



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, December 16, 2013

*Commissioner James Harvey, Chairman
Commissioner Steve Basar, Chairman Pro Tempore
Commissioner Walter Bailey, Jr.
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Melvin Burgess
Commissioner Sidney Chism*

*Commissioner Justin Ford
Commissioner Steve Mulroy
Commissioner Mike Ritz
Commissioner Terry Roland
Commissioner Heidi Shafer
Commissioner Chris Thomas*

WQOX – 88.5 FM http://www.mcsk12.net/flash/memphis_8080.mov

Live streaming <http://www.shelbycountyttn.gov/index.aspx?NID=1218>

12/13/2013 5:45 PM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman James Harvey

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Session

October 28, 2013

November 18, 2013

November 22, 2013

December 2, 2013

Announcement for Appearance Cards for Public Speaking

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

Ordinances

BURGESS

Chairman, Hospitals
and Health Committee

1. **ORDINANCE - SECOND READING** - Ordinance to amend Chapter 4 of the Shelby County Code of Ordinances entitled, "ANIMALS," by adding a new article for the purpose of improving the standard of care for companion animals in Shelby County, Tennessee. Sponsored by Commissioner Steve Mulroy.

MULROY

Chairman, Education
Committee

2. **ORDINANCE - FIRST READING** - An ordinance setting the salary of the Chairman and members of the Shelby County Board of Education. Sponsored by Commissioner Mike Ritz.

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

SHAFER

Chairman, Budget and
Finance Committee

3. A resolution approving a contract with Nova Copy Inc. for plain-paper copier and managed print services in an amount not to exceed \$1,740,000.00 over a three year period. This item requires expenditure of County Internal Service Funds in an amount not to exceed \$580,000 in fiscal year 2014. Sponsored by Commissioner Heidi Shafer.

FORD

Acting Chairman,
Public Works
Committee

4. **Resolution amending the FY 2014 Capital Improvement Budget and approving a contract between Shelby County Government and Medford Roofing & Construction, LLC. for roof replacement at Shelby County Cawthon Public Health Clinic. This item requires expenditure of County Capital Improvement Program (CIP) Funds in the amount of \$146,608.00 and appropriates said funds. Sponsored by Commissioner Walter Bailey, Jr.**

FORD

Acting Chairman,
Public Works
Committee

5. **A resolution approving a Tennessee Department of Transportation grant contract for construction and engineering inspection for replacement of the Ward Road Bridge Over Big Creek and accepting grant funds in the amount of \$982,465.00 for said project. This item also approves a sub-contract with Dement Construction Company, LLC for replacement of the Ward Road Bridge Over Big Creek in the amount of \$1,235,224.00 and an extra work allowance in the amount of \$92,640.00 for a total amount of \$1,327,864.00. This item requires an expenditure of State-aid grant funds in the amount of \$982,465.00 and state gas tax funds in the amount of \$407,160.00 for a total expenditure of \$1,389,625.00 and amends the FY 2013-2014 Operating Budget and appropriates said funds. Sponsored by Commissioner Walter Bailey, Jr.**

FORD

Acting Chairman,
Public Works
Committee

6. **A resolution approving a contract with Desoto County Electric, Inc. for installation of traffic signal systems under the Congestion Management Air Quality Program through the Tennessee Department of Transportation in the amount of \$220,830.00 and an extra work allowance in the amount of \$10,000.00. This item requires an expenditure of federal through state grant funds in the amount of \$230,830.00. Sponsored by Commissioner Walter Bailey, Jr.**

FORD

Acting Chairman,
Public Works
Committee

7. **A resolution approving a Memorandum of Understanding with the City of Memphis for development and implementation of a groundwater monitoring plan for the Jackson Pit Landfill Site. This item requires no additional funding. Sponsored by Commissioner Walter Bailey, Jr.**

FORD

Acting Chairman,
Public Works
Committee

8. A resolution approving a contract with Neel Schaffer, Inc. for professional services for the Congestion Management and Air Quality Program through the Tennessee Department of Transportation in the amount of \$289,300.00. No County funds required. Sponsored by Commissioner Walter Bailey, Jr.

