



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, June 2, 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 11:16 AM

1:30 PM COMMISSION CONVENES

CALL TO ORDER Chairman David Lillard

OPENING OF THE COMMISSION Deputy Sheriff Kimsey Lee Lovell, Jr.

INVOCATION Reverend Ralph White
Bloomfield Baptist Church

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

GIBSON April 28, 2008
ADOPTED

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

Ordinances

MALONE
(REMOVED TO
REGULAR
AGENDA)
APPROVED

1. ORDINANCE - FIRST READING - Ordinance fixing tax rate for Shelby County for the year 2008.

RITZ
APPROVED

2. **ORDINANCE - SECOND READING** --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
(REMOVED
TO REGULAR
AGENDA)
ADOPTED

3. Resolution approving various subdivision items, plats, extensions, etc. as recommended by the County Engineer.
 - a.) Resolution to approve the plat for Stonebriar PD, Area 10, Phase 7, (P.D. 03-335 CC) and authorize the recording of the plat. (Amended in committee 5/28/08)
 - b.) Resolution to approve the plat for Galluzzi subdivision (S 07-025 CO) and authorize the recording of the plat.

Reports and/or Resolutions for Standing Committees

MALONE
ADOPTED

4. Resolution approving the amendment to the contract with Mendola & Associates, LLC for the audit of tangible personal property accounts within Shelby County for Calendar Year 2008 in the amount of \$420,000.00 and appropriating said amount in the Fiscal 2008/2009 Operating Budget of the Shelby County Assessor. This item requires expenditure of County General Funds in the amount of \$420,000.00.

Sponsored by Commissioner Joseph Ford, Sr.

MALONE
(REMOVED
TO REGULAR
AGENDA)
ADOPTED

5. Resolution approving expenditure of funds in the amount of \$232,490.38 to Unisource for paper and envelopes to the various departments of Shelby County Government. This item requires expenditure of County General Funds in the amount of \$232,490.38.

Sponsored by Commissioner Deidre Malone.

MALONE
(REMOVED TO
REGULAR
AGENDA)
ADOPTED

6. Resolution approving expenditure of funds in the amount of \$135,420.51 to Corporate Express for copy and bond paper for the various departments of Shelby County Government. This item requires expenditure of County General Funds in the amount of \$135,420.51.

Sponsored by Commissioner Deidre Malone.

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

7. Resolution approving expenditure of funds to American Paper and Twine for \$57,336.92 and Housekeepers Supply for \$405,834.35 a total purchase of \$463,171.27 for disposable paper and plastics to various departments of Shelby County Government. This item requires expenditure of County General Funds in the total amount of \$463,171.27.

Sponsored by Commissioner Deidre Malone.

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

8. Resolution amending the FY 2008 Operating Budget; approving a U.S. Geological Survey grant agreement between Shelby County Government and the U.S. Department of the Interior in the amount of \$50,000.00.

Sponsored by Commissioner Deidre Malone.

**AVERY
ADOPTED**

9. Resolution approving an amendment to the operating budget of the Healthy Start Initiative Grant Program in the amount of \$73,737.00 and an amendment to the position control budget, and this item requires the expenditure of federal grant funds under the Healthy Start Initiative Grant Program in the amount of \$73,737.00.

Sponsored by Commissioner Joyce Avery.

**AVERY
ADOPTED**

10. Resolution requesting approval to amend the FY 2007/2008 Operating Budget of the Community Development Health Planning Grant in the amount of \$20,600.00 and amending the Position Control Budget and this item requires the expenditure of Federal Through State grant funds in the amount of \$20,600.00.

Sponsored by Commissioner Joyce Avery.

**AVERY
ADOPTED**

11. Resolution approving an amendment to the Operating Budget of the Immunizations Grant Program in the amount of \$51,600.00 and an amendment to the Position Control Budget and this item requires the expenditure of Federal Through State grant funds in the amount of \$51,600.00.

Sponsored by Commissioner Joyce Avery.

**AVERY
ADOPTED**

12. Resolution requesting approval to amend the FY 2007/2008 Operating Budget of the Community Prevention Initiative Grant Program in the amount of \$18,500.00 and amending the Position Control Budget and this item requires the expenditure of Federal Through State Grant Funds in the amount of \$18,500.00.

Sponsored by Commissioner Joyce Avery.

**AVERY
ADOPTED**

13. Resolution requesting approval to amend the FY 2007/2008 Operating Budget of the Women, Infant & Children Program (WIC) in the amount of \$194,850.00 and amending the Position Control Budget and this item requires the expenditure of Federal Through State Grant Funds in the amount of \$194,850.00.

