



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

May 12, 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

1:30 PM

COMMISSION CONVENES

7/31/2008 11:12 AM

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff Sammie Jones

INVOCATION

Reverend Mary Moore
New Salem Missionary Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

FLINN
ADOPTED

1. Resolution to recognize May 2008 as Older Americans Month.

Sponsored by Commissioner Henri Brooks.

** 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 shown on the Joint Committee agenda and approve Ordinances proposing amendments to the Shelby County Charter.*

*** 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.***

REGULAR AGENDA

Ordinances

**MULROY
APPROVED
AS AMENDED
(DEFERRED
TO 05/14/08)**

- 2. ORDINANCE – THIRD 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
APPROVED
AS AMENDED
(DEFERRED
TO 05/14/08)**

- 3. ORDINANCE – THIRD READING – Ordinance to amend the Shelby County Charter by deleting Exhibit “A” as a duplication of the Civil Service Act Ordinance; by amending Sections 1.02, 2.02, 2.03, 2.04, 2.06, 3.03, 3.04, 3.05, 3.07 and 5.10 relative to the governmental powers; county audits; purchasing procedures; County Commission’s membership requirements and nomination to fill vacancies; County Commission Chairman’s salary; Ordinance adoption and effective date; County Mayor’s duties and term; vacancy in the office of County Mayor; budget procedures; and residency requirements for county officials and employees; and by adding 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.

**FY 2009 BUDGET UPDATE
(REFERRED
BACK TO BUDGET
COMMITTEE)**

Mayor A C Wharton, Jr.

PYRAMID RE-USE COMMITTEE UPDATE

Commissioner Deidre Malone

CONSENT AGENDA

Ordinances

FORD
APPROVED

4. **ORDINANCE - FIRST READING** - An ordinance to approve and set the salary of the Chairman of the Shelby County Commission for the 2008-2009 term. Sponsored by Commissioner Joe Ford.

Zoning and Subdivisions

RITZ

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

ADOPTED

- a. Resolution to approve the plat for Buggs Gully Subdivision (S 07-036 CO) and authorize the recording of the plat.

ADOPTED

- b.) Resolution to approve the plat for Farris Newbern Subdivision (S 05-006 CO) and authorize the recording of the plat.

(DEFERRED
TO 06/02/08)

- c.) Resolution to approve the plat for Stonebriar P.D., Area 10, Phase 7, (P.D. 03-335 CC) and authorize the recording of the plat.

Reports and/or Resolutions for Standing Committees

RITZ
ADOPTED

6. Resolution granting an easement for transmission of electricity to Nucor Steel Memphis, Inc., as approved by the Board of Commissioners of The Memphis and Shelby County Port Commission on March 27, 2008, and this item does not require the expenditure of county funds.

Sponsored by Commissioner Wyatt Bunker.

RITZ
(REMOVED TO
REGULAR
AGENDA)
ADOPTED

7. Resolution approving the expenditure of funds by Shelby County Government to Memphis Stone & Gravel Company for pit run gravel, back fill sand and pea gravel and to Metro Materials for mortar sand in the approximate amount of \$348,735.00 from July 1, 2008 to June 30, 2009 and this item requires the expenditure of State Gas Tax Funds in the amount of \$348,735.00.

Sponsored by Commissioner Wyatt Bunker.

RITZ
REMOVED
TO REGULAR
AGENDA)
ADOPTED

8. Resolution awarding a contract to Standard Construction Company for the FY 2007/2008 Asphalt Resurfacing Program Phase I in an amount not to exceed \$616,147.20 and this item requires the expenditure of State Gas Tax Funds in the amount of \$616,147.20.

Sponsored by Commissioner Wyatt Bunker.

**CHISM
ADOPTED**

9. Resolution receiving and filing the report of the Judicial Commissioner Program as required by Tennessee Code Annotated, Section 40-1-111.

Sponsored by Commissioner Sidney Chism.

**CHISM
WITHDRAWN**

10. Resolution to enlarge the Board of Directors for the Shelby County Emergency Communications District to eleven members as authorized by 2007 Public Acts, Chapter 55.

Sponsored by Commissioner Sidney Chism.

**CHISM
ADOPTED**

11. Resolution amending the FY 2007/2008 Operating Budget for a grant agreement with the Supreme Court of Tennessee Administrative Office of the Courts to fund courtroom security enhancements in the amount of \$66,600.00 for the purpose of providing a safe and secure courtroom environment. This item requires the expenditure of grant funds.

Sponsored by Commissioner Sidney Chism.

**CHISM
(DEFERRED
TO 06/02/08)**

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

Sponsored by Commissioner Joe Ford.

**MULROY
(DEFERRED
TO 06/02/08)**

13. A 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 06/02/08)**

14. A resolution requesting the Tennessee General Assembly to amended 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 08/04/08)**

15. 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.