BURGESS

Chairman, Hospitals
and Health Committee

9. Resolution by the Board of Commissioners of Shelby County, Tennessee, approving an amended and restated lease and agreement between Shelby County, Tennessee and Shelby County Health Care Corporation. Sponsored by Commissioner Melvin Burgess.

CHISM

Chairman, Law
Enforcement, Fire,
Corrections & Courts
Committee

10. Resolution approving the purchase of replacement fleet vehicles from Dobbs Ford, Serra Chevrolet and Sam Swope Automotive for the Shelby County Sheriff's Office. This item requires expenditure of Sheriff's Office General Funds in the amount of \$134,904.00 and narcotics funds in the amount of \$381,551.20 with a total expenditure of \$516,455.20. Sponsored by Commissioner Sidney Chism.

CHISM

Chairman, Law
Enforcement, Fire,
Corrections & Courts
Committee

11. Resolution urging the Juvenile Court of Memphis and Shelby County to work cooperatively with the Volunteer Community Monitors Program. Sponsored by Commissioner Steve Mulroy.

ROLAND

Chairman, Land Use,
Planning,
Transportation &
Codes Committee

12. Resolution amending the Shelby County Beer Board's Rules and Regulations so as to shorten the distance rule, define straight-line method, include licensed Daycare Centers as places of public gathering, include examples of crimes involving moral turpitude, and accurately reference Tennessee Code Annotated, Sections 57-5-101, et seq. Sponsored by Commissioner Terry Roland. (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

BASAR
Chairman, Economic
Development and
Tourism Committee

13. Resolution to express support for legislation which would amend Title 7, Chapter 88, relative to tourism development zones, to insure local sales and use tax revenues intended for education funding is not used to fund qualified public use facilities without approval by the County Commission. Sponsored by Commissioner Mike Ritz.

BASAR
Chairman, Economic
Development and
Tourism Committee

14. A resolution approving a lease for payments in lieu of taxes and the refinancing of current revenue bonds with private financing for LaPaloma Apartments by the Health, Educational and Housing Facility Board of the County of Shelby, Tennessee (THE "BOARD"). Sponsored by Commissioner Mike Ritz. (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

BROOKS
Chairman, Community
Services Committee

15. Resolution amending the FY 2014 Operating and Position Control Budgets in the amount of \$29,337.19 to carry over and appropriate unexpended State grant funds for implementation of lead agency services for HIV Prevention / Regional Community Planning Groups grant. This item requires the appropriation and expenditure of pass through State of Tennessee grant funds in the amount of \$29,337.19. Sponsored by Commissioner Henri E. Brooks.

FORD
Chairman, General
Government
Committee

16. Resolution approving the Election of Notaries Public For appointment and/or reappointment for Shelby County, Tennessee. Sponsored by Commissioner Melvin Burgess.

FORD
Chairman, General
Government
Committee

17. Resolution approving a contract in an estimated amount of \$2,000,000.00 annually with Aetna Life Insurance Company for medical and pharmacy administrative services for post-65 retirees. This item requires expenditure of other post-employment benefits (OPEB) funds in an amount up to \$2,000,000.00 annually. Sponsored by Commissioner Justin Ford.

THOMAS
Chairman, Delinquent
Tax Property
Committee

18. Resolution approving the sale of sixty-one County owned delinquent tax parcels, acquired from various Shelby County Trustee tax sales to identified purchasers at various prices collectively totaling \$229,800.00 pursuant to the sale provisions of Tennessee Code Annotated, Section 67-5-2507, and authorizing the Shelby County Mayor to execute quit claim deeds. Sponsored by Commissioner Chris Thomas. (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

THOMAS
Chairman, Delinquent
Tax Property
Committee

19. Resolution finding that thirty-six properties scheduled for tax sale number 1003 on January 6, 2014 pose an environmental risk and advising the Clerk of the Chancery Court not to bid on such properties on behalf of Shelby County Government. Sponsored by Commissioner Chris Thomas.

THOMAS
Chairman, Delinquent
Tax Property
Committee

20. A resolution approving the conveyance of two unimproved parcels of County owned delinquent tax property to Holy Body of Christ Ministry, a Tennessee Not-For-Profit Corporation, for nominal consideration; and to authorize the Mayor to execute quit claim deed. Sponsored by Commissioner Chris Thomas.

