

**R E G U L A R   A G E N D A**

**Elections, Appointments, and Confirmations**

- FORD ADOPTED**      18.    Resolution approving the county mayor's nomination of Juanita E. Jones, Shira H. Shaw for appointment and Roscoe McVay for reappointment to the Shelby County *Agricultural Extension Committee*.

FORD  
ADOPTED

19. Resolution approving the county mayor's nomination of Cheryl W. Patterson, Beverly A. Perkins, and Jeremy A. Simpson for reappointment to the Memphis and Shelby County *Depot Redevelopment Corporation*.

Ordinances

KIRK  
ADOPTED

20. ORDINANCE – THIRD READING- Ordinance fixing tax rate for Shelby County for the year 2006.

LOEFFEL  
ADOPTED

21. ORDINANCE – THIRD READING – An Ordinance to adopt Supplement No. 29 to the Code of Shelby County, Tennessee.

LOEFFEL  
(DEFERRED  
TO 07/24/07)

22. ORDINANCE – THIRD READING – An Ordinance to amend Chapter 28 of the Code of Shelby County to provide for the disposal of tenant property discarded onto county right-of-ways, easements or other property owned or maintained by the county after an eviction.

Zoning and Subdivisions

LOEFFEL  
ADOPTED

23. CASE NO. P.D. 06-314 CC  
APPLICANT: George Lee

LOCATION: West side of Houston Levee Road, +329 ft. north of Macon Road, and north side of Macon Road, +297 ft. west of Houston Levee Road

REQUEST: a) Permit limited commercial uses throughout Area F;  
b) relax use limitations to permit restaurants with drive-through windows in certain locations;  
c) permit five out-parcels with separate ownership and separate entrances;  
d) increase the number of permitted curb cuts along Macon Road from two to three

Memphis and Shelby County Office of Planning and Development recommendation:  
APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control Board recommendation:  
APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily News on Friday, June 30, 2006.)

LOEFFEL  
(DEFERRED  
TO 07/24/06)

24. CASE NO. S. U.P. 06-206 CC  
APPLICANT: Tower Ventures V/Billy Orgel
- LOCATION: North side of Macon Road; ±1,500 feet west of Collierville-Arlington Road
- REQUEST: Special Use Permit for the purpose of erecting a tower for commercial mobile communication systems (commonly known as a cell tower)

Memphis and Shelby County Office of Planning and Development recommendation:  
**APPROVAL WITH CONDITIONS**

Memphis and Shelby County Land Use Control Board recommendation:  
**APPROVAL WITH CONDITIONS**

(Notice of public hearing published in the Daily News on Friday, June 30, 2006.)

LOEFFEL  
ADOPTED

25. CASE NO. P.D. 06-312 CC  
APPLICANT: Landmark Properties & Performa Real Estate, Inc.
- LOCATION: Southwest corner of Winchester Road and Forest Hill-Irene Road
- REQUEST: Planned development to allow Planned Commercial (C-P) District land uses, including a hotel within the Outline Plan.

Memphis and Shelby County Office of Planning and Development recommendation:  
**APPROVAL WITH CONDITIONS**

Memphis and Shelby County Land Use Control Board recommendation:  
**APPROVAL WITH CONDITIONS**

(Notice of public hearing published in the Daily News on Friday, June 30, 2006.)

Reports and/or Resolutions for Standing Committees

KIRK  
ADOPTED

26. Resolution approving the Shelby County Board of Education Operating Budget for FY 2007 as adopted by the Shelby County Board of Education.

KIRK  
(DEFERRED  
TO 07/24/06)

27. Resolution to transfer funds in the amount of \$700,000.00 from the budgeted but unused 2005/2006 CIP funds and expenditures of funds in an amount not to exceed \$700,000.00 for the investment in the new Towne Center at Soulsville from the FY 2005/2006 CIP budget for Org/Account number \_\_\_\_\_ in the amount of

**\$700,000.00 for the investment in New Towne Center at Soulsville USA, an \$11,000,000.00 mixed use lifestyle/Center.**

**WILLINGHAM  
ADOPTED  
AS AMENDED**

- 28. Resolution directing the Shelby County Attorney's Office to review and investigate the allegations concerning the TDOT grant to the New Memphis and Shelby County Public Building Authority for the construction of the public garage as part of the Fed Ex Forum project.**

**FORD  
ADOPTED**

- 29. Resolution to amend Shelby County Retirement System Plan A to increase number of hours certain retirees may work for County after retirement while still continuing to receive pensions.**

**FORD  
ADOPTED**

- 30. Resolution to amend Shelby County Retirement System Plan B to increase number of hours certain retirees may work for County after retirement while still continuing to receive pensions.**

**FORD  
ADOPTED**

- 31. Resolution to amend Shelby County Retirement System Plan C to increase number of hours certain retirees may work for County after retirement while still continuing to receive pensions.**

**FORD  
(DEFERRED  
TO 07/24/06)**

- 32. Resolution to amend Shelby County Retirement System Plan A to change the definition of "Credited Service" to exclude post-termination payments for accrued vacation and bonus days.**

**FORD  
(DEFERRED  
TO 07/24/06)**

- 33. Resolution to amend Shelby County Retirement System Plan B to change the definition of "Credited Service" to exclude post-termination payments for accrued vacation and bonus days.**

**FORD  
(DEFERRED  
TO 07/24/06)**

- 34. Resolution to amend Shelby County Retirement System Plan C to change the definition of "Credited Service" to exclude post-termination payments for accrued vacation and bonus days.**

**Announcements/Statements**

- 35. Notifications from County Mayor of various appointments, reappointments to boards, commissions, and offices of Shelby County Government.**
- a) Resolution approving the County Mayor's nomination of Ralph Sutton for appointment to the Memphis and Shelby County Music Commission.**

**Adjournment**

**LILLARD  
ADOPTED**

- 36. Resolution of Adjournment to July 24, 2006, at 1:30 p.m.**

**AGENDA # 1**  
**DATE JULY 10, 2006**

**1A**

**SUBDIVISION: CORDOVA CELLARS P.D., PHASE 1 (P.D. 00-336 CC)**

**DEVELOPER: SECURITY SIGNALS**

**ACTION: RESOLUTION TO APPROVE THE PLAT FOR CORDOVA CELLARS P.D., PHASE 1 (P.D. 00-336 CC) AND AUTHORIZE THE RECORDING OF THE PLAT**

**LOCATION: NORTHWEST CORNER OF MACON ROAD AND BERRYHILL ROAD**

**1B**

**SUBDIVISION: GERLAND CREEK P.D., PHASE 8 PART OF PARCELS 3 AND 5 (P.D. 92-349 CC)**

**DEVELOPER: WHISPER RIDGE, GP**

**ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO GERLAND CREEK P.D., PHASE 8 PART OF PARCELS 3 AND 5 (P.D. 92-349 CC)**

**LOCATION: NORTHSIDE OF SHELBY DRIVE 2000 FEET ± WEST OF HACKS CROSS ROAD**

[If you have any questions about this agenda, please call Steve Summerall, Chief Administrator, at 545-4301]