**FLINN
ADOPTED**

16. A resolution amending the FY 2008 Operating Budget for State of Tennessee Community Enhancement Grants in the amount of \$108,000.00 and this item requires expenditures of State of Tennessee Community Enhancement Grant Funds in the amount of \$108,000.00

Sponsored by Commissioner George Flinn.

**FLINN
ADOPTED**

17. Resolution to approve the transfer of Riverdale Park, Farmington Park, and Red Devil Field, including all existing park improvements, equipment and inventory thereon, together with a total of 26.48 acres of land upon which the parks are situated, owned by Shelby County, for the use and benefit of the Shelby County Conservation Board, located in various locations in the City of Germantown, to the City of Germantown, without monetary consideration, for its continued development, operation and maintenance for public outdoor recreational purposes.

Sponsored by Commissioner Henri Brooks.

**FLINN
ADOPTED**

18. Resolution to approve the transfer of Nikki McCray Park, including all existing park improvements, equipment and inventory thereon, together with 17.756 acres of land upon which the park is situated, owned by Shelby County, for the use and benefit of the Shelby County Conservation Board, located at 274 Harris Park Road in the Town of Collierville, Tennessee, to the Town of Collierville, without monetary consideration, for its continued development, operation and maintenance for public outdoor recreational purposes.

Sponsored by Commissioner Henri Brooks.

**FORD
DEFERRED
TO 06/02/08)**

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

Sponsored by Commissioner Joe Ford.

**GIBSON
ADOPTED**

20. Resolution approving the sale of ten Delinquent Tax Parcels totaling \$105,120.00 from Tax Sale(s) 99.01, 203, 205, 206 and 304 pursuant to the provisions of Tennessee Code Annotated, Section 67-5-2507.

Sponsored by Commissioner J. W. Gibson, II.

**GIBSON
ADOPTED**

21. Resolution approving the sale of sixteen Delinquent Tax Parcels totaling \$148,100.00 from Tax Sale(s) 94.3, 201, 202, 203, 204, 205, 206 and 302 pursuant to the provisions of Tennessee Code Annotated, Section 67-5-2507.

Sponsored by Commissioner J. W. Gibson, II.

**FORD
ADOPTED**

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

Ordinances

Zoning and Subdivisions

Reports and/or Resolutions of Standing Committees

**MULROY
ADOPTED**

22. Resolution to oppose proposed legislation imposing additional criteria for determining maintenance of effort compliance for local education funding.

Sponsored by Commissioner Mike Ritz.

**MULROY
(DEFERRED
TO 05/14/08)**

23. Resolution by the Board of County Commissioners of Shelby County, Tennessee requesting the members of the Tennessee General Assembly to oppose pending legislation regarding duties and term limit prohibitions for county constitutional and charter officers.

Sponsored by Commissioner Steve Mulroy.

**MALONE
(DEFERRED
TO 06/02/08)**

24. Resolution amending the FY 2008 Capital Improvement Budget and Appropriating School Capital Funds in the Amount of \$11,537,402.00 from funds transferred for this purpose as authorized by Resolution No. 63A adopted on June 25, 2007.

Sponsored by Commissioner Deidre Malone.

**FORD
(DEFERRED
TO 06/02/08)**

25. Resolution eliminating pay for unused sick leave at retirement for new employees.

Sponsored by Commissioner Sidney Chism.

**FORD
(DEFERRED
TO 06/02/08)**

- 26. Resolution by the Board of Commissioners of Shelby County, Tennessee, requiring criminal, sex offender, and child support background checks for all nominees to any board, agency, or commission that are appointed and/or confirmed by the Board of County Commissioners.**

Sponsored by Commissioner Henri E. Brooks.

**FORD
(DEFERRED
TO 06/02/08)**

- 27. Resolution to establish a hiring freeze until June 30, 2009, eliminate reclassifications for the same period, remove all positions vacant for 90 days or longer as of May 31, 2008, from the Fiscal 2009 department budgets and to provide a process to allow for necessary exceptions.**

Sponsored by Commissioner Deidre Malone.

Announcements/Statements

- 28. Notification 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 Dawn Kinard for reappointment and Yolanda D. Ingraham for reappointment to the Memphis and Shelby County Land Use Control Board.**

Sponsored by Commissioner Joe Ford.

- b.) Resolution approving the County Mayor's nomination of the Joint City-County appointment of Cathy Simmons to the Memphis and Shelby County Downtown Parking Authority.**

Sponsored by Commissioner Joe Ford.

Adjournment

**MULROY
ADOPTED**

- 29. Resolution of adjournment to Wednesday, May 14, 2008, at 8:30 A.M.**