Sponsored by Commissioner Joyce Avery.

**AVERY
ADOPTED**

14. Resolution requesting approval to amend the FY 2007/2008 Operating Budget to allow for the full expenditure of the Ryan White Part A grant for the purpose of administering HIV Emergency Relief for the period of July 1, 2007 – March 31, 2008, and amending the FY 2007/2008 Position Control Budget.

Sponsored by Commissioner Joyce Avery.

**CARPENTER
ADOPTED**

15. Resolution approving an amendment of \$4,373.00 in the FY 2007/2008 General Fund Budget of the Shelby County District Attorney General's Office and to allow modification of the General Fund Operations and Maintenance Budget. This item requires expenditure of County General Funds in the amount of \$4,373.00.

Sponsored by Commissioner Sidney Chism.

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

16. Resolution approving a contract with Encor, LLC in the amount not to exceed \$492,203.46 and a change order allowance not to exceed \$49,220.54 for the installation of sanitary sewer improvements and amending the FY 2008 Budget for the Corrections Fund in the amount of \$541,424.00. This resolution will require the expenditure of not to exceed \$541,424.00 from the Corrections Fund.

Sponsored by Commissioner Sidney Chism.

**CARPENTER
ADOPTED**

17. Resolution authorizing the Shelby County Division of Corrections to accept and expend a grant from Workforce Investment Network to fund one-half of the salary costs of the recruit classes of correction officers and counselor C's in the amount of \$137,962.00 and amending the FY 2008 Operating Budget of the Division of Corrections. This item requires expenditure of Federal Grant Funds in the amount of \$137,962.00.

Sponsored by Commissioner Sidney Chism.

**CARPENTER
ADOPTED**

18. Resolution approving FY 2008 Budget amendments for State revenues and personnel costs in the amount of \$500,000.00 for the Shelby County Division of Corrections. This item requires expenditure of Corrections funds in the amount of \$500,000.00.

Sponsored by Commissioner Sidney Chism.

- CARPENTER ADOPTED** 19. **Resolution amending the FY 2007/2008 Operating Budget of the Juvenile Court of Memphis and Shelby County Child Support Enforcement Program.**
- Sponsored by Commissioner Sidney Chism.
- CARPENTER (DEFERRED TO 06/16/08)** 20. **Resolution to appoint a Judicial Commissioner and set the term of the appointment.**
- Sponsored by Commissioner Joe Ford.
- HARVEY ADOPTED** 21. **Resolution approving the FY 2009 Budget of the Center City Commission.**
- Sponsored by Commissioner James Harvey.
- FLINN ADOPTED** 22. **Resolution approving a contract in the amount of \$596,019 with Barnes & Bower, Inc., for the renovation of approximately 13,500 Sq. Ft. of Shelby County Head Start interior demolition & remodeling and this item requires expenditure of Federal Grant Funds in the amount of \$596,019.**
- Sponsored by Commissioner George Flinn.
- FLINN ADOPTED** 23. **Resolution amending the FY 2008 Operating Budget for grant funds from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$45,229.00 to provide substance abuse services for chronically homeless individuals. This item requires expenditures of U.S. HUD Grant Funds in the amount of \$45,229.00 and Shelby County Matching Funds of \$14,358.00.**
- Sponsored by Commissioner George Flinn.
- FLINN ADOPTED** 24. **Resolution amending the FY 2008 Operating Budget for additional grant funds from the Tennessee Commission on Aging and Disability in the amount of \$389,800.00 for the provision of services specified in the Home and Community Based Services Medicaid Waiver Program. This item requires expenditure of grant funds in the amount of \$389,800.00.**
- Sponsored by Commissioner Joyce Avery.
- CARPENTER (REMOVED TO REGULAR AGENDA) ADOPTED** 25. **Resolution amending the FY 2007/2008 Budget for Shelby Farms Park to decrease salaries and labor expenditures and to correspondingly increase outside contracts to fund payment to Shelby Farms Park Conservancy.**
- Sponsored by Commissioner Mike Carpenter.

**GIBSON
(DEFERRED
TO 06/16/08)**

26. Resolution approving the sale of eight delinquent tax parcels totaling \$51,500.00 from tax sale (s) 55, 94.5, 96.1, 0201, 0202 and 0204 pursuant to the provisions of Tennessee Code Annotated, Section 67-5-2507.

