



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## AGENDA

April 28, 2008

*Commissioner David Lillard, Chairman*  
*Commissioner Deidre Malone, Chairman Pro Tempore*  
*Commissioner Joyce Avery*  
*Commissioner Henri E. Brooks*  
*Commissioner Wyatt Bunker*  
*Commissioner Mike Carpenter*  
*Commissioner Sidney Chism*

*Commissioner George Flinn*  
*Commissioner Joe Ford*  
*Commissioner J.W. Gibson II*  
*Commissioner James Harvey*  
*Commissioner Steve Mulroy*  
*Commissioner Mike Ritz*

7/31/2008 11:05 AM

1:30 P.M.

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff Kimsey Lee Lovell, Jr.

INVOCATION

Moment of Silence

PLEDGE OF ALLEGIANCE

ROLL CALL

### Approval of Minutes of Previous Session

FORD  
ADOPTED

April 14, 2008

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

### Resolutions of Memorial, Sympathy and Commendation

MULROY  
ADOPTED

1. Resolution to honor Mrs. Margaret Weinberg for exemplary service to the citizens of Shelby County.

Sponsored by Commissioner Steve Mulroy.

MULROY  
ADOPTED

2. Resolution honoring the Royal Family Kid's Camp of Raleigh Assembly for exemplary service to the children of Shelby County.

Sponsored by Commissioner Steve Mulroy.

*\* Recess of the County Commission Meeting and convening of a Joint Meeting of the Ad Hoc Committee on Shelby County Charter Amendments and General Government Committee to consider proposals and approve Ordinances proposing amendments to the Shelby County Charter. (See Agenda of the Joint Committee’s meeting attached)*

*\* Reconvene session of the County Commission. Receive and consider report of the Joint Meeting of the Ad Hoc Committee on Shelby County Charter Amendments and the General Government Committee, regarding Ordinances proposing amendments to the Shelby County Charter.*

**Ordinances**

**FORD  
(REMOVED  
TO REGULAR  
AGENDA)  
FAILED**

- 3. ORDINANCE – SECOND READING –Ordinance amending the Shelby County Charter by repealing Section 4.06 of Article IV; adding a new Article VIII so as to create the offices of, and assign the duties and functions to, the Shelby County Sheriff, Shelby County Trustee, Shelby County Register, Shelby County Clerk, and Shelby County Assessor; and providing for the state law requirements for establishing a Charter form of county government.**

Sponsored by Chairman David Lillard and Chairman Pro Tempore Deidre Malone.

**FORD  
(REMOVED  
TO REGULAR  
AGENDA)  
APPROVED**

- 4. ORDINANCE – SECOND READING –Ordinance amending Sections 1.02, 2.02, 2.03, 2.04, 2.06, 3.03, 3.05, 3.07, and 5.10 of the Shelby County Charter relative to the County Commission’s powers and membership, setting the County Commission Chairman’s salary, Ordinance adoption requirements, the County Mayor’s duties, filling vacancy in the office of County Mayor, budget procedures, and residency requirement for county officials and employees; and to add three new sections to the “General Provisions” under Article V relative to holding more than one elective office, succession of authority following a disaster, and recall of elected county officials.**

Sponsored by Chairman David Lillard and Chairman Pro Tempore Deidre Malone.

**Zoning and Subdivisions**

**RITZ  
ADOPTED  
(A)**

- 5. Resolution approving various subdivision items, plats, extensions, etc. as recommended by the County Engineer.**

a. Resolution to approve the plat for Haley Subdivision (S 07-049 CO) and authorize the recording of the plat.

**Reports and/or Resolutions for Standing Committees**

**RITZ  
ADOPTED**

6. Resolution approving a contract in the amount of \$236,400.00 with Grinder Building Corporation for the provision of window replacement, phase 2, at Peggy Edmiston Administration Building, and this item requires expenditure of county CIP finds in the amount of \$236,400.00 from the FY 2007/2008 budget for CIP Project No. 101710, Office Buildings.

Sponsored by Commissioner Wyatt Bunker.

**RITZ  
ADOPTED**

7. Resolution approving the expenditure of funds by Shelby County Government to APAC-Tennessee, Inc., and Lehman-Roberts Company for plant mix asphalt in the approximate amount of \$1,060,000.00 from July 1, 2008 to June 30, 2009, and this item requires the expenditure of State Gas Tax Funds in the amount of \$1,060,000.00.