Approval of the Consent Agenda

REGULAR AGENDA

Elections, Appointments, and Confirmations

FORD
Chairman, General
Government
Committee

21. Resolution approving the County Mayor's nomination of Terry Woodard for appointment and Robert Lundy for reappointment to the Downtown Memphis Commission. Sponsored by Commissioner Justin Ford.

FORD
Chairman, General
Government
Committee

22. Resolution approving the County Mayor's nomination of Mark Cantora for joint City-County appointment and David Levine for reappointment to the New Memphis Arena Public Building Authority. Sponsored by Commissioner Justin Ford. (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

FORD
Chairman, General
Government
Committee

23. Resolution approving the County Mayor's nomination of Kevin Kane for joint City-County reappointment to the New Memphis Arena Public Building Authority. Sponsored by Commissioner Justin Ford. (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

FORD
Chairman, General
Government
Committee

24. Resolution approving the County Mayor's nomination of Johnnie Turner for joint City-County reappointment to the New Memphis Arena Public Building Authority. Sponsored by Commissioner Justin Ford. (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

FORD
Chairman, General
Government
Committee

25. Resolution appointing James D. Ivy and Mike Miller to the Shelby County Beer Board for an initial two year term; and reappointing Merrick Horne as Chairman of the Shelby County Beer Board until May 31, 2015. Sponsored by Commissioner Terry Roland. (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

FORD
Chairman, General
Government
Committee

26. Resolution reappointing Darlene W. LeSueur for a second two year term as a member of the Shelby County Beer Board and further appointing Darlene W. LeSueur as Vice Chairman of the Shelby County Beer Board until May 31, 2015. Sponsored by Commissioner Terry Roland. (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

Ordinances

ROLAND
Chairman, Land Use,
Planning,
Transportation &
Codes Committee

27. ORDINANCE - THIRD READING - A Joint Ordinance amending the 2012 Memphis and Shelby County Joint Residential Code by providing an alternative compliance method for construction of detached one and two family dwellings when wood framing is used to meet structural seismic requirements and setting a new effective date for all of the structural provisions of that code. Sponsored by Commissioner Mike Ritz.

FORD
Chairman, General
Government
Committee

28. **ORDINANCE - THIRD READING** - An ordinance approving and setting the salary for the members of the Board of County Commissioners for the 2014-2018 term of office. Sponsored by Commissioner Justin Ford.

FORD
Chairman, General
Government
Committee

29. **ORDINANCE - THIRD READING** - An ordinance approving and setting the salary of the Mayor of Shelby County and the Shelby County Sheriff for the 2014-2018 term of office. Sponsored by Commissioner Justin Ford. (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

FORD
Chairman, General
Government
Committee

30. **ORDINANCE - THIRD READING** - An ordinance approving and setting the salary of the Shelby County Trustee, Shelby County Register, Shelby County Clerk and Shelby County Assessor for the 2014-2018 term of office. Sponsored by Commissioner Justin Ford. (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

Zoning and Subdivisions

ROLAND
Chairman, Land Use,
Planning,
Transportation &
Codes Committee

31. **CASE NO. SUP 13-223 CC**

APPLICANT: TV6 Signal Source Tower LLC c/o Tower Ventures LLC

LOCATION: 799 Houston Levee Road, (598' west of intersection with Humphrey Road)

REQUEST: Proposal to construct a one hundred sixty foot (160') CMCS tower

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 Wednesday, November 27, 2013, pursuant to Unified Development Code 9. 3. 4) (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

ROLAND
Chairman, Land Use,
Planning,
Transportation &
Codes Committee

32. CASE NO. SUP 13-224 CO

**APPLICANT: Standard Construction Company
LLC**

LOCATION: 8600 and 8610 Deadfall Road

REQUEST: Gravel pit extension

**RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and
Development:**

APPROVAL WITH CONDITIONS

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

APPROVAL WITH CONDITIONS

**(No notice of public hearing in newspaper of
general circulation required pursuant to Unified
Development Code 9. 3. 4)**

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

FORD
Chairman, General
Government
Committee

- 33. Resolution directing Counsel to withdraw the third party plaintiff lawsuit filed in the legal action titled Board of County Commissioners of Shelby County v. Robert E. Cooper, et al., Docket No. 2:11-CV-02101-SHM-CGC (also known as the schools litigation). Sponsored by Commissioner Chris Thomas. (DEFERRED IN NOVEMBER 18, 2013 COMMISSION MEETING)**