Sponsored by Commissioner J. W. Gibson, II.

**GIBSON
(DEFERRED
TO 06/16/08)**

27. Resolution approving the conveyance of six parcels of land, 35,412 square feet (3.999 acres) in size, located on the east and west side of Booker T. Washington High School in the City of Memphis back to Memphis City Schools, without monetary consideration; and to authorize the Mayor to execute a Quit Claim Deed conveying said parcels of land back to Memphis City Schools for proper disposal.

Sponsored by: Commissioner J. W. Gibson, II.

**GIBSON
(DEFERRED
TO 06/16/08)**

28. Resolution approving the conveyance of a parcel of County owned Delinquent Tax Property 862,923 square feet (19.81 acres) in size, located on Mud Island south of Auction Avenue, east of the Mississippi River to the City of Memphis, without monetary consideration; for the City of Memphis Parks to complete the Mississippi River Greenbelt Park and to authorize the Mayor to execute a Quit Claim Deed conveying said parcel of land to the City of Memphis.

Sponsored by: Commissioner J. W. Gibson, II.

**GIBSON
(DEFERRED
TO 06/16/08)**

29. Resolution approving the sale of twelve delinquent tax parcels totaling \$45,400.00 from tax sale(s) 0005, 96.1, 97.4, 99.4, 0102, 0106, 0203, 0205, 0206 and 0304 pursuant to the provisions of Tennessee Code Annotated, Section 67-5-2507.

Sponsored by Commissioner J. W. Gibson, II.

**MULROY
ADOPTED**

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

**FORD
ADOPTED**

30. Resolution approving the County Mayor's nomination of Dawn Kinard for reappointment to the Memphis and Shelby County Land Use Control Board.

Sponsored by Commissioner Joe Ford.

**FORD
ADOPTED**

31. **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.

Ordinances

**FORD
ADOPTED**

32. **ORDINANCE – THIRD READING – Ordinance to amend the Shelby County Charter by amending Sections 2.03 and 3.04 relative to the term limitations of County Commissioners and the County Mayor; by repealing Section 4.06 of Article IV; by 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 by 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
ADOPTED**

33. **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, 3.05, 3.07 and 5.10 relative to the governmental powers; county audits; purchasing procedures; nomination of County Commissioners to fill vacancies; County Commission Chairman’s salary; ordinance adoption and effective date; County Mayor’s duties; vacancy in the office of County Mayor; budget procedures, and residency requirement 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.

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

**MALONE
ADOPTED
AS AMENDED**

34. **Resolution approving Shelby County Government’s Operating Budget for Fiscal Year 2009.**

Sponsored by Commissioner Deidre Malone.

**GIBSON
(DEFERRED
TO 6/16/08)** **35. 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
ADOPTED** **36. Resolution approving contracts in the amount of \$2,000,000.00 with CIGNA Healthcare for prescription drug services for active employees and pre-65 retirees and with CIGNA Behavioral Health in the amount of \$16,000.00 and these items require expenditure of Group Health Insurance Funds in the amount of \$1,516,000.00 and OPEB Trust Funds in the amount of \$500,000.00.**

Sponsored by Commissioner Joe Ford.

**FORD
(DEFERRED
TO 06/16/08)** **37. Resolution amending Rule 7 of the Commissioners Permanent Rules of Order.**

Sponsored by Commissioner Joe Ford.

**FORD
(DEFERRED
TO 06/16/08)** **38. Resolution eliminating pay for unused sick leave at retirement for new employees.**

Sponsored by Commissioner Sidney Chism.

**FORD
F(DEFERRED
TO 06/16/08)** **39. 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
ADOPTED** **40. 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.

**BROOKS
WITHDRAWN** **41. 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.

**BROOKS
WITHDRAWN**

42. 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.

**BROOKS
(DEFERRED
TO 08/04/08)**

43. 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.

Announcements/Statements

44. Notification from County Mayor of appointments/ reappointments to various Boards, Commissions, and offices of Shelby County Government.

- a) Resolution Appointing Betty Loveless and James Bostick as Retiree Members of the Unified Personnel Policy Committee

Sponsored by Commissioner Joe Ford.

- b) Resolution approving the County Mayor's nomination for the joint City/County appointment of Anne Langston to the Memphis and Shelby County Community Redevelopment Agency to complete an unexpired term until September 1, 2008.

Sponsored by Commissioner Joe Ford.

Adjournment

**FORD
ADOPTED**

45. Resolution of adjournment to Monday, June 16, 2008, at 1:30 p.m.