Sponsored by Commissioner Wyatt Bunker.

**RITZ  
ADOPTED**

8. Resolution approving the expenditure of funds by Shelby County Government to Standard Construction Company for crushed concrete in the approximate amount of \$147,000.00 from July 1, 2008 to June 30, 2009, and this item requires the expenditure of State Gas Tax Funds in the amount of \$147,000.00.

Sponsored by Commissioner Wyatt Bunker.

**CHISM  
(REMOVED  
TO REGULAR  
AGENDA)  
ADOPTED**

9. Resolution amending the FY 2008 Operating Budget for a grant from the Tennessee Emergency Management Agency in the amount of \$576,000.00 for the Buffer Zone Protection Program of the U.S. Department of Homeland Security, and this item requires the expenditure of U.S. Department of Homeland Security Grant funds in the amount of \$576,000.00 for the purpose of protecting critical infrastructure in Shelby County.

Sponsored by Commissioner Sidney Chism.

**CHISM  
ADOPTED**

10. Resolution amending the FY 2007/2008 Operating Budget of the Mother's Grant in the amount of \$11,690.00 to provide adjustments to salary, benefits, and outside contracts. This is a pass through grant to be adjusted in the amount of \$11,690.00.

Sponsored by Commissioner Sidney Chism.

**CHISM  
ADOPTED**

11. Resolution amending the FY 2007/2008 Operating Budget of the Shelby County Drug Court in the amount of \$191,500.00 to account for increased revenue and expenditures until federal earmark appropriations are available.

Sponsored by Commissioner Sidney Chism.

**CARPENTER  
ADOPTED**

12. Resolution approving the conveyance of a parcel of county owned delinquent tax property 37,200 square feet (0.8540 acres) in size, located on the northeast corner of Santa Valley Street and U.S. Highway 64 to the City of Bartlett, without monetary consideration; and to authorize the Mayor to execute a quit claim deed conveying said parcel of land to the City of Bartlett for use in conjunction with its Fletcher Creek Greenbelt/Park System.

Sponsored by Commissioner Henri E. Brooks.

**CARPENTER  
ADOPTED**

13. Resolution approving the conveyance of a parcel of land, 10,663 square feet (0.24 acres) in size, located on the north side of Westbrook Road at its west dead-end, to the City of Bartlett, without monetary consideration, and to authorize the Mayor to execute a quit claim deed conveying said parcel of land to the City of Bartlett for its ongoing maintenance of sewer line facilities located therein.

Sponsored by Commissioner Henri E. Brooks.

**CARPENTER  
ADOPTED**

14. Resolution approving the conveyance of a parcel of land 6,011 square feet (0.138 acres) in size, located on the south side of Pontotoc Street and east of Orleans Street back to the City of Memphis, without monetary consideration; and to authorize the Mayor to execute a quit claim deed conveying said parcel of land back to the City of Memphis for proper disposal.

Sponsored by Commissioner Henri E. Brooks.

**FORD  
ADOPTED**

**CONSENT AGENDA**

## ***REGULAR AGENDA***

### **Elections, Appointments, and Confirmations**

**FORD  
ADOPTED**

15. Resolution approving the County Mayor's nomination of Michael J. Massey, Sr., for appointment to the Memphis and Shelby County Community Redevelopment Agency.

Sponsored by Commissioner Joe Ford.

### **Ordinances**

**CARPENTER  
ADOPTED**

16. **ORDINANCE – THIRD READING** – Ordinance by the Board of Commissioners for Shelby County, Tennessee, to amend Chapter 14.5 of the Code of Shelby County to reduce the annual emission fee amount for the calendar year 2006.

Sponsored by Commissioner Joyce Avery.

**Zoning and Subdivisions**

**RITZ  
ADOPTED**

17. **CASE NO. S.U.P. 08-204 CO**  
**APPLICANT:** Tower Ventures

**LOCATION:** South side of Tracy Road, 1634 feet east of Rosemark Road.

**REQUEST:** Special use permit for a cell tower (CMCS) 195 feet tall; “slick stick” monopole design

**RECOMMENDATIONS:**

Memphis and Shelby County Office of Planning and Development:

**APPROVAL WITH CONDITIONS**

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

(Notice of public hearing published in the Daily News on Friday, April 18, 2008.)