SHAFER
Chairman, Budget and
Finance Committee

- 34. Resolution approving funds in the amount of \$31,390.50 from the Board of County Commissioners ("COMMISSION") Legislative Operations Budget for Fiscal Year 2014 for legal fees incurred in the litigation known as the Unified Schools lawsuit (Docket No. 2:11-CV-02101-SHM-CGC) and appropriating said funds. Sponsored by Chairman James M. Harvey, Sr.**

FORD

Acting Chairman,
Public Works
Committee

35. Resolution approving the transfer of Shelby County's ownership interest in and to fifteen public libraries, located in the City of Memphis or its future annexation area, to the City of Memphis, for nominal consideration; and authorizing the Mayor to execute a quit claim deed to effect the same. Sponsored by Commissioner Walter Bailey. (AMENDED IN DECEMBER 11, 2013 COMMITTEE MEETING)

BURGESS

Chairman, Hospitals
and Health Committee

36. Resolution urging Governor Bill Haslam to propose and the State of Tennessee General Assembly to approve the expansion of Health Insurance for the indigent in the State of Tennessee. Sponsored by Commissioner Steve Mulroy.

MULROY

Chairman, Education
Committee

37. Resolution approving a compromise settlement as to the City of Germantown in the third party plaintiff lawsuit, the Board of County Commissioners of Shelby County v. Robert E. Cooper, et al., Docket No. 2:11-CV-02101-SHM-CGC. Sponsored by Commissioner James Harvey. (ADD-ON IN DECEMBER 11, 2013 COMMITTEE MEETING)

BASAR

Chairman, Economic
Development and
Tourism Committee

38. Joint resolution of the Board of Commissioners of Shelby County and the Council of the City of Memphis, Tennessee authorizing and approving the creation of a Memphis Cook Convention Center expansion study committee. Sponsored by Commissioner Steve Basar. (AMENDED AND FAILED IN DECEMBER 11, 2013 COMMITTEE MEETING)

BROOKS

Chairman, Community
Services Committee

39. Resolution authorizing the development of a grant program to be paid from the General Fund to homeowners and/or developers to invest in blighted property as provided in Tennessee Code Annotated, Sections 7-51-1901, et seq. Sponsored by Commissioner Steve Mulroy. (ADD-ON IN DECEMBER 11, 2013 COMMITTEE MEETING)

FORD
Chairman, General
Government
Committee

40. Resolution approving an amendment to Shelby County Government's Personnel Management System, Volume II to supplement the Definitions Policy, Filling Vacancies Policy and Conduct Policy. Sponsored by Commissioner Mike Ritz.

FORD
Chairman, General
Government
Committee

41. Resolution to amend the adopted Shelby County Compensation Policy for Fiscal Year 2013-2014, in order to revise the definition of temporary employee to be consistent with the definition in Policy 204 – definitions, of the Personnel Management System, Volume II. Sponsored by Commissioner Mike Ritz.

FORD
Chairman, General
Government
Committee

42. Resolution of the Board of Commissioners of Shelby County issuing a position of "No Confidence" in Richard Holden, Shelby County Administrator of Elections. Sponsored by Commissioner Wyatt Bunker.

MULROY
Chairman, Education
Committee

43. Resolution receiving and filing the resignation of Shelby County Board of Commissioner Wyatt Bunker, District 4, Position 2, thereby creating a vacancy on the County Commission effective January 2, 2014; setting Wednesday, January 8, 2014 for interviews, and Monday, January 13, 2014 as the date for electing an interim County Commissioner to fill the vacancy in District 4; accepting adoption of this resolution as statutory notice of necessity to fill vacancy; authorizing the Chairman of the Shelby County Board of Commissioners to publish notice of the appointment; and requesting the Shelby County Attorney to conduct background checks, including criminal and other matters, on all applicants for said vacancy. Sponsored by Commissioner Mike Ritz. (ADD-ON IN DECEMBER 11, 2013 COMMITTEE MEETING)

Announcements/Statements

Adjournment

44. Adjournment to Monday, January 13, 2014, at 1:30 p.m.