**Reports and/or Resolutions for Standing Committees**

**MALONE  
ADOPTED**

18. Resolution to adopt senior property tax freeze.

Sponsored by Commissioner Deidre Malone and Commissioner Mike Carpenter.

**BROOKS  
ADOPTED**

- 19A. Resolution authorizing offering a buy out for current employees over 65.

Sponsored by Commissioner Sidney Chism.

**BROOKS  
(REFERRED  
TO COMMITTEE)**

- 19B. Resolution eliminating pay for unused sick leave at retirement

Sponsored by Commissioner Sidney Chism.

**CHISM  
(DEFERRED  
TO 05/12/08)**

20. Resolution to appoint a Judicial Commissioner and set the term of the appointment.

Sponsored Commissioner Joe Ford.

**MULROY  
(DEFERRED  
TO 05/12/08)**

21. Resolution requesting the Tennessee General Assembly to enact legislation to eliminate litigation taxes in criminal cases; to increase court costs in criminal cases; to make such costs a part of the criminal sanctions; and to create a work program whereby those convicted of crimes may be required to work off criminal fines and court costs in lieu of their payment. In the alternative, this resolution requests that these issues regarding criminal fines and costs be included in House Bill 3751 for study by a legislative council in conjunction with the administrative office of the courts.

Sponsored by Commissioner Joe Ford.

**MULROY  
(DEFERRED  
TO 05/12/08)**

22. Resolution requesting the Tennessee General Assembly to amend any caption bill now pending before it to establish a new division of General Sessions Court at Shelby County that would be solely dedicated to collecting unpaid fines, fees, levies, and court costs. In the alternative, this resolution seeks to pay an additional salary of \$50,000.00 per year to any judge or judges who hear cases pertaining to the collection of unpaid fines, fees, levies and other costs due to the General Sessions Courts of Shelby County.

Sponsored by Commissioner Joe Ford.

**MULROY  
(DEFERRED  
TO 05/12/08)**

23. Resolution by the Board of County Commissioners of Shelby County, Tennessee, requesting the County Mayor's Administration to provide regular updates regarding state legislation requested by any board, agency, or commission that have members appointed by the Board of County Commissioners.

Sponsored by Commissioner Mike Ritz.

**FORD  
(DEFERRED  
TO 05/12/08)**

24. Resolution amending Rule 7 of the Commissioners Permanent Rules of Order.

Sponsored by Commissioner Joe Ford.

**CARPENTER  
ADOPTED**

25. Resolution approving the sale of eleven delinquent tax parcels totaling \$65,600.00 from Tax Sale(s) 2, 102, 201, 203, 204, 205, 206, and 303 pursuant to the provisions of Tennessee Code Annotated, Section 67-5-2507.

Sponsored by Commissioner Henri E. Brooks.

**CARPENTER  
ADOPTED**

26. Resolution approving the sale of ten delinquent tax parcels totaling \$96,900.00 from Tax Sale(s) 106, 205, 206, 301, 303, and 304 pursuant to the provisions of Tennessee Code Annotated, Section 67-5-2507.

Sponsored by Commissioner Henri E. Brooks.

**CARPENTER  
ADOPTED**

27. Resolution approving the sale of eleven delinquent tax parcels totaling \$70,100.00 from Tax Sale(s) 2, 102, 201, 203, 204, 205, 206, and 303 pursuant to the provisions of Tennessee Code Annotated, Section 67-5-2507.

Sponsored by Commissioner J. W. Gibson, II.

**Announcements/Statements**

**Adjournment**

**FORD  
ADOPTED**

28. Resolution of Adjournment to Monday, May 5, 2008, at 8:30 a.m.

**AGENDA #:** 5  
**DATE:** APRIL 28, 2008

**5A**

**SUBDIVISION:** HALEY SUBDIVISION (S 07-049 CO)

**DEVELOPER:** ROBERT CONRAD

**ACTION:** RESOLUTION TO APPROVE THE PLAT FOR HALEY  
SUBDIVISION (S 07-049 CO) AND AUTHORIZE THE  
RECORDING OF THE PLAT

**LOCATION:** SOUTHWEST CORNER OF TRACY ROAD AND RAMADA LANE

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